



City of Tualatin

TUALATIN CITY COUNCIL

Monday, April 14, 2014

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 5:00 p.m.

BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Monique Beikman

Councilor Wade Brooksby Councilor Frank Bubenik

Councilor Joelle Davis Councilor Nancy Grimes

Councilor Ed Truax

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for citizen comments on its agenda - *Item C*, following Announcements, at which time citizens may address the Council concerning any item not on the agenda with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website at www.tualatinoregon.gov/meetings, the Library located at 18878 SW Martinazzi Avenue, and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Recognizing Tualatin Elementary School for Receiving the Distinguished School Award
2. Tualatin Youth Advisory Council Update for April 2014
3. Proclamation Declaring the Week of April 13, 2014 as National Library Week in the City of Tualatin
4. Library Foundation Vine2Wine Update
5. Swearing-In of Police Officer Brain Stubbs

C. CITIZEN COMMENTS

This section of the agenda allows citizens to address the Council regarding any issue not on the agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will first ask staff, the public and Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 1) Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 24, 2014
2. Consideration of a Joinder Agreement with Hillsboro and Tualatin Valley Water District (TVWD) for the Willamette River Water Supply Preliminary Design Study
3. Consideration of Approval of a New Liquor License Application for Savvy Wine Buys
4. Consideration of Approval of a New Liquor License Application for World In A Wine Glass Consultants

E. GENERAL BUSINESS

1. Consideration of **Ordinance 1369-14** Amending Community Plan Map 9-1 to Change the Planning District Designations of Two Tax Lots Located at 17865 SW Pacific Highway from General Commercial and Recreational Commercial to High Density Residential (PMA-14-01)
2. Consideration of **Ordinance 1372-14** Annexing Property Located at 17865 and 17985 SW Pacific Highway (Tax Map 2115C, Tax Lots 2191, 2202 and 2300) and Withdrawing the Property from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-14-01)
3. Consideration of **Ordinance No. 1373-14** to Prohibit Medical Marijuana Facilities from Locating in Tualatin until May 1, 2015

F. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

G. COMMUNICATIONS FROM COUNCILORS

H. ADJOURNMENT

City Council Meeting

B. 1.

Meeting Date: 04/14/2014

ANNOUNCEMENTS: Proclamation Recognizing Tualatin Elementary School for Receiving the Distinguished School Award

ANNOUNCEMENTS

Proclamation Recognizing Tualatin Elementary School for Receiving the Distinguished School Award

Proclamation

Proclamation

Proclamation Recognizing Tualatin Elementary School for Receiving the Distinguished School Award

WHEREAS, Title I is the cornerstone of the Elementary and Secondary Education Act; it is the largest federally funded pre-college education program in the United States and provides funding to school districts across the country to aid in the education of economically disadvantaged students; and

WHEREAS, the National Title I Distinguished Schools Program publicly recognizes qualifying Title I schools for the outstanding academic achievements of their students, highlighting the efforts of schools across the country making significant improvements for their students; and

WHEREAS, Tualatin Elementary is only one of 59 schools throughout the country, and only one of 2 Oregon schools being nationally recognized for exceptional student achievement in 2013, based on a combination of academic achievement of their students and the creative and innovative programs that contribute to their success; and

WHEREAS, in addition to the national recognition, Tualatin Elementary School received a top rating on the Fall 2013 school report card with students outpacing the state average by significant margins. Over 80% of Tualatin Elementary students met state standards in reading compared to 75% for the state and 69% for schools with similar demographics. In math, 74% of students met standard as compared to 62% for the state and 58% for "like-schools" and in science, the percent of students meeting standards was 85%, 17% higher than the state average.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that:

Tualatin Elementary School is hereby recognized and celebrated for this outstanding achievement and for their demonstration of excellence.

INTRODUCED AND ADOPTED this 14th day of April, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

B. 2.

Meeting Date: 04/14/2014

ANNOUNCEMENTS: Tualatin Youth Advisory Council Update

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for April 2014

A. YAC Update

Council Update April 14, 2014

TUALATIN YOUTH ADVISORY COUNCIL

Project F.R.I.E.N.D.S

(Finding Relations in Every New Diverse Student)



- May 23, 2014
- Revising curriculum and lessons
- Byrom, Bridgeport, and Tualatin Elementary Schools attending

Tualatin YAC – Youth Participating in Governance

Movies on the Commons



- Free, family-friendly movies
- Saturdays in July & August
- YAC helps choose films, sells concessions
- Helps bring the community together at Tualatin Commons

Other Upcoming Events

- Tualatin TRYathlon
 - June 7, 2014
 - Tualatin High School
 - Non-competitive triathlon for kids ages 6-15



- Teen Kaleidoscope Run
 - June 13, 2014
 - Tualatin Community Park
 - Presented by YAC and TLC



City Council Meeting

B. 3.

Meeting Date: 04/14/2014

ANNOUNCEMENTS: Proclamation Declaring the week of April 13, 2014 as National Library Week in the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring the Week of April 13, 2014 as National Library Week in the City of Tualatin

National Library Week Proclamation

Proclamation

Proclamation Declaring the week of April 13 as National Library Week in the City of Tualatin

WHEREAS, libraries help lives change in their communities;

WHEREAS; librarians work to meet the diverse needs of their communities, including providing resources for everyone and bringing services outside of library walls;

WHEREAS, librarians are trained, technologically proficient professionals, providing technology training and access to downloadable content like e-books;

WHEREAS the Tualatin Public Library's mission is to provide all citizens with open access to the widest range of materials and services, fulfilling their informational, educational, and recreational needs for living in today's world;

WHEREAS the Tualatin Public Library provides programs emphasizing literacy, personal enrichment, lifelong learning, job-seeking, and recreational and cultural opportunities for all ages;

WHEREAS the Tualatin Library serves as the community's living room embracing interactivity, engagement, and connections;

WHEREAS each April, public libraries nationwide celebrate the value of libraries to the individual and to our society through the celebration of National Library Week.

BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON that:

Section 1. April 13-19, 2014, be proclaimed "National Library Week" in the City of Tualatin.

Section 2. The citizens of Tualatin are encouraged to use, enjoy, promote, and support the Tualatin Public Library.

INTRODUCED AND ADOPTED this 14th day of April, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 04/14/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 24, 2014

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the City Council Work Session and Regular Meeting of March 24, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of March 24, 2014](#)
[City Council Meeting Minutes of March 24, 2014](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION FOR

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor (via phone) Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Assistant City Manager Alice Cannon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Management Analyst Ben Bryant

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:05 p.m.

1. *Economic Development Action Plan Update.*

Management Analyst Ben Bryant presented an update on the Economic Development Action Plan. Staff has been working with Janet Young of Johnson Economics, to gather data for update of the Economic Development Action Plan. Ms. Young presented an Industry Cluster Analysis showing the main industries in Tualatin which include: Advanced Manufacturing, Wood, Paper and Printing, Health Care and Medical Related, Food Processing and Distribution and Corporate and Professional Services. These industries make up 58% of Tualatin's workforce and the average wages are \$85,000 per year, compared to the \$50,000 per year overall average wage for Tualatin.

A Strategy Committee of local business representatives was assembled to gather feedback on the plan. Local businesses would like to see: an updated development code, partnership with our surrounding cities, expand workforce development opportunities, ensure quality of life, business retention and expansion, recruit new businesses to Tualatin, assist with making sites development ready and encourage local entrepreneurship. The Strategy Committee is currently working on developing actions and strategies. They have one more meeting in April and will return to the City Council in May with a proposed action plan.

Councilor Davis noted the analysis focuses on what Tualatin currently has, but she would like to know what can be brought into the city that is new. Ms. Young explained that it is important for the City to be flexible to include new industries. Generally, business growth has a relationship to the current industries in the area. They become a support system for each other and that is why certain industries grow in a region and they stay in that region.

Councilor Truax does not want to recruit a business successfully, and then require a land use change that is later rejected by the community. This is an issue that needs to be addressed. Mayor Ogden added that the community needs to embrace change in order to keep our city going.

Councilor Bubenik questioned Ms. Young about the 42 percent of industries that are not accounted for in her analysis report. Ms. Young explained they are lower wage jobs with fewer opportunities for creating more jobs, such as Retail and Food Service.

2. *Southwest Corridor Potential Alignments.*

Management Analyst Ben Bryant discussed the progress of the Southwest Corridor Steering Committee. The committee will be meeting in April to eliminate potential alignments that are not viable for further study. The process of elimination will happen in two phases. The first phase will be the elimination of qualitative factors as community impacts and design challenges. The second phase will be the elimination of quantitative data such as potential ridership, costs and property impacts.

Mayor Ogden does not believe there would be a lot of shared use with WES and the Southwest Corridor. The travel destinations would not correlate. Councilor Davis shared her concerns about parking in the downtown area. A station at Bridgeport Village where there is an existing park and ride space is a good potential option.

The next Steering Committee meeting is scheduled for April 7, 2014. They will make decisions on early removal of the alignment options. In late April or May, the committee will return to Council to review the quantitative data and public feedback.

3. *Regulation of Marijuana Dispensaries.*

Deputy City Manager Sara Singer presented information to the Council regarding Marijuana Dispensaries in Tualatin. Medical dispensaries and recreational dispensaries were discussed. On March 5, 2014, Senate Bill (SB) 1531 went into effect. This bill gives cities the ability to extend the ban on medical marijuana dispensaries until May 1, 2015. The City Council adopted Ordinance No. 1368-14, as temporary measure to prohibit medical marijuana facilities licensed by the State of Oregon with a sunset clause of December 31, 2014.

Council President Monique Beikman said she is against marijuana dispensaries in all capacities and will continue to be against them. She would like to extend the current ban until May 1, 2015.

Mayor Ogden questioned what type of information/feedback we are looking for from the public. Councilor Brooksby would like to frame the questions in a survey to the public. Councilor Truax said we should included statistically valid polling with professional questions to help organize the feedback. Councilor Davis likes the idea of statistically valid polling. Councilor Bubenik agreed with Councilor Truax.

Mayor Ogden would like to have more time to get public involvement and find out what the city envisions for us in regards to the marijuana dispensaries. Mayor Ogden would like to extend the current ban until May 1, 2015 to be able to observe other cities across the state, so we can make a better decision for Tualatin. Mayor Ogden, Councilor Brooksby, Council President Beikman and Councilor Grimes are in favor of extending the ban to May 1, 2015. Staff will bring back an amended

ordinance at the next Council meeting.

Deputy City Manager Singer asked if the Council had thoughts about recreational marijuana dispensaries. The Council did not give direction to take any action regarding recreational marijuana dispensaries. Staff said they will continue to monitor legislation. Deputy City Manager Singer said a draft public outreach plan will be prepared based on Council's direction and will be presented at a future Council work session.

4. Mohave Court Zoning Discussion.

Mohave Court is located behind Applebee's; south of Tualatin Sherwood Rd and west of Boones Ferry Rd. It is also known as the Oak Tree Business Park. This zone acts and looks like commercial, but has restrictions in place that do not allow certain types of businesses. There is opportunity for development in this zone, but the potential businesses are not allowed due to the zoning restrictions. This area is in transition and future redevelopment is inevitable. There are many different options for changing the zoning restrictions.

Council ran out of time for the discussion. The discussion will continue at the next work session.

5. Council Meeting Agenda Review, Communications & Roundtable.

ADJOURNMENT

The work session adjourned at 7:04 p.m.

Sherilyn Lombos, City Manager

_____ / Merab Walker, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR MARCH 24, 2014

Present: Mayor Lou Ogden; Council President Monique Beikman; Councilor Wade Brooksby (via phone); Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Assistant City Manager Alice Cannon; Community Services Director Paul Hennon; Deputy City Manager Sara Singer; Planning Manager Aquilla Hurd-Ravich; Information Services Manager Lance Harris; Police Captain Mark Gardner; Senior Planner Clare Fuchs; Human Resources Manager Janet Newport

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:11 p.m.

B. ANNOUNCEMENTS

1. Proclamation Declaring the Week of April 21 - 26, 2014 as "National Community Development Week" in the City of Tualatin

Councilor Bubenik read the proclamation declaring April 21-26, 2014 National Community Development Week.

2. Announcement and Proclamation Declaring April 6 – April 12, 2014 Arbor Week in the City of Tualatin

Community Services Director Paul Hennon shared information about Arbor Week. This is the 27th year that the City of Tualatin has been recognized as a Tree City USA. here are many events and activities planned for Arbor Week.

Councilor Davis read the proclamation declaring April 6-12, 2014 Arbor Week in the City of Tualatin.

3. Proclamation Declaring March 30 - April 5, 2014 as Volunteer Appreciation Week in the City of Tualatin

Human Resources Manager Janet Newport shared information about Volunteer Appreciation Week. In 2013, City of Tualatin volunteers logged thousands of volunteer hours. They will be honored next week on April 3 for a Volunteer Appreciation Night.

Mayor Ogden read the proclamation declaring March 30 – April 5, 2014 Volunteer Appreciation Week in the City of Tualatin

4. New Employee Introduction- Tami Bergeron, Human Resource Specialist

Human Resources Manager Janet Newport introduced Tami Bergeron, Human Resources Specialist. The Council welcomed her.

5. Update on Location of City Services

Deputy City Manager Sara Singer presented information about the City Council Building and new locations of City Services. Information was included in last month's City Newsletter about locations and where to find city services. The Council Building will be vacant by March 28, 2014. Municipal Court will be held at the Police Department beginning April 3, 2014.

Tonight, March 24th, 2014 is the last Council Meeting that will be held in the Council Building. The Council Meetings will be held at the Juanita Pohl Center at 8513 SW Tualatin Rd. beginning April 14, 2014. The Council Meetings will stream live at tualatinoregon.gov.

Deputy City Manager Singer shared information about the upcoming Neighborhood Developer Meeting to discuss the redesign of the City parking lots. In April discussion will begin about civic facilities.

C. CITIZEN COMMENTS

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D. CONSENT AGENDA

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MOTION by Mayor Lou Ogden, SECONDED by Councilor Nancy Grimes to adopt the consent agenda.

Vote: 6 - 0 MOTION CARRIED

1. Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of March 10, 2014

2. Consideration to Authorize the City Manager to execute the Managing Oregon Resources Efficiently (MORE) Intergovernmental Agreement and Withdraw from the Existing Agreement
3. Consideration of **Resolution No. 5177-14** Approving a Conditional Use Permit to Allow Rental and Leasing of Autos and Light Trucks in the Light Manufacturing (ML) Planning District for U-Haul at 7100 SW McEwan Road (Tax Map 2S1 13DD, Tax Lots 900, 1000, 1100, 1200, 1600, and 1700, and Tax Map 2S1 24AA, Tax Lot 5500) (CUP-13-05)
4. Consideration of Approval of 2014 Liquor License Renewals Late Submittals
5. Consideration of Approval of a New Liquor License Application for Grampys Inc.

E. SPECIAL REPORTS

1. Tualatin Planning Commission 2013 Annual Report

Planning Manager Aquila Hurd-Ravich and Mike Riley, Chair of the Planning Commission, presented the Annual Report for the Tualatin Planning Commission (TPC). During the 2013 calendar year the TPC reviewed three Plan Text Amendments: Transportation System Plan, Water Master Plan and Chicken Keeping. The TPC was not involved in many of the map changes last year, but did have many educational opportunities. Mayor Ogden thanked the TPC for their hard work.

2. Tualatin Heritage Center 2013 Annual Report

Community Services Director Paul Hennon, Tualatin Heritage Center Director Larry McClure, and Tualatin Historical Society President Art Sasaki presented the Tualatin Heritage Center (THC) 2013 Annual Report. The THS played a big role in the Centennial celebration of the City of Tualatin including the Time Capsule burial. The Heritage Center installed new windows enhanced with UV protection to protect the artifacts. The number of visitors to the Heritage Center increased in 2013. The THC budget remains steady and balanced. Recently, historical plants were moved from the Council Building to the Heritage Center. In an environmental awareness effort the THC is participating in a Nature Passport program with surrounding natural park areas. The Nature Passports will be available in the near future. Mayor Ogden thanked the THC for their great work.

F. PUBLIC HEARINGS – Legislative or Other

G. PUBLIC HEARINGS – Quasi-Judicial

1. Consideration of an Annexation of the Espedal Properties at 17865 and 17985 SW Pacific Highway

At this time, 8:01pm, Councilor Brooksby was called in via conference call to the meeting.

Due to the nature of the follow two items, Mayor Ogden requested the information be presented all together prior to making decisions. If the Council is not willing to change the zoning for the properties, we should not annex the property.

Senior Planner Clare Fuchs and Planning Manager Aquila Hurd-Ravich presented the staff report for the consideration of a petition for Annexation of the Espedal Properties at 17865 and 17985 SW Pacific Highway. These properties consist of 3 tax lots, with 11.91 acres of potential future development. The annexation is for an apartment complex to include water and sewer. These properties are located in Washington County which does not allow for high density residential development. Currently, there are homes and out buildings on this lot. This property would give access to continuing the Tualatin River Greenway Trail.

The owner of the properties applied for annexation of the total site, approximately 11.91 acres. The Plan Map Amendment 14-01 is to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Destiny Residential. It is not likely that a commercial business will develop on this site. It is important to know that the site is in a flood plain and has natural resources protection which takes up about 1/3 of the land.

Brian Moore, Director of Mountain West Investment Corporation, gave a presentation regarding the property. The current zoning has created development challenges. Mr. Moore proposes a high quality, multi-family development on the site and construction of the Tualatin Greenway Path. This development will not be low income, but a market rate complex. DKS Engineering & Forestry has been working closely with Oregon Department of Transportation (ODOT) and the City of Tualatin Engineers regarding traffic concerns at the site.

Chris Goodell with AKS Engineering & Forestry added to Mr. Moore's presentation. He noted that the property is surrounded by residential properties which would make this an ideal location for an apartment complex.

CITIZEN COMMENT

Rudy Kadlub is the developer and master planner of this site and represents the owners of the property. Mr. Kadlub expressed concerns regarding the proceedings tonight. The land owners do not want the land annexed if it does not lead to a zone change.

Doug Watson is in favor of the annexation and rezoning of the property. Mr. Watson is not in favor of the development of the Tualatin Greenway Path as it will have an impact on nearby property owners. He would like to seek modification of the greenway proposal.

COUNCIL QUESTIONS

Councilor Grimes asked to see a picture of the proposed greenway path. The concern is where the path would end, which is right on the property line of Mr. Watson's neighbor.

Community Services Director Paul Hennon added clarification stating the proposed greenway path is to gain access to the Tualatin River. The City of Tualatin owns land rights to the trail at Roamer's Rest (an adjoining property). The greenway path is to hug the bank of the Tualatin River, but placement of the path is restricted by availability of land. He noted it is not possible to put the path lower on the river bank at the point near Mr. Watson's neighbor. The proposed cut off for the trail is just before the neighboring property line. Vegetation could be placed to create privacy.

A recess was taken from 8:40-8:49 p.m.

Mr. Moore explained that traffic traveling north out of the complex would need to make a u-turn on Pacific Hwy just after 124th Ave. There are two u-turn pockets located on Pacific Hwy between 124th and Cipole that would be utilized. It was noted that Creekview Crossing in Sherwood is set up exactly how this property would be and they do not have any issues.

Councilor Bubenik asked about the potential of u-turn accidents at Pacific Hwy and 124th Ave.

Planner Fuchs added that one of the reasons a commercial business does not work at this location is due to the ingress and egress. With new customers every day the traffic pattern would be known and many customers would make illegal u-turns on Pacific Hwy. By building an apartment complex, the customers are residents and because they are coming and going to the same location daily they can learn the traffic pattern and avoid illegal u-turns.

Mayor Ogden asked if there is any concern for the smell coming from nearby Grimms Fuel. Mr. Moore contacted several neighbors regarding this issue and there does not seem to be any major concerns.

Council President Beikman inquired about the flood plan map. The proposed development includes a parking lot in the flood plain area to avoid potential building damage.

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes to direct staff to prepare an ordinance granting ANN-14-01.

Vote: 7 - 0 MOTION CARRIED

2. Consideration of Plan Map Amendment 14-01, amending Community Plan Map 9-1, to change the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway (PMA-14-01)

Mayor Ogden read from the City of Tualatin Land Use Book, ORS 197.763 and 197.796 Development Code.

PUBLIC COMMENT

Mike Riley representative of the Planning Commission presented their recommendation. The Planning Commission reviewed the exhibits, discussed the traffic concerns, and found this proposal acceptable. The floodway concerns were cured by the parking lot proposal. The Planning Commission recommends the

consideration of Plan Map Amendment 14-01 to the Council.

Chris Goodell of AKS Engineering and Forestry has a solid basis for recommendation of this amendment.

Brian Moore of Mountain West Investment Corporation stated this site is challenging for commercial use and is in support of the amendment.

Doug Watson is in favor of the amendment but opposed to the greenway path.

COUNCIL QUESTIONS

None

MOTION by Councilor Ed Truax, SECONDED by Councilor Joelle Davis to direct staff to prepare an ordinance to amend Community Plan Map 9-1 and changing the designation of two tax lots totaling 9.39 acres from General Commercial and Recreational Commercial to High Density Residential located at 17865 SW Pacific Highway.

Vote: 7 - 0 MOTION CARRIED

H. GENERAL BUSINESS

1. Consideration of **Resolution 5186-14** authorizing execution of an Annexation Agreement with the Degele Family Trust to govern annexation of 11.91 acres of land located at 17865 and 17985 SW Pacific Highway (Tax Map 2S1 15C Tax Lots 2191, 2202, and 2300)

Mayor Ogden read from the City of Tualatin Land Use Book, ORS 197.763 and 197.796 Development Code. Mayor Ogden noted that the entire record from the public hearing (agenda item G.1) would be entered into this record.

Senior Planner Clare Fuchs and Planning Manager Aquila Hurd-Ravich presented the staff report for Resolution 5186-14. Planner Fuchs noted Washington County does not allow for this type of zone change to the property. Consideration tonight is for all three zones to be changed to high destiny residential. The annexation was approved on the property and it meets the annexation requirements.

PUBLIC COMMENT

Applicants Brian Moore and Chris Goodell are in support of the application and proposed zone change.

Rudy Kadlub is in favor of the annexation and plan map amendment.

COUNCIL QUESTIONS

None

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes to adopt Resolution 5186-14 authorizing execution of an annexation agreement with the Degele Family Trust to govern annexation of 11.91 acres of land located at 17865 and 17985 SW Pacific Highway.

Vote: 7 - 0 MOTION CARRIED

2. Consideration of **Ordinance No. 1370-14** Allowing Small-Scale Mixed Uses and Mobile Food and Flower Vendors in Industrial Areas; and Amending Tualatin Development Code Chapters 34, 60, 61, 62, and 69 (PTA-14-01)

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes for first reading by title only.

Vote: 7 - 0 MOTION CARRIED

MOTION by Councilor Ed Truax, SECONDED by Councilor Nancy Grimes for second reading by title only.

Vote: 7 - 0 MOTION CARRIED

MOTION by Councilor Ed Truax, SECONDED by Council President Monique Beikman to adopt Ordinance No. 1370-14 allowing small-scale mixed uses and mobile food and flower vendors in Industrial Areas; and amending Tualatin Development Code Chapters 34, 60, 61, 62, and 69.

Vote: 7 - 0 MOTION CARRIED

I. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

J. COMMUNICATIONS FROM COUNCILORS

Councilor Beikman invited all to attend an educational event discussing Marijuana. Speakers will discuss the harmful truth about marijuana and our youth. The event is being held on Monday, April 7th, 5:30 p.m., at Tualatin High School.

Councilor Bubenik announced the Tualatin Library Foundation Vine to Wine 2014 will be held on April 19, 7:00-9:30 p.m., at the Tualatin Library. The cost is \$40 and can register online at tualatinfoundation.org.

K. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:21 p.m.

Sherilyn Lombos, City Manager

_____ / Merab Walker, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Kaaren Hofmann, Engineering Manager
Alice Cannon, Assistant City Manager

DATE: 04/14/2014

SUBJECT: Consideration of a Joinder Agreement with Hillsboro and Tualatin Valley Water District (TVWD) for the Willamette River Water Supply Preliminary Design Study

ISSUE BEFORE THE COUNCIL:

Consideration to authorize the Mayor to execute the Joinder Agreement with Hillsboro and Tualatin Valley Water District (TVWD) for participation in the preliminary design study for the Willamette River Water Supply Program.

RECOMMENDATION:

Staff recommends Council consider the Joinder Agreement with Hillsboro and Tualatin Valley Water District (TVWD) for participation in the preliminary design study for the Willamette River Water Supply Program.

EXECUTIVE SUMMARY:

On June 24, 2013 the City Council agreed to participate in the Willamette Supply System Preliminary Design study for up to \$100,000. This project can help inform future decisions about our water supply options.

The Willamette Supply System Preliminary Design is beginning to identify the design of the supply system from the Willamette River Water Treatment Plant (WRWTP) to the supply points into the water distribution systems, including the following components:

- a) Design guidelines for the supply system;
- b) Evaluation of the system hydraulics;
- c) Evaluation of transmission line alignment options;
- d) Evaluation of terminal storage sites;
- e) Identification and coordination with key stakeholders along the alignment;
- e) Permitting requirements; and
- f) Schedule and Cost Estimates.

When the Council decided to go ahead with this project, Staff stated that they would bring the project agreement back to Council for final approval. Since that time, the City, TVWD and Hillsboro have drafted this agreement which notes our cost share participation and does not

guarantee capacity in the supply system.

Hillsboro and TVWD entered into an Intergovernmental Agreement (Attachment B) for both the Preliminary Design Study and the Design of a water line in SW 124th Avenue on September 11, 2013. The City of Tualatin will be joining into the Preliminary Design Study portion of the IGA.

FINANCIAL IMPLICATIONS:

The City's participation in the Willamette River Water Supply Study is \$100,000. This money has been budgeted in the Water Operating Fund.

Attachments: A. Joinder Agreement
 B. Intergovernmental Agreement between Hillsboro and Tualatin Valley Water District

JOINDER AND AMENDMENT AGREEMENT

This Joinder and Amendment Agreement (Joinder Agreement) is entered into by and between the City of Hillsboro, an Oregon municipal corporation, (Hillsboro); the Tualatin Valley Water District, a domestic water supply district organized pursuant to Chapter 264 (TVWD) and the City of Tualatin, an Oregon municipal corporation (hereinafter “Tualatin”), each a “Party” and collectively the “Parties”.

RECITALS

In August, 2013, Hillsboro and TVWD entered into an Intergovernmental Agreement regarding Pre-design, Design, Public Affairs And Public Outreach In Furtherance Of The Willamette Water Supply Program (“Supply Agreement”).

The Supply Agreement is comprehensive in all aspects to accomplish tasks to achieve preliminary design of the Willamette Water Supply Program and final design of the SW 124th Avenue Pipeline Project.

As part of implementation of the Supply Agreement, TVWD entered into a professional services agreement with HDR Engineering, Inc. dated September 24, 2013 entitled Design Support Services on the Willamette Water Supply System Preliminary Design. (HDR Preliminary Design Agreement)

Tualatin desires to join in the Supply Agreement with respect to the preliminary routing and design portion of the work that is described in the Supply Agreement and the HDR Preliminary Design Agreement. Hillsboro and TVWD are willing to allow Tualatin to participate on that limited basis. It is also anticipated that the City of Beaverton and the City of Tigard may execute a similar Joinder and Amendment Agreement with Hillsboro and TVWD.

For these reasons, Hillsboro, TVWD and Tualatin wish to amend the Supply Agreement, and being fully advised, now therefore the Parties agree as follows:

1. Covenant of Tualatin. In consideration of Hillsboro and TVWD’s consent to Tualatin becoming a Party to the Supply Agreement and the Cost Share Participation described below, Tualatin agrees to be bound by all terms and conditions of the Supply Agreement and this Joinder Agreement and all Parties agree that the Supply Agreement shall be amended as provided herein.

2. Cost Share Participation. Tualatin has elected a cost share participation of \$100,000 in the Project Components related to preliminary routing and design generally described in Sections 3.1.3, 3.1.4 and 3.1.5 of the Supply Agreement as shown on Ex. 1, attached hereto and incorporated by reference and more specifically set forth in the HDR Preliminary Design Agreement. Participation at this level will provide a preliminary design capacity for design purposes but does not guarantee any capacity in the Program defined in the Supply Agreement. Tualatin may participate in technical advisory committees, have access to the Program Sharepoint website, receive technical memoranda prepared by the Parties and

consultants, preliminary design cost estimates and the HDR Preliminary Design Report. Payment is due to TVWD within 30 days of execution of this Joinder Agreement.

3. Obtaining Guaranteed Capacity. All Parties agree that the allocation of cost share and capacity under the Supply Agreement is set forth in Section 4.1 of the Supply Agreement. To obtain guaranteed capacity or guaranteed increased capacity in the Program prior to construction, Tualatin will be required to reimburse Hillsboro and TVWD for the proportionate actual design cost share consistent with the cost share allocations for final Program capacities, under all tasks in Section 3 of the Supply Agreement, excluding prior costs incurred under Sections 3.1.1 and 3.1.2 related to public outreach and public affairs, and any additional terms as mutually agreed upon to achieve true up for actual costs incurred. Payments shall be made by Tualatin prior to final design and construction to obtain the guaranteed capacity. Failure to make such payment shall result in forfeiture of guaranteed capacity.

4. Amendment of Supply Agreement.

A. All Parties agree that Section 4.1 of the Supply Agreement is amended to read:

“4.1 Cost Share. Cost share is the percentage of Program cost allocated to a party as determined by this Agreement, a task order or addenda, or as modified by execution of a written amendment by the Parties. The Program is intended to have an actual peak design capacity of 91.2 million gallons per day (mgd). A Party’s election of planned capacity share in the Program or the S.W. 124th Avenue Pipeline Project will determine that Party’s share of the costs to complete the Scope of Work identified in this Agreement. Until amended, Hillsboro shall have a cost share and capacity share interest of 36.2 mgd of the 91.2 mgd (36.2/91.2) and TVWD will have a cost share and capacity share interest of 55 mgd of the 91.2 mgd (55.0/91.2). The percentage calculation is 39.69% for Hillsboro and 60.31% for TVWD. No other party shall have any interest therein unless mutually agreed upon by amendment to this Agreement and by execution of a Joinder Agreement. A form of Joinder Agreement is attached as Ex. B.”

B. All Parties agree that Section 7.7 of the Supply Agreement is amended by adding the following to the existing text:

If to Tualatin: City of Tualatin
Kaaren Hofmann P.E.
18880 SW Martinazzi Ave.
Tualatin, OR 97062

5. Existing Agreement. In all respects, and except as specifically modified by this Joinder Agreement, all terms and conditions of the Supply Agreement are in full force and effect.

6. Joinder by Other Entities. Tualatin agrees that execution of a Joinder Agreement by Hillsboro, TVWD and Cities of Beaverton and Tigard may occur without necessity of future action or consent by Tualatin. Joinder by any other entity not named will require consent of all Parties as provided under the Supply Agreement.

7. Effective Date. This Joinder Agreement shall become effective on the last date signed below and shall remain in effect under the terms of the Supply Agreement.

8. Counterparts. This Joinder Agreement may be signed in counter-part and each part shall constitute an original.

IN WITNESS WHEREOF, the parties have executed this Joinder Agreement as of the date opposite their signatures.

CITY OF HILLSBORO
an Oregon Municipal Corporation

CITY OF TUALATIN
an Oregon Municipal Corporation

Mayor

Mayor

Attest: _____
City Recorder

Attest: _____
City Recorder

Approved as to form

Approved as to form

City Attorney

City Attorney

TUALATIN VALLEY WATER DISTRICT

Board President

Board Secretary

Approved as to form

District Counsel

AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF HILLSBORO AND TUALATIN VALLEY WATER DISTRICT REGARDING PREDESIGN, DESIGN, PUBLIC AFFAIRS AND PUBLIC OUTREACH IN FURTHERANCE OF THE WILLAMETTE WATER SUPPLY PROGRAM

THIS AGREEMENT is made and entered into this 11th day of Sept., 2013, between the City of Hillsboro, Oregon, a municipal corporation of the State of Oregon, ("Hillsboro"), and the Tualatin Valley Water District, a domestic water supply district of the State of Oregon ("TVWD").

RECITALS

The parties agree upon the following recitals:

A. WHEREAS, it is critical to plan and implement long-term water supply needs for public health, safety and welfare and to enable the continued economic viability of Washington County; and

B. WHEREAS, TVWD and Hillsboro have selected the Willamette River as their preferred option to meet long-term water supply needs; and

C. WHEREAS, TVWD, the City of Sherwood, the City of Tualatin and the City of Tigard are members of the Willamette River Water Coalition (WRWC) and through WRWC, each has pursued use of the Willamette River as a water source under Water Permit No. 49240; and Tigard and Tualatin may wish to participate in the further development of the Willamette Water Supply Program and

D. WHEREAS, Washington County (County) has begun its process to acquire right of way, permits, design and construct an extension of its road system known as the S.W. 124th Avenue Project (Road Project) that will connect S.W. Tualatin Sherwood Road with S.W. Grahams Ferry Road. The County has offered to allow TVWD and Hillsboro to locate water facilities within the County right of way as part of the Road Project through an Intergovernmental Agreement to be negotiated and executed in the future ("the 124th Avenue Pipeline Project"). To qualify for inclusion in the Road Project, design plans and specifications must be provided to the County by January, 2014. Initial cost estimates have shown that construction of the SW 124th Avenue Pipeline Project in coordination with the Road Project could result in savings to TVWD and Hillsboro of about \$30 million to \$75 million as compared to not participating in the Road Project at this time; and

E. WHEREAS, Hillsboro and TVWD desire to construct water supply facilities to

supply and distribute water from the Willamette River Water Treatment Plant ("WRWTP") located in Wilsonville, Oregon, to their respective service areas. These water supply facilities collectively will be referred to herein as the "Willamette Water Supply Program" or "Program". This Agreement provides for the Parties to share the cost of the following elements of the Program identified more fully in Section 3, Scope of Work, to facilitate the planned development of the facilities needed to serve the Parties: design of the initial segment of the pipeline identified as the SW 124th Avenue Pipeline Project; public outreach; public affairs and intergovernmental coordination; right of way and property acquisition services, surveying, geotechnical and environmental studies; preliminary design of the entire water supply system, permitting and final design of a large-diameter pipe segment along and under the general route as it is finally determined on Exhibit A, attached hereto and incorporated by reference, which alignment is subject to modification when final road alignment is determined by the County; and

F. WHEREAS, the SW 124th Avenue Pipeline Project will be part of the overall Willamette Water Supply Program, and as such Hillsboro and TVWD wish to construct the SW 124th Avenue Pipeline Project as part of the Road Project. The SW 124th Avenue Pipeline Project would consist of a large diameter pipeline (approximately 72-inch diameter) within the 124th Street roadway as determined by the County between S.W. Tualatin Sherwood Road and S.W. Grahams Ferry Road and as depicted on Ex. A, subject to modification when final alignment is determined by the County; and

G. WHEREAS, the parties desire to share the cost of defined elements of the work necessary to plan and construct the Program and the SW 124th Avenue Pipeline Project described in this Agreement, task order or addenda to be attached hereto and incorporated herein in the future; and

H. WHEREAS, the parties not only desire to enter into this Agreement for the purpose of supplying water to their current and future water system users but also potentially to other municipal water providers.; and

I. WHEREAS, it is recognized by the parties that it is necessary to enter into this intergovernmental cooperative agreement through ORS Chapter 190 and the parties have the authority to enter into this Agreement pursuant to their applicable charter, principal acts, and Oregon Revised Statutes Sections 190.003 through 190.030; and

J. WHEREAS, the Parties desire to enter into this Agreement and recognize that future separate Agreements will be negotiated regarding design, construction, operation and governance of those Willamette Water Supply Program facilities; and being fully advised,

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. INCORPORATION OF RECITALS

The Recitals above are hereby made part of this Agreement.

2. TERM

This Agreement shall continue in effect until the scope of work is completed and all costs pertaining thereto have been apportioned to the Parties, and payment therefore has been made, unless otherwise agreed to in writing by the Parties.

3. SCOPE OF WORK

3.1 Project. The scope of the Willamette Water Supply Program (Program) is generally described to include a water treatment plant in Wilsonville, a large-diameter (approximately 72-inch) water transmission pipeline from Wilsonville to the TVWD and Hillsboro water distribution systems, and terminal storage. This Agreement addresses only limited work (Project) in furtherance of the Program. The Parties agree that the Scope of Work of the Project under this Agreement is:

3.1.1 Public Outreach to those interested persons or communities who may be impacted by the Program.

3.1.2 Public Affairs and Intergovernmental Coordination with Federal, State and local governments and agencies who may be impacted or have an interest in the Program or the SW 124th Pipeline Project or otherwise have a permitting or regulatory role.

3.1.3 Identification of property ownership, areas of need, development of negotiation and acquisition strategies and services in support of acquisition of right of way or property ownership for the Program.

3.1.4 The conduct of surveys, geotechnical investigations and all other studies necessary to determine routing of the pipeline and other Program matters.

3.1.5 The completion of a Preliminary Engineering study for the Program in its entirety including treatment, transmission and storage components.

3.1.6 The completion of a final design for the SW 124th Avenue Pipeline Project to be included in the Road Project.

3.1.7 The retention of such consultants as the Parties deem appropriate to achieve the tasks generally described above.

3.1.8 In furtherance of the general descriptions above, the Parties will agree on a detailed scope of the specific task, budgets and cost share participation which will be

memorialized by task order or addenda to this Agreement.

3.2 Sufficient Funds. It is understood and agreed that based upon the final task scope, budget and cost share participation for the Project Components in Section 3.1 above, the allocation of costs will be agreed upon and each party will budget sufficient funds for its respective share in the Program and the SW 124th Avenue Pipeline Project as identified herein.

4. PROGRAM AND PROJECT COSTS

4.1 Cost Share. Cost share is the percentage of Program cost allocated to a party as determined by this Agreement, a task order or addenda, or as modified by execution of a Joinder Agreement. The Program is intended to have an actual peak design capacity of 85 million gallons per day (mgd). A Party's election of planned capacity share in the Program or the S.W. 124th Avenue Pipeline Project will determine that Party's share of the costs to complete the Scope of Work identified in this Agreement. Until amended, Hillsboro shall have a cost share and capacity share interest of 30/85th and TVWD will have a cost share and capacity share interest of 55/85th. No other party shall have any interest therein unless mutually agreed upon and by execution of a Joinder Agreement. A form of Joinder Agreement is attached as Ex. B.

4.2 Project Cost. Project cost includes all direct and indirect costs of the Project as determined by the Project Manager. The direct and indirect direct costs of the Scope of Work (Section 3.1) shall be shared by the Parties in proportion to their cost share amount as reflected in the specific addendum for that component. Costs will also include reimbursement to TVWD or another Party providing administration services delegated by task order or addenda at then current hourly rates for staff time. TVWD will invoice each Party monthly for the Project costs for the previous 30 days with such detail as the Party reasonably requires verifying the amount to be paid. Each Party shall pay its share within 30 days after receipt of invoice. In the event of a dispute, the Party shall pay the undisputed portion and notify TVWD in writing of its reasons for disputing the full payment amount. Any amount not paid within 30 days from the date of the original invoice will bear interest at the State of Oregon Local Government Investment Pool rate.

4.3 Subsequent Agreements. The Parties agree that construction, ownership, governance, operation, maintenance, repair and replacement, expansion of facilities and other matters of the Program will be determined by subsequent Agreement. No Party shall be obligated to enter into or contribute financially to any construction contract or property acquisition for the SW 124th Avenue Pipeline Project until such time as the Parties have entered into the future separate agreements to address ownership, management and governance with respect to the Program.

4.4 Budget. Annually, , TVWD shall prepare and distribute to each party by January 31st a forecast of anticipated costs for the Willamette Water Supply Program for that ensuing fiscal year beginning July 1st. Each Party shall be responsible to budget and appropriate its share for the upcoming fiscal year.

5. PROJECT MANAGEMENT

5.1 **Project Manager.** TVWD is designated as the Project Manager for the Scope of Work and the duration of this agreement.

5.2 **Project Management Team.** The Project Management Team shall consist of the TVWD Chief Executive Officer and the Hillsboro Water Department Director, or their designees. TVWD, as the Project Manager, will report, as often as necessary considering the task at hand, to the Project Management team for decisions. Except as required under a Party's charter, statutes, ordinances, or governing body policies, the designated member of the Project Management Team or their designee shall have authority to make decisions required to carry out their obligations under this Agreement.

5.3 **Committees.** The Project Management Team shall have the power to appoint other committees to advise it on issues determined to be necessary. The Project Management Team may develop an Engineering Design Technical Advisory Committee, a Public Outreach and Affairs Technical Advisory Committee, a Finance Technical Advisory Committee and such other committees as it deems appropriate.

5.4 **Approval of Expenditures.** The budget allocation for each Party and appropriation shall be approved pursuant to each Party's applicable legal requirements. During the management of the Scope of Work in this Agreement, any change order that will increase an approved contract will require approval by the respective Parties pursuant to their contracting processes within 30 days. All other decisions may be made by the Project Management Team.

5.5 **Project Management Authority**

TVWD is the Project Manager liaison with the County under the Road Project and the other elements identified in the Scope of Work under this Agreement. TVWD shall oversee the execution of each task identified in the Scope of Work, and shall have the following powers:

5.5.1 To enter into contracts for services for each element of the Scope of Work, subject to Section 5.4;

5.5.2 To retain such agents, officers and employees as it deems necessary and to contract services; and

5.5.3 To make decisions related to the SW 124th Avenue Pipeline Project within the Road Project as necessary in case of an emergency requiring immediate action. In such cases, TVWD shall inform Hillsboro of the action(s) taken within one business day. The parties acknowledge that the construction of the Road

Project has not been commenced and final decisions on construction of the Road Project belong to the County.

5.6 Road Project Design Process. As Project Manager, TVWD shall have authority on behalf of the parties to coordinate and be the point of contact with the County in the solicitation of bids and award of contracts for the SW 124th Avenue Pipeline Project. The Parties must approve the design and construction documents for inclusion in the Road Project and the bid and award of the SW 124th Avenue Pipeline Project portion of the contract.

6. DEFAULTS

6.1 Event of Default. The failure of a Party to perform any duty imposed upon it by this Agreement shall constitute a default.

6.2 Notice of Default. The non-defaulting Party shall have the right to give the defaulting Party a written notice of default, which shall describe the default in reasonable detail and state the date by which the default must be cured, which date shall be at least 60 days after receipt of the notice of default, except in the case of a failure to make full payment, in which case the date shall be 30 days after receipt of the notice of default.

6.3 Opportunity to Cure. If within the applicable period described in Section 7.2 the defaulting Party cures the default, or if the failure is one (other than the failure to make full payments) that cannot in good faith be corrected within such period and the defaulting Party begins to correct the default within the applicable period and continues corrective efforts with reasonable diligence until a cure is effected, the notice of default shall be inoperative, and the defaulting Party shall lose no rights under this Agreement. If, within the specified period, the defaulting Party does not cure the default or begin to cure the default as provided above, the non-defaulting Party at the expiration of the applicable period shall have the rights specified in Section 6.4.

6.4 Rights Upon Default. If the defaulting Party has not cured the default as provided in Section 7.3, it shall have no rights under this Agreement until the default has been cured. In addition, the non-defaulting Party may pursue any other remedy available at law or in equity against the defaulting Party subject to the dispute resolution procedures of Section 7.17.

6.5 Reallocation. If a Party is terminated for default, the remaining parties shall undertake to share proportionately in the amount the terminated party was obligated to pay and cost share shall be reallocated accordingly, unless the remaining Parties otherwise agree.

7. GENERAL PROVISIONS

7.1 Future Agreements. The Parties acknowledge that the terms and conditions of this Agreement may be superseded or replaced by a subsequent agreement to provide for construction, ownership, governance, operation, maintenance repair, replacement and expansion of the Program to connect the Willamette WTP with their respective service areas.

7.2 Instruments of Further Assurance. From time to time, at the request of either Party, each Party shall, without further consideration, execute and deliver such further instruments and shall take such further action as may be reasonably required to fully effectuate the purposes of this Agreement consistent with its terms.

7.3 Terminology. The captions beside the section numbers of this Agreement are for reference only and shall not modify or affect this Agreement in any manner whatsoever. Wherever required by the context, any gender shall include any other gender, the singular shall include the plural, and the plural shall include the singular. Further, Party or Parties shall mean TVWD, Hillsboro or a local government entity who enters into this Agreement by execution of a Joinder Agreement.

7.4 Assignment. No Party shall have the right to assign its interest in this Agreement (or any portion thereof), without the prior written consent of the other Party .

7.5 Severability. In case anyone or more of the provisions contained in this Agreement shall be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein shall not in any way be affected or impaired thereby.

7.6 Counterparts. This Agreement may be executed in any number of counterparts and by the parties or separate counterparts, any one of which shall constitute an agreement between and among the parties.

7.7 Notices. Any notice herein required or permitted to be given shall be given in writing, shall be effective when actually received, and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

If to Hillsboro:

City of Hillsboro
Water Department Director
150 E. Main
Hillsboro, OR 97123

If to TVWD:

Tualatin Valley Water District
Chief Executive Officer
1850 SW 170th Avenue
Beaverton, OR 97006

7.8 Amendment. This Agreement may be amended only if both parties concur in the proposed amendment by a written agreement, signed by authorized representatives of each party.

7.9 Books Reports & Accounting. TVWD shall maintain books and records which shall show all income, receipts, expenses and costs in connection with its rights and duties under this Agreement. All such books of account or other records may be examined and copies of books and records made by TVWD staff at reasonable times upon reasonable notice.

7.10 Waiver. The failure of a Party to insist on the strict performance of any provision of this Agreement or to exercise any right, power or remedy upon a breach of any provision of this Agreement shall not constitute a waiver of any provision of this Agreement or limit the Party's right thereafter to enforce any provision or exercise any right.

7.11 Force Majeure. The obligations of a Party, other than the payment of money, shall be suspended to the extent and for the period that performance is prevented by any cause, whether foreseen, foreseeable or unforeseeable, beyond the Party's reasonable control if the Party is making a good faith effort to resolve or avoid the cause, including without limitation labor disputes (however arising and whether or not employee demands are reasonable or within the power of the Party to grant); acts of God, laws, regulations, orders, proclamations, instructions or requests of any non-party government or governmental entity; judgments or orders of any court; inability to obtain on reasonably acceptable terms any public or private license, permit or other authorization; curtailment or suspension of activities to remedy or avoid an actual or alleged, present or prospective violation of federal, state, or local environmental standards; acts of war or condition arising out of or attributable to war, whether declared or undeclared; riot, civil strife, insurrection or rebellion, fire, explosion, earthquake, storm, flood, sinkholes, drought or other adverse weather conditions; delay or failure by suppliers or transporters of materials, parts, supplies, services or equipment or by contractors' or subcontractors' shortage of, or inability to obtain, labor, transportation, materials, machinery equipment, supplies, utilities or services; accidents, breakdown of equipment, machinery or facilities, or any other cause whether similar or dissimilar to the foregoing, provided that the affected Party shall give notice to the other Party within 10 business days of the suspension of performance, stating in such notice the nature of the suspension, the reasons for the suspension and the expected duration of the suspension. The affected Party shall resume performance as soon as reasonably possible.

7.12 Implied Covenants. The Parties agree that in construing this Agreement no covenants shall be implied between the Parties except the covenants of good faith and fair dealing.

7.13 Governing Law. This Agreement shall be governed by and interpreted in accordance with the internal laws of the State of Oregon.

7.14 Remedies Not Exclusive. Each and every power and remedy specifically given to the non-defaulting Parties shall be in addition to every other power and remedy now or hereafter available at law or in equity (including the right to specific performance), and each and every power and remedy may be exercised from time to time and as often and in such order as may be deemed expedient. All such powers and remedies shall be cumulative, and the exercise of one shall not be deemed a waiver of the right to exercise any other or others. No delay or omission in the exercise of any such power or remedy and no renewal or extension of any payments due under this Agreement shall impair any such power or remedy or shall be construed to be a waiver of any default.

7.15 Survival of Terms & Conditions. The provisions of this Agreement shall survive its termination to the full extent necessary for their enforcement and the protection of the Party in whose favor they run.

7.16 Time is of the Essence. A material consideration of the Parties entering into this Agreement is that the Parties will make all payments as and when due and will perform all other obligations under this Agreement in a timely manner. Time is of the essence of each and every provision of this Agreement.

7.17 Dispute Resolution. The Parties hereby agree that resolution of any and all disputes arising out of the terms of this Agreement or interpretation thereof shall follow a prescribed process beginning with negotiation and subsequently moving to mediation, provided the dispute remains unresolved. If a dispute arises between the parties regarding this Agreement, the parties shall follow the dispute resolution provisions below:

7.17.1 Written Notice. A written notice regarding the dispute (Dispute Notice) shall be sent to the other party. If additional Parties join this Agreement, the references to account for multiple parties shall be adjusted per Section 8.3.

7.17.2 Negotiations. Within thirty (30) days following receipt of the Dispute Notice, the parties to the dispute ("Disputing Parties") shall assign a representative to participate in good faith negotiations for a period not to exceed sixty (60) days after appointment of the representatives.

7.17.3 Mediation. If after the sixty (60) day period of negotiation (or a period not to exceed ninety (90) days following the receipt date of the Dispute Notice), the dispute(s) cannot be resolved, the Disputing Parties agree to submit the matter to non-binding mediation. The Disputing Parties shall attempt to agree on a mediator in a period not to exceed one hundred twenty (120) days following the receipt date of the Dispute Notice and proceed accordingly.

dispute(s) cannot be resolved, the Disputing Parties agree to submit the matter to non-binding mediation. The Disputing Parties shall attempt to agree on a mediator in a period not to exceed one hundred twenty (120) days following the receipt date of the Dispute Notice and proceed accordingly.

7.17.4 Litigation. If the Parties cannot agree on a mediator within the allocated time, or if the mediator cannot resolve the dispute(s) within one hundred eighty (180) days following the receipt date of the Dispute Notice, either of the Disputing Parties may initiate litigation in the Circuit Court of the State of Oregon for Washington County and seek all available remedies. Moreover, each of the Disputing Parties shall bear its own legal and expert witness fees at all stages of the dispute resolution process, including at trial or on any appeals. In addition, nothing shall prevent the Disputing Parties from waiving any of the dispute resolution steps by mutual consent.

7.18 New Member. Upon approval by the then Parties to this Agreement, new local government entities may join so long as they execute a Joinder Agreement (Exhibit B) pursuant to which they agree to be bound by the terms of this Agreement and additional terms and conditions set forth in the Joinder Agreement.

IN WITNESS WHEREOF, the parties have, pursuant to official action of their respective governing bodies, duly authorizing the same, caused their respective officers to execute this instrument on their behalf.

CITY OF HILLSBORO
An Oregon municipal corporation

TUALATIN VALLEY WATER DISTRICT,
Domestic water supply district

Arion Carlsson
Mayor ~~Council President~~
~~Acting Mayor~~
APPROVED AS TO FORM:

Chief Executive Officer

APPROVED AS TO FORM:

Al St

City Attorney

District Counsel

Attest: Kimberly
City Recorder

7.17.4 Litigation. If the Parties cannot agree on a mediator within the allocated time, or if the mediator cannot resolve the dispute(s) within one hundred eighty (180) days following the receipt date of the Dispute Notice, either of the Disputing Parties may initiate litigation in the Circuit Court of the State of Oregon for Washington County and seek all available remedies. Moreover, each of the Disputing Parties shall bear its own legal and expert witness fees at all stages of the dispute resolution process, including at trial or on any appeals. In addition, nothing shall prevent the Disputing Parties from waiving any of the dispute resolution steps by mutual consent.

7.18 New Member. Upon approval by the then Parties to this Agreement, new local government entities may join so long as they execute a Joinder Agreement (Exhibit B) pursuant to which they agree to be bound by the terms of this Agreement and additional terms and conditions set forth in the Joinder Agreement.

IN WITNESS WHEREOF, the parties have, pursuant to official action of their respective governing bodies, duly authorizing the same, caused their respective officers to execute this instrument on their behalf.

CITY OF HILLSBORO

An Oregon municipal corporation

TUALATIN VALLEY WATER DISTRICT,

Domestic water supply district

Mayor

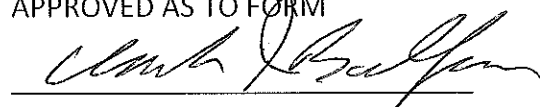


Mark Knudson, Chief Executive Officer

APPROVED AS TO FORM:

City Attorney

APPROVED AS TO FORM



Clark I. Balfour, District Counsel

Attest: _____

City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 04/14/2014

SUBJECT: Consideration of Approval of a New Liquor License Application for Savvy Wine Buys

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for Savvy Wine Buys.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Savvy Wine Buys.

EXECUTIVE SUMMARY:

Savvy Wine Buys has submitted a new liquor license application under the category of off premises sales. This would permit them to sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. They would also be eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises and ship manufacturer sealed containers of malt beverages, wine, or cider directly to an Oregon resident. The business is located at 18047 SW Lower Boones Ferry Road, Suite 318. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A - Vicinity Map](#)
[Attachment B- License Types](#)
[Attachment C- Application](#)



Savvy Wine Buys



OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES

FULL ON-PREMISES SALES

- **Commercial Establishment**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



CITY OF TUALATIN

LIQUOR LICENSE APPLICATION

Pd. \$100 cash
\$70

REC'D
CITY OF TUALATIN

MAR 27 2014

MAYOR _____ COUNCIL _____ POLICE _____ ADM _____
FINANCE _____ COMM DEV _____ LEGAL _____ OPER _____
COMM SVCS _____ ENG & BLDG _____ LIBRARY _____

Date 3-28-14

IMPORTANT: This is a three-page form. **You are required to complete all sections of the form.** If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation.
Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
- Change in Previous Application - \$75.00 Application Fee.
- Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License # _____
- Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Savvy wine Buys

Business address ^{Suite 318} 18047 SW Lower Boones Ferry Rd City Tigard State OR Zip Code 97224

Mailing address 18047 SW Lower Boones Ferry Rd City Tigard State OR Zip Code 97224

Telephone # 1-971-207-3914 Fax # _____

Name(s) of business manager(s) First Stephen Middle — Last Gonzales

Date of birth _____ Social Security # _____ ODL# _____ M F _____

Home address _____ City Tigard State OR Zip Code 97224
(attach additional pages if necessary)

Type of business online orders

Type of food served N/A

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation 9-5

Food service hours: Breakfast N/A Lunch N/A Dinner N/A

Restaurant seating capacity N/A Outside or patio seating capacity N/A

How late will you have outside seating? N/A How late will you sell alcohol? N/A

How many full-time employees do you have? _____ Part-time employees? 2

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants _____

Sally wine buys LLC
Type of liquor license (refer to OLCC form) off Premises Sales

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name Stephen Gonzales Date of birth _____
Residence address _____ Tigard OR 97224

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name _____
Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes _____ No _____. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____


LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: Stephen Gonzales Date of birth: _____
Residence address _____ Tigard OR 97224

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

 _____ 3-27-2014
Date

For City Use Only

Sources Checked:

DMV by [Signature] LEDS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.

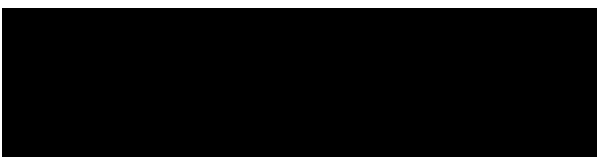
Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

~~14-290070~~

Granted

Denied
Cause of unfavorable recommendation: _____

 _____ 4/1/14
Signature Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 04/14/2014

SUBJECT: Consideration of Approval of a New Liquor License Application for World In A Wine Glass Consultants

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve a new liquor license application for World In A Wine Glass Consultants.

RECOMMENDATION:

Staff respectfully recommends that the Council approve endorsement of the liquor license application for World In A Wine Glass Consultants.

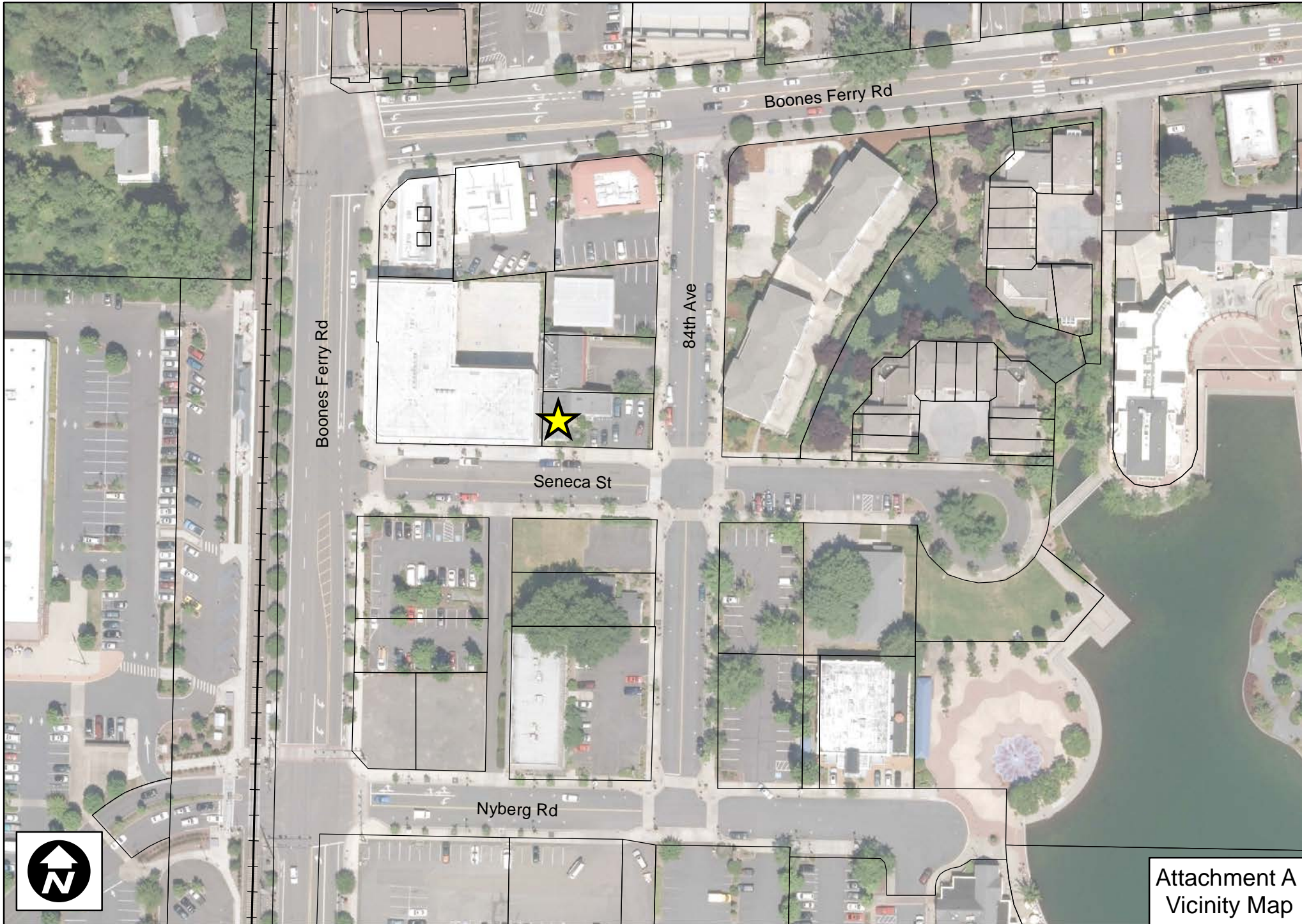
EXECUTIVE SUMMARY:

World In A Wine Glass Consultants has submitted a new liquor license application under the category of off premises sales. This would permit them to sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. They would also be eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises and ship manufacturer sealed containers of malt beverages, wine, or cider directly to an Oregon resident. The business is located at 8415 SW Seneca St, Suite 210. The application is in accordance with provisions of Ordinance No. 680-85 which established a procedure for review of liquor licenses by the Council. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A fee has been paid by the applicant.

Attachments: [Attachment A - Vicinity Map](#)
[Attachment B- License Types](#)
[Attachment C- Application](#)



OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES

FULL ON-PREMISES SALES

- **Commercial Establishment**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location (*this is the license that most “full-service” restaurants obtain*). Sell malt beverages for off-site consumption in securely covered containers provided by the customer. Food service required. Must purchase distilled liquor **only** from an Oregon liquor store, or from another Full On- Premises Sales licensee who has purchased the distilled liquor from an Oregon liquor store.
- **Caterer**
Allows the sale of distilled spirits, malt beverages, wine, and cider by the drink to individuals at off-site catered events. Food service required.
- **Passenger Carrier**
An airline, railroad, or tour boat may sell and serve distilled spirits, malt beverages, wine, and cider for consumption on the licensed premises. Food service required.
- **Other Public Location**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, where the predominant activity is not eating or drinking (for example an auditorium; music, dance, or performing arts facility; banquet or special event facility; lodging fairground; sports stadium; art gallery; or a convention, exhibition, or community center). Food service required.
- **Private Club**
Sell and serve distilled spirits, malt beverages, wine, and cider for consumption at that location, but only for members and guests. Food service required.

LIMITED ON-PREMISES SALES

Sell and serve malt beverages, wine, and cider for onsite consumption. Allows the sale of malt beverages in containers (kegs) for off-site consumption. Sell malt beverages for off-site consumption in securely covered containers provided by the customer.

OFF-PREMISES SALES

Sell factory-sealed containers of malt beverages, wine, and cider at retail to individuals in Oregon for consumption off the licensed premises. Eligible to provide sample tastings of malt beverages, wine, and cider for consumption on the premises. Eligible to ship manufacturer-sealed containers of malt beverages, wine, or cider directly to an Oregon resident.

BREWERY PUBLIC HOUSE

Make and sell malt beverages. Import malt beverages into and export from Oregon. Distribute malt beverages directly to retail and wholesale licensees in Oregon. Sell malt beverages made at the business to individuals for consumption on or off-site.

WINERY

Must principally produce wine or cider in Oregon. Manufacture, store, and export wine and cider. Import wine or cider *If bottled, the brand of wine or cider must be owned by the licensee*. Sell wine and cider to wholesale and retail licensees in Oregon. Sell malt beverages, wine, and cider to individuals in Oregon for consumption on or off-site.



CITY OF TUALATIN
LIQUOR LICENSE APPLICATION

REC'D
CITY OF TUALATIN

MAR 18 2014

MAYOR, COUNCIL, POLICE, ADM, FINANCE, COMM DEV, LEGAL, OPER, COMMSVCS, ENG & BLDG, LIBRARY

Date 3/12/14

IMPORTANT: This is a three-page form. You are required to complete all sections of the form. If a question does not apply, please indicate N/A. Please include full names (last, first middle) and full dates of birth (month/day/year). Incomplete forms shall receive an unfavorable recommendation. Thank you for your assistance and cooperation.

SECTION 1: TYPE OF APPLICATION

- Original (New) Application - \$100.00 Application Fee.
Change in Previous Application - \$75.00 Application Fee.
Renewal of Previous License - \$35.00 Application Fee. Applicant must possess current business license. License #
Temporary License - \$35.00 Application Fee.

SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): World In A Glass Wine Consultants

Business address 8415 SW Seneca #210 City tualatin State Or Zip Code 97062

Mailing address 14895 SW Carlsbad Dr. City Beaverton State Or Zip Code 97007

Telephone # 503-860-3408 Fax # N/A

Name(s) of business manager(s) First Frederick Middle Gilmore Last Armstrong III

Date of birth Social Security # ODL# M x F

Home address City Beaverton State Or Zip Code 97007
(attach additional pages if necessary)

Type of business Off premise Wine Consulting

Type of food served N/A

Type of entertainment (dancing, live music, exotic dancers, etc.) N/A

Days and hours of operation Aapt only

Food service hours: Breakfast NA Lunch NA Dinner NA

Restaurant seating capacity NA Outside or patio seating capacity NA

How late will you have outside seating? NA How late will you sell alcohol? NA

How many full-time employees do you have? 0 Part-time employees? _____

SECTION 3: DESCRIPTION OF LIQUOR LICENSE

Name of Individual, Partnership, Corporation, LLC, or Other applicants Individual

Type of liquor license (refer to OLCC form) off premise

Form of entity holding license (check one and answer all related applicable questions):

INDIVIDUAL: If this box is checked, provide full name, date of birth, and residence address.
Full name Frederick Gilmore Armstrong III Date of birth [REDACTED]
Residence address [REDACTED] Beaverton Or 97007

PARTNERSHIP: If this box is checked, provide full name, date of birth and residence address for each partner. If more than two partners exist, use additional pages. If partners are not individuals, also provide for each partner a description of the partner's legal form and the information required by the section corresponding to the partner's form.
Full name _____ Date of birth _____
Residence address _____
Full name _____ Date of birth _____
Residence address _____

CORPORATION: If this box is checked, complete (a) through (c).
(a) Name and business address of registered agent.
Full name _____
Business address _____

(b) Does any shareholder own more than 50% of the outstanding shares of the corporation? If yes, provide the shareholder's full name, date of birth, and residence address.
Full name _____ Date of birth _____
Residence address _____

(c) Are there more than 35 shareholders of this corporation? Yes No. If 35 or fewer shareholders, identify the corporation's president, treasurer, and secretary by full name, date of birth, and residence address.
Full name of president: _____ Date of birth: _____
Residence address: _____
Full name of treasurer: _____ Date of birth: _____
Residence address: _____
Full name of secretary: _____ Date of birth: _____
Residence address: _____

LIMITED LIABILITY COMPANY: If this box is checked, provide full name, date of birth, and residence address of each member. If there are more than two members, use additional pages to complete this question. If members are not individuals, also provide for each member a description of the member's legal form and the information required by the section corresponding to the member's form.
Full name: _____ Date of birth: _____
Residence address: _____

Full name: _____ Date of birth: _____
Residence address: _____

OTHER: *If this box is checked, use a separate page to describe the entity, and identify with reasonable particularity every entity with an interest in the liquor license.*

SECTION 4: APPLICANT SIGNATURE

A false answer or omission of any requested information on any page of this form shall result in an unfavorable recommendation.

 _____ Date 3/12/14

Signature of Applicant _____ Date

For City Use Only


Sources Checked:

DMV by [Signature] LEDS by [Signature] TuPD Records by [Signature]
 Public Records by [Signature]

Number of alcohol-related incidents during past year for location.
 Number of Tualatin arrest/suspect contacts for _____

It is recommended that this application be:

Granted
 Denied
Cause of unfavorable recommendation: _____

 _____ Date 3-24-14

Signature _____ Date

Kent W. Barker
Chief of Police
Tualatin Police Department



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 04/14/2014

SUBJECT: Consideration of **Ordinance 1369-14** Amending Community Plan Map 9-1 to Change the Planning District Designations of Two Tax Lots Located at 17865 SW Pacific Highway from General Commercial and Recreational Commercial to High Density Residential (PMA-14-01)

ISSUE BEFORE THE COUNCIL:

The Council will consider Ordinance 1369-14 amending Community Plan Map 9-1 to change the planning district designations of two tax lots from General Commercial and Recreational Commercial to High Density Residential (PMA-14-01).

RECOMMENDATION:

Staff recommends the Council consider Ordinance 1369-14.

EXECUTIVE SUMMARY:

On March 24, 2014, City Council held a quasi-judicial public hearing to consider a Plan Map Amendment (PMA-14-01) for two tax lots located at 17865 SW Pacific Highway. The applicant proposed to change the planning district designations for these tax lots from General Commercial and Recreational Commercial to High Density Residential. City Council considered the information and evidence presented at the hearing and, at the conclusion of the hearing, voted unanimously to approve PMA-14-01. City Council directed staff to return with an ordinance to implement the Plan Map Amendment (PMA-14-01). Ordinance 1369-14 amends Tualatin Community Plan Map 9-1 to implement the Plan Map Amendment (PMA-14-01).

Attachments: Map Amendment Ordinance
A. Exhibit A - Map

ORDINANCE NO. 1369-14

AN ORDINANCE AMENDING COMMUNITY PLAN MAP 9-1 TO CHANGE THE PLANNING DISTRICT DESIGNATIONS OF TWO TAX LOTS LOCATED AT 17865 SW PACIFIC HIGHWAY FROM GENERAL COMMERCIAL (GC) AND RECREATIONAL COMMERCIAL (CR) TO HIGH DENSITY RESIDENTIAL (RH) (PMA-14-01)

WHEREAS upon the application of Mountain West Investment Corporation, a public hearing was held before the City Council of the City of Tualatin on March 24, 2014, related to a Plan Map Amendment to amend Tualatin Plan Map 9-1 to change the planning district designations of two tax lots located at 17865 SW Pacific Highway from General Commercial (GC) and Recreational Commercial (CR) to High Density Residential (RH); and

WHEREAS the City provided notice of PMA-14-01 to the Oregon Department of Land Conservation and Development as provided under ORS 197.610; and

WHEREAS notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS the City Council heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS after the conclusion of the public hearing, the Council voted unanimously to approve the Plan Map Amendment.

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Community Plan Map 9-1 is amended as set forth in Exhibit A, which is attached and incorporated by reference, to change the planning district designations of two tax lots located at 17865 SW Pacific Hwy from General Commercial (GC) and Recreational Commercial (CR) to High Density Residential (RH)

Section 2. Each section of this ordinance, and any part thereof is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

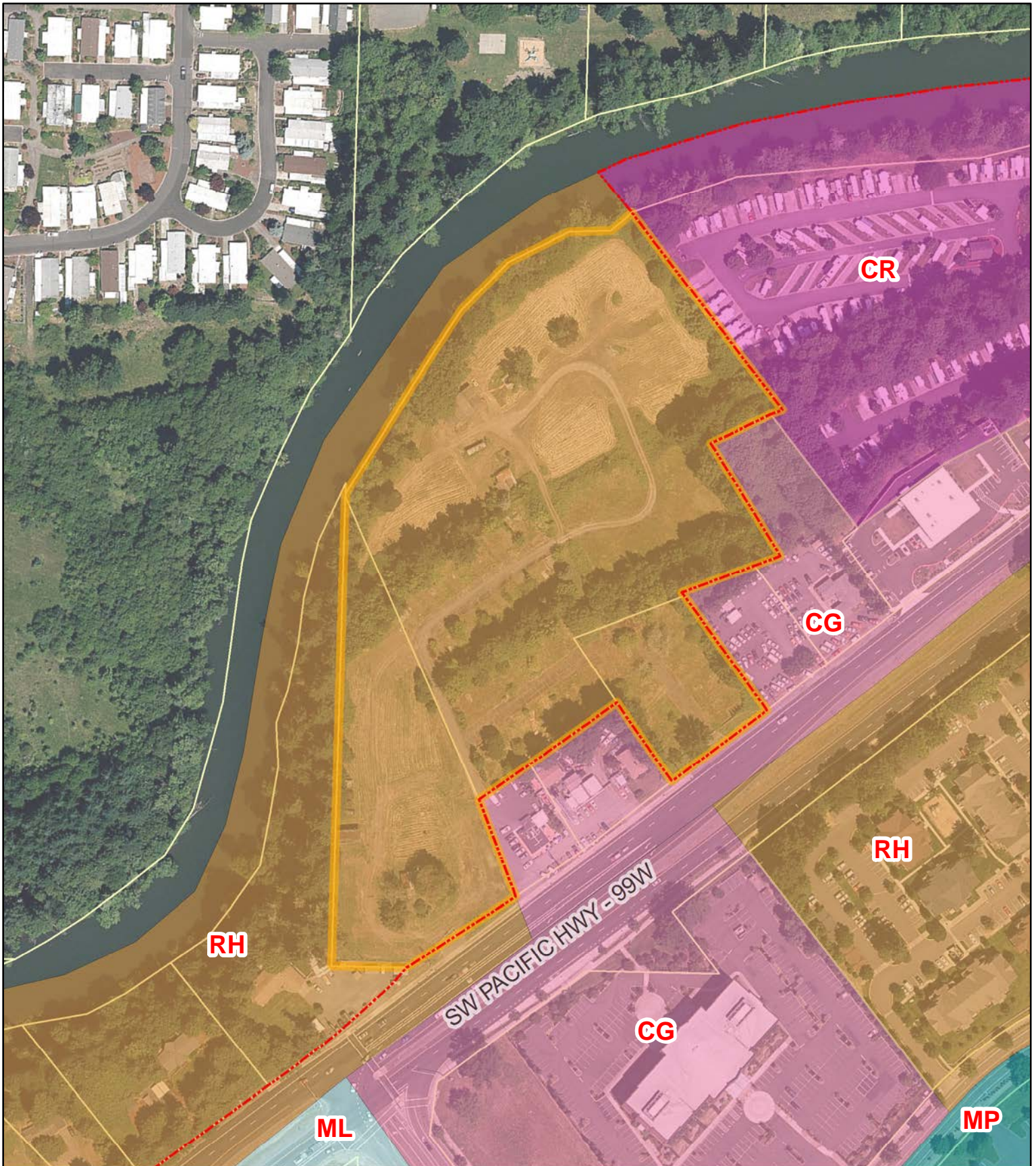
APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Future Espedal Property Plan Designation



Espedal Property



City Boundary



RF 1:2,400

Ordinance No. 1369-14

Exhibit A - Map

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Dept. Printed 2/14/2014



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Linda Odermott, Paralegal
Sean Brady, City Attorney

DATE: 04/14/2014

SUBJECT: Consideration of **Ordinance 1372-14** Annexing Property Located at 17865 and 17985 SW Pacific Highway (Tax Map 2115C, Tax Lots 2191, 2202 and 2300) and Withdrawing the Property from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District (ANN-14-01)

ISSUE BEFORE THE COUNCIL:

The Council will consider Ordinance No. 1372-14 that would annex property known as the Espedal property, tax lots 2203, 2191, and 2300 on Washington County Assessors Map 2S1 15C located at 17865 and 17985 SW Pacific Highway (Highway 99W) and withdrawing the property from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

RECOMMENDATION:

Staff recommends City Council adopt Ordinance 1372-14 granting ANN-14-01 and remove the property from the Washington County Enhanced Sheriff Patrol and Washington County Urban Road Maintenance District with an endorsement to Clean Water Services District .

EXECUTIVE SUMMARY:

On March 24, 2014, the City Council held a quasi-judicial public hearing to decide whether to annex property located at 17865 and 17985 SW Pacific Highway (Highway 99W) to the City of Tualatin. At the close of the public hearing, Council approved the staff report and annexation petition and directed staff to return with an ordinance granting ANN-14-01 to annex the property.

FINANCIAL IMPLICATIONS:

There are no immediate financial implications associated with the recommendation. Once annexed, the City will receive property taxes from this property.

Attachments: Ordinance 1372-14
A. Exhibit A - Legal Description

B. Exhibit B - Vicinity Map

C. Exhibit C - Analysis and Findings

ORDINANCE NO. 1372-14

AN ORDINANCE ANNEXING TERRITORY LOCATED AT 17865 AND 17985 SW PACIFIC HIGHWAY INTO THE CITY OF TUALATIN AND WITHDRAWING THE TERRITORY FROM THE WASHINGTON COUNTY ENHANCED SHERIFF PATROL DISTRICT AND THE COUNTY URBAN ROAD MAINTENANCE DISTRICT (TAX MAP 2115C, TAX LOTS 2191, 2202, AND 2300) (ANN-14-01)

WHEREAS, upon the application of the Degele Family Trust, (the "Owner"), a public hearing was held before the City Council of the City of Tualatin on March 24, 2014, relating to the annexation of the property comprised of 12 acres of land located at 17865 and 17985 SW Pacific Highway (Tax Map 2S115C, Tax Lots 2191, 2202, and 2300); hereafter called the "Subject Property": and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 31.077; and

WHEREAS, the City of Tualatin is authorized to annex territory by ORS Chapter 222; and

WHEREAS, the subject territory qualifies for annexation under ORS 222.125; and

WHEREAS, the annexation of the Subject Property has been requested by 100 percent of the property owners; and

WHEREAS, the annexation of the Subject Property has been requested by 100 percent of the electors; and

WHEREAS, the applicant has requested an Expedited Annexation process in accordance with Metro Code Chapter 3.09.045; and

WHEREAS, Washington County has not opposed the annexation in accordance with the Urban Growth Management Agreement between the County and the City of Tualatin; and

WHEREAS, Metro does not oppose the annexation; and

WHEREAS, the subject territory is in the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District; and

WHEREAS, ORS 222.520(1) authorizes cities to withdraw territory from districts concurrent with the annexation decision; and

WHEREAS, the Council conducted a public hearing on March 24, 2014, and heard and considered the testimony and evidence presented by the City staff and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing the Council determined the annexation is consistent with all applicable legal requirements of state law, Metro code, and City ordinances related to annexing property and voted to approve the application by a unanimous vote; and

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. The Subject Property identified in the legal description attached as Exhibit A and as more fully depicted in the map in Exhibit B, which are both incorporated herein by reference, is hereby annexed to and made a part of the City of Tualatin.

Section 2. The findings attached as Attachment C, which are incorporated herein by reference, are hereby adopted.

Section 3. The City Recorder is directed to forward copies of this Ordinance to the Oregon Department of Revenue.

Section 4. Within five days of receipt of the required information from the Oregon State Department of Revenue, the City Recorder is directed to send copies of this Ordinance and the approval from the Oregon Department of Revenue to Metro for filing with the Oregon Secretary of State.

Section 5. The annexation of the Subject Property is effective from the date the annexation is filed with the Oregon Secretary of State, as provided in ORS 222.180.

Section 6. On the effective date of the annexation, the Property is withdrawn from the Washington County Enhanced Sheriff Patrol District and the County Urban Road Maintenance District.

Section 7. The City Recorder is directed to forward copies of this Ordinance and all other required materials to all public utilities and telecommunications utilities operating within the City in accordance with ORS 222.005.

Section 8. The City of Tualatin endorses the annexation of the Subject Property into the Clean Water Services District.

Adopted by the City Council this ____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

Exhibit "A"

PARCEL I:

A portion of that tract of land in Lot 42, HAZELBROOK FARM, Washington County, Oregon, conveyed to Percy Howarth by deed recorded March 24, 1958, in Book 403, Page 242, Washington County Deed Records, more particularly described as follows:

Beginning at the most Southerly corner of said Howarth tract, which is on the Northerly boundary line of the West Side Pacific (State) Highway; thence North 51°05' East, along said Highway boundary line, 180 feet; thence North 39°00' West a distance of 220 feet, more or less, to the Northerly line of said Howarth tract; thence South 66°15' West, along said Northerly line, a distance of 190 feet, more or less, to the most Westerly corner of said Howarth tract; thence South 39°00' East a distance of 273.3 feet to the point of beginning.

PARCEL II:

A part of Lot 42, HAZELBROOK FARM, Washington County, Oregon, lying Westerly of the tract conveyed to C.W. Ryder, et us, by deed recorded in Book 252, Page 545, described as follows:

Beginning at an iron pipe on the Northwesterly right of way line of the West Side Pacific (State) Highway, which iron pipe bears North 89°52' East 143.4 feet and North 51°48' East 175.0 feet from the Southwest corner of Lot 42, and is also the Southwest corner of Section 15, Township 2 South, Range 1 West of the Willamette Meridian; thence, from the described place of beginning, North 23°45' West 564.0 feet to an iron pipe; thence, continuing North 23°45' West 133.5 feet to a point in the Tualatin River and on the West line of said Lot 42, at a distance of 746.9 feet North of the Southwest corner of said lot; thence North, on said lot line, 73.1 feet to a point in the center of the Tualatin River, at the Northwest corner of said lot; thence North 23°48' East, in the center of said river, 129.8 feet to a point; thence North 34°10' East, in the center of said river, a distance of 160.0 feet to a point; thence North 55°11' East, in the center of said river, a distance of 250.0 feet to a point; thence South 30°00' East, parallel to the Easterly line of said lot, a distance of 413.3 feet to an iron pipe; thence South 61°00' West a distance of 100.8 feet to an iron pipe; thence South 39°00' East, parallel to the Easterly line of said lot, a distance of 246.1 feet to an iron pipe; thence South 66°15' West a distance of 359.6 feet to an iron pipe; thence South 39°00' East, parallel to the Easterly line of said lot, a distance of 273.3 feet to an iron pipe on the Northwesterly right of way line of the West Side Pacific (State) Highway; thence South 51°05' West, along said right of way line, a distance of 50.7 feet to an iron right of way marker at Engineer's Station (Highway) 263+29.7; thence South 51°48' West, along said right of way line, a distance of 250.5 feet to the place of beginning.

Except that portion thereof conveyed to the State of Oregon by Deed recorded in Book 346, Page 464.

Also, an easement for road purposes over a strip of land 40 feet in width along the Westerly line for egress from and ingress to the hereinabove described property.

Excepting therefrom the following portion:

Beginning at the most Southerly corner of said premises; thence North 51°48' East, along the Northwesterly line of said highway, 250.5 feet; thence North 5°5' East, along said highway, 50.7 feet to an angle corner of said premises; thence North 39°00' West, along the line of said

premises, 150 feet; thence Southwesterly, parallel with the Northwesterly line of said highway, 260 feet, more or less, to the Westerly line thereof; thence South 23°45' East 160 feet, more or less, to the place of beginning.

PARCEL III:

Beginning at the most Northerly corner of Lot 42, HAZELBROOK FARM; thence South 67°56' West 180.9 feet to the place of beginning of the tract to be described; thence South 39°00' East 413.3 feet to a point; thence North 67°56' East to a point which is 30 feet distant from, when measured at right angles to, the last mentioned line and a Southerly extension thereof; thence North 39°00' West, parallel with and 30.0 feet distant from said last mentioned line, 413.3 feet to a point on the Northwesterly line of said Lot 42; thence South 67°56' West to the place of beginning, in Washington County, Oregon.

PARCEL IV:

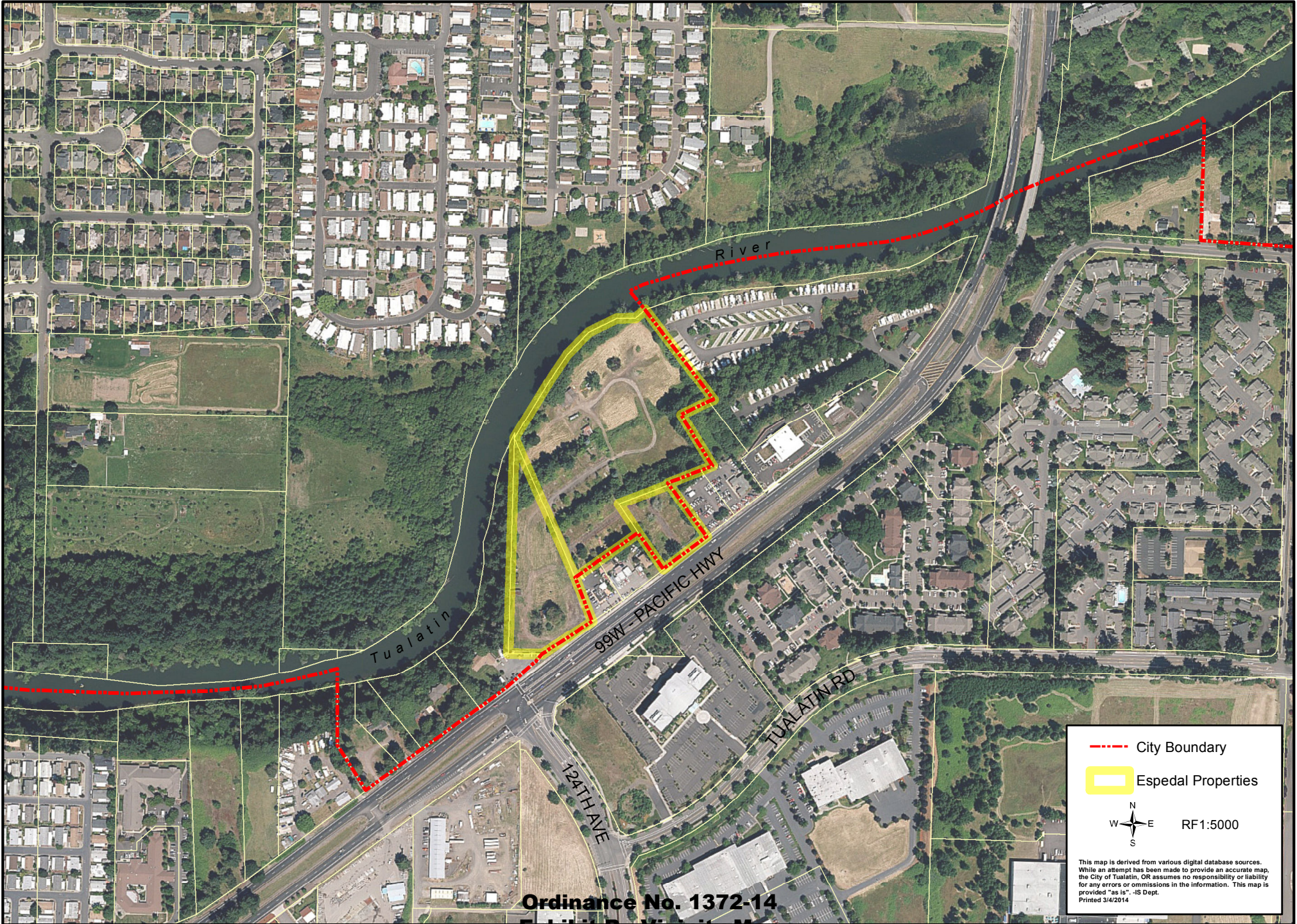
A portion of Lot 42, HAZELBROOK FARM, a duly recorded subdivision in Township 2 South, Range 1 West of the Willamette Meridian, Washington County, Oregon, more particularly described as follows:

Beginning at the Southwest corner of Lot 42, HAZELBROOK FARM, which Southwest corner is also the Southwest corner of Section 15, Township 2 South, Range 1 West of the Willamette Meridian; thence, from the described place of beginning, North, along the West line of said Lot 42, a distance of 634.9 feet to an iron pipe; thence, continuing North along said line, a distance of 112.0 feet to a point in the Tualatin River; thence South 23°45' East 113.5 feet to an iron pipe; thence, continuing South 23°45' East, a distance of 564.0 feet to an iron pipe on the Northwesterly line of the West Side Pacific (State) Highway; thence South 51°48' West, along said Highway right of way, a distance of 175.0 feet to a point on the South line of said Lot 42, HAZELBROOK FARM; thence South 89°52' West, along the lot line, a distance of 143.4 feet to the place of beginning.

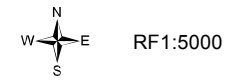
Espedal Site

2S115C002191 - 2S115C002202 - 2S115C002300

Aerial Photo: Summer 2013



- City Boundary
- ▭ Espedal Properties



This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin, OR assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -IS Dept. Printed 3/4/2014

Ordinance No. 1372-14
Exhibit B - Vicinity Map

ANN-14-01: ANALYSIS AND FINDINGS

The City Council must find that the proposed annexation conforms to Tualatin Development Code (TDC) Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes (ORS), if the annexation is to be granted [TDC 31.067(5)]. The Applicant has prepared materials and a narrative that address the annexation requirements (Attachment 102) and staff has reviewed the Applicant's material and included pertinent excerpts below.

A. Metro Code, 3.09.050(d) states, "To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (D) and (E) of section 3.09.045." An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1) Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065.

This site is currently located within the Clean Water Services boundary and will remain in the Clean Water Services boundary after annexation. The property will now conform to 2005 Intergovernmental Agreement between Clean Water Services and the City of Tualatin as per the agreement. Current the site is served by a well and septic tanks. The property will now be served by City of Tualatin water and sewer. The site is not currently in a Parks District, but will be served by City of Tualatin Community Services upon annexation. The property will be removed from the Washington County Sheriff's Department patrols and will have City of Tualatin Police service following annexation. The site is currently served by Tualatin Valley Fire and Rescue. This fire service will continue upon annexation. The Tigard-Tualatin School District will continue to serve this property after annexation.

2) Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party.

Annexations within the established Urban Growth Boundary are consistent with Tualatin's Urban Planning Area Agreement with Washington County. As required in the Urban Planning Area Agreement (UPAA) between the City of Tualatin and Washington County, the County was notified of this proceeding by first class mail. The County has not commented on this annexation. The County has stated in the Urban Planning Area Agreement (UPAA) that the County will not oppose the annexation of and land within Tualatin's Urban Planning Area. Therefore, these criteria have been met. This is consistent with Tualatin's UPAA with Washington County.

In accordance with the Tualatin Development Code (TDC) 1.030(6) and the UPAA, Section III (I), the General Commercial (CG) Planning District will be automatically applied to tax lot 2191, Commercial Recreational (CR) will be applied to tax lot 2202, and High Density Residential (RH) will be applied to tax lot 2300 on the effective date of the annexation. Per Section III (G) of the UPAA, the County does not oppose this annexation.

The applicant has applied for a plan map amendment for tax lots 2202 and 2191. The applicant request these two tax lot be designated High Density Residential (RH).

The criterion has been met.

3) Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans.

The applicable standards or criteria in the Tualatin Development Code for boundary changes are 4.050(20) and 4.050(21). TDC 4.060(1) is also relevant to boundary changes.

4.050(20) Initiate annexation of property within the Urban Growth Boundary planned for residential development only when petitioned to do so by owners of the affected property, including cases involving unincorporated “islands” of property surrounded by land annexed previously.

The property will be in the General Commercial (CG), Commercial Recreational (CR), and High Density Residential (RD) upon annexation. The property owner initiated the annexation application. The requirement is met.

4.050(21) Territories to be annexed shall be in the Metro Urban Growth Boundary.

The property is currently within the existing Metro Urban Growth Boundary. The requirement has been met.

4.060(1) A long-range growth boundary is necessary to predict the amount and location of urban land needed in the future. The establishment of this boundary provides a framework for the orderly conversion of rural land to urban uses. The growth boundary establishes the City’s intent to annex and provide urban services to specific properties over a specific period of time. Thus, the growth boundary establishes the basis of a City annexation policy and provides landowners with some assurance as to the City’s intent for the future use of their land.

4.060(1) is not a directly applicable standard or criteria for boundary changes, but is relevant. As the annexation territory falls within Tualatin's Planning Area which accounts for future growth so considered a long-range growth boundary, the annexation is in support of the statement contained in TDC 4.060(1).

4) Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan.

The application states: "The Regional Framework Plan and Functional Plan have no provisions directly related to annexation. Because services and transportation facilities are available in the area and all property within the Urban Growth Boundary and Urban Planning Area Boundary were included in calculations for facility capacity, housing and employment, annexation would be consistent with the Framework and Functional Plans." Staff agrees with this statement.

The criterion has been met.

5) Whether the proposed change will promote or not interfere with the timely, orderly, and economic provisions of public facilities and services.

Access to the site is currently available from Highway 99W. Sanitary sewer service to the site is available on-site through Clean Water Services. Water service to the site is available in Highway 99W through the City of Tualatin. Storm drainage will be provided in accordance with Clean Water Services standards.

The criterion has been met.

6) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval.

This criterion is not applicable. The subject site is already within the Metro Service District Boundary and within the Urban Growth Boundary. The criterion does not apply.

7) Consistency with other applicable criteria for the boundary change in question under state and local law.

One item in the TDC and two items in ORS Chapter 222 apply to annexations.

TDC 4.050(21) states, "Territories to be annexed shall be in the Metro Urban Growth Boundary."

The territory to be annexed is currently within the existing Metro Urban Growth Boundary. The criterion has been met.

ORS 222.111(1) states, “When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.”

The subject property is not currently within a city. The property proposed for annexation is contiguous to Tualatin on two sides.

This criterion has been met.

ORS 222.520(1) states, “Whenever a part less than the entire area of a district named in ORS 222.510 becomes incorporated as or annexed to a city in accordance with law, the city may cause that part to be withdrawn from the district in the manner set forth in ORS 222.120 or at any time after such incorporation or annexation in the manner set forth in ORS 222.524. Until so withdrawn, the part of such a district incorporated or annexed into a city shall continue to be a part of the district.”

The subject territory is in the Washington County Enhanced Sheriff Patrol District and the Washington County Urban Road Maintenance District. As part of this annexation, the subject territory will be withdrawn from the Enhanced Sheriff Patrol District and the Urban Road Maintenance District. Police services will be provided by the City of Tualatin. Because the proposed boundary change is consistent with state and local law, this criterion is met.

B. Metro 3.09.050(g) states that, “Only territory already within the defined Metro Urban Growth Boundary at the time a petition is complete may be annexed to the city or included in territory proposed for incorporation into a new city.”

The subject property (2S1 15C Tax Lot 2101, 2202, and 2300 and adjoining SW Pacific Highway ROW) is currently within Metro’s Urban Growth Boundary at the time the petition for annexation was filed on January 10, 2014.

The criterion has been met.

C. Conclusion

Based on the application and the above analysis and findings, the approval criteria of Metro Code 3.09.050(d), the Tualatin Development Code, and Oregon Revised Statutes have been met.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Sean Brady, City Attorney

DATE: 04/14/2014

SUBJECT: Consideration of **Ordinance No. 1373-14** to Prohibit Medical Marijuana Facilities from Locating in Tualatin until May 1, 2015

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1373-14 to prohibit medical marijuana facilities from locating in Tualatin until May 1, 2015. The current medical marijuana facility prohibition has a sunset clause that ends on December 31, 2014. This ordinance would extend that sunset clause to May 1, 2015.

RECOMMENDATION:

Staff recommends City Council consider this ordinance.

EXECUTIVE SUMMARY:

During the March 24, 2014 City Council Work Session, a majority of the City Council directed staff to return with an ordinance for consideration that would extend the City's current prohibition on medical marijuana facilities to May 1, 2015. The City currently prohibits medical marijuana facilities, but that prohibition has a sunset clause that ends on December 31, 2014. The proposed ordinance would extend the sunset clause date to May 1, 2015.

During the 2013 Special Legislative Session, the Oregon Legislature enacted HB 3460 (2013) to establish state registration of medical marijuana facilities. HB 3460 (2013) also provided immunity from state criminal law prosecution to persons responsible for or employed by a state registered facility that dispenses medical marijuana to medical marijuana cardholders.

On February 24, 2014, the City Council enacted Ordinance No. 1368-14 to prohibit medical marijuana facilities from operating within the City of Tualatin until such time as the City Council can review and enact adequate zoning regulations. Ordinance No. 1368-14 contained a sunset clause of December 31, 2014, after which time the medical marijuana prohibition would automatically be lifted.

After the City enacted Ordinance No. 1368-14, the Oregon Legislature enacted SB 1531 (2014), which permits cities and counties to enact a moratorium on medical marijuana facilities within their jurisdictions, provided the moratorium ends on May 1, 2015. SB 1531 (2014) also provides

that a person who is responsible for or employed by a state registered medical marijuana facility located in a city or county jurisdiction that enacted a moratorium is not immune from state law prosecution during the moratorium period.

The proposed ordinance would extend the sunset clause date in Ordinance No. 1368-14 to May 1, 2015 to match the moratorium date in SB 1531 (2014).

Attachments: Med Marijuana Amend Date

ORDINANCE NO. 1373-14

AN ORDINANCE RELATING TO MEDICAL MARIJUANA FACILITIES;
AMENDING ORDINANCE NO. 1368-14; AND DECLARING AN EMERGENCY

WHEREAS, during the 2013 Special Session, the Oregon Legislature enacted HB 3460, which allows for the establishment and licensing of medical marijuana facilities; and

WHEREAS, on or about February 24, 2014, the Tualatin City Council enacted Ordinance No. 1368-14 (Tualatin Municipal Code Chapter 9-08) to prohibit medical marijuana facilities from operating within the City of Tualatin until such time as the City Council can review and enact adequate zoning regulations; and

WHEREAS, Ordinance No. 1368-14 provides that the prohibition on medical marijuana facilities is to end on December 31, 2014;

WHEREAS, after the City Council adopted Ordinance No. 1368-14, the Oregon Legislature enacted SB 1531 (2014) which permits cities and counties to enact a moratorium on medical marijuana facilities within their jurisdiction, provided the moratorium ends on May 1, 2015 and provides that a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that prohibits the operation of a medical marijuana facility is not immune from state law prosecution during the moratorium period; and

WHEREAS, pursuant to Article XI, section 2 of the Oregon Constitution, the City of Tualatin has "home rule" authority over the civil affairs of its City; and

WHEREAS, the City Council believes that the operation of medical marijuana facilities without proper zoning regulations endangers the health, safety, and welfare of its citizens;

NOW THEREFORE, THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Section 4 of Ordinance No. 1368-14 is amended as follows:

Ordinance Automatically Expires. This ordinance automatically expires and is to be deemed repealed at 11:59:59 p.m. on ~~December 31, 2014~~ May 1, 2015, unless sooner repealed or extended by City Council ordinance.

Section 2. Except to the extent modified by this Ordinance, Ordinance No. 1368-14 remains in full force and effect.

Section 3. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent

jurisdiction, the remainder of this ordinance shall remain in full force and effect.

Section 4. Emergency. This ordinance is necessary for the immediate protection of the public peace, health, safety and welfare and shall take effect immediately upon adoption.

Adopted by the City Council this _____ Day of _____, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder