



City of Tualatin

TUALATIN CITY COUNCIL

Monday, October 13, 2014

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

EXECUTIVE SESSION begins at 5:30 p.m.

WORK SESSION begins at 6:30 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 your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be 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. New Employee Introduction: Corey Bingham, Building Inspector II
2. Tualatin Youth Advisory Council Update for October 2014
3. West Coast Giant Pumpkin Regatta Announcement

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent 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 ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, 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 September 22, 2014 and Special City Council Meeting of September 29, 2014
2. Consideration of **Resolution No. 5206-14** Authorizing Intergovernmental Agreements (IGAs) with Tualatin Valley Water District and the City of Portland to Design and Construct an Emergency Water System Pump Station

E. SPECIAL REPORTS

1. 2013-14 Annual Report of the Tualatin Arts Advisory Committee (TAAC)

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Resolution 5207-14** Authorizing the Execution of an Annexation Agreement with Gary L. and Judith A. Kilgore ("Owners") to Govern the Annexation of 0.39 of an Acre of Land Located at 22475 SW Boones Ferry Road (Tax Map 2S1 35BA, Lot 600)

G. PUBLIC HEARINGS – *Quasi-Judicial*

1. Consideration of a Petition for Annexation of a Property Known as the Kilgore Property Located at 22475 SW Boones Ferry Road

H. 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.

I. COMMUNICATIONS FROM COUNCILORS

J. ADJOURNMENT

City Council Meeting


Meeting Date: 10/13/2014

ANNOUNCEMENTS: Tualatin Youth Advisory Council Update

ANNOUNCEMENTS

Tualatin Youth Advisory Council Update for October 2014

A. YAC Update



October 13, 2014



TUALATIN YOUTH ADVISORY COUNCIL

West Coast Giant Pumpkin Regatta



- October 18, 2014
- 10:00am – 4:00pm
- Concessions – food provided by Whole Foods Market
- Pumpkin crafts
- Face painting
- Pumpkin bowling



Haunted House

- October 22, 23, 24, 25
- 7:00pm-10:00pm
- Van Raden Community Center
- \$4 youth/\$5 adults



The Doll House

National League of Cities Congress of Cities

- November 19-22
- Austin, TX
- Thank you Mayor Ogden for your fundraising efforts!
- PGE
- Republic Services
- Comcast



NATIONAL
LEAGUE
of CITIES | CONGRESS
OF CITIES
AND EXPOSITION
AUSTIN, TX | 2014



NOVEMBER 18-22, 2014 | AUSTIN CONVENTION CENTER

City Council Meeting

Meeting Date: 10/13/2014

ANNOUNCEMENTS: West Coast Giant Pumpkin Regatta Announcement

ANNOUNCEMENTS

West Coast Giant Pumpkin Regatta Announcement

A. Regatta Announcement



SATURDAY, OCTOBER 18, 2014, 10AM-4PM
THE LAKE OF THE COMMONS • 8325 SW NYBERG STREET, TUALATIN, OREGON

City of Tualatin
WHOLE FOODS
PEMCO Insurance
NEW SEASONS MARKET
TOYOTA
Pacific GIANT Vegetable Growers
TUALATIN COMMONS

PUMPKIN GARDING • 5K REGATTA RUN • STROLLING ENTERTAINMENT • KIDS CRAFTS
COSTUME CONTEST • MUSIC • T-SHIRTS • HOT FOOD • DRINKS • AND MORE!
FREE ADMISSION • WWW.TUALATINOREGON.GOV • RAIN OR SHINE

11TH ANNUAL WEST COAST GIANT PUMPKIN REGATTA

Saturday, October 18, 2014
Lake at the Tualatin Commons
10:00am-4:00pm

Giant Pumpkin Races * 5k
Regatta Run* Terminator
Weigh Off * Music * Family
Entertainment * Pie Eating
Contests * Costume Contests
* Crafts * Food * and more!

Rain or Shine!



15TH ANNUAL TERMINATOR WEIGH OFF!





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Nicole Morris, Deputy City Recorder

DATE: 10/13/2014

SUBJECT: Consideration of Approval of the Minutes for the City Council Work Session and Regular Meeting of September 22, 2014 and Special City Council Meeting of September 29, 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 September 22, 2014 and Special City Council Meeting of September 29, 2014.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of September 22, 2014](#)
[City Council Meeting Minutes of September 22, 2014](#)
[Special City Council Meeting Minutes of September 29, 2014](#)



OFFICIAL MINUTES OF TUALATIN CITY COUNCIL WORK SESSION SEPTEMBER 22, 2014

Present: Council President Monique Beikman; Councilor Wade Brooksby; Councilor Frank Bubenik; Councilor Joelle Davis; Councilor Nancy Grimes; Councilor Ed Truax

Absent: Mayor Lou Ogden

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Kent Barker; Finance Director Don Hudson; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Project Engineer Dayna Webb; Maintenance Services Division Manager Clayton Reynolds; Economic Development Manager Ben Bryant; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson

CALL TO ORDER

Council President Beikman called the meeting to order at 6:45 p.m.

1. ***Tax on Marijuana and Marijuana-Infused Products.***

Discussion moved to regular meeting.

2. ***Council Meeting Agenda Review, Communications & Roundtable.***

Councilor Bubenik asked about the status of the clean-up of the Riverhouse lot. City Manager Lombos stated fences are being removed and discussions over the remainder of the clean-up are still taking place. Councilor Bubenik also asked about the status of the road construction near Fred Meyer. Assistant City Manager Cannon stated she would need to get back to him with an answer.

ADJOURNMENT

The work session adjourned at 6:47 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING SEPTEMBER 22, 2014

Present: Mayor Lou Ogden- via phone; Council President Monique Beikman; Councilor 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; Community Services Director Paul Hennon; Finance Director Don Hudson; Deputy City Manager Sara Singer; Deputy City Recorder Nicole Morris; Project Engineer Dayna Webb; Maintenance Services Division Manager Clayton Reynolds; Economic Development Manager Ben Bryant; Assistant City Manager Alice Cannon; Library Manager Jerianne Thompson

A. CALL TO ORDER

Pledge of Allegiance

Council President Beikman called the meeting to order at 7:04 pm.

B. ANNOUNCEMENTS

1. New Employee Introduction: Corey Bingham, Building Inspector II

Moved to next meeting.

2. Proclamation Declaring October 3, 2014, National Manufacturing Day in the City of Tualatin

Councilor Brooksby read the proclamation declaring October 3, 2014 as National Manufacturing Day in the City of Tualatin.

C. CITIZEN COMMENTS

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D. CONSENT AGENDA

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then voted upon by roll call under one motion.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Joelle Davis 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 September 8, 2014
2. Consideration of **Resolution No. 5211-14** Awarding the Bid for the Interior & Exterior Maintenance Painting of Norwood B-1 Reservoir
3. Consideration of **Resolution No. 5210-14** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5204-14
4. Consideration of Recommendations from the Council Committee on Advisory Appointments
5. Consideration of Approval of a New Liquor License Application for Pieology Pizzeria
6. Consideration of **Resolution No. 5213-14** Authorizing Execution of an Intergovernmental Agreement Between the City of Tualatin and the State of Oregon for the Tualatin River Greenway Gap Completion Project

E. SPECIAL REPORTS

1. Summer Programs Review & Fall Programs Preview

Library Manager Jerianne Thompson and Teen Program Specialist Julie Ludemann presented the 2014 summer programs review and fall programs preview. Both spoke to successes in the Summer Reading programs and Youth Summer Camps. Concerts and Movies on the Commons were highly attended again this year. Art activities included the installation of the Lazy River and ArtSplash event. Teen volunteers contributed over 3,000 hours to the TEAM Tualatin program and the library this summer. The Police Department hosted National Night Out, Gang Resistance and Education Training, car seat clinics, Click It or Ticket, and prescription drug take back events. Recreation partners including the Tualatin Heritage Center, Browns Ferry Park and the Tualatin Crawfish Festival all hosted many successful events.

This fall the Library will be hosting Hispanic Heritage month, Grave Matters, and Dia de los Muertos. Upcoming fall events at the Juanita Pohl Center include Oktoberfest, Veteran's recognition, and computer classes. The Community Services department will hold the annual West Coast Giant Pumpkin Regatta and the Youth Advisory Committee (YAC) will hold a Haunted House.

Council President Beikman thanked the Community Services staff for all their hard work and dedication to the City.

2. Tualatin Chamber of Commerce Annual Report

Tualatin Chamber of Commerce Director Linda Moholt presented the Chamber's annual report. Ms. Moholt spoke to the four core competencies of the Chamber. The first competency, creating a strong local economy, was supported by continuing to advocate for the Tualatin Shuttle. The shuttle continues to be a success and will be transitioned to Ride Connection starting in October. The Chamber continues to remain focused on business retention and expansion. Business walks were developed to support this competency and promote a sense of community amongst businesses. The second competency, promoting the community, was accomplished through the support of several events including the Tualatin Crawfish Festival, the home show, and the Regatta Run. The third competency, providing networking opportunities to build relationships, was supported by the holding of 14 ribbon cuttings and 60 networking events this year. Networking events include AM Networking, Thrive! Education Breakfasts, Women in Networking, and the Young Professionals of Tualatin. The last competency to represent the interests of business with government led to the creation of the Business Advocacy Council (BAC). The BAC was formed to advocate for local, regional and statewide issues affecting area business.

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Resolution No. 5212-14** Adopting Findings in Support of an Exemption from Bidding and Authorizing the City Manager to Enter into a Direct Negotiation Contract with Cardno for Design and Construction Administration Services for the Tualatin River Greenway Trail Gap Completion Project

Community Services Director Paul Hennon presented a resolution to authorize the City Manager to enter into a direct negotiation contract with Cardno for design and construction administration services for the Tualatin River Greenway Trail Gap Completion Project. The State of Oregon and the City of Tualatin public contracting rules allow for exemptions from bidding when certain requirements have been met. It has been deemed that this project meets those requirements as a substantial cost savings will occur and will not diminish competition. Director Hennon noted the City has a pre-qualified pool of consultants that have been competitively selected for this type of work and Cardno is on the list. Cardno has intimate knowledge of this project as they worked with CenterCal to complete the largest piece of this trail on the Nyberg Rivers site. Director Hennon covered the risks associated with this project if an exemption is not granted.

PUBLIC COMMENT

None

COUNCIL DISCUSSION/DELIBERATION

None

MOTION by Councilor Ed Truax, **SECONDED** by Councilor Nancy Grimes to adopt Resolution No. 5212-14 adopting findings in support of an exemption from bidding and authorizing the City Manager to enter into a direct negotiation contract with Cardno for design and construction administration services for the Tualatin River Greenway Trail Gap Completion Project.

Vote: 6 - 0 MOTION CARRIED

G. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Ordinance 1376-14** an Ordinance Establishing a Tax on the Sale Of Marijuana and Marijuana-Infused Products in the City Of Tualatin; and Establishing New Tualatin Municipal Code Chapter 13-01

Mayor Ogden called in via phone at 7:50 pm.

PUBLIC COMMENT

None

COUNCIL DELIBERATIONS

None

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Wade Brooksby to amend section 13-01-030(1)(a) to read "up to five percent" and 13-01-030(1)(b) to read "up to ten percent".

DISCUSSION ON THE MOTION

Mayor Ogden would like to have the ordinance read "at a rate to be determined." He does not feel comfortable assigning a rate at this time.

Councilor Brooksby asked if not assigning a rate tonight would affect the Council's ability to assign a rate in the future. City Attorney Brady stated the Council could add language "at a rate to be determined" and pass the rate by resolution at a later date.

Councilor Bubenik withdrew his motion.

MOTION by Councilor Frank Bubenik, SECONDED by Councilor Nancy Grimes to amend section 13-01-030 (1) to read:

- (a) At a rate to be determined by Council resolution of the gross sales amount paid to the seller by a registry identification cardholder; and
- (b) At a rate to be determined by Council resolution of the gross sale amount paid to the seller of marijuana by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program

Vote: 7 - 0 MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik for first reading by title only.

Vote: 6 - 1 MOTION CARRIED

Nay: Councilor Ed Truax

Councilor Truax stated his no vote is not opposing the tax but is related to his concerns over potential litigation.

A Special City Council meeting to further discuss this ordinance was scheduled for September 29, 2014 at 5:30 pm. Mayor Ogden and Councilor Davis will call in for the meeting.

H. 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.

I. COMMUNICATIONS FROM COUNCILORS

Councilor Davis stated the Washington County Human Rights Council is seeking elected officials to serve on an advisory board. If you are interested in serving on the board let her know.

J. ADJOURNMENT

Council President Beikman adjourned the meeting at 8:06 pm.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN SPECIAL CITY COUNCIL MEETING FOR SEPTEMBER 29, 2014

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

Absent: Councilor Ed Truax

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Deputy City Recorder Nicole Morris

A. CALL TO ORDER

Pledge of Allegiance

Council President Beikman called the meeting to order at 5:34 pm.

B. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. 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.

1. Consideration of **Ordinance 1376-14** an Ordinance Establishing a Tax on the Sale Of Marijuana and Marijuana-Infused Products in the City Of Tualatin; and Establishing New Tualatin Municipal Code Chapter 13-01

CITIZEN COMMENT

Mandy Puckett spoke to concerns regarding marijuana edibles. She urged all citizens to vote no on Measure 91.

Bob Doyle, Colorado Public Health Official, spoke to concerns regarding the ability for youth to easily conceal marijuana based on its availability in many different forms.

Council President Beikman asked Mr. Doyle how many cities in Colorado had banned dispensaries. Mr. Doyle stated more than 200 have a moratorium on retail operations.

Bob Dent stated he is here to help educate Oregon voters on the details of Measure 91. He urged citizens to keep dispensaries out of their communities.

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Frank Bubenik for second reading by title only.

Vote: 6 - 0 MOTION CARRIED

MOTION by Councilor Wade Brooksby, SECONDED by Councilor Frank Bubenik to adopt Ordinance 1376-14 establishing a tax on the sale of marijuana and marijuana-infused products in the City of Tualatin; and establishing new Tualatin Municipal Code Chapter 13-01.

Vote: 6 - 0 MOTION CARRIED

C. ADJOURNMENT

Council President Beikman adjourned the meeting at 5:55 pm.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

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

DATE: 10/13/2014

SUBJECT: Consideration of **Resolution No. 5206-14** Authorizing Intergovernmental Agreements (IGAs) with Tualatin Valley Water District and the City of Portland to Design and Construct an Emergency Water System Pump Station

ISSUE BEFORE THE COUNCIL:

Authorize the City Manager to execute two Intergovernmental Agreements with Tualatin Valley Water District (TVWD) and the City of Portland (COP) for the design and construction of an emergency water system pump station.

RECOMMENDATION:

Staff recommends Council consider the two Intergovernmental Agreements for the design and construction of an emergency water system pump station.

EXECUTIVE SUMMARY:

The City of Tualatin currently buys water from the City of Portland. The main source of Tualatin water is from the Washington County Supply Line. A natural or human-caused disaster could occur that could disconnect the City's supply of water from that supply line, causing an emergency situation.

The IGAs would authorize the City to contribute costs toward the construction of an emergency pump station at the Tualatin Valley Water District (TVWD) line located near SW Beaverton-Hillsdale Highway and SW Oleson Road (see attached map). This line provides City of Portland water to TVWD customers. The existing vault at this location houses piping and a meter owned by the City of Portland that serves TVWD. Once completed, the emergency pump station would provide another source of Portland water if the Washington County Supply Line were adversely impacted. Completion of the project enhances the City's ability to receive Portland water even in an emergency situation. and provides redundancy to the City's water source. The line would only provide water from the City of Portland.

The Council approved the IGA for the planning portion of this project in May 2013. It was determined during this phase that the project scope would include the purchase of two pumps/trailers for this operation to be mobilized in an emergency situation. The pumps have

the ability to provide 5 million gallons per day (mgd) of water capacity. This is sufficient capacity given that the City currently averages 3.7 mgd during the winter months and 5.9 mgd in the summer months. This would allow a connection to TVWD's water system in the event that Tualatin is unable to obtain Bull Run water through the Washington County Supply Line.

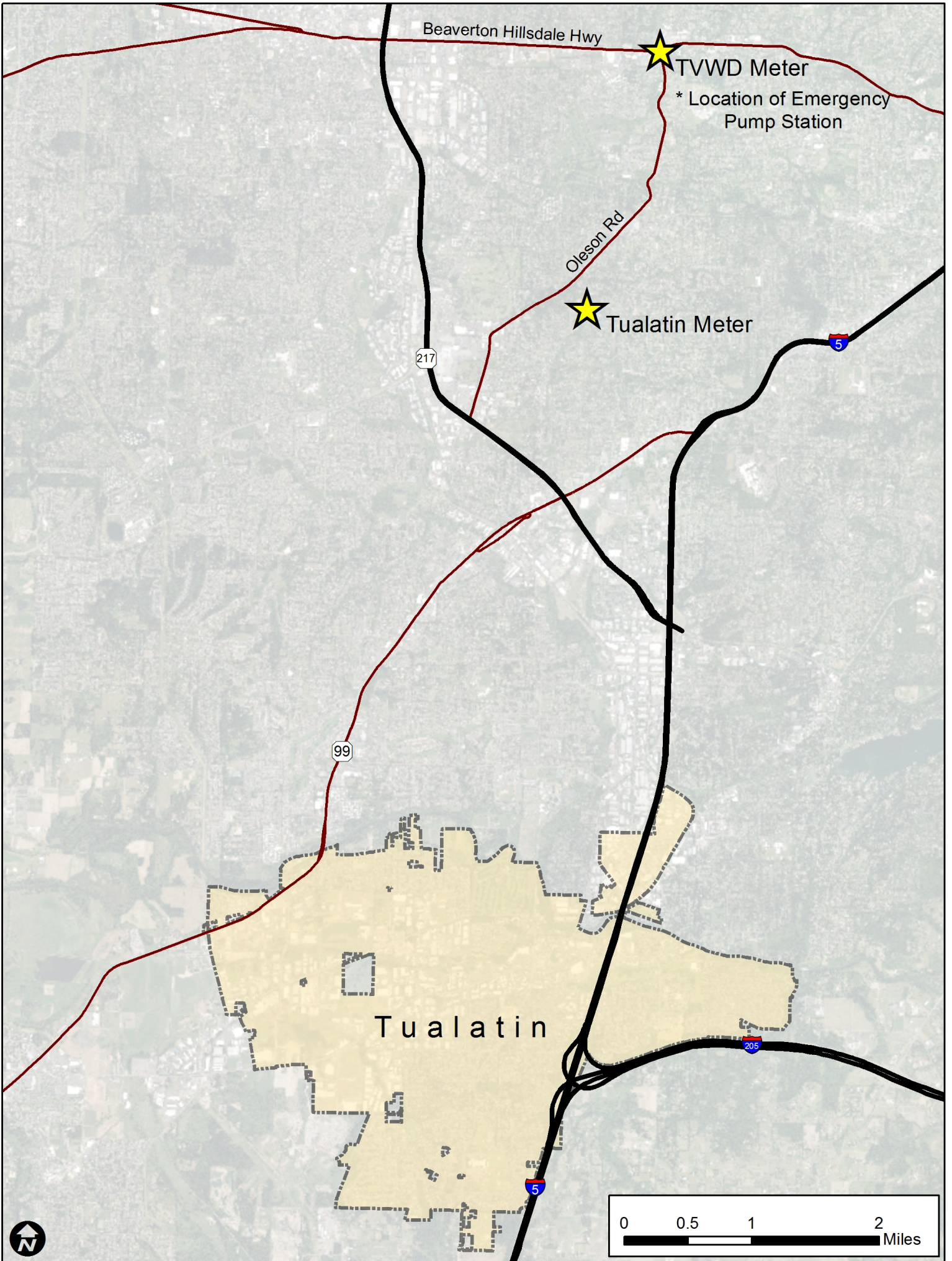
These two IGAs allocate cost sharing for the final design and construction of the project. Another agreement will be necessary for operations/maintenance of this facility. All of the entities are still working on the language for this IGA.

FINANCIAL IMPLICATIONS:

The cost share for each entity is specifically shown as Appendix A of the Construction IGA. The total cost to the City of Tualatin for this project will be approximately \$670,000. This includes both final design and construction costs. This is over the amount originally budgeted for this project in the Water Operating Fund, but sufficient funds are available in the fund to cover the additional costs. Staff feels that this amount is warranted to be able to provide the City with potable water in an emergency situation.

Staff and TVWD are working together to determine on-going operation and maintenance costs. Those costs will be incorporated into an Operations/Maintenance IGA that will be considered by the Council at a future date.

Attachments: A. Vicinity Map
 B. Resolution No. 5206-14
 C. Final Design IGA
 D. Construction IGA
 E. PowerPoint



Beaverton Hillsdale Hwy



TVWD Meter

* Location of Emergency Pump Station

Oleson Rd



Tualatin Meter

217

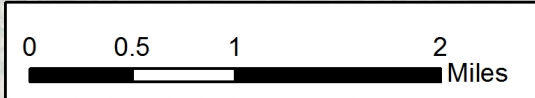
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Tualatin

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RESOLUTION NO. 5206-14

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE INTERGOVERNMENTAL AGREEMENTS WITH TUALATIN VALLEY WATER DISTRICT AND THE CITY OF PORTLAND FOR AN EMERGENCY WATER SYSTEM INTERTIE

WHEREAS, Tualatin Valley Water District (TVWD) has sources of water from the City of Portland and the Joint Water Commission; and

WHEREAS, Portland has its source water from the Bull Run system and the Columbia South Shore Well Field; and

WHEREAS, the City of Tualatin is a wholesale water purchaser from Portland; and

WHEREAS, TVWD and Tualatin wish to design, construct and operate a 10 mgd emergency pump station to create an emergency water supply connection between TVWD's Joint Water Commission water source and its Metzger Service Area and Tualatin; and

WHEREAS, the 5 mgd that Tualatin can receive through this water connection can be used to supply water to the citizens of Tualatin during an emergency situation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Manager is authorized to execute the final design and construction Intergovernmental Agreements.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 13th day of October, 2014.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("IGA") is effective upon day of its last signature by and between Tualatin Valley Water District, a domestic water supply water district organized under ORS Chapter 264 ("TVWD"), the City of Portland, a municipal corporation ("Portland"), and the City of Tualatin, a municipal corporation ("Tualatin").

RECITALS

The parties are duly authorized and formed by City Charter and under the laws of the State of Oregon and are authorized to enter into agreements to provide for domestic water service.

TVWD presently has sources of water from the City of Portland and the Joint Water Commission ("JWC"). Portland has its source of water from the Bull Run system and the Columbia South Shore Well Field. Tualatin is a wholesale water purchaser from Portland.

TVWD and Tualatin wish to design and construct a 10 mgd emergency pump station to create an emergency water supply connection between TVWD's JWC water source and its Metzger Service Area and Tualatin.

TVWD believes that the station would best be located in an existing vault located near SW Beaverton Hillsdale Highway and SW Scholls Ferry Road. The vault currently houses piping and a meter owned by the City of Portland. The meter serves to measure water deliveries from the Portland system to the TVWD system under their wholesale water agreement.

TVWD has solicited a proposal from consultants to provide services for design and construction of a 10 mgd pump station that would connect to the water piping system at the Portland's meter vault.

The parties acknowledge that the Portland meter has not for some time accurately measured the flow of water from Portland to TVWD and should be replaced with a revised piping design and a new meter. In addition, the parties recognize that the proposed modifications to accommodate the temporary pumping facilities will affect the accuracy and calibration of the existing meter.

The parties would be mutually benefited if the design and construction of TVWD's and Tualatin's pump station were coordinated with and proceeded at the same time as piping modifications to allow installation of a more accurate meter.

TVWD and Tualatin must have Portland's permission to alter the piping in the vault.

The parties therefore enter this agreement to participate in and jointly fund the design of altered vault piping, temporary pumping facilities, and new meter facilities at the vault. It

is currently anticipated that, at a minimum, the design will entail the installation of smaller pipe to hold the meter than currently is the case. It is also currently expected that pumping facilities will involve the use of temporary pumps, stored off-site, which shall be transported to the WCSL meter facility and connected using portable piping for operation if and when needed.

Now, therefore, the parties agree as follows:

1. Recitals. The recitals above are incorporated by reference and made a part of this Agreement.
2. Retention of Consultant. The parties shall negotiate and agree to a scope of work for a consultant to design all vault, pipe, pump, and meter facilities to accomplish their joint goals. If they agree to a scope of work, TVWD shall then negotiate a contract with a consultant, approved by all parties, to conduct the scope of work. Upon approval of the proposed contract and contract price by all parties, TVWD shall enter into a contract with the consultant for the work.
3. Implementation of Design Contract.
 - a. After preliminary engineering and evaluation of proposed modifications by the TVWD consultant acceptable to all parties, TVWD, Portland and Tualatin shall negotiate and seek to agree on the nature and general design of proposed facilities.
 - b. If the parties reach agreement on the nature and general design of modifications, TVWD shall direct its consultant to proceed to design. The parties shall regularly consult with each other and the TVWD consultant during the design process. At a minimum, all parties shall have full access to the consultant, consultant working papers, and design drafts and each party shall be provided full copies of 30%, 60%, and final design drawings and be given the opportunity to comment and consult thereon. Design shall not move from 30% to 60% or 60% to final without the agreement of all parties.
 - c. The parties agree that each shall pay a share of the design consultant expenses, with all shares adding to 100% of the costs.
 - TVWD and Tualatin shall pay all costs of design work related to the pump station and piping modifications required by the pump station.
 - Portland shall pay the cost of design work related to meter installation and piping modification required for meter installation.

- The parties shall share the costs tied to both purposes, based on percentages determined to be fair and equitable by TVWD's design consultant taking into account the parties to benefit by the consultant's work.
 - In all cases, allocations of individual or joint costs shall be made by the design consultant and shall not be subject to review or challenge by the parties.
- d. The TVWD design consultant shall be directed periodically to invoice TVWD for its work with invoices showing the respective shares of the parties as provided for in this Agreement.

TVWD shall invoice Portland and Tualatin for their respective shares as progress payment requests from TVWD's design consultant are received. Portland and Tualatin shall pay the amount of the invoice within 30 days of receipt of an invoice from TVWD. Tualatin and Portland shall not pay the consultant directly.

If there is a dispute of the amount due, Portland and Tualatin shall pay the undisputed amount and the disputed amount shall be resolved through Section 11 below.

Invoices submitted to Portland shall be submitted electronically to wbaps@portlandoregon.gov. The invoice shall contain the City of Portland's Contract Number and include Portland's Project Manager's name included in this Agreement. In no case shall Portland be obligated to pay more than \$40,000 under this Agreement.

Invoices submitted to Tualatin shall be submitted electronically to khofmann@ci.tualatin.or.us

4. Next Steps. If all parties agree to final design of the pump and meter facilities, they shall in good faith endeavor thereafter to negotiate and enter a subsequent agreement for the joint funding and construction of the project as designed. Prior to entering into a subsequent agreement, all parties shall be required to follow their own council and procurement processes for further authority to enter into an agreement and authorize funding. No party, however, by entering into this Agreement is required or contractually bound to enter into such subsequent agreement.

5. Program and Project Managers. Stewart Davis of TVWD will be the program manager and responsible for all direction to the TVWD design consultant. Portland designates Stan VandeBergh as its project manager, and Tualatin designates Kaaren Hofmann as its project manager.

6. Compliance with Law. TVWD shall be solely responsible to comply with all state statutes and rules regarding the contract with the Consultant and the general contractor.

7. Documents. Each party shall provide water system related documents and information as reasonably necessary in order for the TVWD design consultant to perform its work hereunder. Each party shall receive any interim, draft and final reports or recommendations produced by the TVWD design consultant, and each party may submit, within a reasonable time, comments or recommendations on the design consultant products. Any request shall be met within a reasonable period of time. Each party may request and is entitled to receive copies of any materials obtained or produced by the TVWD design consultant under its contract with TVWD.

8. Confidentiality. Except as required by law, disclosure of any information designated as "for non-disclosure" or "confidential" that has or shall be gathered and provided to Tualatin, Portland and TVWD as part of this project shall be a breach of the terms of this Agreement. All parties agree to make provisions to secure all project records designated "for non-disclosure" or "confidential" including drafts. The parties shall impose these same requirements on all employees, agents, other firms and their employees participating in the project may obtain injunctive relief to prevent disclosure. Jurisdiction and venue shall be in the Circuit Court of the State of Oregon for the County of Washington.

9. Records Maintenance; Access. The parties shall maintain all records relating to this Agreement in such a manner as to clearly document performance. Each party and its duly authorized representatives shall have access to records to substantiate performance, including fiscal records and other books, documents, papers, plans and writings of the other parties that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts upon not less than two (2) business days' prior written notice. The parties shall retain and keep accessible all records related to performance, fiscal records, books, documents, papers, plans and writings as required by Oregon Public Records Laws, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.

10. Indemnity. To the fullest extent permitted by the Oregon Constitution, laws of the State of Oregon regarding units of local government and subject to the monetary limits of ORS 30.260 – 30.300, each party agrees to indemnify, defend and hold the others harmless from any liability claim or injury arising from that party's negligence in connection with the performance of this Agreement.

11. Insurance. Contract documents with the TVWD's design consultant shall require that the consultant obtain, prior to beginning any work, and shall maintain in full force and effect for the term of the contract at the design consultant's expense, comprehensive general liability to include bodily injury and property damage on a combined single limit per occurrence aggregate basis; automobile liability with a combined single limit coverage to include bodily injury and property damage; and other

professional liability insurance in the amounts not less than what TVWD requires for work similar to the work being performed under TVWD's contract with the design consultant. The named insured on any policy (except the professional liability policy) shall be the TVWD design consultant, the City of Portland, City of Tualatin, and Tualatin Valley Water District. The TVWD design consultant shall name City of Portland, City of Tualatin and TVWD their elected appointed officials, officers, agents, employees and volunteers as additional insureds. The policy shall be primary to and not contributory with any insurance or self-insurance carried by the Parties and issued by a company authorized to do business in the State of Oregon. The TVWD design consultant shall provide TVWD written notice within 30 days of cancellation or material modification of the insurance contract at the addresses listed below. The TVWD design consultant shall provide certificates of insurance and additional insured policy endorsement to TVWD prior to commencement of any work under the contract. If requested, complete copies of insurance policies shall be provided to City of Portland, City of Tualatin, and TVWD. The TVWD design consultant shall be financially responsible for all pertinent deductibles, self-insured retention and or self-insurance used to satisfy these requirements.

12. Term. This Agreement shall expire upon approval by all parties of final design of the facilities or November 30, 2014, whichever occurs first. This Agreement may be extended or terminated by the parties by mutual agreement. Any party may terminate this Agreement upon its declaration that, after good faith negotiations with all other parties, it is unable or unwilling to grant interim approvals or reach interim agreements required herein (for instance, approval of scope of work, contract documents, design stages). Upon any such termination, each party shall each pay its respective share of the costs of consultant work completed prior to termination. The party terminating the Agreement shall be excused from payment for any TVWD's design consultant's work or any other work associated with this project and occurring after it terminates this Agreement.

13. Breach, Default and Disputes. If any Party breaches any covenant hereunder, any non-breaching party may seek all remedies available at law or equity or may revoke this agreement upon giving thirty (30) days' written notice of the alleged breach. If the breach is not cured within that time, the non-breaching party may send a second notice terminating this Agreement immediately, and the Agreement shall be terminated unless the disputing parties request dispute resolution in writing. Upon notice of a desire for dispute resolution the following process shall apply:

- A. The Chief Executive Officer of TVWD, the Administrator of the Portland Water Bureau, and the City Manager of Tualatin shall meet in an effort to resolve the matter within 30 days of the notice.
- B. If resolution is unsuccessful, then within ten (10) days any party may request mediation. If the parties cannot agree on a mediator, they shall use Arbitration Services of Portland, Oregon, to select a mediator. Mediation shall be concluded within sixty (60) days unless the

disputing party agrees to a different schedule. If resolved, a written agreement shall be executed and approved by the appropriate decision maker.

C. If mediation is unsuccessful, within fifteen (15) days, any party may seek any legal or equitable remedy in the Circuit Court of the State of Oregon for Washington County.

D. Attorney Fees. If any suit, action, arbitration, mediation or other proceeding is instituted to enforce rights or otherwise pursue, defend, or litigate issues related to this Agreement, or any other controversy arises from this Agreement, and regardless of any statute to the contrary, each party shall bear its own attorneys fees and costs. The award of costs and expenses on appeal from a judgment entered after trial shall be to the prevailing party designated as such by the appeals court.

14. Notices. Notices shall be written and sent by first class mail, postage prepaid, to the following addresses:

Stu Davis, P.E.
Tualatin Valley Water District
1850 SW 170th Avenue
Beaverton, OR 97006

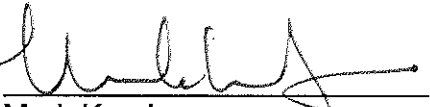
Stan VandeBergh, P.E.
City of Portland Water Bureau
1120 Southwest 5th Ave., #600 Portland, OR 9720

Kaaren Hofmann, P.E.
Engineering Manager
City of Tualatin
18880 SW Martinazzi Avenue
Tualatin, OR 97062

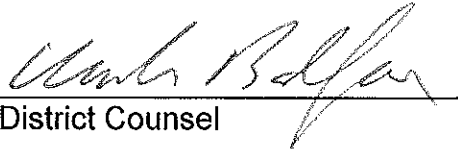
15. Successors and Assigns. The terms and conditions of this Agreement shall be binding upon any and all successors and assigns of the Parties.

In witness hereof, the parties have executed this Intergovernmental Agreement on the day and year first written above.

TUALATIN VALLEY WATER DISTRICT

By: 
Mark Knudson,
Chief Executive Officer

Approved As To Form:


District Counsel

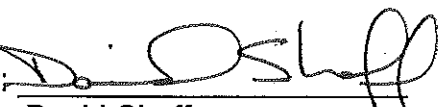
CITY OF TUALATIN

By: _____
Sherilyn Loumbos,
City Manager


Approved As To Legal Form:

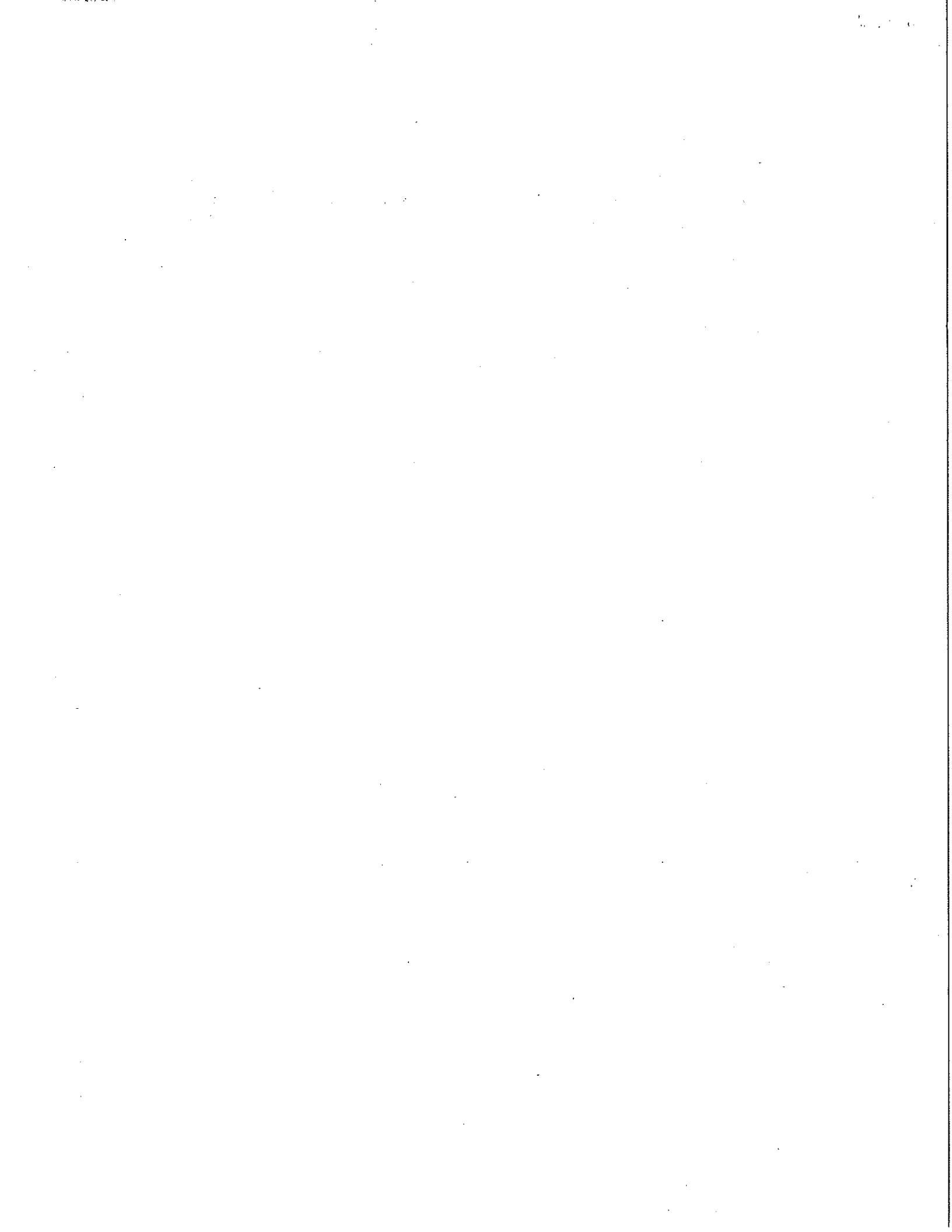
City Attorney, City of Tualatin

CITY OF PORTLAND

By: 
David Shaff
Administrator, Water Bureau

Approved As To Form:


City City Attorney, City of Portland



INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (“IGA”) is effective upon the day of its last signature, by and between Tualatin Valley Water District, a domestic water supply water district organized under ORS Chapter 264 (“TVWD”), the City of Portland, a municipal corporation (“Portland”), and the City of Tualatin, a municipal corporation (“Tualatin”). These entities may also be referred to herein as “Party” or “Parties”.

RECITALS

1. The Parties are duly authorized and formed by City Charter and under the laws of the State of Oregon and are authorized to enter into agreements to provide for domestic water service.
2. TVWD presently has sources of water from the City of Portland and the Joint Water Commission (“JWC”). Portland has its source of water from the Bull Run system and the Columbia South Shore Well Field. Tualatin is a wholesale water purchaser from Portland.
3. TVWD and Tualatin wish to design and construct a 10 mgd emergency pump station to create an emergency water supply connection between TVWD’s JWC water source and its Metzger Service Area and Tualatin.
4. TVWD believes that the station would best be located in an existing vault located near SW Beaverton Hillsdale Highway and SW Scholls Ferry Road. The vault currently houses piping and a meter owned by the City of Portland. The meter serves to measure water deliveries from the Portland system to the TVWD system under their Regional Water Sales Agreement.
5. The Parties acknowledge that the Portland meter has not for some time accurately measured the flow of water from Portland to TVWD and should be replaced with a revised piping design and a new meter. In addition, the Parties recognize that the proposed modifications to accommodate the temporary pumping facilities may affect the accuracy and calibration of the existing meter.
6. TVWD has solicited a proposal from consultants to provide services for design and construction of a 10 mgd emergency pump station that would connect to the water piping system at the Portland meter vault. In addition, at Portland’s request TVWD has solicited a proposal from consultants to provide services for design and construction of modifications to provide for a more accurate metering facility. Sharing of the design costs has been delineated in a previous IGA that is being processed concurrent with this IGA. Appendix A provides a summary of the contracted costs for the engineering design services and service during construction, contractor bid cost and the allocation of cost to each Party of this IGA.

7. The Parties would be mutually benefited if the construction of TVWD's and Tualatin's pump station were coordinated with and proceeded at the same time as piping modifications to allow installation of a more accurate meter.

8. TVWD and Tualatin acknowledge they must have the City's permission to alter the piping in the vault.

9. The Parties therefore enter this agreement to participate in and jointly fund the construction of altered vault piping, temporary pumping facilities, and new meter facilities at the vault. It is currently anticipated that, at a minimum, the design will incorporate the installation of smaller pipe to hold the meter running parallel to the existing piping that will remain in the vault, but will be placed in an "out of service" mode. It is also expected that pumping facilities will involve the use of trailer mounted, engine driven temporary pumps, stored off-site, which shall be transported to the WCSL meter facility and connected using portable piping for operation if and when needed.

TERMS AND CONDITIONS

Now, therefore, the Parties agree as follows:

1. Recitals. The recitals above are incorporated by reference and made a part of this agreement.

2. Retention of Contractor. The plans and specifications prepared by the design consultant ("Contract Documents") shall incorporate the altered vault piping, temporary pumping facilities, and new meter facilities agreed upon by TVWD, Portland and Tualatin to attain their joint goals. TVWD has solicited bids to perform the work specified in the Contract Documents.

3. Implementation of Construction Contract.

a. The construction cost for the TVWD/Tualatin construction and the Portland construction will be segregated by separate bid schedule or other method to clearly delineate that cost. Bids have been received and TVWD has entered into a contract with the lowest responsible bidder ("Contractor").

b. The Parties agree that each shall pay a share of the Contractor's construction cost, with all shares adding to 100% of the costs. TVWD and Tualatin shall each pay 50 percent of the costs of all construction work related to the pump station and piping modifications required by the pump station. Appendix A delineates the total authorized amount of cost for each party, including a 10 percent construction

contingency. Portland shall pay the cost of construction work related to meter installation and piping modification required for meter installation. The authorized amount of cost for metering modification for Portland, including a 10 percent construction contingency, is also shown in Appendix A. The TVWD Project Manager will notify the Parties to this IGA if a change to the work is required and the increased cost amount to each Party.

- c. The Parties shall share other costs tied to both purposes, such as Consultant Services during construction based on percentages determined to be fair and equitable by TVWD's design consultant taking into account the parties to be benefitted by the installed work. Consultant services during construction will be separated from Contractor costs in invoices to the Parties.
- d. TVWD shall direct the Contractor and Consultant to invoice TVWD monthly for their work. TVWD will ensure that the monthly invoices identify each party's share of cost. TVWD will send a copy of the invoice to Portland and Tualatin. Within 30 days of receipt of an invoice from TVWD, Portland and Tualatin shall pay TVWD their share of the cost shown on the monthly invoice. TVWD shall pay the Contractor and Consultant the total monthly invoice amount. Tualatin and Portland will not pay the Contractor or Consultant directly.

TVWD shall submit monthly invoices to Portland electronically to wbaps@portlandoregon.gov. The invoice will contain Portland's IGA Number, Portland Bureau Name (Water Bureau), Portland's project manager's name and set out all items for payment including, but not limited to, TVWD's Construction Contractor's performance period, deliverable/work performed, the percentage of work successfully completed for the project, and the percentage of work still required with Portland's remaining funding available. At Portland's request, TVWD will provide any additional information requested by Portland via hard copy or by email. Portland shall pay all amounts to which no dispute exists within 30 days of receipt of the invoice. Payment of any bill, however, does not preclude Portland from later determining that an error in payment was made and from withholding the disputed sum from the next progress payment until the dispute is resolved.

Invoices submitted to Tualatin shall be submitted electronically to khofmann@ci.tualatin.or.us

- e. TVWD is the Agency managing the project and designates its Program Manager in Section 4, below. As Project Manager, TVWD will oversee the execution of all tasks, manage the construction contract, and ensure that all work at the Portland Meter Vault is complete by November 30, 2014. Time is of the essence. The TVWD Project Manager will communicate with the Project Managers from Portland and Tualatin to provide them with Project information and allow for their comment and meaningful input to TVWD so that the design and construction contract can be implemented in a timely and cost effective manner. TVWD shall provide project information, including material submittals, schedule information for site inspections, and draft O&M manuals, in addition to any other documentation requested by the Parties. Any delay, claim or cost resulting from failure by a Party to timely respond or act shall be allocated to that Party. If TVWD acts in a manner that attributes additional costs to a Party, the Party reserves all rights to dispute allocation of that cost to it through the dispute resolution procedures outlined in Section 10 (Breach, Default and Disputes).

4. Program and Project Managers. Stewart Davis of TVWD will be the project manager and responsible for all direction to the Contractor. Portland designates Stan VandeBergh as its project manager, and Tualatin designates Kaaren Hofmann as its project manager.

5. Compliance with Law. TVWD shall be solely responsible to comply with all statutes and rules regarding the contract with the Consultant and the Contractor.

6. Documents. TVWD shall provide Portland and Tualatin with a pdf copy of the executed Contract Documents together with any addenda that may be issued during the bid phase. These documents will be provided within 10 days following the effective date of this IGA. TVWD shall provide Portland and Tualatin with signed as-builts and final O&M manual upon completion of construction.

7. Indemnity. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 to 30.300), each party agrees to indemnify, defend and hold the other parties harmless from any liability

claim or injury arising from that party's negligence in connection with the performance of this Agreement.

8. Contractor Indemnity. TVWD shall require its contractor to indemnify, defend, save and hold harmless TVWD, Portland, and Tualatin and its officers, employees and agents from and against any and all claims, actions, liabilities, damages, losses, or expenses, including attorneys' fees, arising from a tort, as now or hereafter defined in ORS 30.260, caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of the Contractor or any of the Contractor's officers, agents, employees or subcontractors ("Claims"). It is the specific intention of the parties that parties shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the parties, be indemnified by the Contractor's subcontractors from and against any and all Claims.

9. Insurance. TVWD shall require the Contractor, prior to beginning any work, to maintain in full force and effect for the duration of the contract, and at the Contractor's expense, comprehensive general liability insurance to include bodily injury and property damage on a combined single limit per occurrence aggregate basis; automobile liability with a combined single limit coverage to include bodily injury and property damage; and other insurance in the amount of \$2,000,000 minimum or greater. The named insured on any policy shall be the Contractor, The Contractor shall name City of Portland, City of Tualatin and TVWD their elected appointed officials, officers, agents, employees and volunteers and Weston Investment Company (land owner where the meter vault resides by easement) as additional insureds. The policy shall be primary to and non-contributory with any insurance or self-insurance carried by the Parties and issued by a company authorized to do business in the State of Oregon. The Contractor shall provide TVWD written notice within 30 days of cancellation or material modification of the insurance contract at the addresses listed below. The Contractor shall provide certificates of insurance and additional insured policy endorsement to TVWD prior to commencement of any work under the contract. TVWD shall provide copies of the Contractor's insurance certificates to the City of Portland, and City of Tualatin Project Managers once approved as to form by their Attorney. The Contractor hired by TVWD shall be financially responsible for all pertinent deductibles, self-insured retention and or self-insurance used to satisfy these requirements.

10. Term. This Agreement shall terminate upon approval by all Parties of that final completion has been attained by the Contractor. This Agreement may otherwise be terminated by the Parties by mutual agreement. Any Party may terminate this Agreement upon its declaration that, after good faith negotiations with all other Parties, including the Contractor, it is unable or unwilling to continue the work they were interested in. Upon any such termination, each party shall each pay its respective share of the costs of work

completed prior to termination including actual cost associated with termination. The party terminating the Agreement shall be excused from payment for any work occurs after it terminates this Agreement.

11. Breach, Default and Disputes. If any party breaches this agreement, any nonbreaching party may seek all remedies available at law or equity upon giving thirty (30) days' written notice of the alleged breach. Upon notice of demand for dispute resolution, the Chief Executive Officer of TVWD, the Administrator of the Portland Water Bureau, and the City Manager of Tualatin shall, within 30 days of the notice requesting dispute resolution, or such later date as is mutually agreed by all parties, meet in an effort to resolve the matter. If within 30 days of the notice of dispute resolution, or a later date mutually agreed by all parties, the parties have been unable to resolve the dispute, the non-breaching party or parties may pursue all remedies, in the Circuit Court of the State of Oregon for the County of Washington. If the dispute is resolved, a written agreement memorializing the resolution will be executed.

12. Notices. Notices shall be written and sent by first class mail, postage prepaid, to the following addresses:

Stu Davis, P.E.
Tualatin Valley Water District
1850 SW 170th Avenue
Beaverton, OR 97006

Stan Vandebergh, P.E.
City of Portland Water Bureau
1120 Southwest 5th Ave., #600
Portland, OR 97204

Kaaren Hofmann, P.E.
Engineering Manager
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092

10. Successors and Assigns. The terms and conditions of this Agreement shall be binding upon any and all successors and assigns of the Parties.

In witness hereof, the parties have executed this Intergovernmental Agreement on the last date set forth below.

[SIGNATURE PAGE TO FOLLOW]

TUALATIN VALLEY WATER DISTRICT

CITY OF PORTLAND

BY: _____
Mark Knudson,
Chief Executive Officer

BY: _____
David G. Shaff, Administrator
Portland Water Bureau

Dated: _____

Dated: _____

APPROVED AS TO FORM:

APPROVED AS TO FORM:

District Counsel

City Attorney

CITY OF TUALATIN

BY: _____
Sherilyn Lombos,
City Manager

Dated: _____

APPROVED AS TO FORM:

City Attorney

**APPENDIX A
EMERGENCY PUMP STATION
SUMMARY OF PROJECT COSTS**

Appendix A provides a summary of the contracted costs for the engineering design services and services during construction (SDC), contractor bid cost and the allocation of cost to the parties of this IGA. The Design IGA, a separate document, provides the methodology for sharing of the design costs for the project as in this IGA. The following tables summarize the cost of the various elements of the project.

SUMMARY OF ENGINEERING FEES FOR DESIGN & SDC:

TVWD/Tualatin:

Task Order No. 6 for Design	\$119,099.00
Task Order No. 6 for SDC	\$60,931.00
Task Order No. 6 Amendment 1, Additional Design	\$23,971.00
Total Design & SDC Fees	\$204,001.00

Portland:

Task Order No. 7 for Design	\$39,842.00
Task Order No.7 Amendment 1, Additional Design	\$9,764.00
Task Order No. 9 for SDC	\$49,242.00
Total Design & SDC Fees	\$98,848.00

Total Design & SDC Fees	\$302,849.00
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ALLOCATION OF ENGINEERING AND CONSTRUCTION COST:

Design IGA Services Fees:	Total	TVWD	Tualatin	Portland
TVWD/ Tualatin Design & SDC Fee	\$204,001.00	\$102,000.50	\$102,000.50	
Portland Design Fee	\$49,606.00			\$49,606.00
Subtotal Design & SDC Fee	\$253,607.00	\$102,000.50	\$102,000.50	\$49,606.00

Construction IGA Contractor Bid & SDC Fee:

Construction Bid	\$1,321,251.00	\$567,871.50	\$567,871.50	\$185,508.00
Portland SDC Fee	\$49,242.00			\$49,242.00
Total Bid and SDC Fees:	\$1,370,493.00	\$567,871.50	\$567,871.50	\$234,750.00
Construction Contingency (10%)	\$132,125.00	\$56,787.00	\$56,787.00	\$18,551.00
Total Authorized Cost (including Construction cost, contingency, design & SDC fees)	\$1,756,225.00	\$726,659.00	\$726,659.00	\$302,907.00

Emergency Water System Pump Station

October 13, 2014





Background

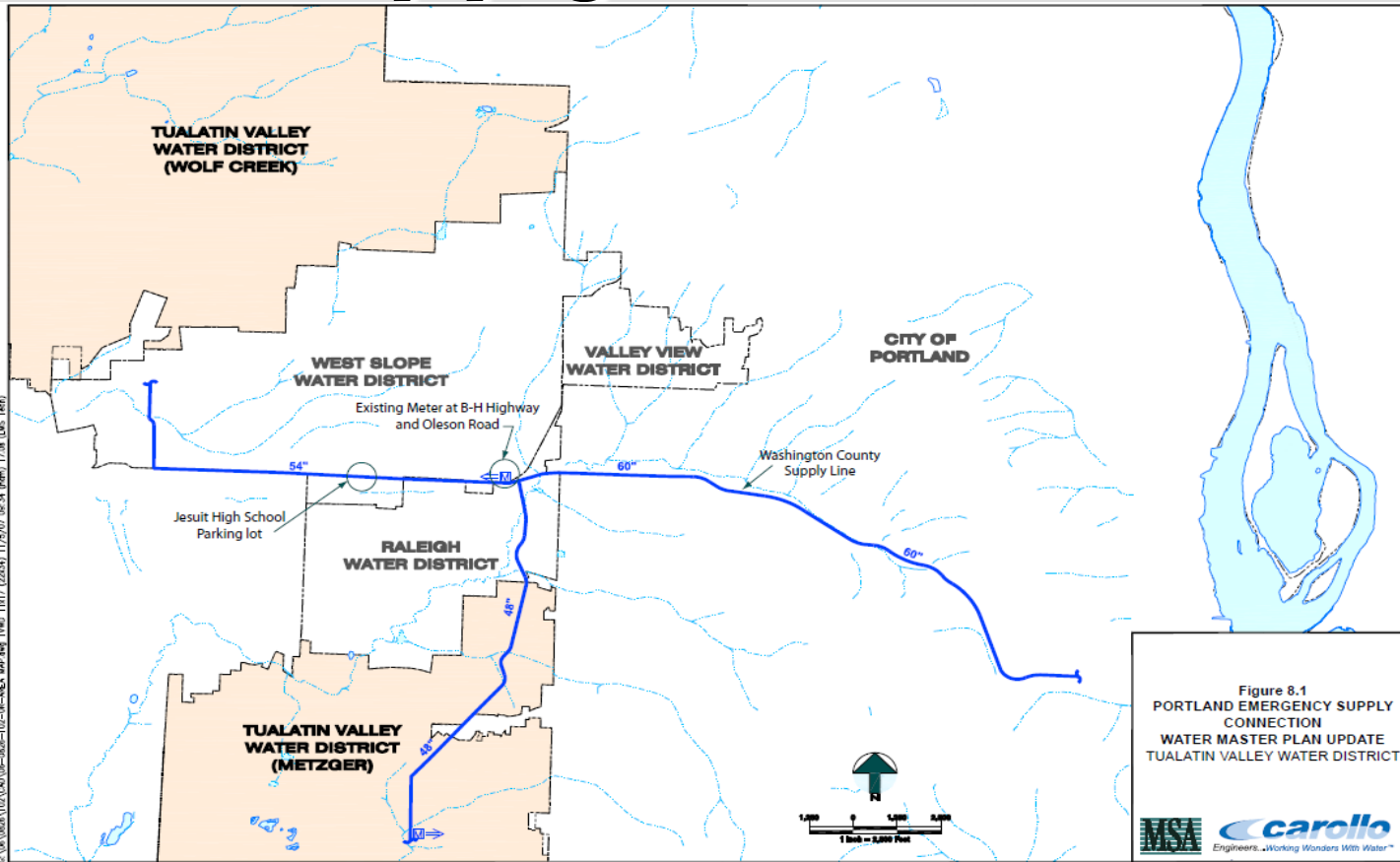
- ❖ The City, Tualatin Valley Water District and the Portland Water Bureau have been planning for this project since 2008.
- ❖ The Council approved the preliminary feasibility study for the project in May 2013.
- ❖ City purchases water from the Portland Water Bureau through the Washington County Supply Line
- ❖ Tualatin Valley Water District purchases water from the Portland Water Bureau and the Joint Water Commission



Still may change out map



Washington County Supply Line





Pump Station

- ❖ In the event of an interruption of supply through the Washington County Supply Line
 - ❖ The pump station would be installed at TVWD's current meter with PWB
 - ❖ The pump station would supply Joint Water Commission Water to the City of Tualatin and TVWD's Metzger Service Area
 - ❖ Both entities could receive up to 5 mgd each





Costs

Final Design	\$102,500.50
Construction	\$567,871.50
Total	\$669,872.00





Any Questions?



City Council Meeting

Meeting Date: 10/13/2014

SPECIAL REPORTS: 2013-14 Annual Report of the Tualatin Arts Advisory Committee (TAAC)

SPECIAL REPORTS

2013-14 Annual Report of the Tualatin Arts Advisory Committee (TAAC)

SUMMARY

The Tualatin Arts Advisory Committee (TAAC) was established by Ordinance 815-90, adopted by Council on October 22, 1990 and incorporated into the Tualatin Municipal Code as Chapter 11-5. The enabling ordinance requires the TAAC to file an annual report with the Council including a summary of the committee's activities during the preceding fiscal year and recommendations the committee requests that the City Council consider.

In February 2014 the Committee recommended, and the City Council approved, an amendment to the Municipal Code to change the reporting period from calendar to fiscal year. Therefore this report covers approximately 18 months to accommodate that change.

Current members are: Buck Braden, Art Barry, Kristen Erickson, Mason Hall, Brett Hamilton, Gary Thompson and Dawn Upton.

[2013-14 TAAC Annual Report](#)

[2013-14 TAAC Annual Report PowerPoint](#)



City of Tualatin

2013-14 ANNUAL REPORT

Tualatin Arts Advisory Committee

1. BACKGROUND

The Tualatin Arts Advisory Committee (TAAC) was established by Ordinance 815-90, adopted by Council on October 22, 1990 and incorporated into the Tualatin Municipal Code as Chapter 11-5. The enabling ordinance requires the TAAC to file an annual report with the Council including a summary of the committee's activities during the preceding fiscal year and other matters and recommendations the committee deems appropriate.

Members of the TAAC during FY 2013-14 include Buck Braden, Art Barry, Carol Dersham, Gary Thompson, Dawn Upton, Kristin Erickson, and Brett Hamilton. Carol Dersham resigned from the Committee shortly after the fiscal year ended. The Council Liaison is Frank Bubenik.

2. ROLES OF THE COMMITTEE

- A. Stimulate private and public support for programs and activities in the arts
- B. Encourage greater opportunities for recognition of arts in Tualatin
- C. Strive to ensure excellence in the public arts collection

3. ACTIONS AND ACCOMPLISHMENTS IN SUPPORT OF ROLES IN 2013-14

- A. STIMULATE PRIVATE AND PUBLIC SUPPORT FOR PROGRAMS AND ACTIVITIES IN THE ARTS

1. Produce Arts Programs

- a) ArtSplash 2013



ArtSplash 2013, Tualatin's 13th annual Art Show and Sale, was held at the Tualatin Commons July 26-28, 2013. Forty-two local artists sold over \$19,000 of art. Over 2,000 art enthusiasts attended the three-day event that was filled with art, music, and activities for children. Home Depot sponsored this year a kids art workshop which featured free art projects for children.



The net revenue from sales in 2013 was approximately \$5,000 after expenses. This revenue was accomplished by reducing related expenses and through local donations. These proceeds are used to support ArtSplash and other programs of the TAAC. More than fifty volunteers donated their time and energy to support this community event.

b) Concerts on the Commons 2013



The Concerts on the Commons weekly outdoor summer concert series held at the Tualatin Commons every Friday night during July and August continued to be sponsored by the TAAC and 36 other local businesses. The concerts in summer 2013 were funded with over \$19,000 in monetary and in-kind sponsorships.

Ten concerts were held in a variety of genres with each concert attended by an average of 700 to 1,000 people of all ages.

c) ArtWalk

Artwalk is a self-guided tour of Tualatin's diverse public art, natural and cultural history throughout the downtown Tualatin area on four independent and interconnected marked trails.

A master plan for the Ice Age Discovery Trail, which is an extension of the ArtWalk to explore and educate the public about the Ice Age Floods, is wrapping up and staff continues to work on land acquisition and easements to build the trail.

d) Visual Chronicle

The purpose of the Tualatin Visual Chronicle is to create a visual record of Tualatin in various mediums including prints, drawings, paintings and photographs which document the life of the Tualatin community, capturing elements of the past and present, thereby providing an archival record and resource. The Chronicle was started in 1995.

The City now has over 200 pieces of art in the Visual Chronicle which has three sections: General Collection, Historical Collection, and Student Collection.

General and Historical Collections

After the addition of 18 new pieces of Centennial art in 2012, there were no purchases made in the General or Historical Collections in 2013; however, the Great Pumpkin Regatta poster was added to the Historical Collection inventory.



Student Collection



In partnership with Tualatin High School, 2013-14 marks the seventh year of the student section of the Visual Chronicle. Mayor Lou Ogden presented the students with awards at a reception held at the Tualatin Public Library on May 29, 2014.

Students in grades 9 through 12 at Tualatin High School participated in the program. Along with their submitted artwork, students were asked to submit a short essay describing their art and explaining why they chose the location of their project.

Six pieces of artwork were purchased from the student art submissions.

Photographs of the six purchased artwork pieces follow:



*"Welcome to Tualatin" - Acrylic painting
By Emma Begovich*



*"The Blood Moon" – Photograph
By Morgan McMasters*



*"Tonkin Train Station" – Acrylic painting
By Tanya Mikheyeva*



*"Why a Building?" – Acrylic painting
By Vivian Pham*



*"Life in Tualatin" – Acrylic painting
By Angelica Cisneros*



*"Barn at Brown's Ferry Park" – Colored Pencil
By Catherine Hancock*

e) Public Art Commemorating Tualatin's Centennial

The TAAC was actively involved, along with other stakeholders, in acquiring two pieces of public art to commemorate Tualatin's 100th Anniversary of Incorporation, including a piece of art at the Library and a piece at the Tualatin-Sherwood Road and Martinazzi Avenue intersection.



"Dynamic Continuum" was installed in the Library in December 2013. It is an 8 foot tall mixed media mosaic celebrating the Centennial. The central theme is the river flowing through the landscape and history of Tualatin, including vignettes representing the land, native peoples, flora, fauna and pioneer settlers.



“Lazy River” was also commissioned to commemorate the City’s Centennial and was built in FY 2013-14 and installed in August 2014. The 20 foot tall steel sculpture represents both the Tualatin River and a mastodon tusk, honoring both those important pieces of the community’s history. It includes 32 icons, each representing a unique part of Tualatin’s history and development.

f) Programs Celebrating Tualatin’s Centennial

The City sponsored a number of events and programs, including producing a centennial coin, time capsule buried near the Tualatin Heritage Center, commemorative magazine, a play called “You Are There!” presented by the Tualatin Historical Society, firework display and 100th Storytime at the Library.

2. Partnership in support of arts in the community

The TAAC partners with the Tualatin Heritage Center to support art programs. The annual contribution of \$1,000 allows the Heritage Center to offset their building rental costs and helps to provide high-quality creative art programs, performances, and exhibits.



The City also partnered with the Tualatin Historical Society to print a book of over 80 selected photographs from Tualatin’s history. The book is currently for sale at the Tualatin Heritage Center.

3. Contributions to other arts organizations

a) Broadway Rose

The TAAC made a direct contribution of \$250 to the Broadway Rose Theatre Company, a local non-profit organization. These funds help the theatre company leverage other funding.



During their 2012 season, the Broadway Rose Theatre Company presented: The Sound of Music, The Drowsy Chaperone, The Andrew Brothers, Pump Boys and Dinettes, Little Shop of Horrors and Christmas on Broadway at their New Stage Theatre.

b) Mask and Mirror



The TAAC made a contribution of \$350 to Mask and Mirrors, a community theatre group promoting arts in Tigard / Tualatin area. The group does play reading at Tualatin Public Library and performed at the Crawfish Festival this year.

B. ENCOURAGE GREATER OPPORTUNITIES FOR RECOGNITION OF ARTS IN TUALATIN

1. Living Room Gallery



The purpose of the Living Room Gallery is to support and encourage the pursuit and appreciation of creativity by displaying the finest examples of artwork created in and around our community. It provides an opportunity to honor and celebrate cultural aspects of our community.

The exhibit space is located in the central fireplace area at the Tualatin Library. The first artist display was in June 2012. Art exhibits are featured for eight week display periods. Nine local artists have displayed their art in the Living Room Gallery since the beginning of the program.

2. Community Enhancement Award

The TAAC developed the Community Arts Enhancement Commendation to publicly recognize significant contributions to the enhancement of the arts in the community.

Past award recipients include Lumiere Players, Willowbrook, Don Armstrong with McDonald's Restaurants and the Healing Gardens at Legacy Meridian Park.

This year's award went to Jeannine Miller, Tualatin High School fine arts instructor, for establishing the Student Visual Chronicle in partnership with the City and her ongoing contributions to the program.



C. STRIVE TO ENSURE EXCELLENCE IN THE PUBLIC ARTS COLLECTION

1. Administer collections management program

This includes maintaining the inventory and ensuring proper maintenance of the current collection, rotating the Visual Chronicle art collection throughout City buildings, and expanding the Visual Chronicle art.

2. Explore percent for art program

As time allows, explore a percent for art option to partially finance public art.

3. Expand public art plan

As time allows, update the Tualatin Public Art Plan.

4. ACTION PLAN FOR 2014-15

1. Continue to Produce Art Events

a) ArtSplash 2014

Tualatin's annual Art Show and Sale was held at the Tualatin Commons July 18-20, 2014. Thirty-eight local artists sold almost \$17,000 of art for a net profit of \$5,000. Twenty volunteers helped make the event a success. Roughly 4,000 art enthusiasts attended the three-day event that was filled with art, music, and activities for children. The musical group New Horizons played a complimentary concert and children were invited to participate in a free art activity called Chalk It Up.



b) Concerts on the Commons

The Concerts on the Commons weekly outdoor summer concert series held at the Tualatin Commons every Friday night during July and August continued to be sponsored by the TAAC and 33 other local businesses. The concerts in summer 2014 were funded with \$17,000 in monetary and in-kind sponsorships.



Ten concerts were held in a variety of genres with each concert attended by an average of 1,000 people of all ages.

c) Conclude the Centennial Art Installations

The “Lazy River” Centennial Sculpture was installed on August 6, 2014 and a dedication is scheduled for August 22. The final component of this installation is to design and build a pathway, lighting and an interpretive sign for the sculpture.



The public art inventory is being updated to include all the new artwork commemorating the Centennial.

d) Continue to Produce Art Programs

The TAAC will continue this year with a new Visual Chronicle Call for Artists. Staff will be developing art maintenance procedures for ArtWalk and other art installations.

e) Support Gateway Artwork Near Highway 99/Pacific Highway

TAAC recommends to the Council to consider directing staff to explore options for installing a public gateway near Highway 99 with artistic elements.

f) Incorporate a public art plan in the Parks and Recreation Master Plan

An update of the Parks and Recreation Master Plan will be underway in the next year which will include a public art program element.



Tualatin Arts Advisory Committee (TAAC)

2013-14 Annual Report

Committee Members

- Buck Braden, Chair
 - Gary Thompson, Vice-Chair
 - Art Barry
 - Kristen Erickson
 - Mason Hall
 - Brett Hamilton
 - Dawn Upton
- Council Liaison – Frank Bubenik
Staff – Kelsey Lewis

Committee Role

The role of the TAAC is to:

- Stimulate private and public support for programs and activities in the arts.
- Encourage greater opportunities for recognition of arts in Tualatin.
- Strive to ensure excellence in the public arts collection.

Stimulate private and public support for programs and activities in the arts

1. Produce Arts programs such as ArtSplash, Concerts on the Commons, ArtWalk, and the Visual Chronicle.



ArtSplash



Student Visual Chronicle

Encourage greater opportunities for recognition of arts in Tualatin

➤ 2 new pieces added to the Public Art collection in the Library and Commons Park to commemorate Tualatin's Centennial.



Dynamic Continuum



Lazy River

Stimulate private and public support for programs and activities in the arts

2. Partnership in support of arts in the community

- Tualatin Heritage Center



3. Contributions to other arts organizations

- Broadway Rose Theater
- Mask and Mirror



Encourage Greater Opportunities for Recognition of Arts in Tualatin

1. Living Room Gallery

- Gallery space at Tualatin Library to support local artists of our community.



2. Community Enhancement Award

- This year's award went to Jeannine Miller, Tualatin High School fine arts instructor, for establishing the Student Visual Chronicle program in partnership with the City.



Strive to Ensure Excellence in the Public Arts Collection

1. Administer collections management program
 - Maintain and rotate Visual Chronicle art.
2. Explore percent for art program
 - As time allows, explore a percent for art option to partially finance public art.

Action Plan for 2014-15

1. Continue to Produce Art Events and Programs
 - Continue ArtSplash, Concerts on the Commons, Visual Chronicle and public art programs.
2. Incorporate Public Art Plan in the Parks & Recreation Master Plan Update
 - Include the Public Art Plan in the Parks & Recreation Master Plan update.
3. Support Gateway Artwork at Highway 99
 - Support and pursue the installation of gateway artwork near Highway 99.



Questions/Comments?



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Clare Fuchs, Senior Planner
Alice Cannon, Assistant City Manager

DATE: 10/13/2014

SUBJECT: Consideration of **Resolution 5207-14** Authorizing the Execution of an Annexation Agreement with Gary L. and Judith A. Kilgore ("Owners") to Govern the Annexation of 0.39 of an Acre of Land Located at 22475 SW Boones Ferry Road (Tax Map 2S1 35BA, Lot 600)

ISSUE BEFORE THE COUNCIL:

Council consideration of Resolution 5207-14 to authorize execution of an annexation agreement with Gary L. and Judith A. Kilgore to govern the annexation of land located at 22475 SW Boones Ferry Road (Tax Map 2S1 35BA, Lot 600).

RECOMMENDATION:

Staff recommends that the Council consider the attached Resolution No. 5207-14 authorizing the Annexation Agreement (Attachment 102).

EXECUTIVE SUMMARY:

Gary L. and Judith A. Kilgore own 0.39 of an acre of land located outside the City limits on the west side of SW Boones Ferry Road just south of SW Alabama Street (the "subject property")(Attachment 103). Currently, the property contains one legal non-conforming access. The property formerly contained a single family home, a well, and a septic system. Those three items have been demolished or decommissioned. The annexation agreement states that the access will be closed on SW Boones Ferry Road. A new access will instead be built on SW Alabama Street prior to a Certificate of Occupancy for any structure built on site. The agreement also states that the applicant will record a non-access restriction along the property's SW Boones Ferry Road property line.

The owner has applied to the City for annexation of the subject property (ANN-14-03). When annexed, the property will be designated Low Density Residential (RL). The applicant is preparing to apply for a Single Family Architectural Review (SFAR) for one single family home should the annexation and annexation agreement be approved.

The annexation process by itself, does not provide opportunity to address non-conforming uses or structures and conformance with public facility standards that would arise following

annexation into the City and with development or redevelopment. Due to the presence of a non-conforming access, right-of-way dedication, and public infrastructure concerning the property, the Community Development Department requested that the applicant participate in an annexation agreement. The proposed annexation agreement is a product of work by the applicant and the City staff over the past several months.

The purpose of this annexation agreement is to:

- Identify an existing non-conforming access.
- Identify standards and requirements from the Tualatin Development Code and Municipal Code that will apply to the subject property upon annexation and at the time of development.
- Establish the uses and property improvements (Attachment 102) that upon development shall be brought into conformance with the Tualatin Development Code and Municipal Code.

The City, in coordination with the property owner, has drafted an annexation agreement which is attached as Exhibit A to the Resolution (Attachment 102).

The terms of the annexation agreement are as follows:

- Identifies the nonconforming access on the subject property.
- Any change to uses or site on the property will initiate redevelopment or development of the entire property and require a Single Family Architectural Review (SFAR) subject to the standards and requirements of the TDC at that time.
- The owner will physically and legally close the subject property's access onto SW Boones Ferry Road.
- The owner will build an access onto SW Alabama Street according to Tualatin Development Code.
- The owner will dedicate 37-feet of right-of-way along SW Boones Ferry Road.
- The owner will dedicate 50-feet of right-of-way for SW 96th Drive along the subject site's west property line.
- The owner will build a water quality facility to Clean Water Services Standards for any future structures on site.
- The agreement is binding on the property owner of record and on the heirs, successors, and assigns.

OUTCOMES OF DECISION:

Approval of the Resolution authorizing the proposed annexation agreement between the City and the property owner will result in the following:

1. Authorizes the City to execute the proposed annexation agreement.
2. When signed by the property owner and the City, the agreement will apply to the property upon annexation.

Denial of the Resolution will result in the following:

1. The City will not execute to proposed annexation agreement.
2. The agreement will not be in effect if the property is annexed.

RESOLUTION NO. 5207-14

RESOLUTION AUTHORIZING THE EXECUTION OF AN ANNEXATION AGREEMENT WITH OWNERS OF PROPERTY LOCATED AT 22475 SW BOONES FERRY ROAD INTO THE CITY OF TUALATIN (TAX MAP 2S1 35BA, TAX LOT 600)

WHEREAS, the property commonly known as the "Kilgore Property," is owned by Gary and Judith Kilgore ("Owners"); and

WHEREAS, Owners applied to the City for annexation of 0.39 acres of land, located at 22475 SW Boones Ferry Road, Map 2S1 35BA; Tax Lot 600 ("Subject Property"); and

WHEREAS, the Annexation Agreement is meant to provide an avenue to address the existing issues, identify the standards and requirements from the Tualatin Development Code and Tualatin Municipal Code that will apply to the Subject Property upon annexation an redevelopment, and establish the uses and property improvements that upon redevelopment will be brought into conformance with the Tualatin Development Code and Tualatin Municipal Code; and

WHEREAS, it is in the public's best interest for the City Council to authorize the Annexation Agreement before the Public Hearing on the Annexation of the Subject Property; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, OREGON, that:

Section 1. The City Council authorizes the City Manager to sign the attached Annexation Agreement as referenced above.

Section 2. This Resolution is effective upon adoption.

Adopted by the City Council this ____ Day of _____, 20__.

CITY OF TUALATIN, OREGON

BY _____
City Manager

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

ANNEXATION AGREEMENT

Kilgore Property

WHEREAS, Gary L. and Judith A. Kilgore, as owners by entirety have applied to the City for Expedited Annexation of property comprising 0.39 of an acre of land immediately adjacent to the Tualatin City limits generally located at the southwest corner SW Alabama Street and SW Boones Ferry Road and more commonly known as 22475 SW Boones Ferry Road and including Tax Lot 2S1 35BA 600, and legally described in Exhibit "A" attached hereto (the "Subject Property"); and

WHEREAS the Subject Property is located with the Tualatin Urban Planning Area on land designated on Tualatin Development Code (TDC) Map 9-1 as the Low Density Residential (RL) Planning District. The Subject Property is accessed from SW Alabama Street. The Subject Property was previously developed with a single family home and a few outbuildings, but is now vacant. The well and septic tank on the property have been decommissioned. All surrounding properties are within the City boundary. The property to the north is developed with a single family home; the property to the south is developed with a single family home. The parcel to the west of the Subject Property is a water quality and detention tract within the Chilkat Meadow subdivision. SW Boones Ferry Road abuts the Subject Property to the east; and

WHEREAS, it is in the best interests of the public health and safety to determine the adequacy and suitability of improvements on the Subject Property for existing and future development on the Subject Property; and

WHEREAS, on June 27, 2014 the Owner submitted a petition for annexation (ANN-14-03) to the City for that purpose and such petition and application were deemed complete August 6, 2014; and

WHEREAS, the City and the Owner seek to identify existing uses, buildings, access, paving and other improvements on the Subject Property; and

WHEREAS, the City and the Owner seek to identify the standards and requirements from the Tualatin Development Code (TDC) and Tualatin Municipal Code (TMC) that will apply to the Subject Property upon annexation and at the time of development; and

WHEREAS the City has been in discussions with a potential developer and applicant and understands the purpose of this Annexation is for development of one single family home. The Annexation decision is needed to bring the property into the City for purposes of receiving urban services such as sewer and water.

WHEREAS construction of one single family home requires a Single Family Architectural Review, Public Works Permit, and Building Permits.

NOW, THEREFORE, in consideration of the mutual promises contained below, the City and the Owner agree as follows:

1. There is a legal non-conforming access on SW Boones Ferry Road on the Subject Property at the time of this Agreement. Existing Conditions are attached as Exhibit B.

2. There exists a decommissioned well and a decommissioned septic system on the property.
3. The City identifies the minimum TDC chapters that will apply to any future residential subdivision(s) proposed following annexation. The development will be subject, but not limited to, the following Chapters of the TDC:
 - a. Chapter 31 General Provisions
 - b. Chapter 34 Special Regulations
 - c. Chapter 36 Subdividing, Partitioning and Property Line Adjustments
 - d. Chapter 40 Low Density Residential Planning District (RL)
 - e. Chapter 73 Community Design Standards
 - f. Chapter 74 Public Improvement Requirements
 - g. Chapter 75 Access Management
4. In addition to the above referenced applicable TDC chapters, the City and Owner agrees to the following general framework in conjunction with any proposed single family home development of the Subject Property:
 - a. Dedication of 37-feet of public right-of-way along the entirety Tax Lot 2S1 35BA 600's SW Boones Ferry Road frontage (BFR) (37-feet from centerline).
 - b. Construct a 6-foot side sidewalk along the entirety of the BFR frontage (Subject Tax Lot 2S1 35BA 600).
 - c. Construct a wall or fence along the entirety of the Subject Site's property line along SW Boones Ferry Road to TDC 34.330 Fence Standards.
 - d. Construct a Low Impact Design Approaches (LIDA) water quality facility for storm water drainage per Clean Water Services Design and Construction Standards.
 - e. Connect a sewer lateral to the City sewer manhole at the end of SW 96th Drive.
 - f. Connect to City water at the end of SW 96th Drive. Extend an 8-inch public line sufficient to connect private lateral.
 - g. Construct a driveway and lot access to City standard from SW Alabama Street in the approximate location shown on Exhibit C, Site Plan. Exhibit C is attached for reference only and does not approve any proposed items on the site plan. This agreement does not constitute approval of permits for design and construction of the concepts in Exhibit C.
 - h. Record a lot access restriction along the entirety of the Subject Site's property line along SW Boones Ferry Road with Washington County.
 - i. Dedicate 50-feet of public right-of-way across the entirety of subject site's west property line to the City.
5. When the Annexation is effective:
 - a. The Subject Property will assume the designation of the Low Density Residential (RL) Planning District per TDC Map 9-1 Community Plan Map.
6. The Owner or its heirs, successors and assigns shall pay any fees required with building permits and public works permits at the time of development on the Subject Property.
7. The agreement is binding on the property owner of record and on the Owner's heirs, successors, and assigns.

INTRODUCED AND ADOPTED this ____ day of _____, 2014.

OWNER:

BY _____
Gary L. Kilgore

BY _____
Judith A. Kilgore

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM ATTEST:

BY _____ BY _____
City Attorney City Recorder



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR , WA & ID

1815 NW 169th Place, Suite 2090
Beaverton, OR 97006

Telephone: 503-848-2127
Fax: 503-848-2179

Property Description

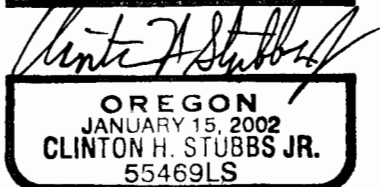
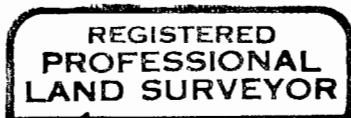
October 1, 2014
NWS Project Number 1165
Annexation Area

A tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northeast corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records; Thence along the north line of said Parcel 1 and the westerly extension thereof, South 89°36'14" West 148.94 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Westlake Consultants" located at the southwest corner of said Kilgore property, also being the most easterly southeast corner of Tract "B" of Chilkat Meadow, Recorded as Document Number 2007-095071, Washington County Plat Records; Thence along the most easterly line of said Tract "B" and the northerly extension thereof, North 00°16'22" West 100.00 feet to an angle point on the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line and the easterly extension thereof, North 89°32'58" East 200.02 feet to a point on the centerline of SW Boones Ferry Road; Thence along said centerline, South 00°13'37" East 100.19 feet to its intersection with the easterly extension of the northerly line of said Parcel 1; Thence along said easterly extension line, South 89°36'14" West 51.00 feet to the Point of Beginning.

The above described tract of land contains 20,017 square feet, more or less.

The basis of bearings for this description is the north line of said Parcel 1.

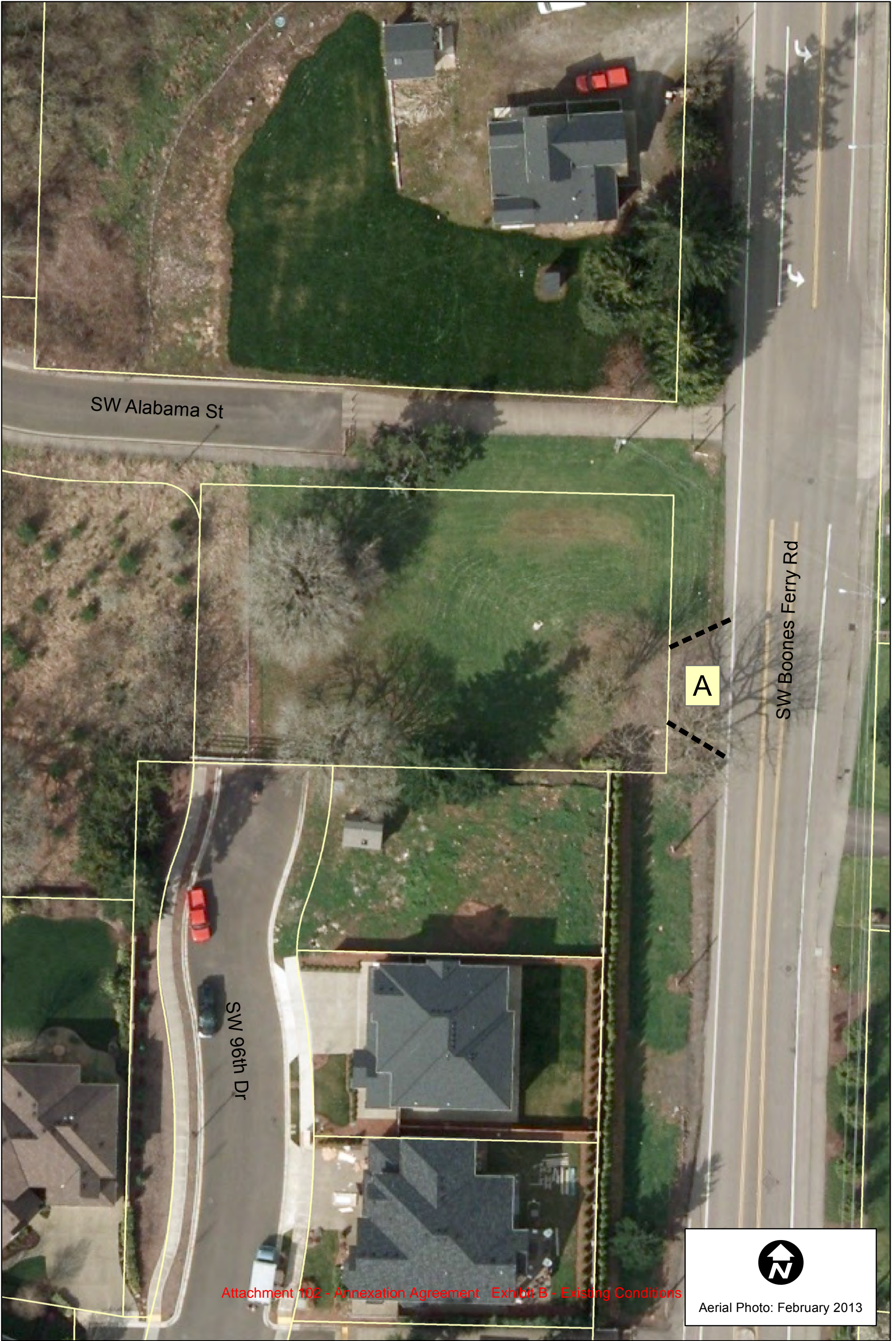


RENEWAL DATE: 6/30/16

Existing Conditions Map

22475 SW Boones Ferry Rd

Exhibit B



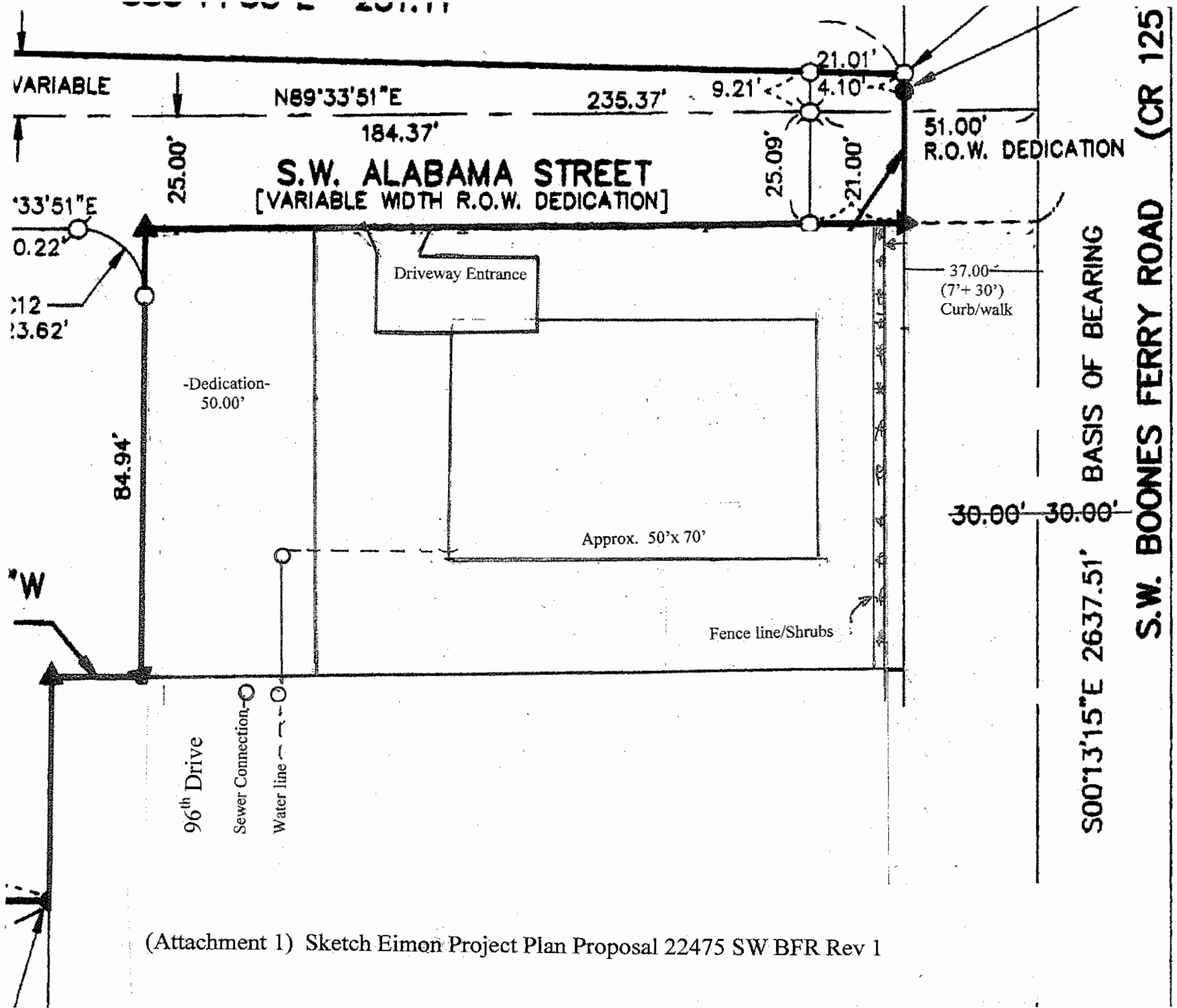
SW Alabama St

SW Boones Ferry Rd

SW 96th Dr

A





NDZC

(Attachment 1) Sketch Eimon Project Plan Proposal 22475 SW BFR Rev 1



Tualatin
High
School

Alabama St

Chilkat Ter

Boones Ferry Rd

96th Dr

Attachment 103 - Subject Property

City Boundary

2S135BA00600





STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Clare Fuchs, Senior Planner
Alice Cannon, Assistant City Manager

DATE: 10/13/2014

SUBJECT: Consideration of a Petition for Annexation of a Property Known as the Kilgore Property Located at 22475 SW Boones Ferry Road

ISSUE BEFORE THE COUNCIL:

Council consideration of a petition for annexation of a property known as the Kilgore property, tax lot number 2S1 35BA 600 located at 22475 SW Boones Ferry Road.

RECOMMENDATION:

Staff recommends the City Council consider the staff report and supporting attachments and direct staff to prepare an ordinance granting ANN-14-03.

EXECUTIVE SUMMARY:

This matter is a quasi-judicial public hearing for an Expedited Annexation Petition. The applicant is Mark Eimon. The materials are included as Attachment 102. The subject property abuts the City of Tualatin on all four sides. The property currently has one existing structure; an access off of SW Boones Ferry Road. When annexed tax lot 600 would automatically become Low Density Residential (RL).

Key Issues:

1. The applicant is required to dedicate 37-feet of right-of-way along SW Boones Ferry Road. The existing access along SW Boones Ferry Road will be physically and legally closed.
2. The applicant is required to dedicate 50-feet of right-of-way for SW 96th Drive.
3. The applicant will be allowed a residential driveway access onto SW Alabama Street.
4. The applicant is required to build a sidewalk and fence or wall along the property frontage on SW Boones Ferry Road.

The approval criteria is addressed in Attachment 105. The submitted application contains all the

necessary signatures to qualify for the expedited annexation hearing as described in Metro Code 3.09.045. Attachment 104 is the Background Information and staff has reviewed the applicant's material and included pertinent excerpts in the Analysis and Findings section of this report (Attachment 105). Notice was mailed to all surrounding properties for this October 13th hearing in accordance with TDC 31.064(1).

The applicant worked with City staff to prepare an Annexation Agreement that addresses the adequacy and suitability of existing improvements on the subject property for existing and future development. The proposed Kilgore Property Annexation Agreement will establish the uses and property improvements that upon development shall be brought into conformance with the Tualatin Development Code and Municipal Code.

The Kilgore Property Annexation Agreement will be considered by the City Council as a General Business item on the October 13, 2014 Meeting Agenda. If approved by the Council and signed by the property owner, the stated terms of the Annexation Agreement will apply to the subject property when the proposed annexation becomes effective. The Annexation Agreement falls under General Business on the City Council agenda which typically occurs after public hearings.

The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District. The property is within the service boundary of Clean Water Services (CWS), the Washington County storm water management and sewage treatment agency.

The applicable policies and regulations that apply to the annexation of a property in the RL Planning District include: TDC 4.050 General Growth Objectives; TDC 5.030 Residential Planning District General Objectives; TDC 31.067 Procedure for Annexing Territory to the City Limits; TDC 40.010 RL Planning District Purpose. The Analysis and Findings (Attachment 105) considers the applicable policies and regulations.

Before granting the proposed annexation, the City Council must find that the annexation conforms to TDC Objectives 4.050(20) and (21), the applicable criteria in Metro Code 3.09 and Oregon Revised Statutes [TDC 31.067(5)]. The Analysis and Findings (Attachment 105) examines the application in respect to the requirements for granting an annexation. Staff concludes the proposal meets all the TDC objectives and Metro criteria.

OUTCOMES OF DECISION:

Granting the Annexation petition will result in the following:

1. The property is annexed into the City of Tualatin and designated Low Density Residential (RL).
2. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and Urban Road Maintenance District.

Denial of the Annexation petition will result in the following:

1. The properties will remain outside the City of Tualatin and will remain as unincorporated Washington County territory.

ALTERNATIVES TO RECOMMENDATION:

The alternatives to the staff recommendation for the Council are:

1. Deny the petition for annexation.
2. Continue the discussion of the annexation and return to the matter at a later date.

FINANCIAL IMPLICATIONS:

Approving or denying the annexation will not result in any financial outlays by the City of Tualatin. The applicant paid the required application fee.

Attachments: 101 - Vicinity Map
 102 - Application Materials
 103 - Existing Conditions and Aerial Photo
 104 - Background Information
 105 - Analysis and Findings
 106 - Presentation



Tualatin
High
School

Alabama St

Chalkat Ter

96th Dr

Boones Ferry Rd

--- City Boundary

2S135BA00600



Attachment 101 - Vicinity Map

**“NECESSARY PARTIES”
MARKED BELOW**

NOTICE OF APPLICATION SUBMITTAL

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> ANNEXATION | <input type="checkbox"/> CONDITIONAL USE PERMIT | <input type="checkbox"/> PLAN TEXT AMENDMENT |
| <input type="checkbox"/> ARCHITECTURAL REVIEW | <input type="checkbox"/> PLAN MAP AMENDMENT | <input type="checkbox"/> OTHER |

CASE/FILE: ANN-14-03 (Community Development Dept.: Planning Division)

PROPOSAL	To annex one 0.39 of an acre Washington County island parcel for one future single family home
-----------------	--

<input type="checkbox"/> n/a	Street Address	22475 SW Boones Ferry Road, Tualatin, OR, 97062
	Tax Map and Lot No(s).	Tax Map: 2S1 35BA Tax Lots: 600
	Planning Districts	Low Density Residential (RL)
	Related Applications	N/A

DATES	Receipt of application	8/6/14	CONTACT	Name: Clare Fuchs
	Notice of application submittal	9/15/14		Title: Senior Planner
	Project Status / Development Review meeting	9/18/14		E-mail: cfuchs@ci.tualatin.or.us
	Comments due for staff report	9/29/14		Phone: 503-691-3027
	Public meeting: <input type="checkbox"/> ARB <input type="checkbox"/> TPC <input checked="" type="checkbox"/> n/a			Notes:
	City Council (CC)	<input type="checkbox"/> n/a 10/13/14		

- | | | |
|--|---|--|
| <p>City Staff</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> City Manager <input checked="" type="checkbox"/> Building Official <input checked="" type="checkbox"/> Chief of Police <input checked="" type="checkbox"/> City Attorney <input checked="" type="checkbox"/> City Engineer <input checked="" type="checkbox"/> Community Dev. Director <input checked="" type="checkbox"/> Community Services Director <input checked="" type="checkbox"/> Economic Dev. liaison <input checked="" type="checkbox"/> Engineering Associate <input checked="" type="checkbox"/> Finance Director <input checked="" type="checkbox"/> GIS technician(s) <input checked="" type="checkbox"/> IS Manager <input checked="" type="checkbox"/> Operations Director <input checked="" type="checkbox"/> Parks and Recreation Coordinator <input checked="" type="checkbox"/> Planning Manager <input checked="" type="checkbox"/> Street/Sewer Supervisor <input checked="" type="checkbox"/> Water Supervisor <p>Neighboring Cities</p> <ul style="list-style-type: none"> <input type="checkbox"/> Durham <input checked="" type="checkbox"/> King City Planning Commission <input type="checkbox"/> Lake Oswego <input type="checkbox"/> Rivergrove PC <input type="checkbox"/> Sherwood Planning Dept. <input type="checkbox"/> Tigard Community Dev. Dept. | <ul style="list-style-type: none"> <input type="checkbox"/> Wilsonville Planning Div. <p>Counties</p> <ul style="list-style-type: none"> <input type="checkbox"/> Clackamas County Dept. of Transportation and Dev. <input checked="" type="checkbox"/> Washington County Dept. of Land Use and Transportation <p>Regional Government</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Metro <p>School Districts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Lake Oswego School Dist. 7J <input type="checkbox"/> Sherwood SD 88J <input checked="" type="checkbox"/> Tigard-Tualatin SD 23J (TTSD) <input type="checkbox"/> West Linn-Wilsonville SD 3J <p>State Agencies</p> <ul style="list-style-type: none"> <input type="checkbox"/> Oregon Dept. of Aviation <input type="checkbox"/> Oregon Dept. of Land Conservation and Development (DLCD) (via proprietary notice) <input type="checkbox"/> Oregon Dept. of State Lands: Wetlands Program <input checked="" type="checkbox"/> Oregon Dept. of Transportation (ODOT) Region 1 Development Review Program <input type="checkbox"/> ODOT Rail Div. <p>Utilities</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Republic Services (Allied Waste) | <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Clean Water Services (CWS) <input checked="" type="checkbox"/> Comcast [cable] <input checked="" type="checkbox"/> Frontier Communications[phone] <input checked="" type="checkbox"/> Northwest Natural [gas] <input checked="" type="checkbox"/> Portland General Electric (PGE) <input checked="" type="checkbox"/> TriMet <input checked="" type="checkbox"/> Tualatin Valley Fire & Rescue (TVF&R) <input checked="" type="checkbox"/> United States Postal Service (USPS) (Washington; 18850 SW Teton Ave) <input type="checkbox"/> USPS (Clackamas) <input checked="" type="checkbox"/> Washington County Consolidated Communications Agency (WCCCA) <p>Additional Parties</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Tualatin Citizen Involvement Organization (CIO) <input type="checkbox"/> DKS |
|--|---|--|



City of Tualatin

www.ci.tualatin.or.us

CITY OF TUALATIN
RECEIVED

JUN 27 2014

COMMUNITY DEVELOPMENT
PLANNING DIVISION

APPLICATION FOR ANNEXATION

PLEASE PRINT IN INK OR TYPE

Applicant's Name Mark Eimon

Applicant's Address 22955 SW ERIO PL TUALATIN OR 97062
(street) (city) (state) (zip code)

Applicant is: Owner Contract Purchaser Developer Agent Other

Applicant Phone Number: 503-522-9995 Applicant Fax Number: 503-692-1675

Applicant Signature: [Signature] Date: 5/20/14

Owner's Name GARY AND JUDITH KILGORE Phone _____

Owner's Address 6355 CAYMEN DRIVE LAKE OSWEGO OR 97035
(street) (city) (state) (zip code)

Owner Phone Number: 503-635-8775 Owner Fax Number: _____

Owner recognition of application: _____

* [Signature] Judith A. Kilgore Date MAY 23RD 2014
signature of owner(s) (original required)

Assessor's Map Number 9-1 AREA NO. 35 Tax Lot Number(s) 291 35BA 00600

Assessor's Map Number _____ Tax Lot Number(s) (LOT 23,24)

Assessor's Map Number _____ Tax Lot Number(s) _____

Address of Property 22475 SW BOONES FERRY RD. Lot Area .39 acres

Current County Zone WASH. Co. Proposed City Planning District TUALATIN

Current Use LAND ONLY (NO-USE) Proposed Use SINGLE FAMILY DWELLING

Rights-of-Way to be Included: _____

As the person responsible for this application, I, the undersigned hereby acknowledge that I have read the above application and its attachments, understand the requirements described herein, and state that the information supplied is as complete and detailed as is currently possible, to the best of my knowledge.

Name Mark Eimon Date 5/28/14 Phone 503-522-96

Address 22955 SW ERIO PL TUALATIN OR 97062
(street) (city) (state) (zip code)

OFF USE ONLY:

ANN- 14-03 Received By [Signature]
\$142500 Receipt # 125034
6/27/14 Complete Date _____

ANNEXATION CERTIFICATION OF SIGN POSTING



The applicant shall provide and post a sign pursuant to Tualatin Development Code (TDC) 31.064(2). Additionally, the 18" x 24" sign must contain the application number, and the block around the word "NOTICE" must remain **medium purple** composed of the **RGB color values Red 112, Green 48, and Blue 160**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at <http://www.ci.tualatin.or.us/departments/communitydevelopment/planning>.

NOTE: For larger areas, the Community Development Department may require the posting of additional signs in conspicuous locations.

As the applicant for the 22475 SW Boone Ferry Road project, I hereby certify that on this day, 6-30-2014 sign(s) was/were posted on the subject property in accordance with the requirements of the Tualatin Development Code and the Community Development Department - Planning Division.

Applicant's Name: MARK EIMOU
(PLEASE PRINT)

Applicant's Signature: *Mark Eimou*

Date: 6-30-2014

PETITION TO ANNEX TO THE CITY OF TUALATIN

To the Council of the City of Tualatin, Oregon

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the location below described, hereby petition for and give consent to, annexation of said property to the City of Tualatin.

The consent for annexation is for the following described property:	
<u>22475 SW BOONES FERRY RD, TUALATIN, OR 97062</u>	
Street Address of Property (If address has been assigned)	
<u>MAP# 9-1 AREA NO. 35</u>	
Subdivision Name, Lot Number(s), Block Number(s)	
<u>25135BA 00600</u>	<u>WASH. CO.</u>
Map & Tax Lot Number(s)	County

Signature(s) of Legal Owner(s) and/or Registered Voter(s)

<u>* Guy Kilgore</u>	<u>GK</u>		<u>MAY 23RD 2014</u>	
Signature	Owner initial	Voter initial	Date	
<u>* Judith A. Kilgore</u>	<u>JAK</u>		<u>MAY 23 2014</u>	ANNEXATION CERTIFIED BY <u>JK</u>
Signature	Owner initial	Voter initial	Date	
_____ Owner Authorized Signature	_____ Owner initial	_____ Voter initial	_____ Date	MAY 29 2014
<u>6355 CARMEN</u>		<u>503.635.8775</u>		WASHINGTON COUNTY A & T
Street Address		Phone		CARTOGRAPHY
<u>6355 CARMEN DRIVE</u>	<u>LAKE OSWEGO, OR</u>	<u>97035</u>		
Mailing Address	City, State, Zip			

We, the owner(s) of the property described above and/or elector(s) residing on said property understand the annexation process can take more than one year. Therefore, we agree to waive the one-year time limitation on this consent established by ORS 222.173, and further agree that this contract shall be effective indefinitely [] until _____.

Office Use Only	
Date Received	<u>6/27/14</u>
Ownership Checked	<u>with Washco GeoNet</u> <input checked="" type="checkbox"/>
By	<u>JK</u>

<u>* Guy Kilgore</u>	<u>7-25-2014</u>
Signature	Date
<u>* Judith A. Kilgore</u>	<u>7-25-2014</u>
Signature	Date

If you have questions, call 503-691-3026.



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I certify that the description of the property included within the attached petition (located on Assessor's Map 25135BA) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Jennifer Ramstad
TITLE GIS Tech II
DEPARTMENT Assessment & Taxation
COUNTY OF Washington
DATE 5/29/14

ANNEXATION CERTIFIED

BY JR

MAY 29 2014

WASHINGTON COUNTY A & T
CARTOGRAPHY



City of Tualatin

www.ci.tualatin.or.us

PROPERTY OWNER INFORMATION SHEET

(This form is NOT the petition)

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA SHOULD SIGN

To be completed IF the proposal contains 10 or fewer land owners and/or registered voters. Please indicate the name and address of all owners and/or voters regardless of whether they signed an annexation petition or not. This is not for notification purposes. A signature on this form does not indicate support or opposition to the request.

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township & Range)
---------------------	---------	---

(1)	GARY AND JUDITH KUGONS	6355 CARMEN DRIVE L.O. 0941035 2 S135BA00600
-----	------------------------	---

(2)		
-----	--	--

(3)		
-----	--	--

(4)		
-----	--	--

(5)		
-----	--	--

(6)		
-----	--	--



City of Tualatin

www.ci.tualatin.or.us

CERTIFICATION OF PROPERTY OWNERSHIP

I certify that the attached petition for annexation of the described territory to the City of Tualatin contains the names of the owners* of a majority of the land area of the territory to be annexed, as shown on the last available complete assessment roll.

NAME Jennifer Ramstad **ANNEXATION CERTIFIED**
 TITLE GIS Tech II **BY JR**
 DEPARTMENT Assessment & Taxation **MAY 29 2014**
 COUNTY OF Washington **WASHINGTON COUNTY A & T**
 DATE 5/29/14 **CARTOGRAPHY**

*Owner means the owner of the title to real property or the contract purchaser of the real property.

← Elections Dept. 503-846-5800
Beaverton

CERTIFICATION OF REGISTERED VOTERS

I certify that the attached petition for annexation of described territory to the City of Tualatin contains the names of at least a majority of the electors registered in the territory to be annexed.

NAME _____

TITLE _____

DEPARTMENT _____

COUNTY OF _____

DATE _____

IMPORTANT INFORMATION ON
ANNEXATION LEGAL DESCRIPTIONS

A *metes and bounds* legal description of the entire area proposed for annexation is required as part of an annexation application.

You are requested to discuss the proposal with the City of Tualatin Community Development Department – Planning Division and Engineering Department prior to submittal of the legal description. A licensed land surveyor generally prepares the description. It must describe the boundary of the entire area to be annexed, including adjacent streets. Occasionally, other parcels, such as public properties, must be included to create a logical city boundary.

The legal description must be written in such a way as to comply with state law (ORS 308.225), including courses identified by bearings and distances, and references to deed lines whenever possible. The description must reference (“call to”) the Tualatin City Limits line where it adjoins the area to be annexed, or use an identical course. The Engineering Department can assist in determining which streets are to be included, and the extent (usually to the centerline). The acreage of the private property and the right-of-way property to be annexed should be indicated separately. The area should be clearly shown on an attached map.

When submitted, the description will be checked by the Engineering Department, and if revisions are necessary, the City will notify you. The final *approved* description is needed at least six weeks in advance of the City Council public hearing at which the decision will be made for minor boundary changes, and included with the application for expedited requests.

You must resubmit revised descriptions quickly to prevent delays in processing the application. The hearing cannot be scheduled until the legal description is verified and approved.



City of Tualatin

www.ci.tualatin.or.us

ANNEXATION PROPERTY INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. Land Area: Acres 0.39

B. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).

UNDEVELOPED FARMLAND (1 LOT)
NO EXISTING STRUCTURES - HORSE DEMO 2007
SEPTIC & WELL DECOMMISSIONED

C. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: 2 S 135 BA 0401/0402 LOT 23-25

RESIDENTIAL 1 SINGLE FAMILY HOME

South: 2 S 135 BA 0100 23-78 RESIDENTIAL

RESIDENTIAL 1 SINGLE FAMILY HOME

East: BOONES JERRY ROAD

West: 2 S 135 BA 6200 TRACT "B"

WETLANDS "CHILKAT MEADOWS"

D. EXISTING LAND USE:

No. of single-family units 0 No. of multi-family units 0

No. of commercial structures 0 No. of industrial structures 0

Public facilities or other uses 0

What is the current use of the land proposed to be annexed: NO USE

LAND ONLY - GRASS LAND

E. Total current year Assessed Valuation – Land \$ 113K Structures \$ 0

F. Total existing population 0

G. Is the territory contiguous to the City Limits? YES

H. Is the subject territory inside or outside of the Metro Regional Urban Growth Boundary? INSIDE

II. CRITERIA FOR APPROVAL OF BOUNDARY CHANGES.

The following are the criteria used in making a decision to annex property to the City of Tualatin. **Please address each of these in narrative form.** Be as thorough and complete with your answers as possible. Please see the attached "Criteria Guidelines" sheet for further clarification of the criteria. If you have any questions or need assistance, please contact the City of Tualatin, Planning Division at 503-691-3026.

A. Metro Code 3.09.050(d) states that a boundary change proposal shall address the following minimum criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;
2. Consistency with directly applicable provisions in an urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;
3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;
 5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;
 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;
 7. Consistency with other applicable criteria for the boundary change in question under state and local law.
- B. If the territory described in the proposal is presently included within the boundaries of any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

City N/A

County Washington County

Highway Lighting District None

Rural Fire District TVFR

Sanitary District None (Septic) DECOMMISSIONED 2010

Water District None (Well) U-TUALATIN " "

Grade School District Tigard Tualatin SD

High School District " "

Library District None

Drainage District None

Parks & Recreation District None

Other Sherwood - Wilsonville Ground Water Resource Area

- C. If any of the above units are presently servicing the territory (for instance, are residents in the territory hooked up to a public sewer or water system), please describe.

TUFR, stays same, SD District stays same

APPLICANT'S NAME MARK A. EIMON
MAILING ADDRESS 22955 SW ERIO PL
TUALATIN, OR 97062
WORK TELEPHONE 503.522.9995
HOME TELEPHONE 503.692.1675
REPRESENTING MARK & TALYA EIMON
DATE 6.27.14

Legal Description of Property Without Right-of-Way on SW Boones Ferry Road

EXHIBIT "A"

A portion of that certain tract described in Deed from merle Pennington, Jr., et ux, to Vera I. Perras, as described in Book 303, Page 460, Deed Records, in Section 35, Township 2 South, Range 1 West, Willamette Meridian, in the County of Washington and State of Oregon, said portion being described as follows:

Beginning at the Southeast corner of said tract so described in Book 303, Page 460; thence West along the South line thereof, 200 feet to a point; thence North parallel to the East line thereof, 100 feet to a point; thence East parallel to the South line thereof, 200 feet to a point on the East line of said tract so conveyed to Vera I. Perras; thence South along the East line thereof to the point of beginning.

ANNEXATION CERTIFIED

BY JK

MAY 29 2014

**WASHINGTON COUNTY A & T
CARTOGRAPHY**

FDOR0212.rdw



**ORTHWEST
SURVEYING, INC.**

RESIDENTIAL - COMMERCIAL - INDUSTRIAL

Licensed in OR , WA & ID

1815 NW 169th Place, Suite 2090
Beaverton, OR 97006

Telephone: 503-848-2127
Fax: 503-848-2179

Property Description

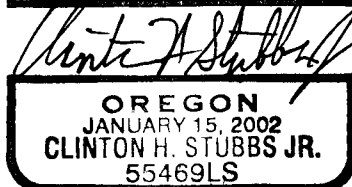
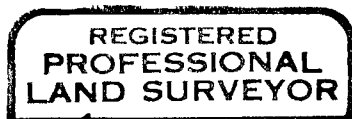
October 1, 2014
NWS Project Number 1165
Annexation Area

A tract of land described in deed to Gary L. Kilgore and Judith A. Kilgore recorded June 3, 1987 as Document Number 87-028180, Washington County Deed Records, located in the northwest one-quarter of Section 35, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon, and being more particularly described as follows:

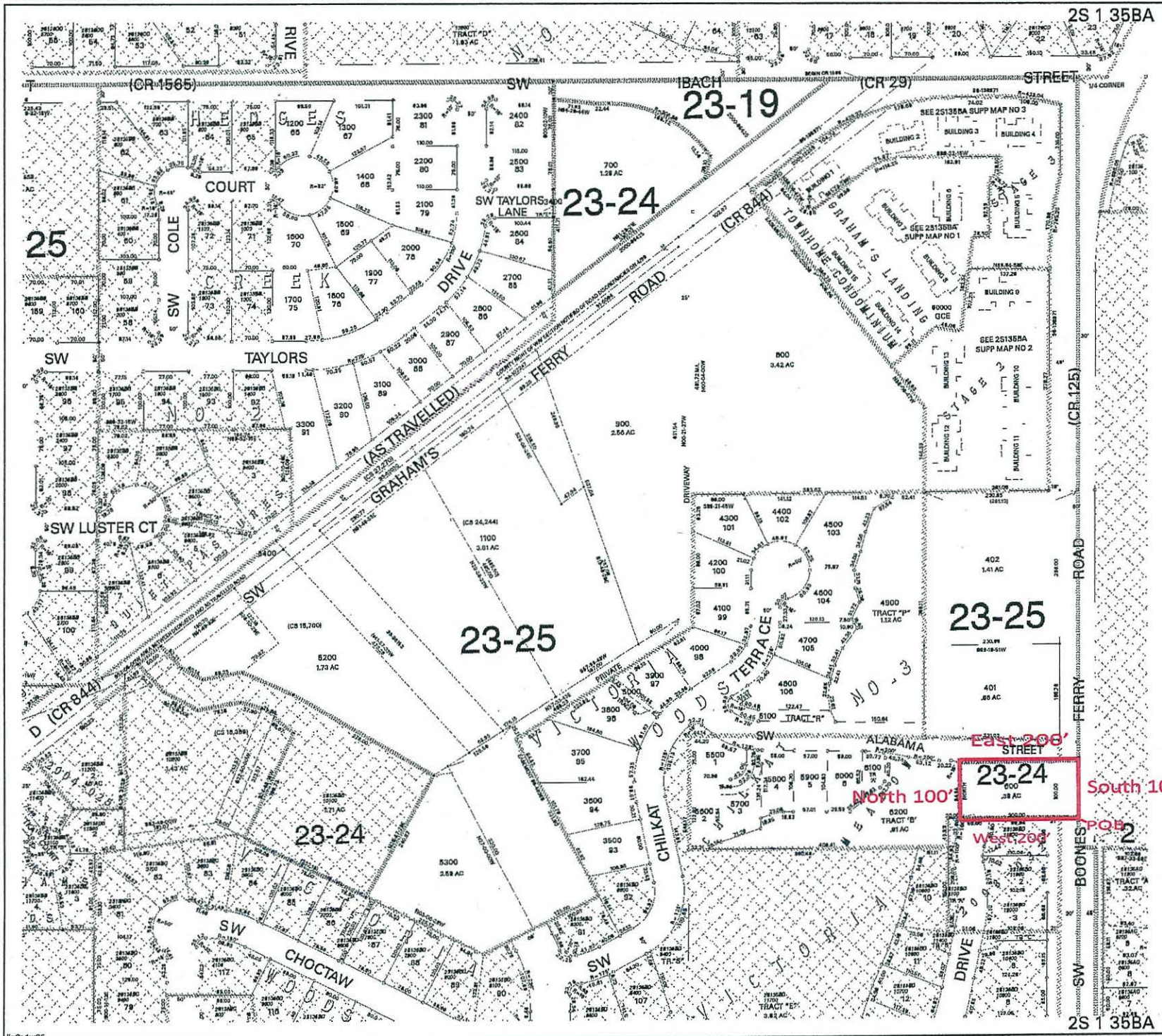
Beginning at a 5/8 inch iron rod with a yellow plastic cap stamped "Northwest Surveying, Inc." located at the northeast corner of Parcel 1 of Partition Plat No. 2008-032, Washington County Plat Records; Thence along the north line of said Parcel 1 and the westerly extension thereof, South 89°36'14" West 148.94 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Westlake Consultants" located at the southwest corner of said Kilgore property, also being the most easterly southeast corner of Tract "B" of Chilkat Meadow, Recorded as Document Number 2007-095071, Washington County Plat Records; Thence along the most easterly line of said Tract "B" and the northerly extension thereof, North 00°16'22" West 100.00 feet to an angle point on the southerly right-of-way line of SW Alabama Street (25.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line and the easterly extension thereof, North 89°32'58" East 200.02 feet to a point on the centerline of SW Boones Ferry Road; Thence along said centerline, South 00°13'37" East 100.19 feet to its intersection with the easterly extension of the northerly line of said Parcel 1; Thence along said easterly extension line, South 89°36'14" West 51.00 feet to the Point of Beginning.

The above described tract of land contains 20,017 square feet, more or less.

The basis of bearings for this description is the north line of said Parcel 1.

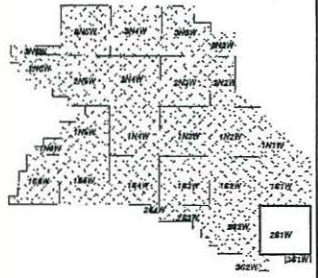


RENEWAL DATE: 6/30/16



2S 1 35BA

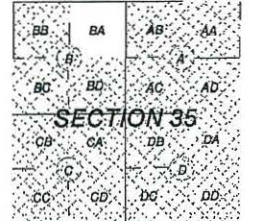
2S 1 35BA



WASHINGTON COUNTY OREGON
NE1/4 NW1/4 SECTION 35 T2S R1W W.M.
SCALE 1" = 100'

38	31	32	33	34	35	36	37
8	9	10	11	12	13	14	15
16	17	18	19	20	21	22	23
24	25	26	27	28	29	30	31
32	33	34	35	36	37	38	39
40	41	42	43	44	45	46	47

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

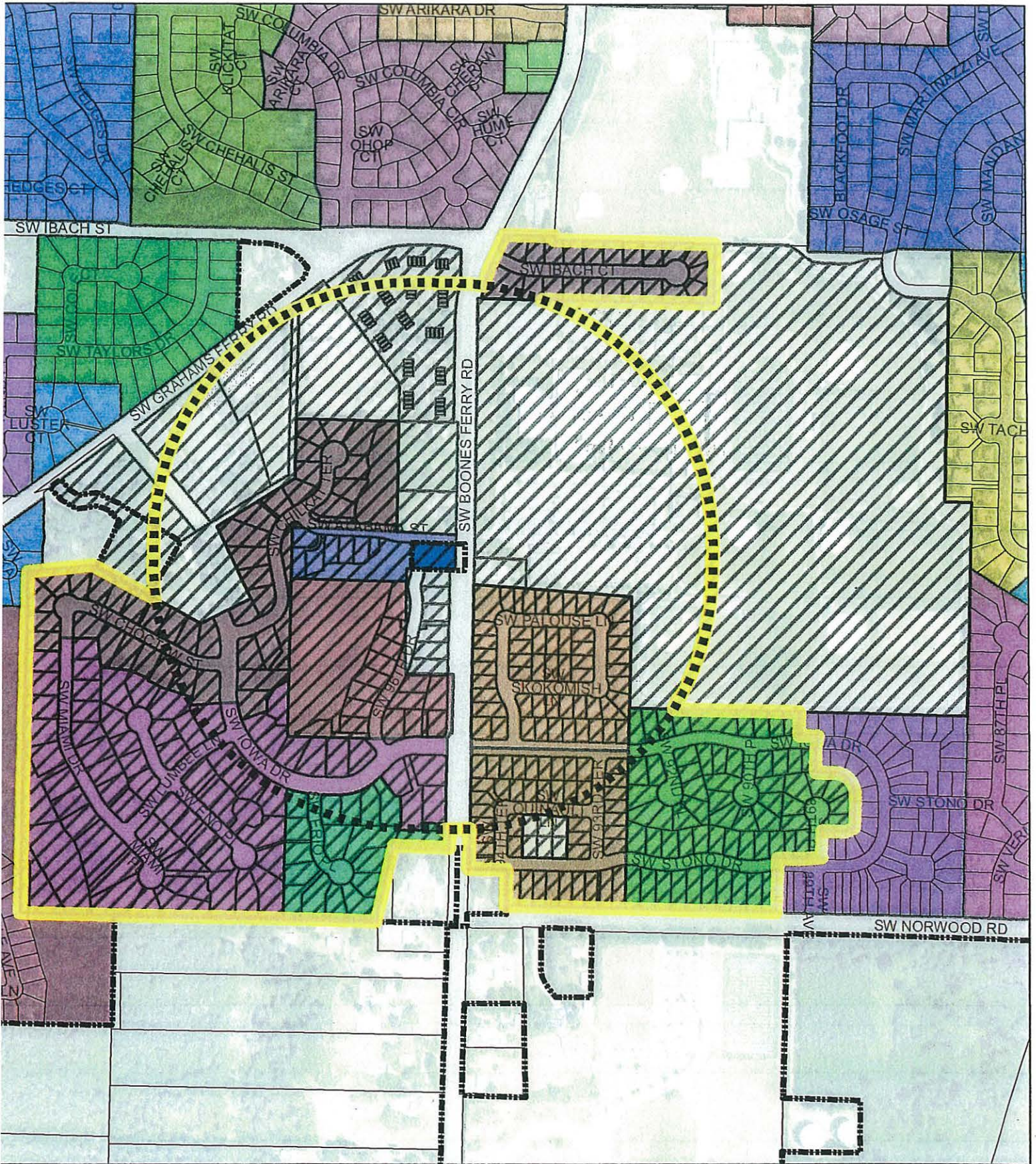


Cancelled Taxlots For: 2S135BA
1000,300,400,100,200,500,
Annexation Certified by
Washington County
Cartography
5/29/14

0 50 100 200 300
SCALE 1" = 100'

PLOT DATE: May 21, 2014
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE
Map areas delineated by either grey shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

TUALATIN
2S 1 35BA



 1000' Buffer

 1000' Buffer with Subdivisions

102 - Application Materials

 Selected Taxlots



June 4, 2014

Mark Eimon (DBA Amark Construction and Painting LLC)
PO Box 3584
Tualatin, OR 97062

RE: Neighborhood/Developer Meeting Notice (Eimon Project)

Dear Property Owner:

You are cordially invited to attend a meeting on Thursday, June 26, 2014 at Ibach Park (covered area) in Tualatin @6:00PM (Ibach and 103rd ave Tualatin). This meeting shall be held to discuss a proposed project located at 22475 SW Boones Ferry Road. The proposal is to discuss: 1. Annexation of property into the city. 2. Construction of 1 single-family residence.

The purpose of this meeting is to provide a means for the applicant and surrounding property owners to meet and discuss this proposal and identify any issues regarding this proposal.

Regards,
Mark and Tanya Eimon
Amark Construction and Painting LLC
503-522-9995 email: amark123@msn.com

As applicant for the Eimon Project, I certify that on this day, 6-10-2014 notice or the Neighborhood / Developer Meeting was mailed in accordance with the requirements of the Tualatin Development Code and the Community Development Department-Planning Div.

Applicant's Name: MARK A. EIMON

Applicant's Signature: Mark Eimon

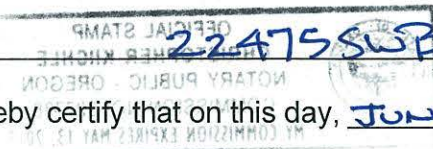
Date: 6-10-2014

NEIGHBORHOOD / DEVELOPER MEETING CERTIFICATION OF SIGN POSTING

<p style="text-align: center;">NOTICE</p> <p style="text-align: center;">NEIGHBORHOOD / DEVELOPER MEETING</p> <p style="text-align: center;">__/__/2010 __:__.m.</p> <p style="text-align: center;">SW _____</p> <p style="text-align: center;">503-__-__</p>	18"
24"	

In addition to the requirements of TDC 31.064(2) quoted earlier in the packet, the 18" x 24" sign that the applicant provides must display the meeting date, time, and address and a contact phone number. The block around the word "NOTICE" must remain **orange** composed of the **RGB color values Red 254, Green 127, and Blue 0**. Additionally, the potential applicant must provide a flier (or flyer) box on or near the sign and fill the box with brochures reiterating the meeting info and summarizing info about the potential project, including mention of anticipated land use application(s). Staff has a Microsoft PowerPoint 2007 template of this sign design available through the Planning Division homepage at < www.tualatinoregon.gov/planning/land-use-application-sign-templates >.

As the applicant for the

 22475 SW Boones Ferry Rd project, I
hereby certify that on this day, June 11, 2014 sign(s) was/were posted on the
subject property in accordance with the requirements of the Tualatin Development Code
and the Community Development Department - Planning Division.

Applicant's Name: MARK EIMON
(PLEASE PRINT)

Applicant's Signature: 

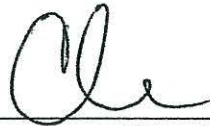
Date: 7-24-14

**NEIGHBORHOOD/DEVELOPER MEETING
AFFIDAVIT OF MAILING**

STATE OF OREGON)
) SS
COUNTY OF WASHINGTON)

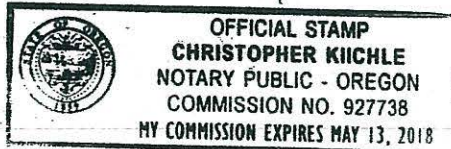
I, Christopher Kichle, being first duly sworn, depose and say:

That on the 11th day of June, 2014, I served upon the persons shown on Exhibit "A," attached hereto and by this reference incorporated herein, a copy of the Notice of Neighborhood/Developer meeting marked Exhibit "B," attached hereto and by this reference incorporated herein, by mailing to them a true and correct copy of the original hereof. I further certify that the addresses shown on said Exhibit "A" are their regular addresses as determined from the books and records of the Washington County and/or Clackamas County Departments of Assessment and Taxation Tax Rolls, and that said envelopes were placed in the United States Mail with postage fully prepared thereon.



Signature

SUBSCRIBED AND SWORN to before me this 2nd day of July, 2014.



Notary Public for Oregon
My commission expires:

RE: _____

NEIGHBORHOOD/DEVELOPER MEETING SIGN-IN SHEET (EIMON PROJECT)

Meeting time and date: Thursday, June 26, 2014 @ 6:00PM

Location: Ibach Park 10455 SW Ibach St, Tualatin, OR 97062

NAME
GORDON & DENISE FOERTSCH
PETIE & JON BRYANT [REDACTED]
(Jeannie Divine) [REDACTED]
Karen Hatterley [REDACTED]
Clare Fuchs, City of Tualatin
Kenny Gillett, Victoria Woods Resident
e-mail: [REDACTED]
e-mail: [REDACTED]
Erik Moen
M. Westenhaver

NAME

June 27, 2014

Neighborhood/Developer Meeting Minutes

Meeting Time/Date: Meeting began as scheduled Thursday 6/26 @ 6:00PM Ibach Park

Mark opened the meeting with brief description of proposed project. Explaining intent to annex the property into the City of Tualatin and build one single-family home on the property.

Over 400 mailing notices were mailed. There were representatives of eight households and one from the City in attendance.

Question and concerns as follows:

Will 96th Drive ever be connected to Alabama.

Will Alabama Street ever be connected to Boones Ferry Road.

Will there be a sidewalk on BFR

When will the city connect the sidewalks along BFR

How big will the house be.

The meeting went to around 6:25 and was adjourned

Special thanks to Clare Fuchs for her attendance



**CERTIFICATION OF REGISTERED VOTERS
FOR ANNEXATION PURPOSES***

I hereby certify that the attached petition for the annexation of the territory listed herein to the City of Tualatin contains, as of the date listed, the following information:

- 2 Number of signatures of individuals on petition.
- 0 Number of active **registered voters** within the territory to be annexed.
- 0 Number of **VALID signatures of active registered voters** within the territory to be annexed, on the petition.

Tax lot number(s): 2S135BA00600 22475 SW Boones Ferry

DIVISION: ELECTIONS
 COUNTY: WASHINGTON
 DATE: May 29, 2014
 NAME: Angie Muller
 TITLE: Administrative Specialist II



Angie Muller
 (Signature of Election Official)

*This 'Certification of Registered Voters for Annexation Purposes' DOES NOT, in any way, make the determination if this petition meets the annexation requirements of the city/district listed.

Annexation certification sht rev4-043009

100- Application Materials

ANN-14-03

To lessen the bulk of the notice of application and to address privacy concerns, this sheet substitutes for the photocopy of the mailing labels. A copy is available upon request.

Existing Conditions Map

22475 SW Boones Ferry Rd

Exhibit A



SW Alabama St

SW Boones Ferry Rd

SW 96th Dr

A



Aerial Photo: February 2013

ATTACHMENT 104

ANN-14-01: BACKGROUND INFORMATION

- I. Pertinent background information obtained from the submitted application for ANN-14-03 and other supporting documents is summarized in this section.

The subject property, tax lot 600 of Tax Map 2S1 35BA, is owned by Gary L. and Judith A. Kilgore and is addressed at 22475 SW Boones Ferry Road (Attachment 101). Immediately adjacent parcels include:

- A. Tax Lot 2S1 35A401 to the north (single family home) (in City, Low Density Residential (RL) Planning District);
 - B. Tax Lot 2S1 35BA 700 to the east (Tualatin High School)(in City, Low Density Residential (RL) Planning District);
 - C. Tax Lot 2S1 35A 600 to the east (single family home)(in City, Low Density Residential (RL) Planning District);
 - D. Tax Lot 2S1 35BD 11800 to the south (single family home)(in City, Low Density Residential (RL) Planning District);
 - E. Tax Lot 2S1 35BA 6200 to the west (single family home)(in City, Low Density Residential (RL) Planning District);
- II. The subject property is located in unincorporated Washington County and zoned Future Development 10-Acre Minimum (FD-10). When annexed, tax lot 600 will be in the Low Density Residential (RL) Planning District. The territory will concurrently be withdrawn from the Washington County Enhanced Sheriff Patrol District and the Urban Road Maintenance District.

A Vicinity Map is included as Attachments 101. The applicant's materials are included as Attachment 103.

The property was once developed with a single family home. This has been demolished. The septic and well were also decommissioned. There are currently no structures on the subject site. There is one existing access onto SW Boones Ferry Road.

- III. When annexed, the Tualatin Development Code (TDC) chapters that will apply to existing access on the Subject Property upon annexation will be Chapter 75, Access Management.

IV. In respect to the above TDC standards:

- A.** The existing access is not allowed. The annexation agreement outlines closure of the existing access. Physical closure of the existing access is required prior to issuing a Certificate of Occupancy for any future construction on the subject site.
- B.** Other design standards will apply when the property is redeveloped including but not limited to TDC 73 that requires minimum architectural standards for single family homes.

The City and the property owner have prepared an Annexation Agreement that establishes the uses and property improvements that upon redevelopment will be brought into conformance with the Tualatin Development Code and Municipal Code.

- V.** Future Development of Site: Eventual Development of one single family residence is planned to occur. Applicant states that the intent is to develop the property for **one single family home**.

ATTACHMENT 105

ANN-14-03: 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. Currently the site is undeveloped and the well and septic has been decommissioned. A single family home was demolished in 2010. 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 Low Density Residential (RL) Planning District will be automatically applied to the tax lot on the effective date of the annexation. Per Section III (G) of the UPAA, the County does not oppose this annexation.

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 Low Density Residential (RL) Planning District 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 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.

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 SW Alabama Street. Sanitary sewer service to the site is available on-site through Clean Water Services. Water service to the site is available in SW Alabama Street 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 four 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 35BA Tax Lot 600 and adjoining SW Boones Ferry Road ROW) is currently within Metro’s Urban Growth Boundary at the time the complete petition for annexation was filed on August 6, 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.

Annexation and Annexation Agreement ANN-14-01

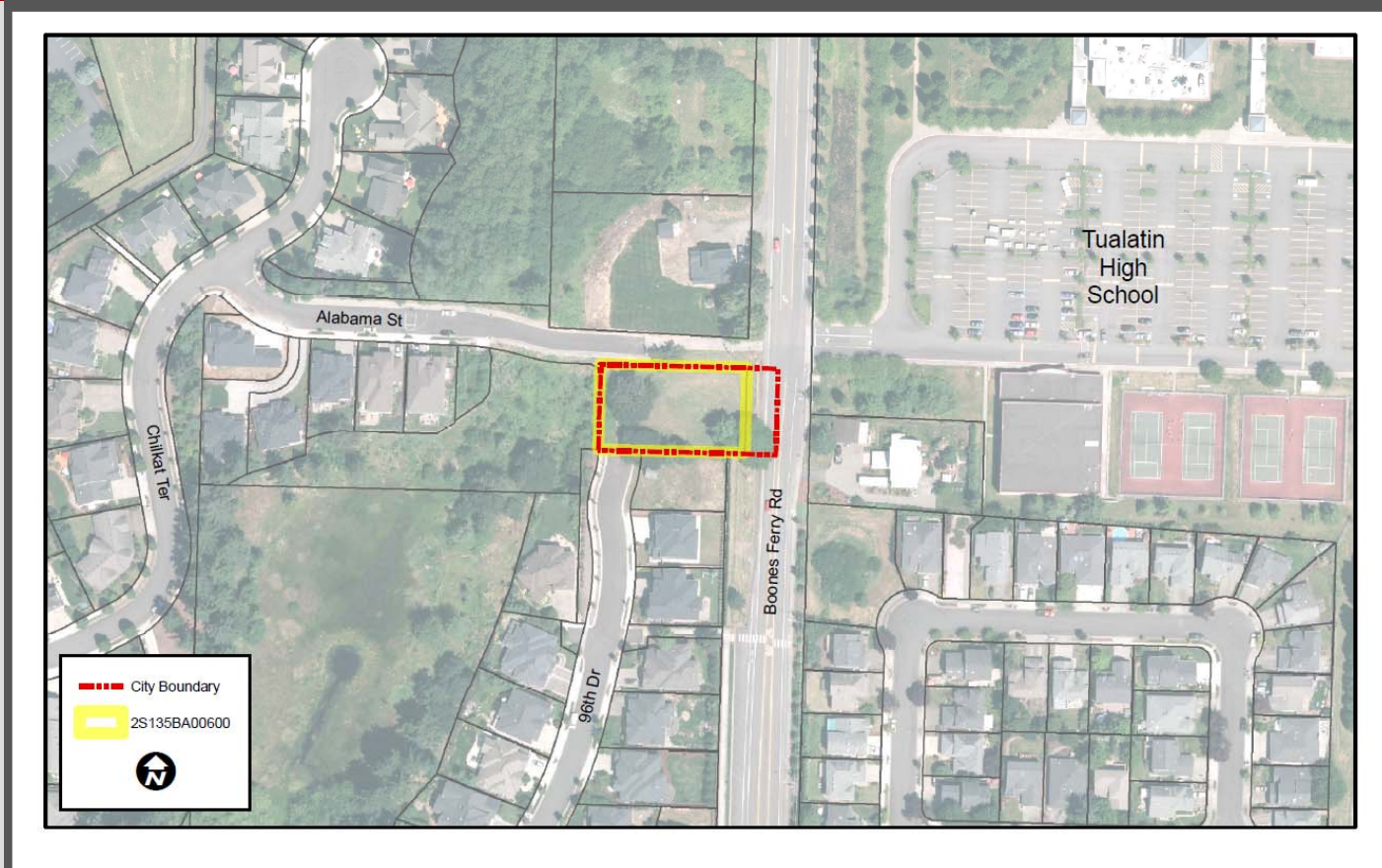
Kilgore Property

October 13, 2014





Vicinity Map



October 13, 2014

City of Tualatin

2



Current Planning District Map





ANN-14-03 Oblique View



October 13, 2014

City of Tualatin

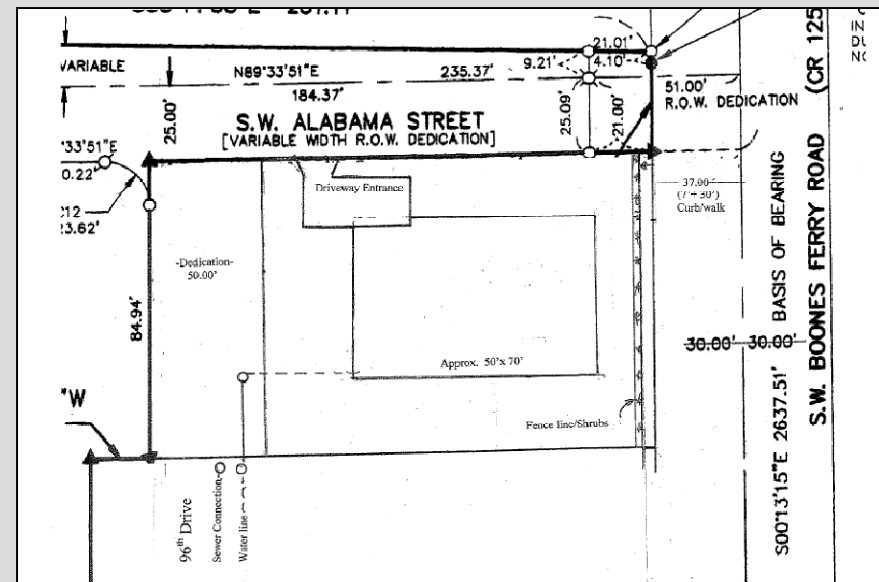
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Annexation Agreement

- Identifies an existing non-conforming access on SW Boones Ferry Road that will be physically and legally closed.
- Dedication of right-of-way on SW Boones Ferry Road (37-feet to centerline).
- Dedication of right-of-way for SW 96th Drive (a 50-foot width).
- Allows for construction of a residential access onto SW Alabama Street.
- Requires sidewalk and a fence or wall along SW Boones Ferry Road frontage.

Preliminary Draft Site Plan





Conclusion & Questions

- Analysis and Findings show the Kilgore Petition meets Annexation requirements TDC 31.067.

Questions?

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