



**TUALATIN CITY COUNCIL**  
**Monday, DECEMBER 11, 2017**

**JUANITA POHL CENTER**  
**8513 SW Tualatin Road**  
**Tualatin, OR 97062**

**WORK SESSION** begins at 6:15 p.m.  
**BUSINESS MEETING** begins at 7:00 p.m.

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**Mayor Lou Ogden**

**Council President Joelle Davis**

**Councilor Robert Kellogg**  
**Councilor Paul Morrison**

**Councilor Frank Bubenik**  
**Councilor Nancy Grimes**

**Councilor Jeff DeHaan**

**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](http://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](http://www.tvctv.org). Council meetings can also be viewed by live *streaming video* on the day of the meeting at [www.tualatinoregon.gov/meetings](http://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.



## OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR DECEMBER 11, 2017

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### A. CALL TO ORDER

Pledge of Allegiance

### B. ANNOUNCEMENTS

1. Update on the Tualatin Youth Advisory Council's Activities for December
2. New Employee Introduction- Betsy Ruef, Community Engagement Coordinator
3. New Employee Introduction- Jonathan Taylor, Economic Development Program Manager
4. Proclamation Declaring December 10, 2017 as Human Rights Day in the City of Tualatin

### 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 Work Session and Regular Meeting of November 13, 2017
2. Consideration of Approval of a New Liquor License Application for Benza Vineyards
3. Consideration of the System Development Charge (SDC) Annual Reports on Sewer, Storm, Water, and Transportation Development Tax (TDT) for Fiscal Year 2016/2017
4. Consideration of **Resolution No. 5348-17** Authorizing the City Manager to Execute the Termination of an Intergovernmental Agreement (IGA) with Clackamas County Relating to SW Borland Road

5. Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2016/2017

**E. PUBLIC HEARINGS – Quasi-Judicial**

1. Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Located at 6464 SW Borland Road

**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 No. 5350-17** Authorizing the City Manager to Execute a 4-party Intergovernmental Agreement Seeking a Non-Appealable Decision from Metro Regarding the Central Subarea of the Basalt Creek Planning Area
2. Consideration of Council Rules

**G. 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.*

**H. COMMUNICATIONS FROM COUNCILORS**

**I. ADJOURNMENT**



**City Council Meeting**

**Meeting Date:** 12/11/2017

**ANNOUNCEMENTS:** YAC Update

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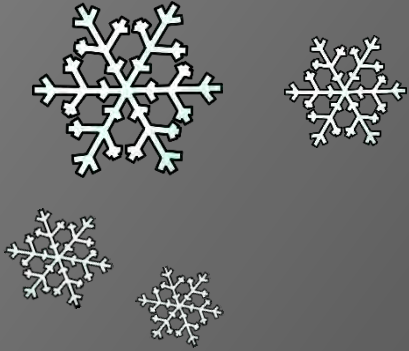
**ANNOUNCEMENTS**

Update on the Tualatin Youth Advisory Council's Activities for December

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A. YAC Update

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December 11, 2017

# *Tualatin Youth Advisory Council*

*Youth Participating in Governance*





*Starry Nights and Holiday Lights*





# *Park After Dark*

- November 17 - games, food, and music
- December 8 - cookie decorating and movies



# Other Activities

- Project FRIENDS planning
- YAC Holiday Party



**City Council Meeting**

**Meeting Date:** 12/11/2017

**ANNOUNCEMENTS:** Proclamation Declaring December 10, 2017 as Human Rights Day in the City of Tualatin

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**ANNOUNCEMENTS**

Proclamation Declaring December 10, 2017 as Human Rights Day in the City of Tualatin

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Proclamation

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# Proclamation

## *Proclamation Declaring December 10, 2017 as Human Rights Day in the City of Tualatin*

WHEREAS on December 10, 1948, the member States of the United Nations signed the Universal Declaration of Human Rights and countries of different political, economic and social systems unanimously agreed on the fundamental rights that all people share solely on the basis of their common humanity; and

WHEREAS the Universal Declaration asserts recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace; and

WHEREAS disregard and contempt for human rights have resulted in acts which have outraged the conscience of mankind, and the advent of the world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people; and

WHEREAS the Universal Declaration is referred to as the authoritative definition of human rights standards and increasingly referred to as customary international law, which all countries must abide; and

WHEREAS the primary responsibility to promote respect for these rights and freedoms lies with each individual in the City of Tualatin and each of us can play a major role in enhancing human rights; and

WHEREAS the people of Tualatin reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life; and

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

The citizens of Tualatin are hereby encouraged to be knowledgeable about the Human Rights Declaration and join in activities celebrating Human Rights Day.

INTRODUCED AND ADOPTED this 11<sup>th</sup> day of December, 2017.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

ATTEST:

BY \_\_\_\_\_  
City Recorder



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 12/11/2017

**SUBJECT:** Consideration of Approval of the Minutes for the Work Session and Regular Meeting of November 13, 2017

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### **ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of November 13, 2017.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council adopt the attached minutes.

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**Attachments:** [City Council Work Session Minutes of November 13, 2017](#)  
[City Council Regular Meeting Minutes of November 13, 2017](#)





Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; City Engineer Jeff Fuchs; Project Engineer Dominique Huffman; IS Director Bates Russell

## CALL TO ORDER

Mayor Ogden called the meeting to order at 6:08 p.m.

### 1. ***Garden Corner Curves Concept Study Update.***

Public Works Director Jeff Fuchs, Assistant City Engineer Dominique Huffman, and Dave Brokaw from Wallis Engineering presented the preferred option for the Garden Corner Curves. Director Fuchs reviewed the process for the project to date. He stated extensive public outreach has been conducted and from that the preferred alternatives were developed and presented. Engineer Huffman discussed the evaluation process for the alternatives and how they determined the best option. She stated considerations included public input, impacts to the area, cost, “implementability”, and interchangeable elements. Director Fuchs compared the safety of each alternative. Engineer Huffman shared the public preference polling noting that Alternative A is the public’s preferred alternative. Citizens prefer this option because it includes speed feedback signs, raised facilities, landscape planters and buffers, and the cobbled texture. Consultant Brokaw spoke to the cost estimates and the increased footprints beyond the existing roadway for each alternative. In addition to the footprint he addressed the amount of right of way that would need to be acquired for each alternative.

The final preferred alternative was announced as alternative A with some interchangeable options. Consultant Brokaw spoke to the defining characteristics and additions to the final alternative. Near term improvements to the area could include better signage, visibility improvements, revised pavement markings, speed feedback display signs, and an anti-speeding public awareness campaign. Director Fuchs stated next steps are to inform the community, identify funding, and build components as funding is available.

Councilor Bubenik asked if this project could be phased in or if it all has to be completed at once. Director Fuchs stated the project has to be completed at one time due to road closures.

Councilor Kellogg asked if the shared use pathway is for bikes and pedestrians.

Consultant Brokaw stated there will be some delineation based on pavement markings but it is shared overall. Councilor Kellogg asked if the two modes could be separated. Director Fuchs stated certain areas will be separated.

Councilor Morrison asked about the visibility of the crossings at Blake and 108<sup>th</sup>. Consultant Brokaw stated they will install flashing beacons to help add visibility to the crossings in that location.

Councilor Morrison asked about narrowing of the loading area for the Garden Corner Nursery. Consultant Brokaw stated the area will be narrowed to a regular driveway entrance and that decision has been discussed with the property owner.

Council President Davis asked about the wetland mitigation. Engineer Huffman stated there will be limited impacts to the east side of the roadway to avoid impacts to the creek.

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

None.

**3. Record Holiday Greeting**

**ADJOURNMENT**

The work session adjourned at 6:25 p.m.

Sherilyn Lombos, City Manager

\_\_\_\_\_ / Nicole Morris, Recording Secretary

\_\_\_\_\_ / Lou Ogden, Mayor



## OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR NOVEMBER 13, 2017

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Present: Mayor Lou Ogden; Councilor Frank Bubenik; Council President Joelle Davis; Councilor Nancy Grimes; Councilor Paul Morrison; Councilor Jeff DeHaan; Councilor Robert Kellogg

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Teen Program Specialist Julie Ludemann; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Parks and Recreation Manager Rich Mueller; City Engineer Jeff Fuchs; Project Engineer Dominique Huffman; IS Director Bates Russell

### **A. CALL TO ORDER**

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:00 p.m.

### **B. ANNOUNCEMENTS**

#### **1. Tualatin Youth Advisory Council's Activities for November 2017**

Members of the Youth Advisory Committee (YAC) presented a PowerPoint on their latest activities and upcoming events. The 2017 Haunted House was held and had 375 participants. YAC members will be participating in the Starry Nights and Holiday Lights event on December 1. All funds raised at the events will go to funding the National League of Cities trip. Upcoming events include Park After Dark and preparations for Project FRIENDS.

#### **2. Starry Nights and Holiday Lights 2017 Announcement**

Recreation Supervisor Julie Ludemann announced the Annual Starry Nights and Holiday Lights event. The event will be Friday, December 1, 5pm, at the Lake of the Commons. She invited all citizens to attend.

### **C. CITIZEN COMMENTS**

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Julie Cooper expressed concerns regarding parking overflow into her neighborhood from the high school. She requested the City explore permit parking along Iowa Street.

**D. CONSENT AGENDA**

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MOTION by Councilor Robert Kellogg, SECONDED by Council President Joelle Davis to adopt the consent agenda.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Work Sessions and Regular Meetings of October 23, 2017
2. Consideration of **Resolution No. 5344-17** Prohibiting Parking at Designated Locations on SW 104<sup>th</sup> Avenue Between SW Rayborn Court and SW Kellogg Drive
3. Consideration of **Resolution No. 5345-17** Authorizing the City Manager to Execute an Amendment to a Professional Services Contract with OBEC Consulting Engineers for Additional Services Related to Myslony Bridge
4. Consideration of **Resolution No. 5346-17** Awarding the Contract for the Myslony Bridge Project to Wildish Standard Paving Company and Authorizing the City Manager to Execute a Contract
5. Consideration of **Resolution No. 5347-17** Awarding the Contract for the SW 63<sup>rd</sup> Avenue Water Main Replacement Project to Trench Line Excavation, Inc. and Authorizing the City Manager to Execute a Contract
6. Consideration of **Resolution No. 5339-17** Authorizing the City Manager to Execute A Revocable Permit for the Private Encroachment of a City Slope Easement on 19215 SW 49th Court

**E. SPECIAL REPORTS**

1. Annual Report of the Juanita Pohl Center Advisory Committee

Juanita Pohl Center Supervisor Sara Shepherd and Juanita Pohl Center Advisory Committee Member Candice Kelly presented the committees annual update. Chair Kelly stated the committee's role is to listen for suggestions and ideas, then provide input and advise staff on the operation of the center. The center this year has increased utilization by increasing fitness, nutrition, and social opportunities for citizens. Total center visits for the 2016-17 fiscal year were 42,351. Chair Kelly spoke to the many center partnerships that help foster and improve health and promote healthy lifestyles. Building rentals are a big part of center activities with over 300 rentals and 20,510 guests attending those events. The committee worked to enhance the center's appearance this year by adding new billiard chairs, furniture replacement in the main lounge, and are planning replacement of the back lounge furniture in 2018. The committee's action plan for 2017-18 includes supporting and growing the active aging programs, increase partnerships with local community groups, and work on kitchen equipment and storage improvements.

Mayor Ogden asked if the rental fees for the facility are just for cost recovery or if they are based on a market rate for general operations of the center. City Manager Lombos stated the fees are for cost recovery only.

Councilor Bubenik thanked the staff and the committee for their great work on the Veteran's Day Breakfast. He stated it was another successful year.

Councilor DeHaan asked if there are accessibility goals in place for the center. Chair Kelly stated the center is working on outreach to the Hispanic community.

## **F. GENERAL BUSINESS**

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1. Consideration of **Ordinance No. 1405-17** Relating to the Planning Commission and Amending Tualatin Municipal Code Chapter 11-01

City Attorney Sean Brady stating this items amends the Municipal Code Chapter 11-01. A separate ordinance tonight will further eliminate the language from the Tualatin Development Code.

MOTION by Council President Joelle Davis, SECONDED by Councilor Jeff DeHaan for first reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Jeff DeHaan for second reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Councilor Jeff DeHaan, SECONDED by Council President Joelle Davis to adopt Ordinance No. 1405-17 relating to the Planning Commission and amending Tualatin Municipal Code Chapter 11-01.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

2. Consideration of **Ordinance No. 1406-17** to establish the Planning Commission as the Review Authority for Conditional Use Permits; and Amending Tualatin Development Code Chapters 2, 31, and 32

MOTION by Councilor Jeff DeHaan, SECONDED by Council President Joelle Davis for first reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Councilor Nancy Grimes, SECONDED by Councilor Jeff DeHaan for second reading by title only.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Jeff DeHaan to adopt the Ordinance No. 1406-17 to establish the Planning Commission as the review authority for Conditional Use Permits; and amending Tualatin Development Code Chapters 2, 31, and 32.

Aye: Mayor Lou Ogden, Councilor Frank Bubenik, Council President Joelle Davis, Councilor Nancy Grimes, Councilor Jeff DeHaan, Councilor Paul Morrison, Councilor Robert Kellogg

MOTION CARRIED

3. Consideration of Council Rules

Mayor Ogden briefly recapped previous discussion on the Council Rules. He presented his track changes as attached to the staff report. Discussion regarding the council rule items was held by the Council and will be reflected in the final draft.

Due to lack of time, consensus was reached to continue the discussion on the Mayor's track changes on December 11, 2017.

**G. COMMUNICATIONS FROM COUNCILORS**

None.

**H. ADJOURNMENT**

Mayor Ogden adjourned the meeting at 9:20 p.m.

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:** Nicole Morris, Deputy City Recorder

**DATE:** 12/11/2017

**SUBJECT:** Consideration of Approval of a New Liquor License Application for Benza Vineyards

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### **ISSUE BEFORE THE COUNCIL:**

The issue before the Council is to approve a new liquor license application for Benza Vineyards.

### **RECOMMENDATION:**

Staff respectfully recommends that the Council approve endorsement of the liquor license application for Benza Vineyards.

### **EXECUTIVE SUMMARY:**

Benza Vineyards has submitted a new liquor license application under the category of Winery. They must principally produce wine or cider in Oregon. They can manufacture, store, and export wine and cider. This allows for the sale and service of malt beverages, wine, and cider for off-site consumption. The business is located at 12085 SW Myslony. The application is in accordance with provisions of Ordinance No.680-85 which established a procedure for review of liquor licenses by the Council. Ordinance No. 680-85 establishes procedures for liquor license applicants. Applicants are required to fill out a City application form, from which a review by the Police Department is conducted, according to standards and criteria established in Section 6 of the ordinance. The Police Department has reviewed the new liquor license application and recommended approval. According to the provisions of Section 5 of Ordinance No. 680-85 a member of the Council or the public may request a public hearing on any of the liquor license requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

### **FINANCIAL IMPLICATIONS:**

A fee has been paid by the applicant.

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







## OREGON LIQUOR CONTROL COMMISSION LICENSE TYPES

### FULL ON-PREMISES SALES

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

### LIMITED ON-PREMISES SALES

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

### OFF-PREMISES SALES

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

### BREWERY PUBLIC HOUSE

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

### WINERY

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



Return Completed form to:  
City of Tualatin  
Attn: Deputy City Recorder  
18880 SW Martinazzi Ave  
Tualatin, OR 97062



# CITY OF TUALATIN

## LIQUOR LICENSE APPLICATION

Date November 7, 2017

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

Thank you for your assistance and cooperation.

REC'D  
CITY OF TUALATIN  
NOV 09 2017

### SECTION 1: TYPE OF APPLICATION

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

MAYOR\_COUNCIL\_POLICE\_ADM  
FINANCE\_COMM DEV\_LEGAL\_OPER  
COMM SVCS\_ENG & BLDG\_LIBRARY

### SECTION 2: DESCRIPTION OF BUSINESS

Name of business (dba): Benza Vineyards

Business address 12085 SW Myslony St. City Tualatin State OR Zip Code 97206

Mailing address 16740 SW Pinot Place City Hillsboro State OR Zip Code 97123

Telephone # (415) 302-7853 Fax # N/A

Name(s) of business manager(s) First Ronald Middle Joseph Last Benza

Date of birth [redacted] Social Security # [redacted] ODL# [redacted] M  F

Home address [redacted]  
(attach additional pages if necessary)

Type of business Custom Crush Winery

Type of food served N/A

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

Days and hours of operation N/A

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

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

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

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

**SECTION 3: DESCRIPTION OF LIQUOR LICENSE**

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

Type of liquor license (refer to OLCC form) Winery

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

**INDIVIDUAL:** *If this box is checked, provide full name, date of birth, and residence address.*  
Full name \_\_\_\_\_ Date of birth \_\_\_\_\_  
Residence address \_\_\_\_\_

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

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

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

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

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




Full name: N/A Date of birth: N/A

Residence address: N/A

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

**SECTION 4: APPLICANT SIGNATURE**

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

 11/7/2017  
Signature of Applicant Date

**For City Use Only**

Sources Checked:

- DMV by [Signature]     LEADS by [Signature]     TuPD Records by [Signature]
- Public Records by [Signature]

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

Number of Tualatin arrest/suspect contacts for \_\_\_\_\_

**It is recommended that this application be:**

**Granted**

**Denied**

Cause of unfavorable recommendation: \_\_\_\_\_

 11-16-17  
Signature Date

Bill Steele  
Chief of Police  
Tualatin Police Department



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Kelsey Lewis, Management Analyst II  
Jeff Fuchs, Public Works Director/City Engineer

**DATE:** 12/11/2017

**SUBJECT:** Consideration of the System Development Charge (SDC) Annual Reports on Sewer, Storm, Water, and Transportation Development Tax (TDT) for Fiscal Year 2016/2017

---

### **ISSUE BEFORE THE COUNCIL:**

The Council will review the System Development Charge (SDC) reports for FY 2016/2017 and consider staff recommendations.

### **RECOMMENDATION:**

Staff recommends that Council accept the attached reports.

### **EXECUTIVE SUMMARY:**

Council established the current Sewer, Storm, and Water SDCs in 1991 and the Transportation Development Tax in 2010. The attached report fulfills the requirement of ORS 223.311 to provide an annual accounting of the SDCs and to recommend any changes to the SDC Chapter of the Tualatin Municipal Code.

---

**Attachments:** A- FY 2016/17 SDC Reports for Sewer, Storm, Water and TDT

**CITY OF TUALATIN**  
**SEWER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2016/17

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. The Sewer SDC fee was established by intergovernmental agreement with Clean Water Services in which the City collects the revenue, remitting 96% to Clean Water Services and retaining 4%. The fee is based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the sewer system.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Sewer SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2016 to June 30, 2017) the City of Tualatin collected \$712,001.12 in Sewer SDC fees. Interest earned on the SDC fees was \$43,407.72.

**Credits**

No credits were used towards the payment of Sewer SDC in fiscal year 2016/17.

**Expenditures**

The Sewer SDC fees were determined by the Clean Water Services methodology and retained in the Sewer Development (Sewer SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2016/17 by the Sewer SDC revenues were as follows:

- |                                                                                |              |
|--------------------------------------------------------------------------------|--------------|
| 1. Sewer Master Plan Update                                                    | \$100,273.20 |
| 2. Transfer to General Fund<br>(Costs associated with management of Sewer SDC) | \$8,950.00   |

---

Total Expenditures	\$109,223.20
--------------------	--------------



**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Sewer SDCs. No change to methods, procedures or fees as outlined in Tualatin Municipal Code is recommended at this time.

**CITY OF TUALATIN**  
**STORM SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2016/17

**Introduction**

According to Tualatin Municipal Code, Chapter 2-6-060, System Development Charges (SDCs) for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. In 1991, the Storm SDC fee was established in Resolution 2666-91, adopting the methodology used by Clean Water Services (then called United Sewerage Services). It is based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the storm drain system.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Storm SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2016 to June 30, 2017) the City of Tualatin collected \$42,408.82 in storm quantity fees and \$32,212.64 in storm quality fees for a total of \$74,621.46 in Storm SDC fees. Interest earned on the SDC fees was \$6,437.31.

**Credits**

Credits in the amount of \$280.50 for water quantity and \$2,714.99 for water quality were used towards the payment of Storm SDCs in fiscal year 2016/17, for a total of \$2,995.49.

**Expenditures**

The Storm SDC fees were determined by the Clean Water Services methodology and retained in the Storm Development (Storm SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2016/17 by Storm SDC revenues were as follows:

<b>Project Description</b>	<b>SDC Amount</b>
1. Stormwater Master Plan Update	\$120,404.49
<hr/>	
Total Expenditures	\$120,404.49

**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Storm SDCs. No change to methods, procedures or fees as outlined in Municipal Code is recommended at this time.

**CITY OF TUALATIN**  
**WATER SYSTEM DEVELOPMENT CHARGE (SDC) REPORT**  
Annual Report for Fiscal Year 2016/17

**Introduction**

In 1991, the City of Tualatin adopted Ordinance 833-91, which established a System Development Charge (SDC) for connection to the City of Tualatin water system. This SDC fee was based on projected needs of the system and the portion of the system's projected needs that were attributable to growth in the City which placed an additional demand on the water system.

An update to the Water SDC Methodology was approved on December 8, 2003. Beginning February 1, 2005 and each February 1st thereafter, the water SDC automatically increased according to the Engineering News Record Construction Cost Index. These provisions are incorporated into the Tualatin Municipal Code Section 2-06.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of SDCs to be performed, and to recommend any changes in the Water SDC as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2016 to June 30, 2017) the City of Tualatin collected \$179,507.00 in Water SDC fees in accordance with Ordinance 833-91. Interest earned on the SDC fees was \$8,719.63.

**Credits**

No credits were used towards the payment of Water SDCs in fiscal year 2016/17.

**Expenditures**

The Water SDC fees were determined by the ordinance methodology and retained in the Water Development (Water SDC) Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2016/17 by the Water SDC revenues were as follows:

<b>Project Description</b>	<b>SDC Amount</b>
1. Myslony St. Waterline (36% of project costs- project continues into FY 2017/18)	\$4,246.38
2. Water Master Plan Update (36% of project costs- project continues into FY 2017/18)	\$4,220.06
3. Transfer to General Fund (Costs associated with management of Water SDC)	\$3,410.00
<hr/>	
Total Expenditures	\$11,876.44

### **Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the Water SDCs. No change to methods, procedures or fees as outlined in Ordinance 833-91 is recommended at this time.

**CITY OF TUALATIN**  
**TRANSPORTATION DEVELOPMENT TAX (TDT) REPORT**  
Annual Report for Fiscal Year 2016/17

**Introduction**

In 2010, the City of Tualatin adopted Ordinance 1301-10, which established a Transportation Development Tax (TDT) for which all development must pay to help fund transportation projects in the City of Tualatin. This is a direct adoption of Washington County's TDT and applies throughout the City, whether in Washington or Clackamas County. It is incorporated into the Tualatin Municipal Code in 2-8, Transportation Development Tax.

**Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of system development charges to be performed (the TDT being a kind of system development charge), and to recommend any changes in the TDT as adopted by the City of Tualatin.

**Revenue**

During the period of this report (July 1, 2016 to June 30, 2017) the City of Tualatin collected \$699,033.48 in TDTs for Washington County and \$86,952.54 for Clackamas County for a total of \$785,986.02 in accordance with Ordinance 1301-10. Interest earned on the TDTs was \$84,811.00.

**Credits**

Credits in the amount of \$1,458,613.44 were used towards the payment of TDTs in Fiscal Year 2016/17.

**Expenditures**

The TDTs were determined by the ordinance methodology and retained in the Transportation Development Tax Fund. Any unspent funds are available to be used on projects in the next fiscal year and will become part of the beginning fund balance.

Projects funded in fiscal year 2016/17 by TDT revenues were as follows:

<b>Project Description</b>	<b>SDC Amount</b>
1. Garden Corner Curves Concept Study/Alternatives Analysis (105 <sup>th</sup> /Blake/108th)	\$158,719.11
<hr/>	
Total Expenditures	\$158,719.11

**Recommendation**

It is recommended the Council accept this report and have the City Engineer continue to monitor issues that may arise and review their impact on the TDT. No change to methods, procedures or fees as outlined in Ordinance 1301-10 is recommended at this time.



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Ginny Kirby, Office Coordinator  
Alice Cannon, Assistant City Manager

**DATE:** 12/11/2017

**SUBJECT:** Consideration of **Resolution No. 5348-17** Authorizing the City Manager to Execute the Termination of an Intergovernmental Agreement (IGA) with Clackamas County Relating to SW Borland Road

---

### **ISSUE BEFORE THE COUNCIL:**

On October 6, 2003, the City and Clackamas County entered into an IGA relating to certain improvements to the intersection of SW Borland Road and SW 56th Avenue in the vicinity of Bridgeport Elementary School. The IGA included certain obligations for both the City and the County, including a financial agreement to transfer jurisdiction of SW Borland Road from Clackamas County to the City. The jurisdictional transfer was to be completed by 2006. The transfer was never completed.

Due to the passage of time, City and County staff discussed the idea of renegotiating the agreement for jurisdictional transfer of SW Borland Road to the City. Termination of the existing 2003 IGA is the first step toward reaching a new agreement with the City. City and County staff intend to continue this discussion until fair terms can be reached for such a future transfer. Staff believes that an agreement can be reached sometime in 2018. In the meantime, County staff suggested that the current IGA should be terminated to make way for a new IGA. City staff agrees and recommends that Council authorize the City Manager to terminate this IGA.

### **RECOMMENDATION:**

Staff seeks City Council approval of the resolution authorizing the City Manager to execute the termination of an IGA with Clackamas County relating to SW Borland Road.

---

**Attachments:** [A - Resolution 5348-17](#)  
[B - IGA Terminating 2003 IGA](#)  
[C - Original 2003 IGA](#)



RESOLUTION NO. 5348-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE THE TERMINATION OF AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY RELATING TO BORLAND ROAD

WHEREAS, the City and Clackamas County entered into an Intergovernmental Agreement (IGA), effective October 16, 2003;

WHEREAS, the IGA related to certain improvements to the intersection of SW Borland Road and SW 56th Avenue in the vicinity of Bridgeport Elementary School and contained other obligations; and

WHEREAS, the parties have chosen not to complete the obligations in the IGA and prefer to terminate the IGA.

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 termination of the IGA with Clackamas County relating to Borland Road.

**Section 2.** This resolution is effective upon adoption.

Adopted by the City Council this 11<sup>th</sup> day of December, 2017.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder

**TERMINATION OF THE INTERGOVERNMENTAL AGREEMENT  
BETWEEN CLACKAMAS COUNTY AND THE CITY OF TUALATIN  
FOR A SURFACE TRANSPORTATION PROJECT ON SW BORLAND ROAD AT SW  
56<sup>TH</sup> AVENUE**

THIS TERMINATION AGREEMENT is made and entered into on \_\_\_\_\_, 2017 by and between Clackamas County (hereafter called "COUNTY"), a political subdivision of the State of Oregon and the City of Tualatin, a municipal corporation of the State of Oregon (hereafter called "CITY").

WHEREAS, the parties entered into a certain Intergovernmental Agreement, effective October 16, 2003 (the "IGA"), which is attached hereto as Exhibit "A";

WHEREAS, the IGA related to certain improvements to the intersection of SW Borland Road and SW 56<sup>th</sup> Avenue in the vicinity of Bridgeport Elementary School (hereafter called the "Project");

WHEREAS, the parties have chosen not to complete certain obligations set forth in the IGA and prefer instead to terminate the IGA;

THEREFORE, the parties agree that the IGA is hereby terminated, subject to the following:

1. The termination shall be effective as of the date this Termination Agreement is fully executed and approved as required by applicable law.
2. Both the County and City agree that neither party shall be obligated to the other for any outstanding liabilities or obligations which may have accrued pursuant to the IGA.
3. This Termination Agreement may be executed in counterparts. Facsimile and electronic transmission of any signed original document, and retransmission of any signed facsimile or electronic transmission, shall be the same as delivery of an original.

[Signatures and Acknowledgments on Following Page]

Clackamas County

City of Tualatin

\_\_\_\_\_

\_\_\_\_\_

By:  
Chair , Board of County Commissioners

By:  
Mayor

Date \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

By:  
Recording Secretary

By:  
City Recorder

Date \_\_\_\_\_

Date \_\_\_\_\_

**INTERGOVERNMENTAL AGREEMENT BETWEEN CLACKAMAS COUNTY  
AND CITY OF TUALATIN FOR SURFACE TRANSPORTATION PROJECT ON  
SW BORLAND ROAD AT S.W. 56TH AVENUE**

This Agreement is made and entered into by and between Clackamas County, a political subdivision of the State of Oregon, (hereinafter referred to as "County"), and the City of Tualatin, a municipal corporation of the State of Oregon, (hereinafter referred to as "City").

**WITNESSETH**

**RECITALS**

1. Borland Road is a part of the County roadway system under the jurisdiction and control of Clackamas County. SW 56th Avenue is a part of City's road system under the jurisdiction and control of the City of Tualatin.
2. By the authority granted in ORS 190.010, any unit of government may enter into agreements with units of local government or state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

**NOW, THEREFORE**, the parties agree as follows:

**TERMS OF AGREEMENT**

1. City has approved plans for the construction of improvements at the intersection of SW Borland Road/SW 56th Avenue/ Bridgeport Elementary School. The improvements, (hereinafter referred to as "Project"), include the following:
  - a. Provide left-turn storage lanes on SW Borland Road.
  - b. A new roadway, SW 56th Avenue forming the south leg of the intersection.
  - c. A new, fully actuated traffic signal, sidewalks, bike lanes and illumination for pedestrian/bicycle circulation and safety.

The location of the project is approximately as shown on the sketch map marked Exhibit A, attached hereto and incorporated by this reference. The Project will be constructed by a private party pursuant to a land use approval granted by City.

**2. County Responsibilities**

- a. Review traffic signal design plans in a timely manner.
- b. Pay one hundred percent (100%) of the traffic signal power until January 1, 2006.
- c. Issue a Street Construction and Encroachment permit following final approval of traffic signal plans.
- d. Review traffic signal timing and signal timing changes within five (5) work days, providing comments in writing to the City, or agent of the City completing the traffic signal timing changes.

**3. City Responsibilities**

- a. City will assist County, if necessary and on request from County, in insuring that the private party that will construct the Project obtains all permits for construction; and City will perform all inspections to insure that the Project is constructed and functions according to the approved plans.
- b. Perform all routine and emergency maintenance.
- c. Prepare all signal timing plans. All signal timing plans and signal timing plan changes shall be reviewed and approved in writing by the County, which approval shall not be unreasonably withheld, until the jurisdictional transfer of signal occurs on January 1, 2006.
- d. Request a jurisdictional transfer of Borland Road from the County from Wilke Road to 65<sup>th</sup> Avenue to be effective January 1, 2006. Prior to or at the time of the transfer, County will perform a 2-inch asphalt overlay on Borland, or provide a cash equivalent to City calculated as follows, at County's option:

65<sup>th</sup> Avenue- Wilke Road = 3000 LF  
Average pavement width = 36 FT  
Area = 108,000 SF

2" AC Overlay =  $\frac{1 \text{ Ton}}{78} = 1,385 \text{ tons}$

	Unit price	
AC pavement	\$50/ton	\$69,250
Striping		<u>\$2,250</u>
Total cash equivalent		\$71,500

**4. General Provisions**

- a. This agreement may be amended in writing by mutual consent of the parties.
- b. County and City, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, shall indemnify, defend, save and hold harmless each other, and their members, officers and employees from all claims, suits and liabilities which may occur in the performance of this project, as a result of its own negligence.

IN WITNESS WHEREOF the parties have signed this agreement on the dates shown.

**CLACKAMAS COUNTY**

**CITY OF TUALATIN**

By: B. D. Korman  
Chair

By: \_\_\_\_\_  
Mayor

By: Mellicent Morrison  
Recording Secretary

By: Steve Wheeler  
City Recorder

Date: 10/16/03

Date: 7-14-03

Approved as to form:

Approved as to form:

[Signature]  
County Counsel

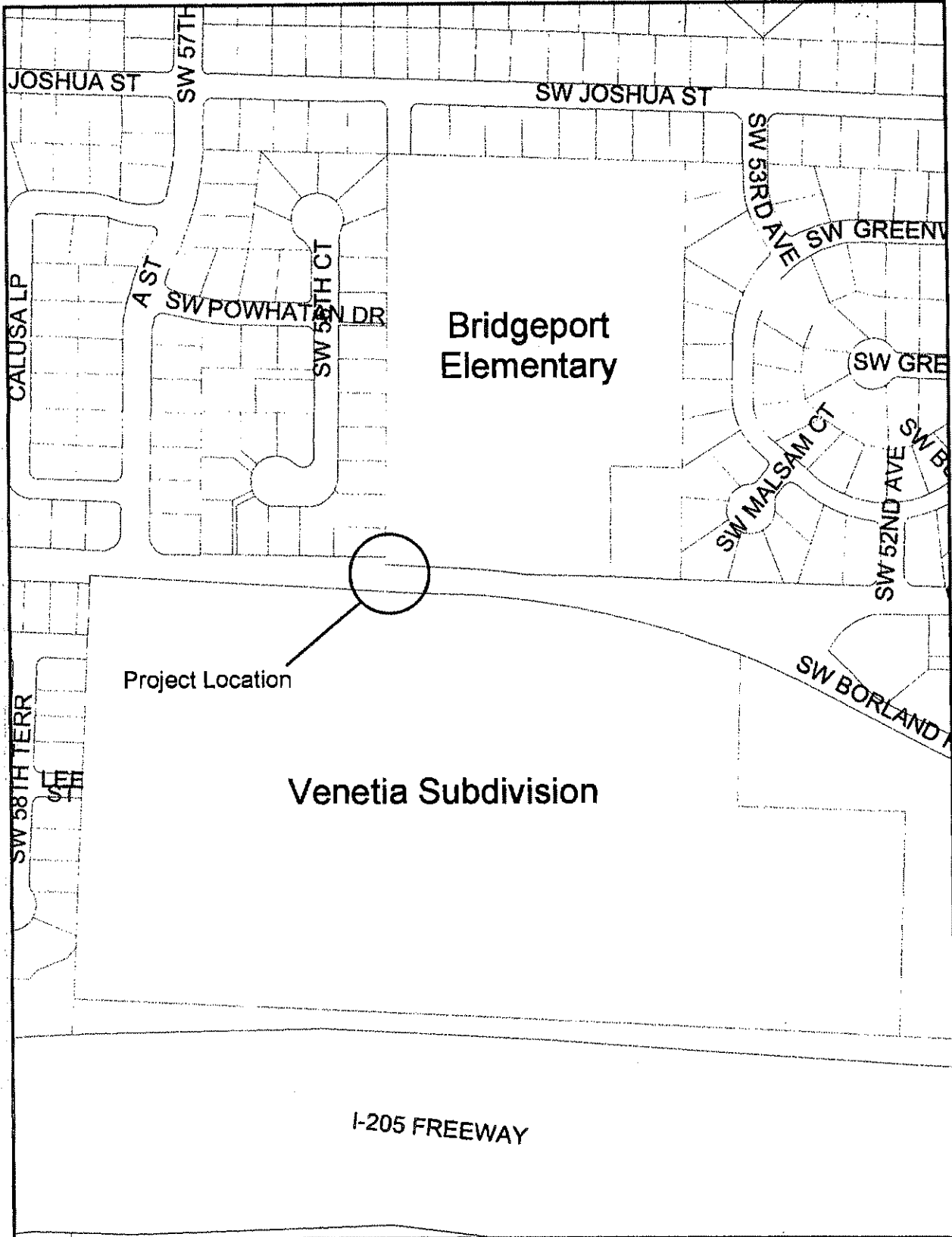
Brenda L. Brader  
City Attorney

am/DTD/Borlandroad.iga3(6/11/03)

EXH. A

Exhibit A

TUALGIS



RF 1:3,500

This map is derived from various digital database sources. While an attempt has been made to provide an accurate map, the City of Tualatin assumes no responsibility or liability for any errors or omissions in the information. This map is provided "as is". -Engineering and Building Department Printed 6/16/03

LOCATED IN THE SW 1/4 & SE 1/4 OF SECTION 19, T.2 S., R.1 E., W.M.,  
CLACKAMAS COUNTY, OREGON



**LEGEND**

- TRANSFERRED AREA OF RIGHT-OF-WAY CONTAINING 314,676 Sq. Ft.
- LOT LINES
- RIGHT OF WAY LINES
- PLAT BOUNDARY LINES



**CLACKAMAS COUNTY**  
DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

<b>EXHIBIT "B"</b>			
BORLAND ROAD JURISDICTIONAL TRANSFER TO THE CITY OF TUALATIN			
PAGE 1 OF 1			
RD. FILE NO. 21547	DRAWN BY CUTSHALL	DESIGN BY N/A	DATE 02-10-11





# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Richard Mueller, Parks and Recreation Manager  
Paul Hennon, Community Services Director

**DATE:** 12/11/2017

**SUBJECT:** Consideration of the Parks System Development Charge (SDC) Annual Report for Fiscal Year 2016/2017

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### **ISSUE BEFORE THE COUNCIL:**

The Council will review the Parks System Development Charge (Parks SDC) report for FY 2016/2017 and consider staff recommendations.

### **RECOMMENDATION:**

Staff recommends that Council accept the attached report.

### **EXECUTIVE SUMMARY:**

Council established the current Parks SDC by adopting Ordinance 833-91 in 1991. The attached report fulfills the requirement of ORS 223.311 to provide an annual accounting of the Parks SDC and to recommend any changes to the SDC ordinance.

In FY 2016/2017, \$128,421.92 was collected, including \$127,124.00 in Parks SDC fees, \$0 in refunds and \$1,297.92 in interest. No credits or installment payments were authorized.

Expenditures on qualified parks system improvements totaled \$40,329.48. The specific improvements are listed on page 2 of the attached report.

### **FINANCIAL IMPLICATIONS:**

The Parks SDC beginning fund balance, revenues and expenditures are budgeted in the Parks Development Fund (Fund 436).

---

**Attachments:** [Parks SDC Annual Report](#)

## **PARKS SYSTEM DEVELOPMENT CHARGE (Parks SDC) ANNUAL REPORT FOR FISCAL YEAR 2016/2017**

### **Introduction**

The Parks System Development Charge (Parks SDC) consists of an “improvement fee” that covers the cost of new capacity to meet the demands of new development, based on adopted standards and a capital improvement list. The Parks SDC does not include a “reimbursement fee” since the park system does not include any excess capacity that would be used by new development. The fee is charged per new residential dwelling unit.

Council approved the original Parks SDC in 1984 by adoption of Ordinance 655-84. In 1989 the Legislature enacted House Bill 3224 requiring local governments to meet specific statutory requirements and that system development charges be based upon past and future capital improvements to the system for which it is being collected. In 1991, Council adopted Ordinance 833-91 to repeal the original ordinance and bring the City in compliance with ORS 223.297 through 223.314 (System Development Charges). The fee established in the new ordinance went into effect on July 1, 1991.

In January 2004, Council authorized two actions affecting the Parks SDC. First, by adoption of Resolution 4192-04, the 1991 fee was adjusted to present value by applying an adjustment factor consisting of indexes for both land and construction. The second action taken by Council in January 2004, by adoption of Ordinance 1154-04, was to establish an annual adjustment factor indexing both land and construction costs to enable the Parks SDC to have the purchasing power to pay for park projects it is intended to fund. These changes have been incorporated into the Tualatin Municipal Code, Chapter 2-6, System Development Charges.

### **Purpose**

The purpose of this report is to fulfill the requirements of ORS 223.311, which requires an annual accounting of Park SDCs be performed, and to recommend any changes in the Parks SDC as adopted by the City of Tualatin.

### **Revenue**

During the period covered by this report (July 1, 2016 to June 30, 2017), the City of Tualatin collected \$128,421.92 in Parks SDC fees, refunds and interest on the fee income (\$127,124.00 in fees, \$0 in refunds and \$1,297.92 in interest).

### **Credits**

No credits were authorized.

### **Installment Payment Agreements**

No installment payment agreements were authorized.

**Expenditures**

Parks SDC funds were used in the following projects in Fiscal Year 2016/2017:

<b><u>Project Description</u></b>	<b><u>Parks SDC Amount</u></b>
1. Parks and Recreation Master Plan Update	\$3,629.48
2. Transfer to General Fund Costs associated with management of Master Plan and administration of Parks SDC	\$36,700.00
<b>Total Expenditures</b>	<b>\$40,329.48</b>

**Recommendation**

It is recommended the Community Services Director continue to monitor issues that may arise and review their impact on the Parks SDC legislation or fee.

No changes to the methodology, procedures, or fees for the Parks SDC are recommended at this time. The methodology and fee amount for the Parks SDC will be reviewed as part of the Parks and Recreation Master Plan Update project currently underway.



# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Erin Engman, Associate Planner  
Aquilla Hurd-Ravich, Planning Manager

**DATE:** 12/11/2017

**SUBJECT:** Request for Review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement Land Use Decision Located at 6464 SW Borland Road

---

### **ISSUE BEFORE THE COUNCIL:**

A hearing before the City Council for consideration of a request for review of MAR17-0041, Tualatin Professional Center Parking Lot Improvement. The driveway adjustment proposal was approved with conditions by staff on October 12, 2017. On October 26, 2017, a Request for Review was received from Dorothy Cofield of Cofield Law Office on behalf of the Tualatin Professional Center (TPC).

### **RECOMMENDATION:**

Staff requests that City Council consider the staff report and attachments, and direct staff to prepare a resolution that conforms to the City Council's direction.

### **EXECUTIVE SUMMARY:**

This is a quasi-judicial hearing before Council to consider approving MAR17-0041, Tualatin Professional Center Driveway Adjustment.

Parking lot improvements and expansions are subject to an Architectural Review (AR) pursuant to Tualatin Development Code (TDC) 73.040(1). When an applicant wishes to modify a site with an existing Architectural Review and the application is within a certain threshold, it is City practice to require a Minor Architectural Review as described in TDC 73.100(1) and (2).

A Minor Architectural Review (MAR) is a land use review for proposed changes to a previously-approved Architectural Review (AR) governing any existing commercial, manufacturing, institutional, or multi-family residential development. MARs are intended for small-scale modifications that will not substantially change the overall appearance and operation of the subject site.

KPFF Consulting Engineers, on behalf of the Tualatin Professional Center (TPC), submitted a Minor Architectural Review (MAR) application 17-0041 on August 21, 2017 (Attachment 104) for

a parking lot improvement project.

The application was deemed complete on September 21, 2017 and approved with conditions on October 12, 2017 (Attachment 103). On October 26, 2017, a Request for Review was received from Dorothy Cofield of Cofield Law Office on behalf of the Tualatin Professional Center (TPC).

MAR 17-0041 was submitted by TPC because their parking lot previously encroached into the City right-of-way; that is now part of the public SW Sagert Street improvements that are currently being constructed. Staff met with the TPC development team at a Scoping Meeting on February 22, 2017 and at a Pre-application Meeting on April 5, 2017 to discuss their southern two accessways located off of SW Sagert Street.

To approve the Tualatin Professional Center parking lot improvement project, Council must find that the improvements meet Chapter 73: Community Design Standards with or without imposing conditions. The applicable standards used to evaluate the parking lot improvement project are listed in Attachment 101 and are discussed more fully in that document. To briefly summarize, MAR 17-0041 was approved with conditions to ensure the proposal met the following TDC development standards: 73.160(1)(a)(i) Pedestrian Circulation; 73.310(3), 73.340(1), 73.360(6)(a) Landscaping; and 73.400(11) Access.

Staff finds that the five points listed in the request for review are without merit, as discussed in more detail below.

Council may rely on the evidence submitted into the record at the evidentiary hearing, including documents and testimony.

#### **BACKGROUND:**

The Tualatin Professional Center is a medical office condominium association located at 6464 SW Borland Road, consisting of 2.16 acres on tax lot 21E30B 90000. The AR83-06 proposal was approved by ARB decision on March 16, 1983, which permitted four buildings, associated landscaping, and parking. The 1983 project was previously conditioned to dedicate land for SW Borland Road and SW 65<sup>th</sup> Street improvements, as well as land for the extension of SW Sagert Street. The project was also conditioned to provide half-street improvements along SW Borland Road and SW Sagert Street.

The Tualatin Professional Center also applied for a partition (LP83-01) in 1983 to divide their five-acre property into two lots: TL 21E30B 90000 / 2.16 acres and TL 21E30B 00500 / 2.47 acres. The partition required half-street improvements along SW 65th Avenue and SW Sagert Street. Rather than requiring construction, the City entered into Development Agreement 84-16657 that allowed TPC to provide what is known as a "fee-in-lieu." TPC paid \$15,613.95 to the City and in exchange, the City allowed the development to proceed without making the improvements to SW 65th Avenue and SW Sagert Street.

In addition, the City allowed TPC to construct temporary driveway improvements within the City's right-of-way. Section 11 of the original Agreement (Attachment 106) explicitly provides: "*The DEVELOPER agrees that the driveway improvement to S.W. Sagert Street are temporary in nature and agrees to maintain said driveway improvements at his [sic] expense.*" The Agreement had a five-year term that ended in 1989.

After 1989, the driveway improvements were no longer subject to the agreement. By City code, Council action through consideration of a revocable permit is required before a private improvement is allowed to encroach within City right-of-way. No record exists of the City Council granting a revocable permit or any other type of permission to TPC to allow their private driveway improvements to be located within the City's right-of-way. As a result, for almost 30 years TPC has used the City's right-of-way for the private driveway improvements without any legal basis to do so.

### **REQUEST FOR REVIEW:**

The Request for Review (Attachment 102) submitted by TPC includes five reasons to appeal the approval decision:

1. TDC 73.400(11) Minimum Access Requirements for public use incorrectly applied to TPC's restoration of two southern accesses
2. MAR17-0041 imposed additional code provisions beyond SB15-0002 Sagert Farm subdivision Conditions No. 16 and 48
3. MAR17-0041 violates TDC 35.020 Continuation of Non-Conforming Use
4. MAR17-0041 violates TDC 36.162 Modifications to Subdivision Plan Approval
5. MAR17-0041 imposes future standards under Tualatin Development Code Chapter 73 (Community Design Standards)

Staff does not agree with these statements and finds that the request for review is without merit for the following reasons:

1. Appellant incorrectly asserts that the Sagert Farms Subdivision (SB15-0002) approval on a separate property precludes MAR review of the subject improvements
2. Appellant incorrectly asserts that TPC's southern two accessways are legal, nonconforming uses
3. Appellant incorrectly claims that the proposal is a simple restoration project

### **STAFF RESPONSE TO APPELLANT CLAIMS:**

#### ***1. TDC 73.400(11) Minimum Access Requirements for public use incorrectly applied to TPC's restoration of two southern accesses***

In their Request for Review, TPC claims "The Planning Department incorrectly applied TDC 73.400(11) to TPC's restoration of its two southern access per the Sagert Farm's subdivision approval (SB15-0002) Conditions Nos. 16 and 48."

#### ***SB15-0002 Conditions 16 and 48 state:***

***PFR -16*** Submit plans that show one driveway for Tualatin Professional Center and one driveway for MEI to be at least 32-feet wide extending to the back of the proposed sidewalk.

***PFR-48*** Construct all public improvements shown on submitted plans and corrected by conditions of approval.

TPC's argument is factually and legally incorrect. SB15-0002 approval and conditions only apply to the Sagert Farm subdivision located at 20130 SW 65th Avenue and street improvements in the affected public rights-of-way, namely SW Sagert Street. SB15-0002 conditions **do not** have any bearing on the private parking lot improvements proposed at

6464 SW Borland Road by the Tualatin Professional Center. Conditions 16 simply states that the Sagert Farm developer shall design a driveway access within the public right-of-way as noted by the statement “extending to the back of the proposed sidewalk.” Sheet C220 (Attachment 108) was submitted by 3J Engineering to comply with PFR-16, which includes a note that clearly states “work outside of R.O.W. part of separate permit.” This indicates that any improvements located on the TPC property was to be reviewed and performed under separate application and permit. Condition 48 states that the “public” (right-of-way) improvement shall be constructed as submitted.

The parking lot improvements proposed by TPC in MAR17-0041 includes improvements on the TPC private property that were not reviewed or approved as part of SB15-0002; therefore Conditions No. 16 and 48 do not preclude review of MAR17-0041.

*TDC Section 73.400 Access  
(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.*

<i>Required Parking Spaces</i>	<i>Minimum Number Required</i>	<i>Minimum Pavement Width</i>	<i>Minimum Pavement Walkways, Etc.</i>
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only

The 1983 parking lot (AR83-06) was originally approved in 1983 with 163 parking stalls; therefore, two accessways that are 32 feet wide for the first 50 feet from right-of-way would be required to meet current Code. The applicant proposed modifications to the southern two accessways located off SW Sagert Street as part of MAR17-0041. The applicant has not provided any information or described the existing conditions of the northern two accessways off SW Borland Road. Sheet C300 - Site and Horizontal Control Plan proposes and illustrates skewed access drives that are 32 feet wide at the property line and narrows down to twenty-five feet after the first ten feet from right-of-way at the western access and narrows down to twenty-nine feet after the first ten feet at the eastern access. Staff included the Condition No. 6 to meet the access width standard and to encourage a safer access drive design than what is currently proposed.

**MAR17-0041 Condition No. 6 states:** *The applicant must revise the appropriate sheets to provide evidence that two on-site access drives are thirty-two feet wide for the first fifty feet from the public right-of-way and install to approved plan set pursuant to TDC 73.400(11).*

The Request for Review then addresses findings for TPC’s appeal of the Sagert Farm subdivision decision: “Tualatin Professional Center will have substantially similar access as compared to its current condition” as further argument that SB15-0002 approved the two southern accesses to TPC. To clarify, SB15-0002 simply conditioned that two southern access points be provided in the public right-of-way that align with TPC’s existing parking lot drive aisles. As the Tualatin Professional Center did not sign as an authorizing property owner of the SB15-0002 application, improvements on their private property were not considered as part of SB15-0002.

The Request for Review next addresses the scoping and pre-application meetings conversations. During these meetings it is staff process to review the proposal scope and draft diagrams and provide information on the appropriate application type, chapters of

code to review, and timelines. Staff provided a Minor Architectural Review application to the applicant at the pre-application meeting. On the coversheet of this application, it clearly states, "In all cases, modifications must comply with all applicable TDC standards, particularly those pertaining to landscaping, lot coverage, parking, access and circulation, and community design." The applicant was additionally advised of driveway widths and TDC 73.400 Access standards in an email from Tony Doran, dated August 10, 2017 (prior to the MAR17-0041 submittal) and included as Attachment 107. Staff was very clear and transparent on both the development standards and application process prior to application submittal.

## **2. MAR17-0041 imposed additional code provisions beyond SB15-0002 Sagert Farm subdivision Conditions No. 16 and 48**

In the Request for Review, the applicant states that the seven conditions of MAR 17-0041 approval exceed city approval of SB15-0002. The Sagert Farm subdivision (SB15-002) was approved in December 2015 with the requirement that SW Sagert Street be extended and fully improved to SW 65<sup>th</sup> Avenue. SB15-0002 Conditions No. 16 and 48 only apply to the Sagert Street right of way. These conditions did not review or authorize any improvements to the Tualatin Professional Center property. Staff has provided an Analysis and Finding for MAR 17-0041 Conditions as Attachment 101. This document provides findings based on interpretive compliance with the Tualatin Development Code (TDC) and other applicable ordinances.

## **3. MAR17-0041 violates TDC 35.020 Continuation of Non-Conforming Use**

*TDC 35.020(1) states: Any nonconforming use of a structure or land existing on the date of the adoption of the Tualatin Community Plan, or any use of a structure or land becoming nonconforming subsequent to the effective date of the adoption of said Plan, may be continued, used, occupied or maintained **only in accordance with the provisions of this chapter.***

*TDC 31.060 defines a Nonconforming Structure or Use as: A lawful existing structure or use at the time this Code or any amendment hereto becomes effective which does not conform to the requirements of the planning district in which it is located.*

TPC is proposing to alter and significantly regrade its parking lot. Contrary to the applicant's claim, the TDC requires alterations of nonconforming uses to comply with design standards. Under TDC 35.030, nonconforming uses cannot be altered or enlarged, unless "such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located." As stated on the MAR17-0041 application, the proposal includes "demo of and modification of drive aisles." The MAR17-0041 proposal is an alteration under the code. As such, it must comply with current code requirements.

The driveway cuts at the location have already been installed by the Sagert Farms Development. The applicant is not proposing minor paving activities to simply connect the driveway cuts to the existing site. Rather, the proposal includes the demolition and reconstruction of the parking lot itself. As a result, even if the parking lot is a nonconforming use, alterations would not be permitted without complying with the City's



development code and its design standards.

#### **4. MAR17-0041 violates TDC 36.162 Modifications to Subdivision Plan Approval**

TPC claims the City's actions violate TDC 36.162; however, TDC 36.162 applies to a subdivision plan approval. TPC did not and has not made an application for a subdivision. As such, TDC 36.162 does not apply and TPC's argument is completely without merit.

Despite the fact that TPC has not applied for a subdivision, TPC claims the City cannot impose conditions on TPC's proposal to improve its parking lot because the City previously approved the Sagert Farm Subdivision. The Sagert Farm Subdivision related to an entirely different property, not owned by TPC. TPC's argument is completely without merit.

This appeal is about TPC's parking lot improvements, not the subdivision. The parking lot was not part of the Sagert Farm Subdivision. Moreover, the applicant was not a signatory to the application for the Sagert Farm Subdivision. In fact, the applicant's property could not have been part of the Sagert Farm residential subdivision as the applicant's property is not zoned residential. The approval of the Sagert Farm Subdivision does not prohibit the City from imposing the parking lot design requirements in the TDC to the applicant's parking lot improvement project. [\[1\]](#)

The applicant also claims the residential subdivision approved a 25-foot drive aisle on the applicant's property. For the reasons stated above, this could not have occurred, as the applicant's property and Parking Lot were not part of the Subdivision approval. Even so, the subdivision approval is completely devoid of any approval relating to 25 foot drive aisle on the applicant's property. All references in the Sagert Farm Subdivision to the TPC property related to the driveway accesses. The grading and alteration of the TPC parking lot was not approved, nor even referenced, in the Sagert Farm Subdivision approval.

Lastly, the applicant claims the City's approval of its Parking Lot improvement with conditions is somehow a violation of the goalpost rule in ORS 227.178(3). The goalpost rule requires the City to judge an application based upon the criteria in effect at the time the application was filed. Here, the applicant applied for the MAR on August 21, 2017. All of the City's codes predated the Application. The City is not imposing any new regulations. The City did not violate the goalpost rule.

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[\[1\]](#) Applicant's citation to David Hill Dev. LLC v. City of Forest Gove, 688 FSupp 2d 1193, 1205-1207 (2010) as support for its position lacks all legal applicability. The portion of the case cited by the Applicant dealt with a subdivision applicant claiming a contract violation and takings claim relating to the City of Forest Grove requiring the developer of a subdivision to provide public improvements. Applicant was not the developer of the Sagert Farms Subdivision and Applicant's property was not part of the subdivision approval.

#### **5. MAR17-0041 imposes future standards under TDC 73 Community Design Standards**

In the Request for Review, the applicant states that the City cannot impose code standards before TPC makes a development application. They also claim that code sections listed under "Following Code Sections Will Apply to the Site in an Ongoing Manner" relate to



Submission from the Tualatin Professional Center

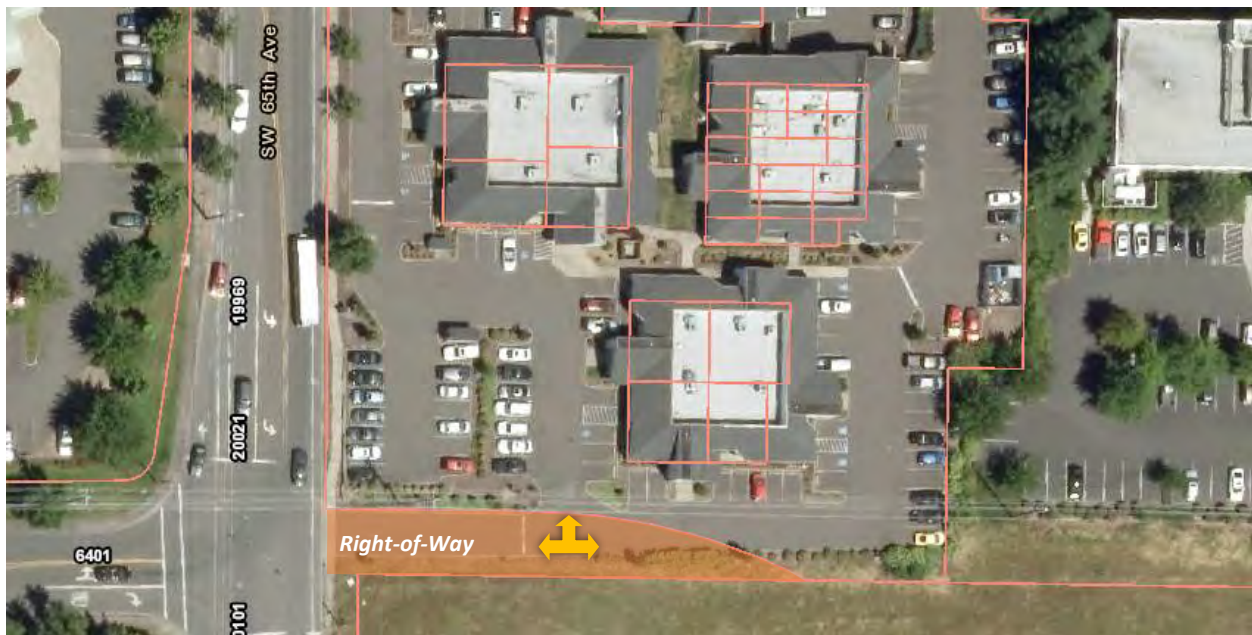
Submission from the Tualatin Professional Center

## MAR 17-0041 Appeal – Attachment 101 ANALYSIS AND FINDINGS

### Proposal

KPFF Consulting Engineers, on behalf of the Tualatin Professional Center (TPC) submitted a Minor Architectural Review (MAR) application 17-0041 on August 21, 2017 to adjust the southern two access drives previously approved through AR83-06, LP83-01, and Development Agreement 84-16657. Modifications and improvements to the southern parking lot, landscaping, and pedestrian network were also included in the proposal.

The MAR application was submitted in response to SW Sagert Street improvements that are currently being constructed by Lennar Homes. These street improvements were required by the Sagert Farm subdivision (SB15-0002). When the Tualatin Professional Center was permitted in 1983-1984, the City allowed TPC to provide a “fee-in-lieu” so that their development proposal could proceed without making improvements to the SW 65<sup>th</sup> Avenue and SW Sagert Street intersection. The City also allowed TPC to provide temporary driveway improvements in City right-of-way, which expired in 1989. The intended street improvement are now being installed in this dedicated right-of-way.



### *Temporary southern access to TPC in City right-of-way*

A reconfigured accessway proposal would be subject to a land use application. Architectural Review applications are required for new access or parking lot improvements. A Minor Architectural Review is required when there is a modification proposed to a previously approved access or parking lot that does not result in a change of access points, on-site circulation, or parking area design. As the temporary accessway in the right-of-way has expired, the applicant is seeking to modify the southern accessways and parking lot that were approved through AR83-06, requiring a Minor Architectural Review application.

Staff approved the MAR 17-0041 proposal with conditions on October 12, 2017. The applicant submitted the subject Request for Review on October 26, 2017.

The Planning Division findings below are based on interpretive compliance with the Tualatin Development Code (TDC) and other applicable ordinances. All references are to sections in the TDC unless otherwise noted.

*The first condition of approval is a standard condition that requires the Applicant to submit a revised plan set for staff review that demonstrates compliance with the conditions of approval.*

1. *Prior to applying for permits on the subject site, the applicant must submit one revised paper plan set—24 x 36, a paper narrative, and electronically in Adobe PDF file format—for review and approval to the Planning Division that meet the conditions of approval below. The narrative must explain how and on what page each condition of approval has been met. The submittal must contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in two (2) weeks.*

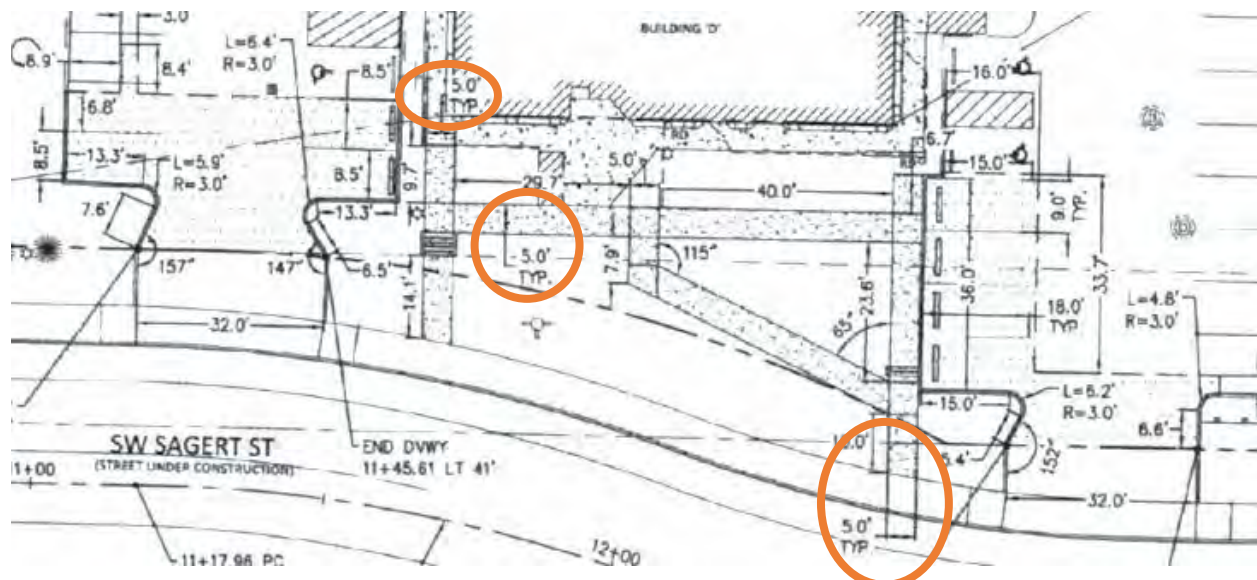
### TDC 73.160 Standards

The following standards are minimum requirements for commercial, industrial, public and semi-public development, and it is expected that development proposals shall meet or exceed these minimum requirements.

#### (1) Pedestrian and Bicycle Circulation.

##### (a) For commercial, public and semi-public uses:

- (i) a walkway shall be provided between the main entrance to the building and any abutting public right-of-way of an arterial or collector street where a transit stop is designated or provided. The walkway shall be a minimum of 6 feet wide and shall be constructed of concrete, asphalt, or a pervious surface such as pavers or grasscrete, but not gravel or woody material, and be ADA compliant, if applicable;



*Staff Response: The Applicant submitted a plan set with a plot date of August 16, 2017 as part of the MAR17-0041 proposal. Sheet C300 - Site and Horizontal Control Plan proposes and illustrates five-foot wide walkways between SW Sagert Street and Building D. Two walkway connections to SW Sagert Street include stairs. One connection is proposed without stairs; however, it jogs at a 90-degree angle three times*

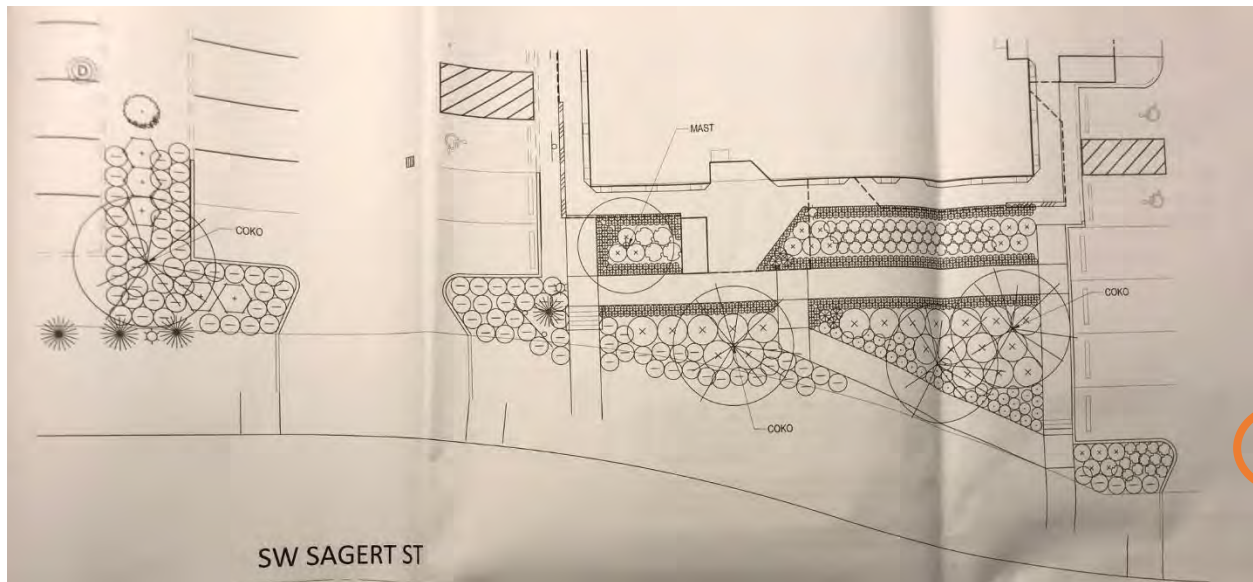


to arrive at the building entrance. Staff included a condition of approval to comply with the minimum 6-foot wide walkway and ADA compliant standard.

2. The applicant must submit plans that illustrates a six foot wide ADA compliant walkway between the main entrance of the southern building of the Tualatin Professional Center complex (Building D) and SW Sagert Street and install to approved plan set pursuant to TDC 73.160(1)(a)(i).

#### **TDC 73.310 Landscape Standards - Commercial, Industrial, Public and Semi-Public Uses**

- (3) All areas not occupied by buildings, parking spaces, driveways, drive aisles, pedestrian areas or undisturbed natural areas shall be landscaped.**



Staff Response: Sheet L200 – Planting Plan & Schedule and illustrates proposed landscaping for most of the defined development area. Sheet C300 indicates pavement improvements around the eastern most landscape island of the eastern access drive; however, this island is not depicted on Sheet L200. Staff also intended that this requirement cover any improvement revisions, in response to these conditions of approval.

3. The applicant must submit a landscape plan that illustrates areas within the defined project area that are not occupied by buildings, parking spaces, driveways, drive aisles, and pedestrian areas are landscaped and install to approved plan set pursuant to TDC 73.310(3).

#### **TDC 73.340 Off-Street Parking Lot and Loading Area Landscaping - Commercial, Industrial, Public and Semi-Public Uses, and Residential and Mixed Use Residential Uses within the Central Design District.**

- (1) A clear zone shall be provided for the driver at ends of on-site drive aisles and at driveway entrances, vertically between a maximum of 30 inches and a minimum of 8 feet as measured from the ground level, except for parking structures and underground parking where this provision shall not apply.**

#### PLANTING NOTES

1. VERIFY LOCATION OF EXISTING TREES TO REMAIN PRIOR TO SOIL PREPARATION. PROTECT ALL TREES AND SHRUBS INDICATED TO REMAIN.
2. VERIFY AND COORDINATE WORK AROUND ALL UNDERGROUND UTILITIES BEFORE EXCAVATION. NOTIFY ALL UTILITY PROVIDERS AT LEAST TWO (2) WORKING DAYS PRIOR TO BEGINNING WORK.
3. VERIFY THAT THE CONDITIONS ARE SUITABLE TO PROMOTE HEALTHY PLANT GROWTH. DO NOT PROCEED IF CONDITIONS DETRIMENTAL TO HEALTHY GROWING ENVIRONMENT ARE PRESENT, INCLUDING OVER-COMPACTED SOILS, ADVERSE DRAINAGE CONDITIONS, DEBRIS, OR OTHER HARMFUL CIRCUMSTANCES. PROCEEDING WITHOUT NOTIFICATION DENOTES ACCEPTANCE.
4. COORDINATE WITH OTHER SUBCONTRACTORS AND TRADES TO ENSURE PROTECTION OF GROWING CONDITIONS AND PLANT MATERIALS.
5. REFER TO SPECIFICATIONS FOR ADDITIONAL PLANTING REQUIREMENTS, METHODS, AND MATERIALS.
6. VERIFY PLANT QUANTITIES SHOWN ON THE PLANS BASED ON GRAPHIC REPRESENTATION. QUANTITIES SHOWN ARE FOR CONTRACTOR CONVENIENCE ONLY.
7. PROVIDE POSITIVE DRAINAGE FOR ALL PLANTING AREAS.
8. UNLESS OTHERWISE INDICATED, ALL PLANTINGS SHALL BE TRIANGULARLY SPACED.
9. LABELLING REFERS TO ALL ADJACENT IDENTICAL SYMBOLS WHERE PLANTS ARE MASSED. LABEL FOR MASS INDICATES TOTAL NUMBER OF PLANTS IN GROUP, EVEN IF THE GROUP IS SPREAD OVER MORE THAN ONE SHEET.

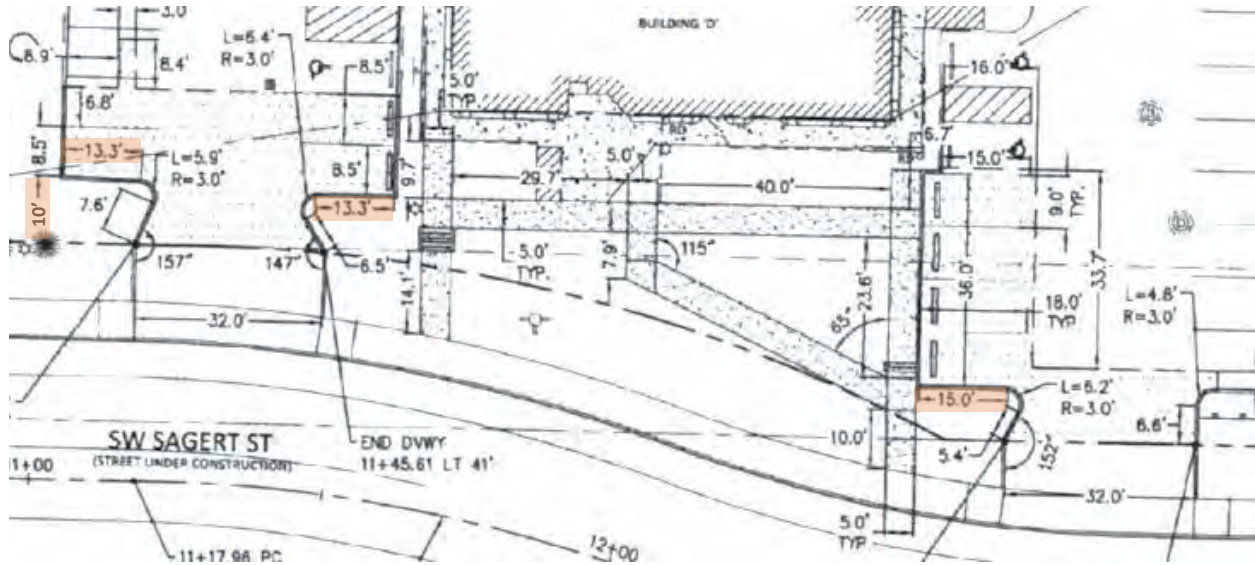
*Staff Response: Sheet L200 – Planting Plan & Schedule does not include a note regarding the required clear zone. Additionally Dwarf Burning Bush is proposed along the western entrance, which has an average height of 6-8 ft. Pink Beauty Potentilla is proposed along the eastern entrance and has an average height of 3 ft. Staff included the condition below, to note clear zone regulation in the plan set record.*

4. *The applicant must submit a revised landscape plan that notes a clear zone will be provided at the proposed access drive entrances vertically between a maximum of thirty inches and a minimum of eight feet as measured from the ground level pursuant to TDC 73.340(1).*

#### **TDC 73.360 Off-Street Parking Lot Landscape Islands - Commercial, Industrial, Public, and Semi-Public Uses**

- (6)(a) Except as in (b) below, site access from the public street shall be defined with a landscape area not less than 5 feet in width on each side and extend 25 feet back from the property line for commercial, public, and semi-public development with 12 or more parking spaces and extend 30 feet back from the property line for industrial development, except for parking structures and under-ground parking which shall be determined through the Architectural Review process.**





*Staff Response:* Sheet C300 - Site and Horizontal Control Plan proposes and illustrates skewed landscape areas at the east and west access drives that extend ten feet back from the property line. These landscaped areas are generally between thirteen to fifteen feet in width. Staff included the condition below, to meet the depth standard of twenty-five feet.

5. The applicant must revise the appropriate sheets to illustrate landscape areas not less than five feet in width on each side of the southern two access drives located off of SW Sagert Street that extend for a distance of at least twenty-five feet from the property line and install to approved plan set pursuant to TDC 73.360(6)(a).

**TDC 73.400 Access**

**(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.**

Required Parking Spaces	Minimum Number Required	Minimum Pavement Width	Minimum Pavement Walkways, Etc.
100-249	2	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only

*Staff Response:* AR83-06 was originally approved with 163 parking stalls; therefore, two accessways that are 32 feet wide for the first 50 feet from right-of-way would be required to meet Code. The applicant is proposing modifications to the southern two accessways located off SW Sagert Street. The applicant has not provided any information or described the existing conditions of the northern two accessways off SW Borland Road. Sheet C300 - Site and Horizontal Control Plan proposes and illustrates skewed access drives that are 32 feet wide at the property line and narrows down to twenty-five feet after the first ten feet from right-of-way at the western access and narrows down to twenty-nine feet after the first ten feet at the eastern access. Staff included the condition below, to meet the access width standard and to encourage a safer access drive design than what is currently proposed.

6. *The applicant must revise the appropriate sheets to provide evidence that two on-site access drives are thirty-two feet wide for the first fifty feet from the public right-of-way and install to approved plan set pursuant to TDC 73.400(11).*

*Staff Response: The Engineering Division included the following condition for permitting work in the right-of way-and for permitting ground disturbance on-site.*

7. *The applicant must apply for and obtain a Public Works Permit for all work within public right-of-way and an Erosion Control Permit for all disturbed area.*
  - a. *Provide an engineered plan that shows plan and profile of the proposed driveway connections and proposed pedestrian connections. All improvements must match back of sidewalk grades currently being constructed by Lennar Homes as part of public works permit number PW16-0211. Plan must meet requirements of Engineering Division for review and approval pursuant to the Tualatin Public Works Construction Code and must be approved by the Engineering Division.*
  - b. *Show back of sidewalk grades that match the elevations of SW Sagert Street right-of-way improvements currently being constructed by Lennar Homes as approved in Public Works Permit No. PW16-0211.*
  - c. *If proposed pedestrian connection to the Sagert Street sidewalk is the ADA accessible route to the public right-of-way, then improvements in the right-of-way must meet ADA criteria set forth in the 2010 Public Rights of Way Design Guidelines (PROWAG), including running slope, cross slope, and all other relevant requirements.*



Dorothy S. Cofield,  
Attorney at Law

CITY OF TUALATIN  
RECEIVED  
OCT 26 2017  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

October 26, 2017

City Council  
City of Tualatin  
18880 SW Martinazzi Avenue  
Tualatin, Oregon 97062-7092

VIA: HAND DELIVERY

*Re: Request for Review to Tualatin City Council of Minor Architectural Review (MAR17-0041) Tualatin Professional Center, 6464 SW Borland Street, Tualatin, OR 97062*

Dear Tualatin City Council,

This narrative letter, along with an appeal application and fee of \$145.00, is submitted to appeal the Tualatin Planning Department’s Minor Architectural Review (MAR) for access drive and parking lot improvements at the Tualatin Professional Center at 6464 SW Borland Street, Tualatin, OR 97062 (Tax Lot 2S1E30B90000) dated October 12, 2017. The Decision determined that a Request for Review to the City Council is the appropriate body to hear the appeal. Decision, p. 4. This Request for Review is being filed within fourteen (14) days of the Notice of Decision. Please incorporate the entire record below as part of this Request for Review.

As outlined in my letter to Assistant Planner Erin Engman dated October 3, 2017 (Exhibit 1) sent on behalf of my client Tualatin Professional Center (TPC) and my client’s engineer, Matt Johnson with KPFF Consulting Engineers, our appeal involves the Tualatin Development Code (TDC) sections outline below. Beneath the relevant TDC section, we have included the reason for our appeal and revision we are requesting of City Council.

**1. TDC 73.400(11) – Access; Minimum Access Requirements for Commercial, Public and Semi-Public Uses**

The Planning Department incorrectly applied TDC 73.400(11) to TPC’s restoration of its two southern accesses per the Sagert Farm’s subdivision approval (SB15-0002) Conditions Nos. 16 and 48.

Lennar Homes Northwest, the applicant for Sagert Farms, submitted and was approved for a site plan for the two southern TPC accesses. *See* Exhibit 2. During the application approval process for Sagert Farms, the City applied TDC Chapter 75 which required TPC to change its southwestern access to right-in-right-out due to the development of the Sagert Farm subdivision and Sagert Street. As part of

the Sagert Farms subdivision review, TPC appealed the City's requirement that its southwestern access be modified to a "right-in-right-out." In denying TPC's request, the extensive findings for TPC's appeal of the "right-in-right-out" requirement made clear that: **"Tualatin Professional Center will have substantially similar access as compared to its current condition."** Exhibit 5 (Staff Report, Request for Review SB 15-0002 "M." Findings Related to TPC). To be clear, its current condition included approval of the two southern accesses in SB15-0002.

As explained in detail in my letter attached as Exhibit 1 but mentioned here only for context, after the City approved SB 15-0002, TPC attended a scoping meeting with the City on February 22, 2017 to discuss restoring the two southern accesses. During the scoping meeting, the City did not indicate a revision of the parking lot would be required or otherwise suggest it would deem the restored accesses as a "parking lot improvement or expansion" as defined by the TDC. TPC then submitted construction plans that conformed with staff's direction provided during a April 5, 2017 pre-application conference attended by TPC and its engineer, Matt Johnson. Only after the conforming construction plans were submitted did TPC learn Planning Staff would impose the access standards under TDC 73.400(11) and require the imposition of the MAR land use process to its construction plans.

TDC applies when there is "an increase" to ingress and egress uses of a property. However, here, TPC is seeking to restore its two southern accesses which aligns with the approval already granted in SB15-0002.

With staff's imposition of TDC 73.400(11), TPC will lose up to 19 parking spaces in its existing, nonconforming use parking lot by requiring extension of each 32' wide access for the first 50 feet from the right-of-way of Sagert Street. This is not *substantially similar access* as represented in the Staff Report attached as Exhibit 5.

As Ms. Engman notes in her letter dated October 12, 2017, TDC 73.040 Architectural Review Approval applies to "parking lot improvement or expansion" and goes on to provide the TDC's definition of "parking lot improvement or expansion." As part of the Architectural Review Procedure found in TDC 31.071, TPC would be required to attend a pre-application conference, which it has already completed, and submit detailed site plans, which it has already submitted and for which it received approval with SB 15-0002. The City has no reason to require additional land use review when it has already made significant findings regarding access and design of this proposal and determined that TPC is afforded "substantially similar access as compared to its current condition." Exhibit 5, Staff Report. There is no need for a variance application because TPC does not need to vary its approved accesses to comply with TDC 73.400(11). Although not entirely relevant here, TPC was told a variance to TDC 73.400(11) would not be granted because the need for the variance is a "self-created" hardship.

At the appeal hearing, TPC will have its traffic engineer, Chris Clemow available to explain why the KPFF submitted construction plans with a 25' foot access drive aisle is safe and meets the Lennar approved access plan in C-220. The City Council relied on its city engineer and Lennar's private engineer when it approved C-220 in the Sagert Farms Subdivision review. The two realigned accesses were found to be safe then and they are safe now and in conformance with the Lennar access plan.



## **2. Other Conditions in the MAR Decision**

The MAR Decision sets out seven (7) conditions labeled “Prior to Erosion Control Permit Approval.” Some of these conditions exceed the C-220 Sagert Farms Access Plan that Lennar submitted and the City approved in Conditions 16 and 48. The applicant has submitted construction plans consistent with the Sagert Farms Decision and those should be approved by the City Council. To the extent the City is imposing additional code provisions beyond what it already approved in the Sagert Farm’s Decision and they are inconsistent with the 25’ access aisles, they cannot legally be imposed now. For instance, it should be noted that Condition 2 (ADA six-foot compliant walkway under TDC 73.160(1)(a)(i) was a five-foot walkway in the Lennar approved plan (C-220). The applicant may be able to revise its construction plans to show a six-foot walkway but objects to the imposition of TDC 73.160(a)(i) as non-applicable to the approval of its construction plans. Condition 5 (TDC 73.360(6)(a) which requires landscape areas not less than five feet in width on each side of the southern two drives for twenty-five (25) feet from the property line cannot be imposed because it is inconsistent with the Lennar approved plan of a 25’ access aisle for the two southern driveways. The same is true of the following other conditions: Clear Zone Landscape Revisions under TDC 73.340(1); Landscape Plan under TDC 73.310(3); Plan and Profile for proposed driveway to meet PS 16-0211; Back of Sidewalk to meet PW16-0211 and Right-of-Way Pedestrian Connection (2010 Public Rights-of-Way Design Guidelines PROWAG). The MAR Decision goes beyond what the City approved in its Sagert Farm Decision and cannot be changed and added to now.

## **3. TDC 35.020 - Continuation of Non-Conforming Use; TDC 35.030 – Alteration or Enlargement Prohibited**

As raised above, the City already approved the two realigned accesses in the Sagert Farms Subdivision review. However, even if the City hadn’t already reviewed and approved the realigned accesses, TPC has used these two accesses since 1983. The two accesses are lawful because the City approved them in 1983. Under TDC 35.020, a nonconforming use and structure(s) may be continued they existed on the date of the adoption of the TDC. TPC has lawfully existed since 1983 and in fact, dedicated right-of-way for the future Sagert Street as well as funding for the future Sagert Street improvements. The proposed restoration of the lawfully existing two southern accesses is not a prohibited alternation or enlargement as those terms are defined in TDC 35.030. That code provision allows TPC to alter or enlarge its use and structure(s) when it will bring the structure or use into conformity with the Planning District Standards. Here, the only reason for the restoration of TPC’s two accesses is to make them comply with Lennar’s construction of Sagert Street. But for the Sagert Farm Subdivision review process, TPC would not have needed to alter its two southern accesses. For that reason, the MAR decision is incorrect that TPC does not meet TDC 35.030.

## **4. The MAR decision violates TDC 36.162**

Because the City already approved the two realigned southern accesses in SB 15-0002, and TPC is not requested any modification to the approved plan (C-220), the City cannot make TPC go through an additional land use review and require expensive changes to the approval. *See e.g. David Hill Dev. LLC v. City of Forest Grove*, 688 F. Supp. 2d 1193, 1205-1207 (2010). Oregon’s land use program provides that a preliminary plat gives a developer certainty that if the final plat is in substantial

conformance with the preliminary plat, the City cannot require additional and new requirements. Here, the City is imposing TDC 73.400(11) for the first time and requiring a 50' deep drive aisle when a 25' foot drive aisle was approved in SB 15-0002. The City is also imposing TDC 73.160(1)(g) as to the portion of the two accesses' driveways and finding they must be owned by the property owner, when a portion of the drive aisles will be in the public right-of-way. The additional requirements are changing what was approved which is not legal under ORS 92.040 and ORS 227.178(3) (Right to Stationary Goalposts).

#### **5. The MAR decision imposes future standards under TDC 73**

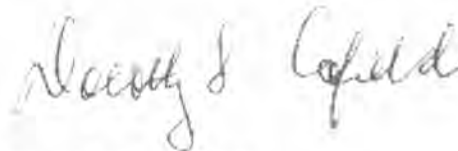
The Mar decision states that a number of code sections will be imposed on TPC as part of this MAR review. *See e.g.* p. 2 "Following Code Standards Will Apply to the Site in an On-Going Manner." The City cannot impose code standards before TPC makes a development application or changes its legal, nonconforming use and structures that exceed TDC 35.030. If the City believes TPC is using its property in violation of zoning standards, the correct process is a zoning enforcement which gives TPC certain due process rights. *See e.g.* TDC 31.077. It is unclear why the MAR decision raises future code requirements in this review. All uses under the TDC are subject to be in compliance with the TDC and there is no reason to raise a separate section in this access process. TDC 31.114.

TPC respectfully asks the City Council to review the MAR Decision and modify it as follows:

1. Approve the KPFF construction plans in Exhibit 4 of the MAR Decision;
2. Delete the 50' access aisle requirement under TDC 73.400(11)
3. Delete the provision for future imposition of TDC 73.160(1)(g) and any future requirements to exterior building maintenance through the AR process;
4. Remove any other conditions inconsistent with the approval of C220 from SB 15-0002.

I look forward to explaining this matter to the City Council so that the MAR decision can be remedied consistent with the City's approval of the two southern accesses in SB 15-0002.

Very truly yours,



Dorothy S. Cofield

Enclosures:

cc: Client  
Matt Johnson  
Margot Seitz  
City Attorney



CITY OF TUALATIN RECEIVED

OCT 26 2017

COMMUNITY DEVELOPMENT PLANNING DIVISION

REQUEST FOR REVIEW

A Request for Review must be received by the Community Development Department - Planning Division or Engineering Department by 5:00 p.m. of the 14th calendar day after the Notice of the Decision. Only those persons who submitted comments during the notice period may submit a request for review. You must provide all of the information requested on this form, as required by TDC 31.075. This form must be signed and submitted in writing. You will be notified of the hearing date.

Name of Party requesting review Tualatin Professional Center

Address 6464 SW Borland Road, Tualatin, OR 97062

Date 10/26/17 Telephone (503) 542-3858

Did you submit comments on the proposal during the notification period? yes

You represent or you are:
[X] The applicant
[ ] City Councilor
[ ] Government agency
[ ] City-recognized neighborhood association
[ ] Architectural Review Board (ARB) member
[ ] City Manager
[ ] Other

I request a review of Case No. MAR17-0041

This form is used in part to determine the appropriate hearing body for review. Check which portion of the decision for which you are requesting review:

- AR/Arch. Features
AR/Public Facilities
Historic Landmark
Industrial Master Plan
Interpretations
Partitions
Reinstatement of Use
Sign Variance
Subdivisions
Transitional Use Permit
Variances

Project: Minor Architectural Review (MAR17-0041) for access drive and parking lot improvements at the Tualatin Professional Center

Explain clearly which portions of the decision you are asking to be reviewed (attach separate sheet if needed). This should specify how you are adversely affected by the decision and how the decision is allegedly not in conformance with applicable TDC requirements: Please see the attached letter from Cofield Law Office detailing the applicable TDC sections relevant to this appeal, how the above-referenced decision does not conform with the TDC and how the applicant is adversely affected by the decision.

Appeal of Staff Architectural Review decision to ARB: \$0. Appeal of Decision to Council: Please see current fee schedule.

Your signature

FOR OFFICE USE ONLY:
Received by Planning
Fee received
The review will be heard by the



**COFIELD LAW OFFICE**

2716 NW MONTE VISTA TER  
PORTLAND, OR 97210

**CHASE**  **for BUSINESS**

JPMorgan Chase Bank, N.A.  
www.Chase.com

19-7076/3250

10/26/2017

PAY TO THE  
ORDER OF City Of Tualatin

\$\*145.00

One Hundred Forty-Five Only\*\*\*\*\*

DOLLARS

MEMO  
Request for Appeal MAR 17-0041



*[Handwritten Signature]*  
AUTHORIZED SIGNATURE

⑈005140⑈ ⑆325070760⑆ 838838295⑈

**COFIELD LAW OFFICE**

City Of Tualatin  
Office Expense

10/26/2017

5140

145.00

Cofield Law Office Busin Request for Appeal MAR 17-0041

145.00

**COFIELD LAW OFFICE**

City Of Tualatin  
Office Expense

10/26/2017

5140

145.00

Cofield Law Office Busin Request for Appeal MAR 17-0041

145.00

**RECEIPT**

DATE Oct 26, 2007

No. 815173

RECEIVED FROM Child Support Office

\$ 145<sup>00</sup>

One hundred forty-five and 00/100 DOLLARS

FOR RENT  FOR appeal of NHR 17-0041 - Request for review

ACCOUNT 5 -

CASH

PAYMENT 45 -

CHECK

FROM \_\_\_\_\_ TO ch# 5148

BA. DJE 2

MONEY ORDER

CREDIT CARD

BY A. L. Linton



# City of Tualatin

[www.tualatinoregon.gov](http://www.tualatinoregon.gov)

E-mailed and sent via First Class Mail **October 12, 2017**

Matt Johnson  
KPF Consulting Engineers  
111 SW 5<sup>th</sup> Avenue  
Portland, OR 97204

RE: Minor Architectural Review (MAR17-0041) for access drive and parking lot improvements at the Tualatin Professional Center at 6464 SW Borland Road, Tualatin, OR 97062  
(Tax Lot: 2S1E30B90000)

Dear Mr. Johnson:

Thank you for submitting a Minor Architectural Review (MAR) application to the City of Tualatin Planning Division on Monday, August 21, 2017, to adjust the southern two access drives previously approved through LP83-01, AR83-0006, and Development Agreement 84-16657. Modifications and improvements to the southern parking lot, landscaping, and pedestrian network are also included in the proposal.

Pursuant to Tualatin Development Code (TDC), the City of Tualatin Planning Division approves the proposal as described, illustrated, and sited on the submitted Sheet C300 (Plot Date 8/16/17) with the following conditions:

**Prior to Erosion Control Permit Approval:**

1. Prior to applying for permits on the subject site, the applicant must submit one revised paper plan set—24 x 36, a paper narrative, and electronically in Adobe PDF file format—for review and approval to the Planning Division that meet the conditions of approval below. The narrative must explain how and on what page each condition of approval has been met. The submittal must contain page numbers and a table of contents. No piecemeal submittals will be accepted. Each submittal will be reviewed in two (2) weeks.
2. The applicant must submit plans that illustrates a six foot wide ADA compliant walkway between the main entrance of the southern building of the Tualatin Professional Center complex (Building D) and SW Sagert Street and install to approved plan set pursuant to TDC 73.160(1)(a)(i).
3. The applicant must submit a landscape plan that illustrates areas within the defined project area that are not occupied by buildings, parking spaces, driveways, drive aisles, and pedestrian areas are landscaped and install to approved plan set pursuant to TDC 73.310(3).
4. The applicant must submit a revised landscape plan that notes a clear zone will be provided at the proposed access drive entrances vertically between a maximum of thirty inches and a minimum of eight feet as measured from the ground level pursuant to TDC 73.340(1).

5. The applicant must revise the appropriate sheets to illustrate landscape areas not less than five feet in width on each side of the southern two access drives located off of SW Sagert Street that extend for a distance of at least twenty-five feet from the property line and install to approved plan set pursuant to TDC 73.360(6)(a).
6. The applicant must revise the appropriate sheets to provide evidence that two on-site access drives are thirty-two feet wide for the first fifty feet from the public right-of-way and install to approved plan set pursuant to TDC 73.400(11).
7. The applicant must apply for and obtain a Public Works Permit for all work within public right-of-way and an Erosion Control Permit for all disturbed area.
  - a. Provide an engineered plan that shows plan and profile of the proposed driveway connections and proposed pedestrian connections. All improvements must match back of sidewalk grades currently being constructed by Lennar Homes as part of public works permit number PW16-0211. Plan must meet requirements of Engineering Division for review and approval pursuant to the Tualatin Public Works Construction Code and must be approved by the Engineering Division.
  - b. Show back of sidewalk grades that match the elevations of SW Sagert Street right-of-way improvements currently being constructed by Lennar Homes as approved in Public Works Permit No. PW16-0211.
  - c. If proposed pedestrian connection to the Sagert Street sidewalk is the ADA accessible route to the public right-of-way, then improvements in the right-of-way must meet ADA criteria set forth in the 2010 Public Rights of Way Design Guidelines (PROWAG), including running slope, cross slope, and all other relevant requirements.

**The Following Code Requirements Apply to the Site in an On-Going Manner:**

- Accessways must be constructed, owned and maintained by the property owner. TDC 73.160(1)(g)
- All landscaping approved through the AR process must be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the AR decision, unless subsequently altered with Community Development Director's approval. TDC 73.100(1)
- All building exterior improvements approved through the AR process must be continually maintained, including necessary painting and repair, so as to remain substantially similar to original approval through the AR process, unless subsequently altered with Community Development Director's approval. TDC 73.100(2)
- Site landscaping and street trees must be maintained to meet the vision clearance requirements of TDC 73.400(16).
- The proposed development must comply with all applicable policies and regulations set forth by the TDC.

**Response to Additional Claims Made in Your Letter of October 3, 2017.**

Your attorney, Ms. Dorothy Cofield, submitted a letter dated October 3, 2017, where she made two additional legal claims: (1) that TPC believes the Minor Architectural Review process is not required for your improvements; and (2) that the parking lot is a nonconforming use and, therefore, you are allowed to make the improvements without complying with the design standards in the TDC. Neither of those arguments are supported by the TDC. In fact, the TDC specifically requires Architectural Review for your proposed improvements to demolish and reconstruct your parking lot. In addition, the TDC prohibits alterations of nonconforming uses.

## **1. The Architectural Review Process is Required for the Proposed Improvements to the Parking Lot.**

You submitted an application for a Minor Architectural Review (MAR) and propose to make improvements to the parking lot at your site. In particular, you state in your application that “[t]he Tualatin Professional Center will make site improvements to its existing parking lot in order to match the proposed Sagert Street improvements. This will include the demo of and modification of the parking drive aisle and parking layout.”

Under TDC 73.040 Architectural Review is required for a “parking lot improvement or expansion.” TDC 31.060 defines “parking lot improvement or expansion” as “[t]he alteration of land or expansion of existing off-street parking, including grading, paving or installation of landscaping, on land intended to be regularly used for the temporary storage of motor vehicles. Parking lot improvement does not include resurfacing existing asphalt parking or re-striping of parking lots.”<sup>1</sup>

The proposed improvements to demolish and reconstruct your parking lot fit the definition of “parking lot improvement or expansion” under the code. As a result, your proposed improvements require Architectural Review approval.<sup>2</sup> Your claim that you are not required to comply the Architectural Review process is without merit.

## **2. Alteration of Nonconforming Uses is Prohibited under the TDC.**

You also claim that your parking lot is a nonconforming use and that, therefore, the improvements do not need to comply with the design standards in the TDC. To the contrary, the TDC requires alterations of nonconforming uses to comply with design standards.

Under TDC 35.030, nonconforming uses cannot be altered or enlarged, unless “such alteration or enlargement will bring the structure or use into conformity with the Planning District Standards for the planning district within which the use or land is located.” As you state in your application, you are proposing the “demo of and modification of drive aisles.” Your proposal is an alteration under the code.

The driveway cuts at the location have already been installed by the Sagert Farms Development. You are not proposing minor paving activities to simply connect the driveway cuts to the existing site. Rather, you are proposing the demolition and reconstruction of the parking lot itself. As a result, even if your parking lot is a nonconforming use, you cannot make alterations without complying with the City’s development code and its design standards. See, TDC 35.030; 31.110.<sup>3</sup>

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<sup>1</sup> You point out in your letter that you were not required to go through the Architectural Review process a few years ago to “re-asphalt” your lot. The reason for this is because resurfacing of existing parking lots is excluded from the definition of “parking lot improvement or expansion” that would otherwise trigger the Architectural Review process.

<sup>2</sup> TDC 31.110 provides, “[n]o person shall erect, construct, reconstruct, alter or maintain or use any land, building or structure contrary to the provisions of the Tualatin Community Plan, the Tualatin Planning District Standards, or the Tualatin Development Code.”

<sup>3</sup> As has been pointed out on a number of occasions, you may submit an application for a variance under TDC Chapter 33, for those code requirements that “cause an undue or unnecessary hardship.”

**Appeal Process**

If you disagree with this approval, you may appeal this decision to the City Council. To appeal the decision, submit an application, a fee of \$145, a narrative indicating the code section(s) you want to appeal, the requested revision, and your reason for appealing. City Council will hear the appeal in accordance with the process outlined in TDC Section 31.075. The appeal must be submitted before 5 pm on the 14th calendar day after the notice of decision.

Please contact me with any questions at 503.691.3024 or [eengman@tualatin.gov](mailto:eengman@tualatin.gov).

Thank you,



Erin Engman  
Assistant Planner

cc: Aquilla Hurd-Ravich, AICP, Planning Manager  
Sean Brady, City Attorney  
Tony Doran, Engineering Associate  
Dorothy Cofield, [cofield@hevanet.com](mailto:cofield@hevanet.com)  
Dr. Walker, [jpw@tualatinendo.com](mailto:jpw@tualatinendo.com)

File: MAR17-0041



# City of Tualatin

www.tualatinoregon.gov

CITY OF TUALATIN  
RECEIVED

AUG 21 2017

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

## APPLICATION FOR MINOR ARCHITECTURAL REVIEW

<b>Direct Communication to:</b>			
Name: <b>Matt Johnson</b>		Title: <b>Project Manager</b>	
Company Name: <b>KPFF Consulting Engineers</b>			
Current address: <b>111 SW 5th Ave</b>			
City: <b>Portland, OR</b>	State: <b>Oregon</b>	ZIP Code: <b>97204</b>	
Phone: <b>503-858-1899</b>	Fax:	Email: <b>matt.johnson@kpff.com</b>	
<b>Applicant</b>			
Name: <b>James Walker D.D.S.</b>		Company Name:	
Address: <b>6464 SW Borland Road - D2</b>			
City: <b>Tualatin</b>	State: <b>Oregon</b>	ZIP Code: <b>97062</b>	
Phone: <b>503-858-1899</b>	Fax:	Email: <b>jpw@tualatinendo.com</b>	
Applicant's Signature:		Date:	
<b>Property Owner</b>			
Name: <b>Tualatin Professional Center</b>			
Address: <b>6464 SW Borland Road</b>			
City: <b>Tualatin</b>	State: <b>Oregon</b>	ZIP Code: <b>97062</b>	
Phone: <b>503-858-1899</b>	Fax:	Email: <b>jpw@tualatinendo.com</b>	
Property Owner's Signature:		Date:	
<b>(Note: Letter of authorization is required if not signed by owner)</b>			
<b>Project</b>			
Project Title: <b>Tualatin Professional Center Driveway Adjustment</b>			
Address: <b>6464 SW Borland Road</b>			
City: <b>Tualatin</b>	State: <b>Oregon</b>	ZIP Code: <b>97062</b>	
Phone: <b>503-858-1899</b>	Fax:	Email: <b>jpw@tualatinendo.com</b>	
Brief Project Description:			
The Tualatin Professional Center will make site improvements to its existing parking lot in order to match the proposed Sagert Street improvements. This will include the demo of and modification of the parking drive aisle and parking layout			
Value of Improvements: \$			
<b>General Information</b>			
Site Address: <b>6464 SW Borland Road Tualatin, OR 97062</b>			
Assessor's Map #: <b>Map 2-1E 30B</b>		Tax Lot #: <b>TL 90000</b>	
Parcel Size: <b>2.70 acres</b>		Planning District: <b>Office Commercial</b>	
Previous Architectural Reviews:			
Type of Development: <input checked="" type="checkbox"/> Commercial ( ) Industrial ( ) Institutional ( ) Mixed Use ( ) Residential			
	Existing	Proposed Change	Comments
Parking Spaces (#):	<b>155</b>	<b>152</b>	
Building(s) square footage:	<b>~28775</b>	<b>No Change</b>	
Landscaping square footage:			
Paving square footage:			
Density (for residential):			



AS THE PERSON RESPONSIBLE FOR THIS APPLICATION, I HEREBY ACKNOWLEDGE THAT I HAVE READ THIS APPLICATION AND STATE THAT THE INFORMATION ABOVE, ON THE FACT SHEET, AND THE SURROUNDING PROPERTY OWNER MAILING LIST IS CORRECT. I AGREE TO COMPLY WITH ALL APPLICABLE CITY AND COUNTY ORDINANCES AND STATE LAWS REGARDING BUILDING CONSTRUCTION AND LAND USE.

Applicant's Signature:

*[Handwritten Signature]*

Date:

8/21/17

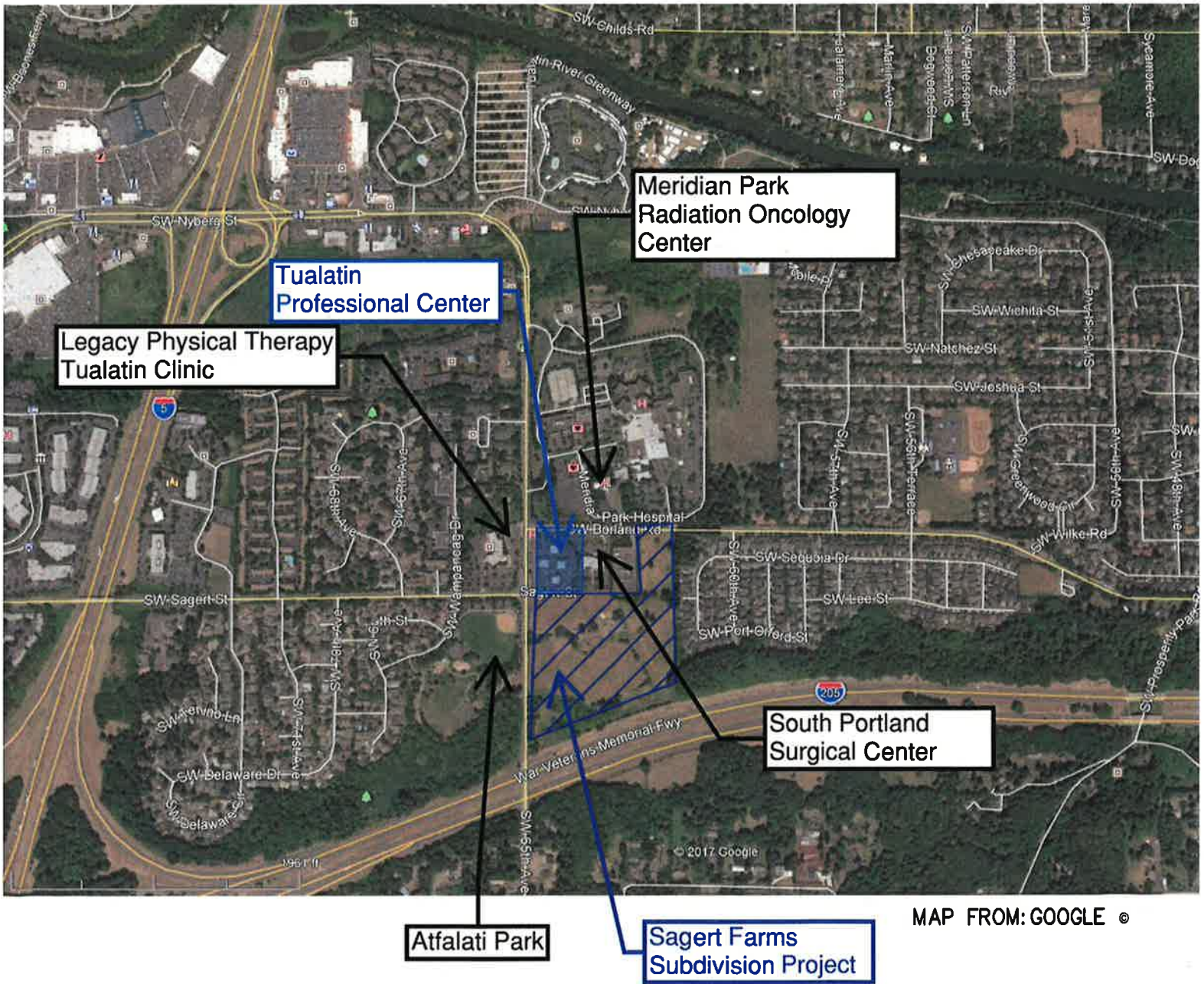
*Secretary of the Professional Center*

**Office Use**

Case No: <i>MAR 17-0041</i>	Date Received: <i>8-21-17</i>	Received by: <i>GK - [Signature]</i>
Fee: Complete Review: <i>7106.00</i>	Receipt No: <i>R4283</i>	
Application Complete as of:	Vicinity Map:	
Site Plan:	Landscape Plan, if applicable:	
Elevations, if applicable:	Materials Board or Color Samples, if applicable:	

PLEASE USE SPACE BELOW TO PROVIDE ANY ADDITIONAL INFORMATION ABOUT THE PROPOSED IMPROVEMENTS THAT YOU DEEM NECESSARY. ATTACH ADDITIONAL SHEETS, DRAWINGS, ETC., IF NEEDED.

# TUALATIN PROFESSIONAL CENTER PARKING LOT IMPROVEMENTS VICINITY MAP



MAP FROM: GOOGLE ©





Clean Water Services File Number

17-002743

### Sensitive Area Pre-Screening Site Assessment

1. Jurisdiction: Tualatin

2. Property Information (example 1S234AB01400)

Tax lot ID(s): 21E30B 90000  
TL 90000

Site Address: \_\_\_\_\_

City, State, Zip: Tualatin, Oregon, 97062

Nearest Cross Street: SW 65th Ave

3. Owner Information

Name: James Walker

Company: Tualatin Professional Center

Address: 6464 SW Borland Road - D2

City, State, Zip: Tualatin, Oregon, 97062

Phone/Fax: 503-858-1899

E-Mail: jpw@tualatinendo

4. Development Activity (check all that apply)

- Addition to Single Family Residence (rooms, deck, garage)
- Lot Line Adjustment       Minor Land Partition
- Residential Condominium       Commercial Condominium
- Residential Subdivision       Commercial Subdivision
- Single Lot Commercial       Multi Lot Commercial

Other \_\_\_\_\_

Driveway and Parking lot improvements

5. Applicant Information

Name: Matt Johnson

Company: KPFF Consulting Engineers

Address: 111 SW 5th Avenue, Suite 2400

City, State, Zip: Portland, Oregon, 97204

Phone/Fax: 5035423858

E-Mail: matt.johnson@kpff.com

6. Will the project involve any off-site work?  Yes  No  Unknown

Location and description of off-site work \_\_\_\_\_

7. Additional comments or information that may be needed to understand your project \_\_\_\_\_

Modify Tualatin Professional Center parking lot to connect two driveways to new SW Sagert Street.

This application does NOT replace Grading and Erosion Control Permits, Connection Permits, Building Permits, Site Development Permits, DEQ 1200-C Permit or other permits as issued by the Department of Environmental Quality, Department of State Lands and/or Department of the Army COE. All required permits and approvals must be obtained and completed under applicable local, state, and federal law.

By signing this form, the Owner or Owner's authorized agent or representative, acknowledges and agrees that employees of Clean Water Services have authority to enter the project site at all reasonable times for the purpose of inspecting project site conditions and gathering information related to the project site. I certify that I am familiar with the information contained in this document, and to the best of my knowledge and belief, this information is true, complete, and accurate.

Print/Type Name Matt Johnson Print/Type Title Project Manager

ONLINE SUBMITTAL

Date 8/22/2017

#### FOR DISTRICT USE ONLY

Sensitive areas potentially exist on site or within 200' of the site. **THE APPLICANT MUST PERFORM A SITE ASSESSMENT PRIOR TO ISSUANCE OF A SERVICE PROVIDER LETTER.** If Sensitive Areas exist on the site or within 200 feet on adjacent properties, a Natural Resources Assessment Report may also be required.

Based on review of the submitted materials and best available information Sensitive areas do not appear to exist on site or within 200' of the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, State, and federal law.

Based on review of the submitted materials and best available information the above referenced project will not significantly impact the existing or potentially sensitive area(s) found near the site. This Sensitive Area Pre-Screening Site Assessment does NOT eliminate the need to evaluate and protect additional water quality sensitive areas if they are subsequently discovered. This document will serve as your Service Provider letter as required by Resolution and Order 07-20, Section 3.02.1. All required permits and approvals must be obtained and completed under applicable local, state and federal law.

This Service Provider Letter is not valid unless \_\_\_\_\_ CWS approved site plan(s) are attached.

The proposed activity does not meet the definition of development or the lot was platted after 9/9/95 ORS 92.040(2). NO SITE ASSESSMENT OR SERVICE PROVIDER LETTER IS REQUIRED.

Reviewed by Chuck Anderson Date 8/28/17

**SHEET NOTES**

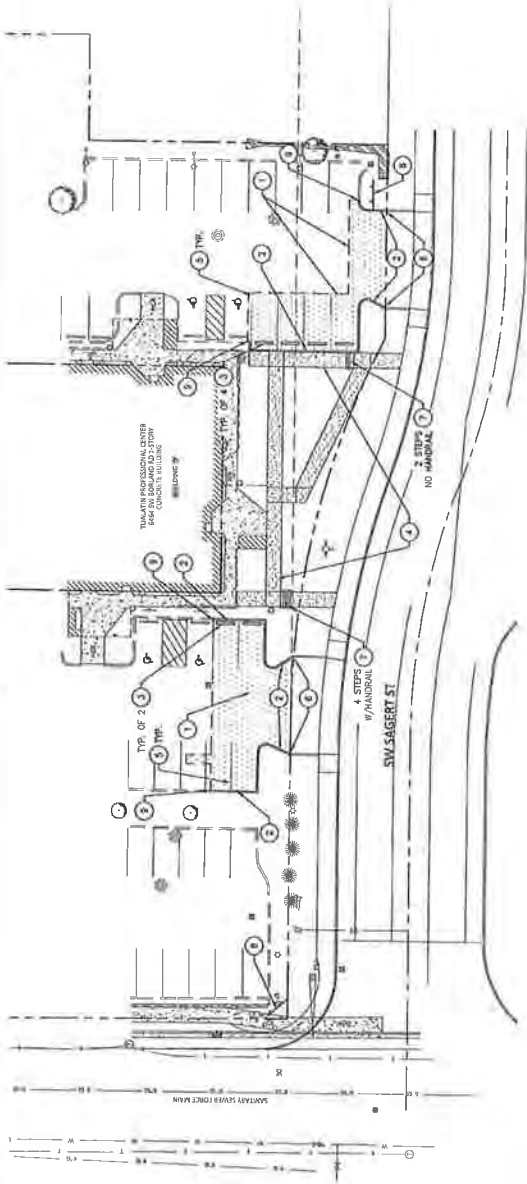
- ALL DIMENSIONS ARE TO FACE OF CURB OR FACE OF WALL
- ALL SIDEWALK PARALLEL JOINTS SHALL BE CONSTRUCTED PER SPECIFICATIONS.
- PROPOSED SAGERT STREET AND CENTERLINE ALIGNMENT SHOWN FOR REFERENCE ONLY. SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT. THE R.O.W. CONTRACTOR TO COORDINATE ROW CONNECTIONS WITH SAGERT STREET CONTRACTOR AND CITY INSPECTOR.

**KEY NOTES**

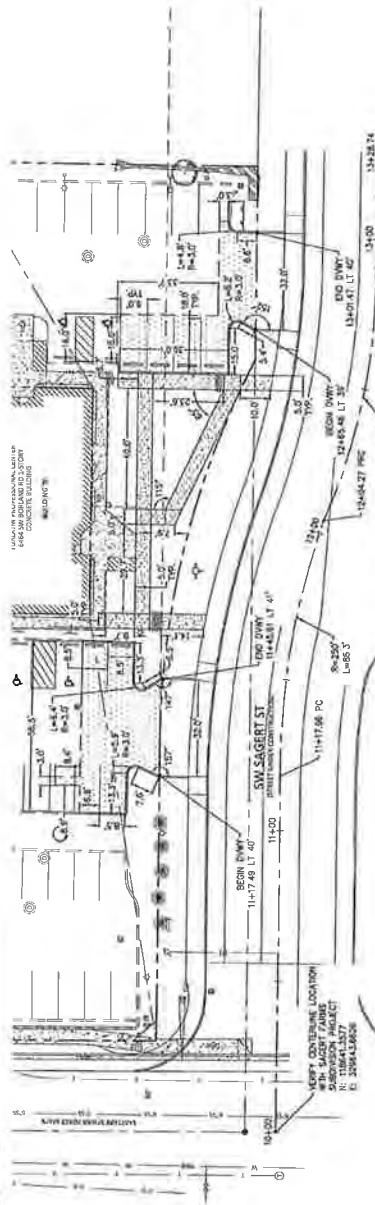
DESCRIPTION	DETAIL REF.
1 SAWOUT LINE	4/C300
2 WHEEL STOP	5/C500
3 CONCRETE 5'-FT WIDE SIDEWALK	6/C500
4 4" X 4" X 1/2" WHITE STRIFE	
5 SPINNET TO SAGERT STREET	
6 CONCRETE STAIRS WITH HANDRAIL	2/C520
7 ELECTRICAL LINE TO TRANSFORMER	
8 ELECTRICAL LINE CONTRACTOR TO COORDINATE LOCATION WITH OWNER	
9 CONNECT TO EXISTING CURB	

**SHEET LEGEND**

PROPERTY LINE	SYMBOL
CONCRETE SIDEWALK	(Symbol: Dotted pattern)
STANDARD ASPHALT PAVEMENT	(Symbol: Horizontal lines)



**SITE PLAN**  
SCALE: 1" = 20'



**HORIZONTAL CONTROL PLAN**  
SCALE: 1" = 20'

644 SW Record Road

TULATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS

SITE AND HORIZONTAL CONTROL PLAN

**C300**

SHEET NO.

PROJECT: C-10

RECORD NO. 11

DATE	DESCRIPTION	BY

SCALE 1" = 20' FEET

SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT

SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT

SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT

SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT

SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT

SEE SAGERT FARM SUBDIVISION RECORD FOR CENTERLINE ALIGNMENT AND EASMENT



**Cash Register Receipt**  
City of Tualatin

**Receipt Number**  
**R4283**

DESCRIPTION	ACCOUNT	QTY	PAID
ProjectTRAK			\$100.00
MAR17-0041 Address: 6464 SW BORLAND RD UNIT D2 Apn: 21E30B 80D02			\$100.00
ARCHITECTURAL REVIEW FEES			\$100.00
MINOR ARCHITECTURAL REVIEW FEE	XR01	0	\$100.00
<b>TOTAL FEES PAID BY RECEIPT: R4283</b>			<b>\$100.00</b>

Date Paid: Tuesday, August 22, 2017

Paid By: Kinetic Properties

Cashier: LSAN

Pay Method: CHECK 5082



# TUALATIN PROFESSIONAL CENTER PARKING LOT IMPROVEMENTS

## TUALATIN, OREGON

### GENERAL NOTES

- SURVEY PROVIDED BY KPFF, DATED JUNE 23, 2017. ELEVATIONS ARE BASED ON NAVD 88 (GEOID 12A) VERTICAL DATUM ESTABLISHED THROUGH A 3 MINUTE GPS OBSERVATION ON CONTROL POINT NO.1 USING THE OREGON REAL-TIME GPS NETWORK (ORGN).
- CONSTRUCTION LAYOUT (ALL ACTUAL LINES AND GRADES) SHALL BE STAKED BY A PROFESSIONAL SURVEYOR, REGISTERED IN THE STATE OF OREGON, BASED ON COORDINATES, DIMENSIONS, BEARINGS, AND ELEVATIONS, AS SHOWN, ON THE PLANS.
- PROJECT CONTROL SHALL BE FIELD VERIFIED AND CHECKED FOR RELATIVE HORIZONTAL POSITION PRIOR TO BEGINNING CONSTRUCTION LAYOUT. SEE SHEET C100 AND C300 FOR PROJECT CONTROL INFORMATION.
- PROJECT CONTROL SHALL BE FIELD VERIFIED AND CHECKED FOR RELATIVE VERTICAL POSITION BASED ON THE BENCHMARK STATED HEREON, PRIOR TO BEGINNING CONSTRUCTION LAYOUT.
- WHEN DIMENSIONS AND COORDINATE LOCATIONS ARE REPRESENTED - DIMENSIONS SHALL HOLD OVER COORDINATE LOCATION. NOTIFY THE CIVIL ENGINEER OF RECORD IMMEDIATELY UPON DISCOVERY.
- BUILDING SETBACK DIMENSIONS FROM PROPERTY LINES SHALL HOLD OVER ALL OTHER CALLOUTS. PROPERTY LINES AND ASSOCIATED BUILDING SETBACKS SHALL BE VERIFIED PRIOR TO CONSTRUCTION LAYOUT.
- CONTRACTOR SHALL PRESERVE AND PROTECT FROM DAMAGE ALL EXISTING MONUMENTATION DURING CONSTRUCTION. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND PAYING FOR THE REPLACEMENT OF ANY MONUMENTS DAMAGED OR REMOVED DURING CONSTRUCTION. NEW MONUMENTS SHALL BE REESTABLISHED BY A LICENSED SURVEYOR.
- SOME SITE DEMOLITION AND UTILITY RELOCATION HAS BEEN PERFORMED. SURVEY MAY NOT BE COMPLETE OR ACCURATE. CONTRACTOR TO VERIFY EXISTING SITE CONDITIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL BRING ANY DISCREPANCIES TO THE ATTENTION OF THE ENGINEER PRIOR TO BEGINNING CONSTRUCTION.
- ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO THESE PLANS, THE PROJECT SPECIFICATIONS AND THE APPLICABLE REQUIREMENTS OF THE 2015 OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION AND THE 2014 OREGON PLUMBING SPECIALTY CODE.
- THE COMPLETED INSTALLATION SHALL CONFORM TO ALL APPLICABLE FEDERAL, STATE, AND LOCAL CODES, ORDINANCES AND REGULATIONS. ALL PERMITS, LICENSES AND INSPECTIONS REQUIRED BY THE GOVERNING AUTHORITIES FOR THE EXECUTION AND COMPLETION OF WORK SHALL BE SECURED BY THE CONTRACTOR PRIOR TO COMMENCING CONSTRUCTION.
- ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987). EXCAVATORS MUST NOTIFY ALL PERTINENT COMPANIES OR AGENCIES WITH UNDERGROUND UTILITIES IN THE PROJECT AREA AT LEAST 48 BUSINESS-DAY HOURS, BUT NOT MORE THAN 10 BUSINESS DAYS PRIOR TO COMMENCING AN EXCAVATION, SO UTILITIES MAY BE ACCURATELY LOCATED.
- THE LOCATION OF EXISTING UNDERGROUND UTILITIES SHOWN ON THE PLANS ARE FOR INFORMATION ONLY AND ARE NOT GUARANTEED TO BE COMPLETE OR ACCURATE. CONTRACTOR SHALL VERIFY ELEVATIONS, PIPE SIZE, AND MATERIAL TYPES OF ALL UNDERGROUND UTILITIES PRIOR TO COMMENCING WITH CONSTRUCTION AND SHALL BRING ANY DISCREPANCIES TO THE ATTENTION OF KPFF CONSULTING ENGINEERS, 72 HOURS PRIOR TO START OF CONSTRUCTION TO PREVENT GRADE AND ALIGNMENT CONFLICTS.
- THE ENGINEER OR OWNER IS NOT RESPONSIBLE FOR THE SAFETY OF THE CONTRACTOR OR HIS CREW. ALL O.S.H.A. REGULATIONS SHALL BE STRICTLY ADHERED TO IN THE PERFORMANCE OF THE WORK.
- TEMPORARY AND PERMANENT EROSION CONTROL MEASURES SHALL BE IMPLEMENTED. THE CONTRACTOR SHALL ADHERE TO CITY OF TUALATIN FOR MINIMUM EROSION CONTROL MEASURES. THE ESC FACILITIES SHOWN IN THESE PLANS ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, ESC FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT LEAVE THE SITE.
- THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ALL ROADWAYS, KEEPING THEM CLEAN AND FREE OF CONSTRUCTION MATERIALS AND DEBRIS, AND PROVIDING DUST CONTROL AS REQUIRED.
- TRAFFIC CONTROL SHALL BE PROVIDED BY THE CONTRACTOR THROUGHOUT CONSTRUCTION. CONTRACTOR SHALL PROVIDE A TRAFFIC CONTROL PLAN TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO COMMENCING CONSTRUCTION.
- CONTRACTOR SHALL MAINTAIN ALL UTILITIES TO BUILDINGS AT ALL TIMES DURING CONSTRUCTION.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND SCHEDULING ALL WORK WITH THE OWNER.
- NOTIFY CITY INSPECTOR 72 HOURS BEFORE STARTING WORK. A PRECONSTRUCTION MEETING WITH THE OWNER, THE OWNER'S ENGINEER, CONTRACTOR AND THE CITY REPRESENTATIVE SHALL BE REQUIRED.

### CONSTRUCTION NOTES

#### GENERAL

- SUBGRADE AND TRENCH BACKFILL SHALL BE COMPACTED TO AT LEAST 95% OF THE MAXIMUM DRY DENSITY AS DETERMINED BY ASTM D-698. FLOODING OR JETTING THE BACKFILLED TRENCHES WITH WATER IS NOT PERMITTED.
- SPECIAL INSPECTION REQUIRED FOR ALL COMPACTION TESTING.

#### DEMOLITION

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLITION AND DISPOSAL OF EXISTING AC, CURBS, SIDEWALKS AND OTHER SITE ELEMENTS WITHIN THE SITE AREA IDENTIFIED IN THE PLANS.
- EXCEPT FOR MATERIALS INDICATED TO BE STOCKPILED OR TO REMAIN ON OWNER'S PROPERTY, CLEARED MATERIALS SHALL BECOME CONTRACTOR'S PROPERTY, REMOVED FROM THE SITE, AND DISPOSED OF PROPERLY.
- ITEMS INDICATED TO BE SALVAGED SHALL BE CAREFULLY REMOVED AND DELIVERED STORED AT THE PROJECT SITE AS DIRECTED BY THE OWNER.
- ALL LANDSCAPING, PAVEMENT, CURBS AND SIDEWALKS, BEYOND THE IDENTIFIED SITE AREA, DAMAGED DURING THE CONSTRUCTION SHALL BE REPLACED TO THEIR ORIGINAL CONDITION OR BETTER.
- CONCRETE SIDEWALKS SHOWN FOR DEMOLITION SHALL BE REMOVED TO THE NEAREST EXISTING CONSTRUCTION JOINT.
- SAWCUT STRAIGHT MATCHLINES TO CREATE A BUTT JOINT BETWEEN THE EXISTING AND NEW PAVEMENT.

#### UTILITIES

- ADJUST ALL INCIDENTAL STRUCTURES, MANHOLES, VALVE BOXES, CATCH BASINS, FRAMES AND COVERS, ETC. TO FINISHED GRADE.
- CONTRACTOR SHALL ADJUST ALL EXISTING AND/OR NEW FLEXIBLE UTILITIES (WATER, TV, TELEPHONE, ELEC., ETC.) TO CLEAR ANY EXISTING OR NEW GRAVITY DRAIN UTILITIES (STORM DRAIN, SANITARY SEWER, ETC.) IF CONFLICT OCCURS.
- CONTRACTOR SHALL COORDINATE WITH PRIVATE UTILITY COMPANIES FOR THE INSTALLATION OF OR ADJUSTMENT TO GAS, ELECTRICAL, POWER AND TELEPHONE SERVICE.
- BEFORE BACKFILLING ANY SUBGRADE UTILITY IMPROVEMENTS CONTRACTOR SHALL SURVEY AND RECORD MEASUREMENTS OF EXACT LOCATION AND DEPTH AND SUBMIT TO ENGINEER AND OWNER.

#### STORM AND SANITARY

- CONNECTIONS TO EXISTING STORM AND SANITARY SEWERS SHALL CONFORM TO THE 2015 OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, SECTION 00490, "WORK ON EXISTING SEWERS AND STRUCTURES".
- BEGIN LAYING STORM DRAIN AND SANITARY SEWER PIPE AT THE LOW POINT OF THE SYSTEM, TRUE TO GRADE AND ALIGNMENT INDICATED WITH UNBROKEN CONTINUITY OF INVERT. THE CONTRACTOR SHALL ESTABLISH LINE AND GRADE FOR THE STORM AND SANITARY SEWER PIPE USING A LASER.

#### EARTHWORKS

- CONTRACTOR SHALL PREVENT SEDIMENTS AND SEDIMENT LADEN WATER FROM ENTERING THE STORM DRAINAGE SYSTEM.
- TRENCH BEDDING AND BACKFILL SHALL BE AS SHOWN ON THE PIPE BEDDING AND BACKFILL DETAIL, THE PROJECT SPECIFICATIONS AND AS REQUIRED IN THE SOILS REPORT. FLOODING OR JETTING THE BACKFILLED TRENCHES WITH WATER WILL NOT BE PERMITTED.

#### PAVING

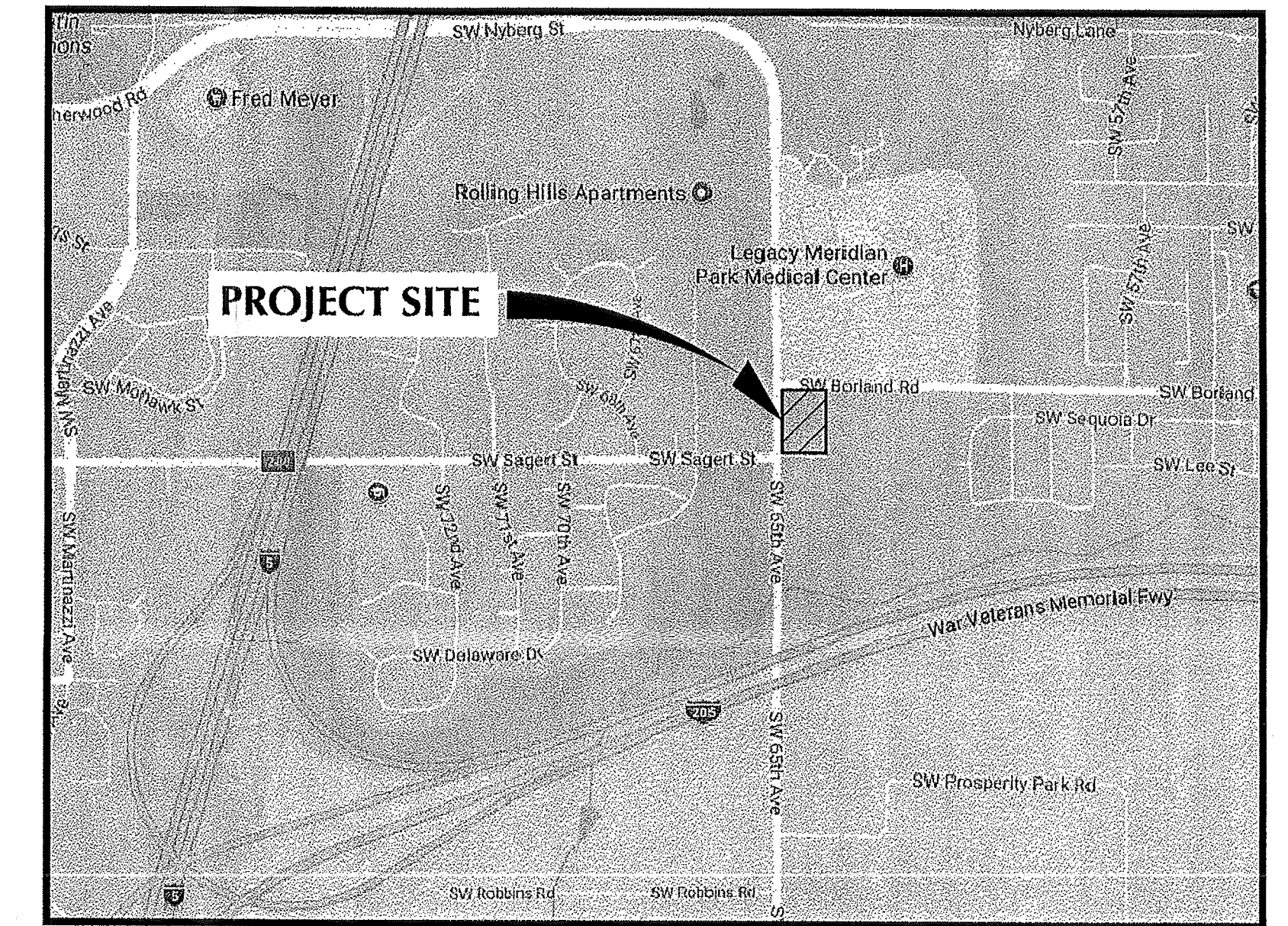
- SEE CIVIL SPECS FOR SIDEWALK FINISHING AND C500 FOR SCORING PATTERNS

#### MATERIAL NOTES

- GENERAL: MATERIALS SHALL BE NEW. THE USE OF MANUFACTURER'S NAMES, MODELS, AND NUMBERS IS INTENDED TO ESTABLISH STYLE, QUALITY, APPEARANCE, AND USEFULNESS. PROPOSED SUBSTITUTIONS WILL REQUIRE WRITTEN APPROVAL FROM ARCHITECT / OWNER / ENGINEER PRIOR TO INSTALLATION.
- STORM AND SANITARY SEWER PIPING SHALL BE PVC PIPE CONFORMING TO THE PROJECT SPECIFICATIONS; AS INDICATED IN THE PLANS. PIPES WITH LESS THAN 2' OF COVER SHALL BE C900/C905 PVC.
- CONCRETE FOR CURBS, SIDEWALK AND DRIVEWAYS SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,300 PSI AT 28 DAYS.

### ABBREVIATIONS

APPROX	APPROXIMATE
B	BOLLARD
BW	BACK OF WALK
BLDG	BUILDING
CB	CATCH BASIN
CL	CENTERLINE
CO	CLEANOUT
CONC.	CONCRETE
CP	CONTROL POINT
D/W	DRIVEWAY
E	EASTING
EXIST./EX	EXISTING
FF	FINISH FLOOR ELEVATION
FG	FINISH GRADE
HCP	HANDICAP PARKING SPACE
IE	INVERT ELEVATION
L	LENGTH
LP	LIGHT POLE
MH	MANHOLE
MIN	MINIMUM
N	NORTHING
OVH/OH	OVERHEAD
P/L	PROPERTY LINE
P.U.E	PUBLIC UTILITY EASEMENT
PC	POINT OF CURVATURE
PRC	POINT OF REVERSE CURVATURE
PT	POINT OF TANGENCY
PVC	POLYVINYL CHLORIDE
PVT	PRIVATE
R	RADIUS
RD	ROOF DRAIN
R.O.W	RIGHT-OF-WAY
S	SLOPE (FT/FT)
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SHT	SHEET
ST	STREET
STA	STATION
STD	STANDARD
S/W	SIDEWALK
TC	TOP OF CURB
TD	TRENCH DRAIN
TP	TOP OF PAVEMENT
TW	TOP OF WALK
TYP	TYPICAL
UG	UNDERGROUND
UGE	UNDERGROUND ELECTRIC



### VICINITY MAP

SCALE: NTS

MAP FROM: GOOGLE

### PROJECT CONTACTS

**OWNER:**  
TUALATIN PROFESSIONAL CENTER, LLC  
6464 SW BORLAND ROAD  
TUALATIN, OREGON 97062  
TEL: 503-858-1899  
CONTACT: DR. JAMES WALKER, DDS

**LANDSCAPE ARCHITECT:**  
PLACE  
735 NW 18TH AVE.  
PORTLAND, OREGON 97209  
TEL: 503-224-2084  
CONTACT: COLLEEN WOLF

**CIVIL PROJECT MANAGER:**  
KPFF CONSULTING ENGINEERS  
111 SW FIFTH AVENUE, SUITE 2500  
PORTLAND, OREGON 97204  
TEL: 503-227-3251  
CONTACT: MATT JOHNSON

**NOTICE TO EXCAVATORS:**  
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. (NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503)-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**

Call the Oregon One-Call Center  
1-800-332-2344

#### EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS  
M-F 7am-6pm 503-226-4211 Ext.4313  
AFTER HOURS 503-226-4211  
PGE 503-464-7777  
QWEST 1-800-573-1311  
CITY BUREAU OF MAINTENANCE 503-823-1700  
CITY WATER 503-823-4874  
VERIZON 1-800-483-1000

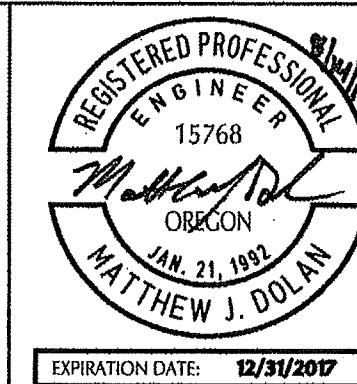
### SHEET INDEX

SHEET NO.	SHEET TITLE	SHEET DESCRIPTION
1	C000	COVER SHEET
2	C100	SURVEY
3	C200	DEMOLITION AND EROSION CONTROL PLAN
4	C300	SITE AND HORIZONTAL CONTROL PLAN
5	C400	GRADING AND UTILITY PLAN
6	C500	DETAILS
7	C501	DETAILS
8	L100	SITE IRRIGATION PLAN & SCHEDULE
9	L101	IRRIGATION DETAILS
10	L200	SITE PLANTING PLAN & SCHEDULE
11	L201	PLANTING DETAILS

REVISION	DATE	DESCRIPTION	BY

**kpff**

111 SW Fifth Ave., Suite 2500  
Portland, OR 97204  
O: 503-227-3251  
F: 503-224-4681  
www.kpff.com



JOB No.: 1700026  
DESIGNED BY: AC  
DRAWN BY: MB  
CHECKED BY: MJ  
PLOT DATE: 8/14/17 2:54pm  
PLOTTED BY: achung  
DWG NAME: C000-CV.dwg  
TAB NAME: C000

6464 SW Borland Road  
TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS

COVER SHEET

CITY OF TUALATIN  
RECEIVED  
AUG 21 2017  
COMMUNITY DEVELOPMENT  
PLANNING DIVISION

SHEET NO.

**C000**

SHEET 1 OF 11  
RECORD NO.



**NOTES:**

- 1.) VERTICAL DATUM: NAVD 88 (GEOID 12A)  
ELEVATION WAS ESTABLISHED THROUGH A 3 MINUTE GPS OBSERVATION ON CONTROL POINT NO. 1 USING THE OREGON REAL-TIME GPS NETWORK (ORGN).
- 2.) BASIS OF BEARINGS FOR THIS SURVEY IS THE OREGON COORDINATE REFERENCE SYSTEM (OCRS), PORTLAND ZONE. THE RESULTANT BEARING OF THE CENTERLINE OF SW 65TH AVENUE IS NORTH 00°14'40" EAST.
- 3.) BOUNDARY AND EASEMENTS WERE CREATED USING FOUND MONUMENTS AND THE "TUALATIN PROFESSIONAL CENTER CONDOMINIUM - STAGE 1" PLAT (2646-P1). A TITLE REPORT WAS NOT PROVIDED FOR THE PURPOSE OF THIS SURVEY. EASEMENTS AFFECTING THE SUBJECT PROPERTY MAY EXIST.
- 4.) UTILITY LOCATIONS SHOWN ARE PER FIELD LOCATED UTILITY PAINT MARKS & REFERENCE MAPS MADE AVAILABLE BY THE VARIOUS UTILITY PROVIDERS. UNLESS INDICATED, DEPTHS OF UTILITY LINES ARE NOT AVAILABLE. ALL UTILITY LOCATIONS SHOULD BE FIELD VERIFIED (POTHOLED) PRIOR TO CONSTRUCTION.

**LEGEND:**

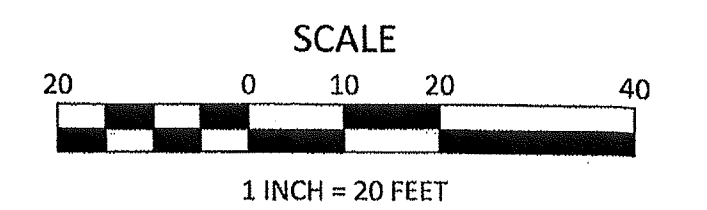
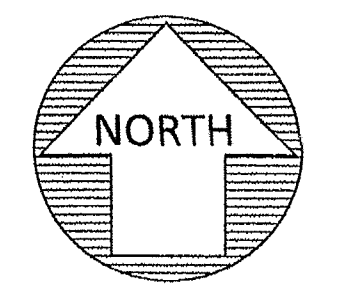
- BUILDING OUTLINE WITH DOOR
- CONCRETE SURFACE
- ASPHALT SURFACE
- WALL
- BUILDING OVERHANG
- CURB LINE
- EDGE OF ASPHALT
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- LOT LINE
- PROPERTY LINE
- ELECTRICAL LINE
- TELECOMMUNICATIONS LINE
- STORM LINE
- SANITARY SEWER LINE
- WATER LINE
- GAS LINE
- OVERHEAD UTILITY LINES
- UNDERGROUND LINE PER AS-BUILTS
- SIGN
- DOUBLE POST SIGN
- DRIVEWAY ENTRY
- HANDICAP RAMP
- ROOF DRAIN
- ELECTRICAL JUNCTION BOX
- GUY ANCHOR
- LUMINAIRE
- POWER POLE
- OVERHEAD LIGHT
- POWER POLE/OVERHEAD LIGHT
- GAS VALVE
- SANITARY MANHOLE WITH STRUCTURE
- STORM MANHOLE WITH STRUCTURE
- CATCH BASIN
- CURB INLET
- SANITARY/STORM CLEAN OUT
- SANITARY/STORM STRUCTURE #
- TELECOMMUNICATIONS MANHOLE
- TRAFFIC SIGNAL BOX
- PEDESTRIAN CONTROL SIGNAL ARM
- TRAFFIC CONTROL SIGNAL ARM
- TRAFFIC SIGNAL POLE
- WATER VALVE
- FIRE HYDRANT
- HOSE BIB
- UNKNOWN UTILITY VALVE
- DECIDUOUS TREE  
-PERIMETER REPRESENTS DRIPLINE
- CONIFEROUS TREE  
-PERIMETER REPRESENTS DRIPLINE
- MONUMENT
- PROJECT CONTROL POINT
- FINISHED FLOOR ELEVATION

**STORM TABLE:**

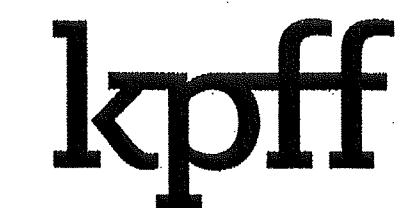
- 1 CATCH BASIN (SUMP TYPE)  
RIM = 220.44'  
WATER LEVEL = 219.39'
- 2 STORM MANHOLE  
RIM = 222.48'  
IE 12" IN (SE) = 215.08'  
IE 12" OUT (NW) = 215.08'
- 3 STORM MANHOLE (DRYWELL)  
RIM = 222.84'  
IE 6" IN (NW) = 215.24'
- 4 CATCH BASIN (SUMP TYPE)  
RIM = 224.00'  
WATER LEVEL = 223.04'
- 5 STORM MANHOLE  
RIM = 226.55'  
IE 12" IN (E) = 220.05'  
IE 12" IN (SW) = 220.05'  
IE 12" IN (N) = 220.05'  
IE 12" OUT (W) = 219.80'
- 6 CATCH BASIN (SUMP TYPE)  
RIM = 225.56'  
WATER LEVEL = 224.49'
- 7 STORM MANHOLE (DRYWELL)  
RIM = 226.09'  
IE 12" IN (E) = 219.64'  
IE 12" IN (N) = CAPPED  
IE 12" IN (SW) = CAPPED
- 8 CURB INLET  
FLOW LINE = 224.30'  
LOCKED
- 9 CATCH BASIN (SUMP TYPE)  
RIM = 222.56'  
WATER LEVEL = 220.94'

**SANITARY TABLE:**

- 1 SANITARY MANHOLE  
RIM = 227.38'  
IE 10" IN (N) = 213.38'  
IE 10" IN (E) = 213.33'  
IE 10" IN (S) = 213.33'  
IE 10" OUT (W) = 213.18'



JOB NO. 1700026



111 SW Fifth Ave., Suite 2400  
Portland, OR 97204  
O: 503.227.3251  
F: 503.224.4681  
www.kpff.com

**PROJECT CONTROL:**

STATION	DESCRIPTION	NORTHING	EASTING	ELEVATION
1	MAG NAIL W/ WASHER "KPFF CONTROL"	118691.45	329714.01	225.87'
2	MAG NAIL W/ WASHER "KPFF CONTROL"	118702.68	329937.92	222.82'

JOB No.: 1700026  
DESIGNED BY: AC  
DRAWN BY: MB  
CHECKED BY: MJ  
PLOT DATE: 8/10/17 7:53am  
PLOTTED BY: achung  
DWG NAME: C100-EX.dwg  
TAB NAME: C100

6464 SW Borland Road

TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS

SURVEY

SHEET NO.

**C100**

SHEET 2 OF 11  
RECORD NO.



111 SW Fifth Ave., Suite 2500  
Portland, OR 97204  
O: 503.227.3251  
F: 503.224.4681  
www.kpff.com

FOR  
INFORMATION  
ONLY

File: N:\p\2017\1700026-Tualatin-Prof-Ctr-CAD\LOT\C100-EX.dwg TAB: C100  
22x34 Plotted: 8/10/17 at 7:53am By: achung

REVISION	DATE	DESCRIPTION	BY



**EROSION CONTROL PLAN NOTES**

1. APPROVAL OF THIS EROSION/SEDIMENTATION CONTROL (ESC) PLAN DOES NOT CONSTITUTE AN APPROVAL OF PERMANENT ROAD OR DRAINAGE DESIGN (E.G., SIZE AND LOCATION OF ROADS, RESTRICTORS, CHANNELS, RETENTION FACILITIES, UTILITIES, ETC.).
2. THE IMPLEMENTATION OF THESE ESC PLANS AND THE CONSTRUCTION, MAINTENANCE, REPLACEMENT, AND UPGRADING OF THESE ESC FACILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR UNTIL ALL CONSTRUCTION IS COMPLETED AND APPROVED AND PERMANENT VEGETATION/LANDSCAPING IS ESTABLISHED.
3. THE BOUNDARIES OF THE CLEARING LIMITS SHOWN ON THIS PLAN SHALL BE CLEARLY FLAGGED IN THE FIELD PRIOR TO CONSTRUCTION. DURING THE CONSTRUCTION PERIOD, NO DISTURBANCE BEYOND THE FLAGGED CLEARING LIMITS SHALL BE PERMITTED. THE FLAGGING SHALL BE MAINTAINED BY THE CONTRACTOR FOR THE DURATION OF CONSTRUCTION.
4. THE ESC FACILITIES SHOWN ON THIS PLAN MUST BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES, AND IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT ENTER THE DRAINAGE SYSTEM, ROADWAYS, OR VIOLATE APPLICABLE WATER STANDARDS.
5. THE ESC FACILITIES SHOWN ON THIS PLAN ARE THE MINIMUM REQUIREMENTS FOR ANTICIPATED SITE CONDITIONS. DURING THE CONSTRUCTION PERIOD, THESE ESC FACILITIES SHALL BE UPGRADED AS NEEDED FOR UNEXPECTED STORM EVENTS AND TO ENSURE THAT SEDIMENT AND SEDIMENT LADEN WATER DO NOT LEAVE THE SITE.
6. THE ESC FACILITIES SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING.
7. THE ESC FACILITIES ON INACTIVE SITES SHALL BE INSPECTED AND MAINTAINED A MINIMUM OF ONCE A MONTH OR WITHIN THE 24 HOURS FOLLOWING A STORM EVENT.
8. AT NO TIME SHALL MORE THAN ONE FOOT OF SEDIMENT BE ALLOWED TO ACCUMULATE WITHIN A TRAPPED CATCH BASIN. ALL CATCH BASINS AND CONVEYANCE LINES SHALL BE CLEANED PRIOR TO PAVING. THE CLEANING OPERATION SHALL NOT FLUSH SEDIMENT LADEN WATER INTO THE DOWNSTREAM SYSTEM.
9. STABILIZED CONSTRUCTION ENTRANCES SHALL BE INSTALLED AT THE BEGINNING OF CONSTRUCTION AND MAINTAINED FOR THE DURATION OF THE PROJECT. ADDITIONAL MEASURES MAY BE REQUIRED TO ENSURE THAT ALL PAVED AREAS ARE KEPT CLEAN FOR THE DURATION OF THE PROJECT.

**SHEET NOTES**

1. CONTRACTOR MAY STAGE WITHIN LIMITS OF DEMOLITION.
2. REMOVE ALL SITE COMPONENTS AND RECYCLE COMPONENTS AS REQUIRED IN THE SPECIFICATIONS.
3. CONTRACTOR TO PROTECT AND MAINTAIN ALL UTILITIES WITHIN THE PROPERTY.
4. GENERAL DEMOLITION PERMIT SHALL BE SECURED BY THE CONTRACTOR.
5. ALL TRADE LICENSES AND PERMITS NECESSARY FOR THE PROCUREMENT AND COMPLETION OF THE WORK SHALL BE SECURED BY THE CONTRACTOR PRIOR TO COMMENCING DEMOLITION.
6. THE CONTRACTOR SHALL PRESERVE AND PROTECT FROM DAMAGE ALL EXISTING RIGHT-OF-WAY SURVEY MONUMENTATION DURING DEMOLITION. THE CONTRACTOR IS RESPONSIBLE FOR COORDINATING AND PAYING FOR THE REPLACEMENT BY A LICENSED SURVEYOR OF ANY DAMAGED OR REMOVED MONUMENTS.
7. PROTECT ALL ITEMS ON ADJACENT PROPERTIES AND IN THE RIGHT OF WAY INCLUDING BUT NOT LIMITED TO SIGNAL EQUIPMENT, PARKING METERS, SIDEWALKS, STREET TREES, STREET LIGHTS, CURBS, PAVEMENT AND SIGNS. CONTRACTOR SHALL BE RESPONSIBLE FOR RESTORING ANY DAMAGED ITEMS TO ORIGINAL CONDITION.
8. PROTECT STRUCTURES, UTILITIES, SIDEWALKS, AND OTHER FACILITIES IMMEDIATELY ADJACENT TO EXCAVATIONS FROM DAMAGES CAUSED BY SETTLEMENT, LATERAL MOVEMENT, UNDERMINING, WASHOUT AND OTHER HAZARDS.
9. SAWCUT STRAIGHT LINES IN SIDEWALK, AS NECESSARY.
10. CONTRACTOR IS RESPONSIBLE TO CONTROL DUST AND MUD DURING THE DEMOLITION PERIOD, AND DURING TRANSPORTATION OF DEMOLITION DEBRIS. ALL STREET SURFACES OUTSIDE THE CONSTRUCTION ZONE MUST BE KEPT CLEAN.

**X PROTECTION KEY NOTES**

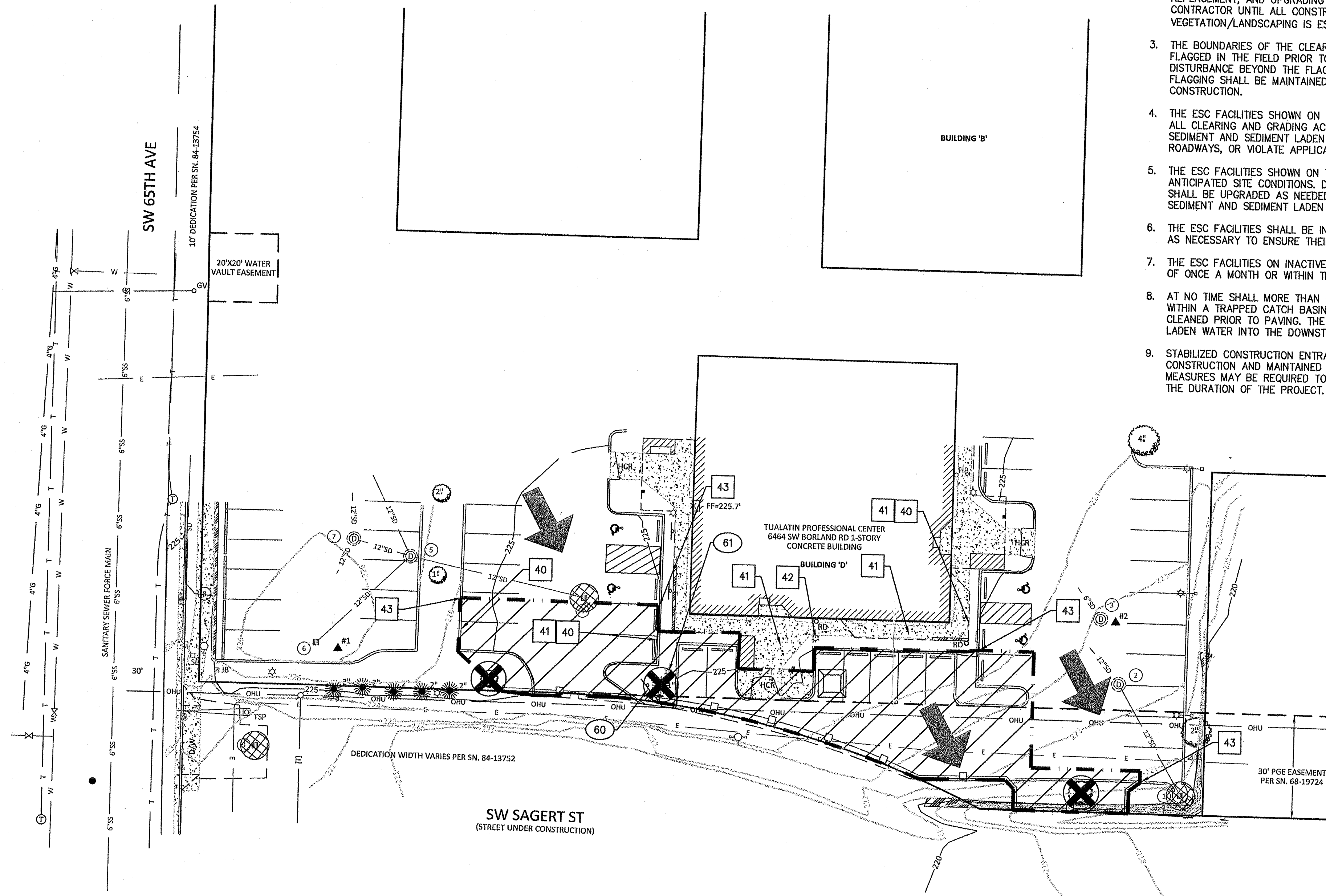
- 40 PROTECT CURB
- 41 PROTECT SIDEWALK
- 42 PROTECT LIGHTPOLE
- 43 SAWCUT CURB AT EDGE OF ADA STALL TO CONNECT TO NEW CURB. SEE SHT C300 FOR NEW CURB LAYOUT.

**X SALVAGE KEY NOTES**

- 60 SALVAGE SIGN AND STORE IN LOCATION AS DIRECTED BY OWNER.
- 61 REMOVE AND SALVAGE LIGHTPOLE AND STORE IN LOCATION AS DIRECTED BY OWNER.

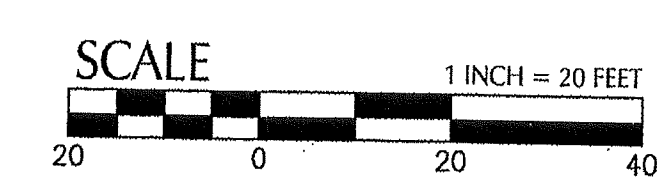
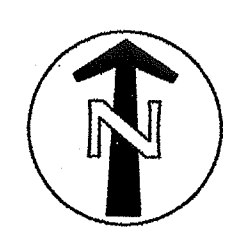
**SHEET LEGEND**

- PROPERTY LINE
- DEMOLITION/WORK LIMITS
- SEDIMENT FENCE (SHOWN OFFSET OF WORK LIMITS FOR CLARITY)
- REMOVE ALL SURFACE FEATURES UNLESS OTHERWISE NOTED.
- REMOVE TREE
- INLET PROTECTION
- FLOW DIRECTION
- CONCRETE WASHOUT

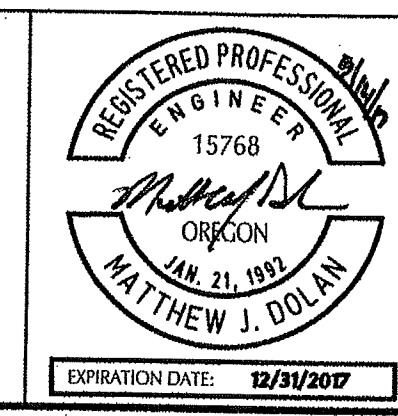


File: N:\c\p\2017\1700026-Tualatin-Prof-Cr\CAD\PLT\C200-DM.dwg TAB: C200  
 22:34 Plotted: 8/14/17 at 2:09pm By: achung

REVISION	DATE	DESCRIPTION	BY



**kpff**  
 111 SW Fifth Ave., Suite 2500  
 Portland, OR 97204  
 O: 503.227.3251  
 F: 503.224.4681  
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JOB No.:	1700026
DESIGNED BY:	AC
DRAWN BY:	MB
CHECKED BY:	MJ
PLOT DATE:	8/14/17 2:09pm
PLOTTED BY:	achung
DWG NAME:	C200-DM.dwg
TAB NAME:	C200

6464 SW Borland Road  
 TUALATIN PROFESSIONAL CENTER  
 PARKING LOT IMPROVEMENTS  
**DEMOLITION AND EROSION CONTROL PLAN**

SHEET NO.  
**C200**  
 SHEET 3 OF 11  
 RECORD NO.

### SHEET NOTES

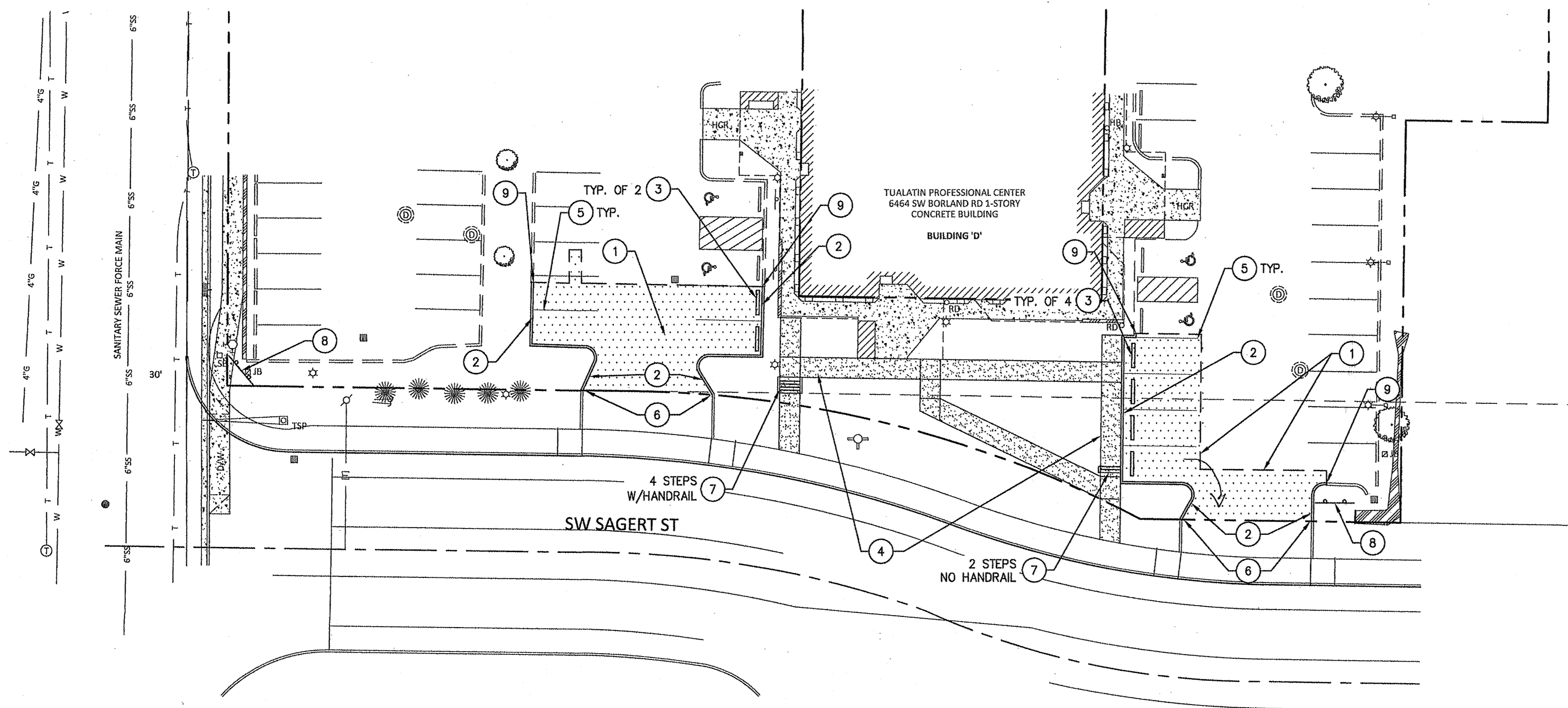
1. ALL DIMENSIONS ARE TO FACE OF CURB OR FACE OF WALL.
2. ALL SIDEWALK PAVEMENT JOINTS SHALL BE CONSTRUCTED PER SPECIFICATIONS.
3. PROPOSED SAGERT STREET AND CENTERLINE ALIGNMENT SHOWN FOR REFERENCE ONLY. SEE SAGERT FARM SUBDIVISION PROJECT (LAND USE DECISION SB15-002) FOR WORK IN THE R.O.W. CONTRACTOR TO COORDINATE R.O.W CONNECTIONS WITH SAGERT STREET CONTRACTOR AND CITY INSPECTOR.

### KEY NOTES

#	DESCRIPTION	DETAIL REF.
1	SAWCUT LINE	
2	STANDARD CURB	4/C500
3	WHEEL STOP	5/C500
4	CONCRETE 5-FT WIDE SIDEWALK	6/C500
5	4-IN WIDE WHITE STRIPE	
6	CONNECT TO SAGERT DRIVEWAY PER SAGERT FARM SUBDIVISION PROJECT.	
7	CONCRETE STAIRS WITH HANDRAIL	2/C501
8	INSTALL SIGN AND CONNECT TO EXISTING ELECTRICAL LINE. CONTRACTOR TO COORDINATE LOCATION WITH OWNER	
9	CONNECT TO EXISTING CURB	

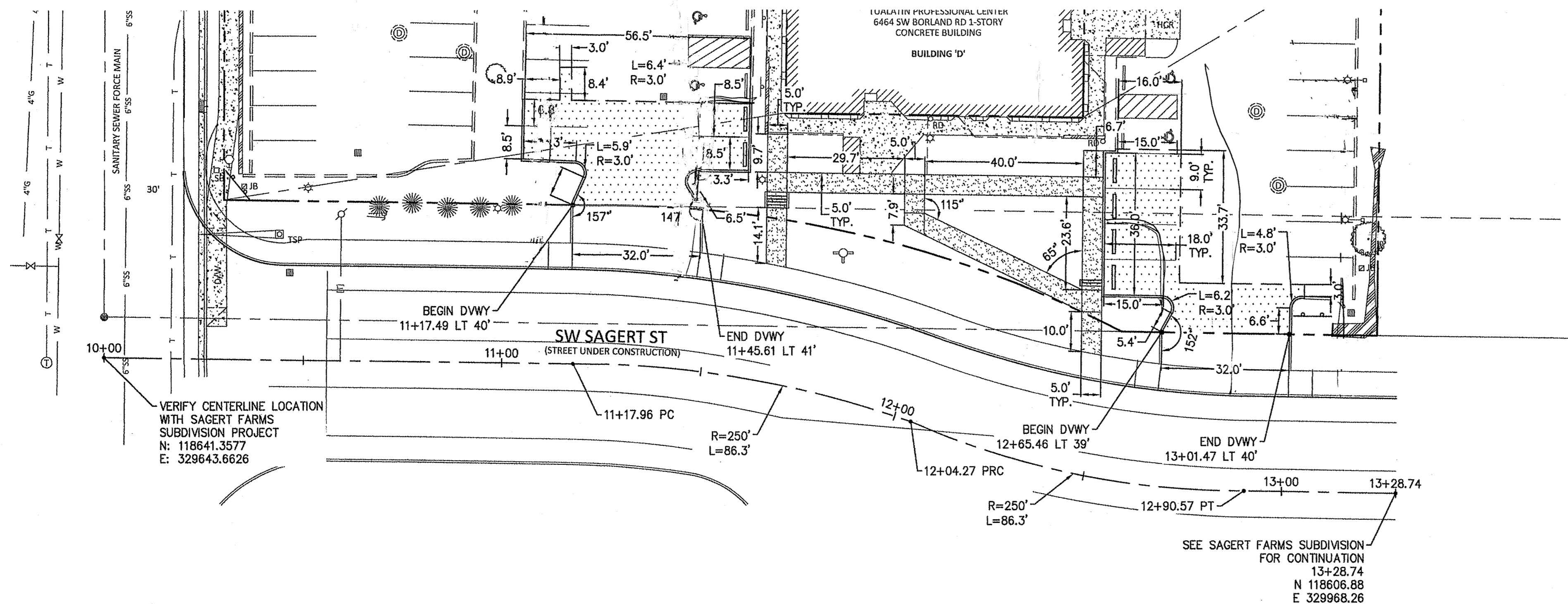
### SHEET LEGEND

	PROPERTY LINE	
	CONCRETE SIDEWALK	6/C500
	STANDARD ASPHALT PAVEMENT	1/C501



### SITE PLAN

SCALE: 1" = 20'

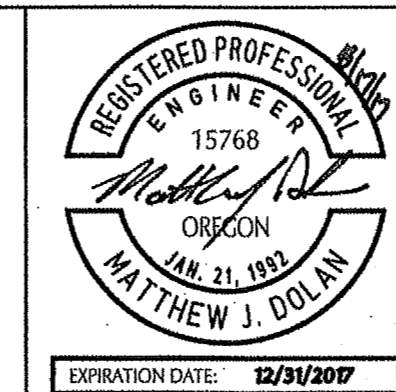
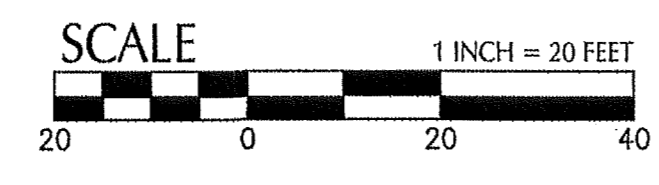
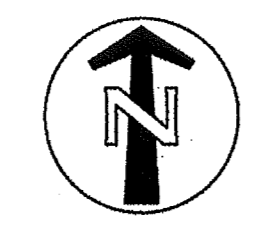


### HORIZONTAL CONTROL PLAN

SCALE: 1" = 20'

File: N:\c\2017\1700026-Tualatin-Prof-Ctr\CAD\LOT\C300-ST.dwg TAB: C300  
22x34 Plotted: 8/16/17 at 3:39pm By: achung

REVISION	DATE	DESCRIPTION	BY



JOB No.:	1700026
DESIGNED BY:	AC
DRAWN BY:	MB
CHECKED BY:	MJ
PLOT DATE:	8/16/17 3:39pm
PLOTTED BY:	achung
DWG NAME:	C300-ST.dwg
TAB NAME:	C300

6464 SW Borland Road	SHEET NO.
TUALATIN PROFESSIONAL CENTER PARKING LOT IMPROVEMENTS	<b>C300</b>
SITE AND HORIZONTAL CONTROL PLAN	SHEET 4 OF 11 RECORD NO.



**SHEET NOTES**

- SLOPES PROVIDED ON SLOPE ARROW ARE FOR REFERENCE ONLY.
- LANDINGS ON ACCESSIBLE ROUTES SHALL NOT EXCEED 2% IN ANY DIRECTION.
- ALL ACCESSIBLE ROUTES SHALL COMPLY WITH CURRENT ADA ACCESSIBILITY GUIDELINES FOR BUILDING AND FACILITIES (ADAAG).
- ALL TOP OF CURB ELEVATIONS ARE 6-IN ABOVE TOP OF PAVEMENT GRADES SHOWN UNLESS NOTED OTHERWISE ON PLANS.
- PIPE BEDDING AND BACKFILL FOR ALL UTILITIES SHALL BE DONE PER DETAIL 4/C501.
- ALL PROPOSED WALKWAYS ARE DESIGNED TO NOT REQUIRE HANDRAILS. THEREFORE, RAMPS WITH SLOPES STEEPER THAN 5.0% AND LESS THAN 8.33% SHALL NOT EXCEED 0.5' RISE OR 6.0' LENGTH.

**(X) GRADING KEY NOTES**

**NOTE DESCRIPTION**

- VERIFY AND MATCH DRIVEWAY CONNECTION GRADES WITH SAGERT STREET PROJECT.
- VERIFY AND MATCH BACK OF WALK GRADES AT SIDEWALK CONNECTION WITH SAGERT STREET PROJECT.

**(X) UTILITY KEY NOTES**

**NOTE DESCRIPTION**

- SD CONNECT TO EXISTING STORM SYSTEM. CONTRACTOR TO FIELD VERIFY IE.

**GRADING LABEL LEGEND**

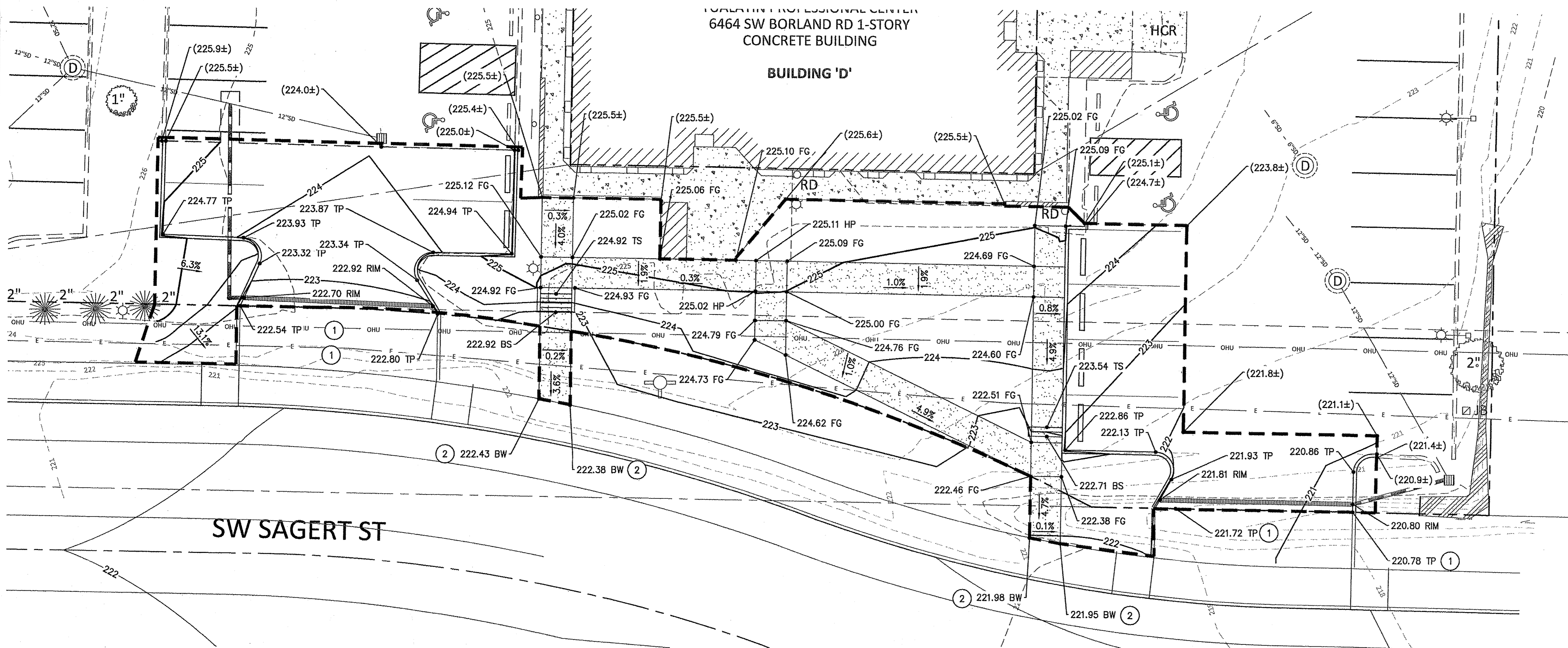
CALLOUT	DESCRIPTION
X.X%	GRADING SLOPE AND DIRECTION (DOWNHILL)
XX.XX	SPOT ELEVATION
XX.XX	DESCRIPTION LISTED BELOW. NO DESCRIPTION MEANS TP OR TG
BW	BACK OF WALK
BS	BOTTOM OF STEP
FG	FINISHED GRADE
HP	HIGH POINT
RIM	RIM OF STRUCTURE
TC	TOP OF CURB
TP	TOP OF PAVEMENT
TS	TOP OF STEP
(XXX.X±)	EXISTING GRADE (MATCH WHERE APPLICABLE)

**SHEET LEGEND**

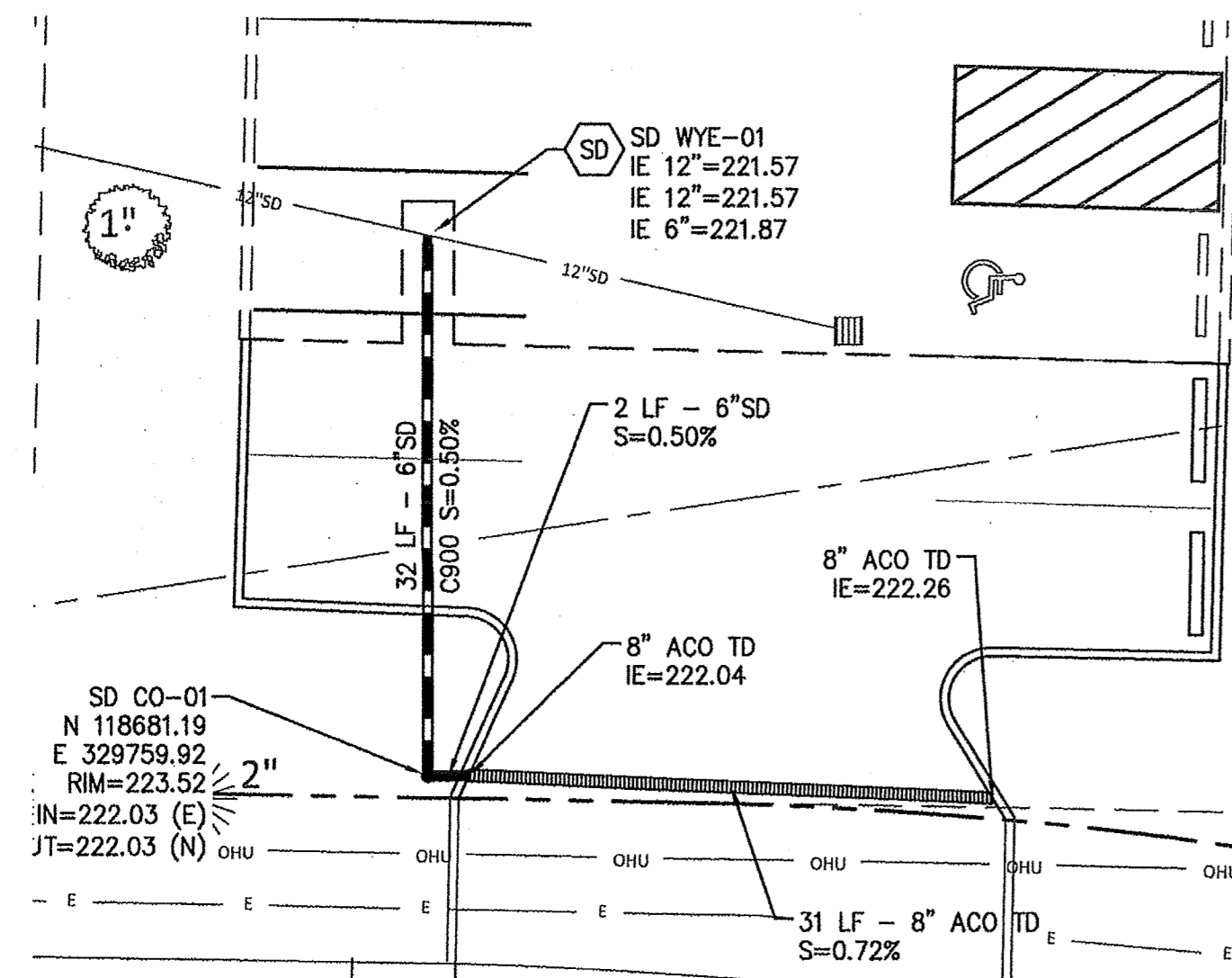
---	GRADE BREAK
---	EX. CONTOUR MINOR
---	EX. CONTOUR MAJOR
---	CONTOUR MINOR (FG)
---	CONTOUR MAJOR (FG)
---	LIMITS OF GRADING. MATCH EXISTING GRADE AT MAX 3:1 (H:V) SLOPE

**UTILITY LABEL LEGEND**

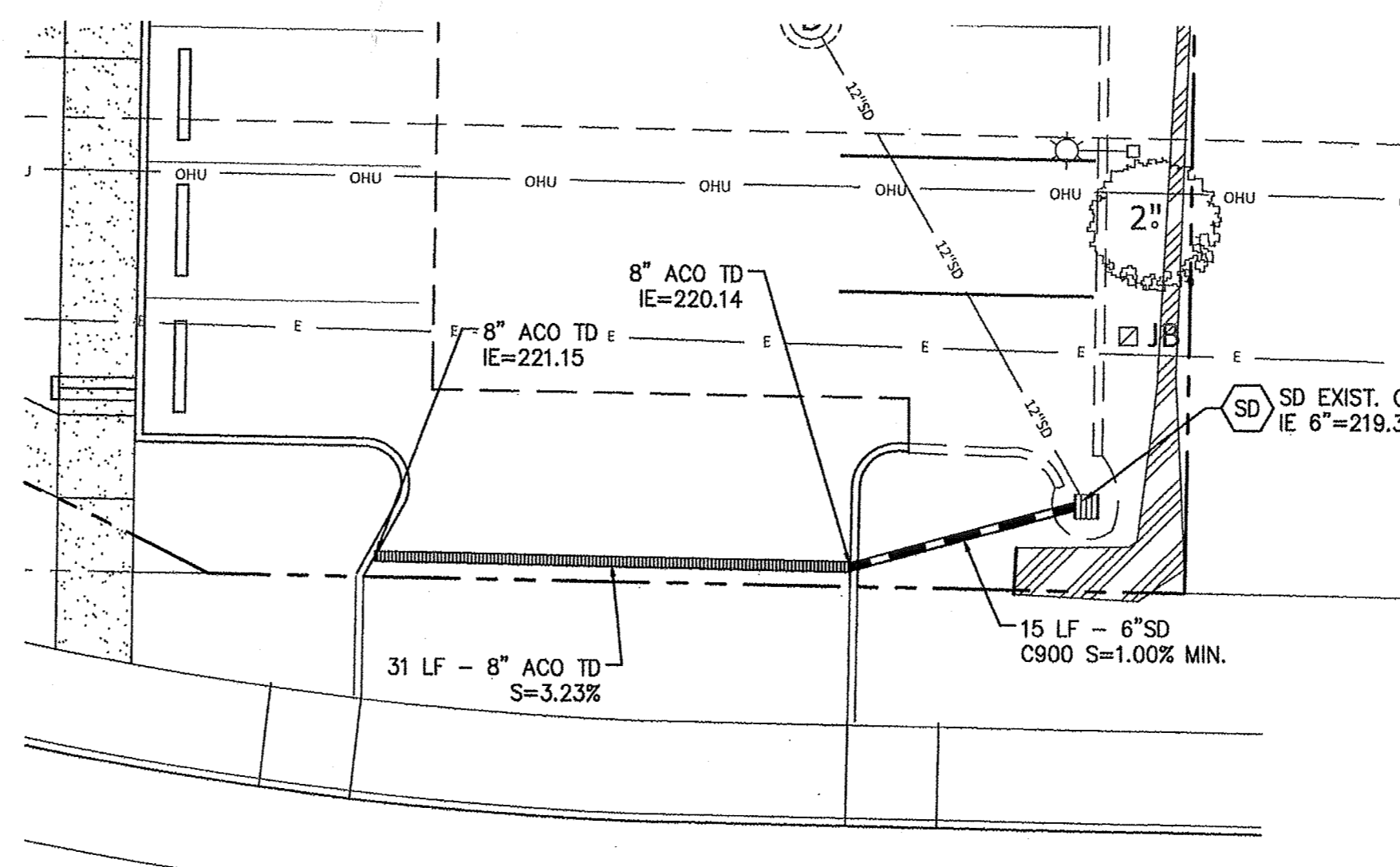
STRUCTURE LABEL			
---	UTILITY TYPE (SD=STORM DRAINAGE)		
---	STRUCTURE TYPE CALLOUT		
---	ID NUMBER (WHERE APPLICABLE)		
XX XX-XX	LOCATION (WHERE APPLICABLE)		
IE IN = XX.X	STRUCTURE INFO (WHERE APPLICABLE)		
IE OUT = XX.X			
PIPE LABEL			
---	UTILITY LENGTH		
---	UTILITY SIZE		
---	UTILITY TYPE		
XXLF - XX" XX	SLOPE (WHERE APPLICABLE)		
S=X.XX%			
STRUCTURE TYPE			
CALLOUT	DESCRIPTION	SYMBOL	DETAIL REF.
TD	TRENCH DRAIN	---	3/C501
CO	CLEANOUT	---	5/C501
SD	STORM DRAIN	---	



**GRADING PLAN**  
SCALE: 1" = 10'

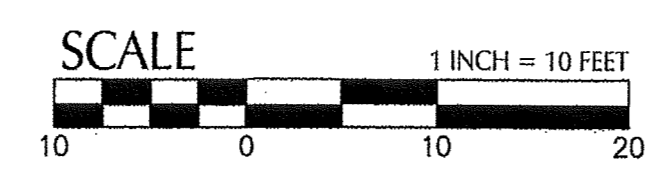
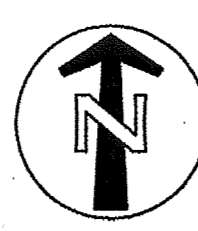


**STORMWATER MANAGEMENT NARRATIVE**  
NOTE THAT STORMWATER IMPROVEMENTS INCLUDING WATER QUALITY AND DETENTION ARE ALREADY IN COMPLIANCE AND DO NOT REQUIRE ANY ADDITIONAL UPGRADES.

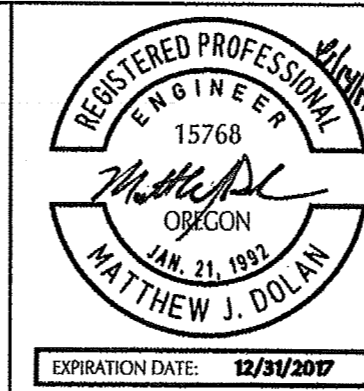


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22x34 Plot Date: 8/14/17 2:48pm By: achung

REVISION	DATE	DESCRIPTION	BY



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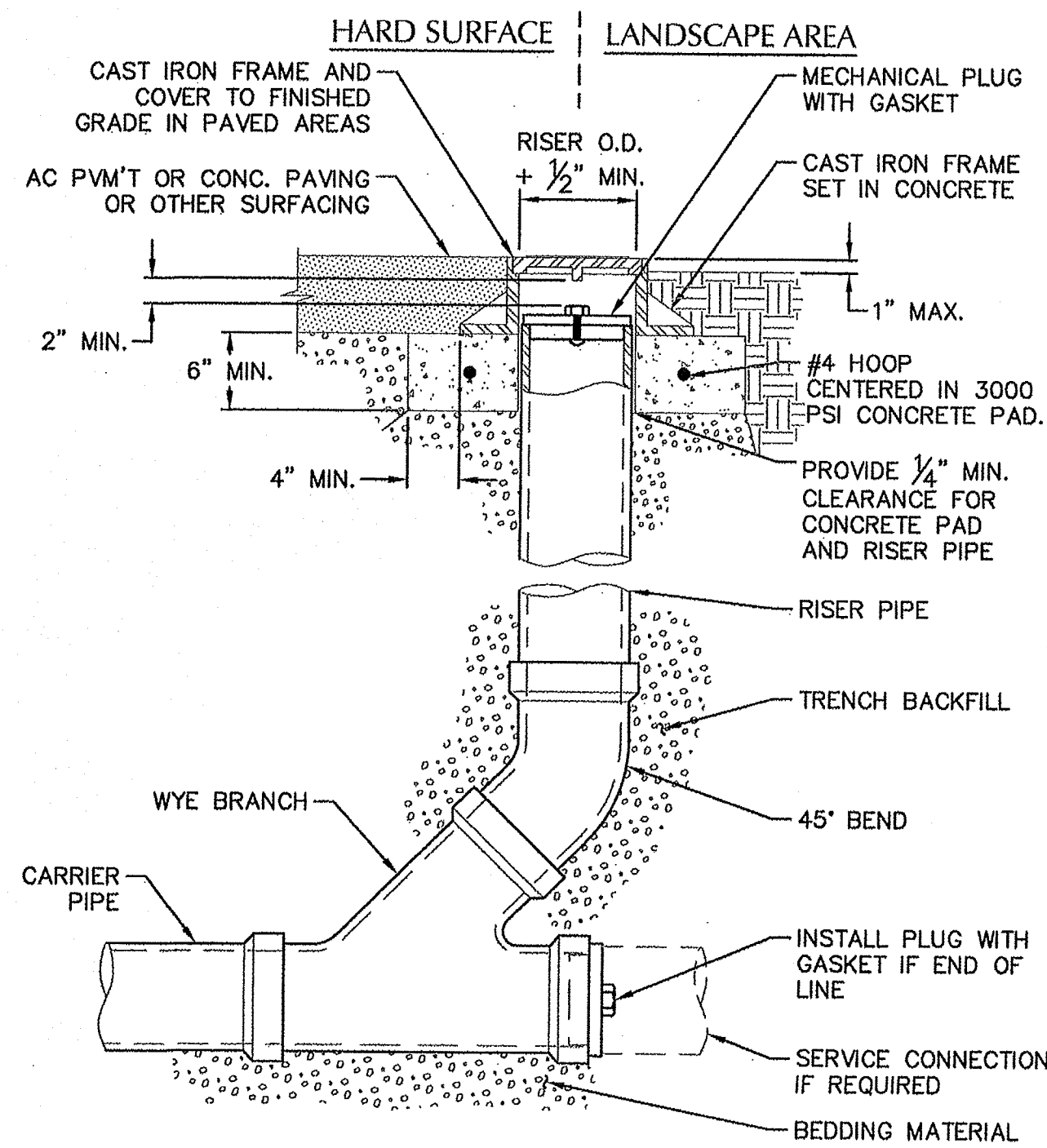
JOB No.:	1700026
DESIGNED BY:	AC
DRAWN BY:	MB
CHECKED BY:	MJ
PLOT DATE:	8/14/17 2:48pm
PLOTTED BY:	achung
DWG NAME:	C400-GD.dwg
TAB NAME:	C400

6464 SW Borland Road  
TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS  
GRADING AND UTILITY PLAN

SHEET NO. **C400**  
SHEET 5 OF 11  
RECORD NO.

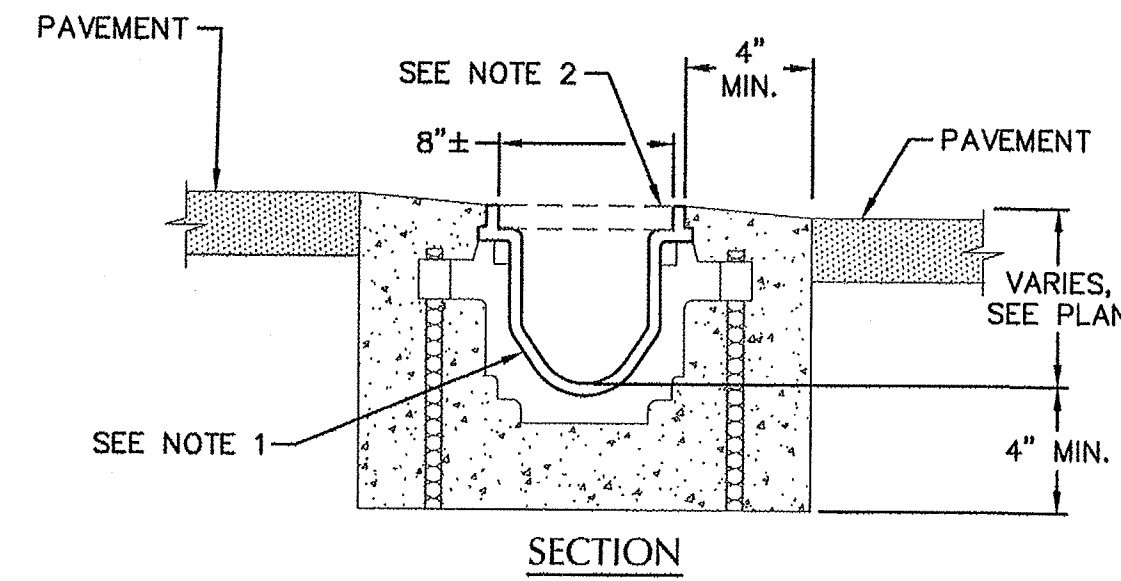






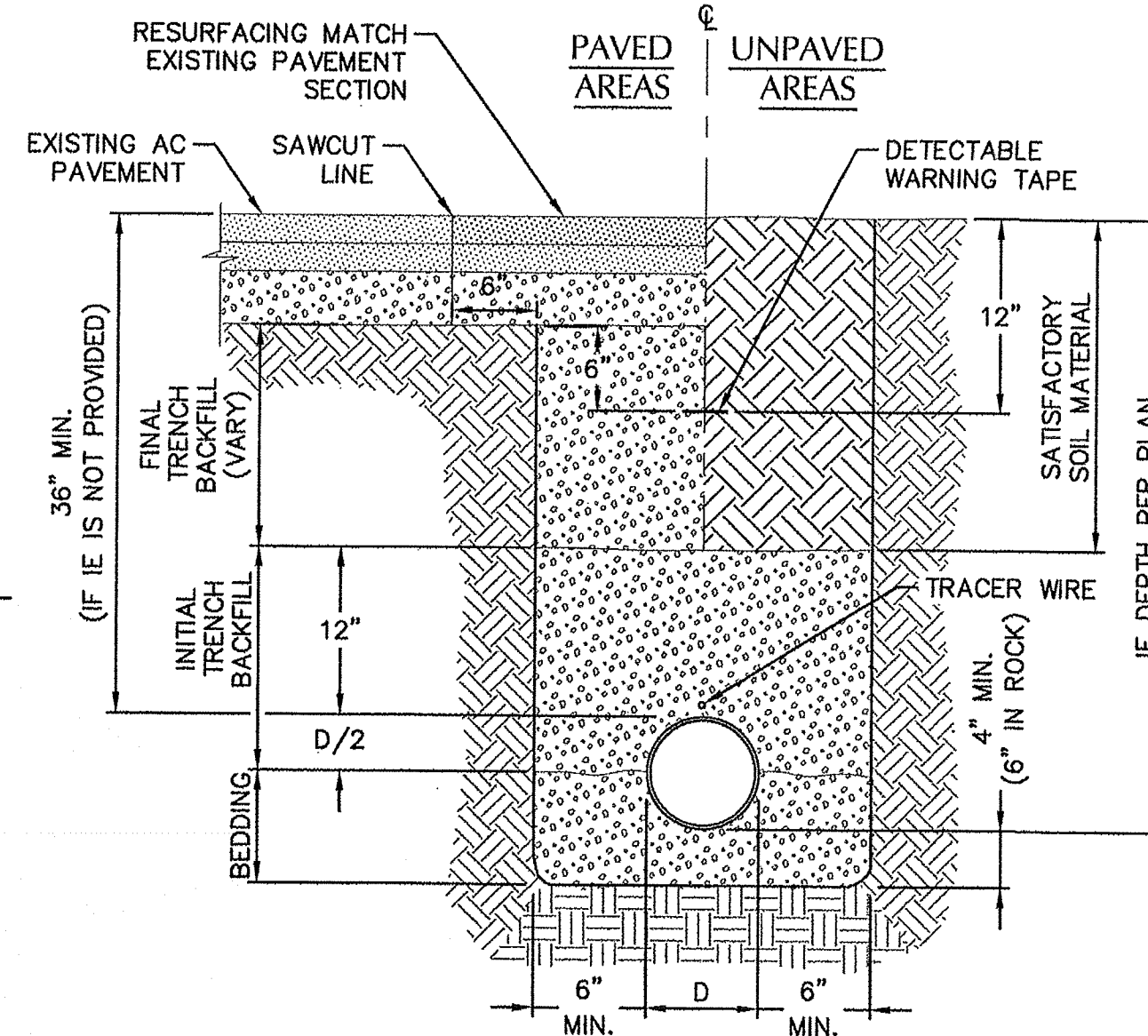
- NOTES:**
1. CAST IRON FRAME AND COVER SHALL MEET H-20 LOAD REQUIREMENT.
  2. FOR CARRIER PIPE SIZE 6"Ø AND LESS, PROVIDE RISER PIPE SIZE TO MATCH CARRIER PIPE.
  3. FOR CARRIER PIPE SIZE 8"Ø AND LARGER, RISER PIPE SHALL BE 6"Ø.
  4. RISER PIPE MATERIAL TO MATCH CARRIER PIPE MATERIAL.

**5 STANDARD CLEANOUT (COTG)**  
SCALE: NTS

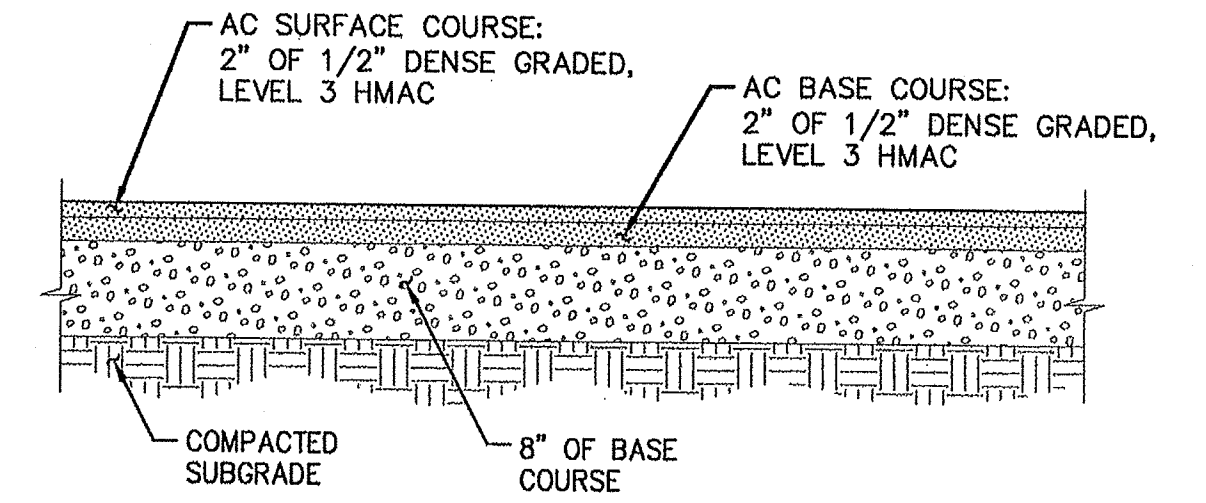


- NOTES:**
1. TRENCH DRAIN SHALL BE NEUTRAL 8" WIDE ZURN OR ACO TRENCH DRAIN OR APPROVED EQUAL.
  2. TRENCH DRAINS GRATE SHALL BE LOCKABLE HEAVY DUTY TRENCH GRATE - CLASS C.
  3. TRENCH SYSTEM SHALL BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS.

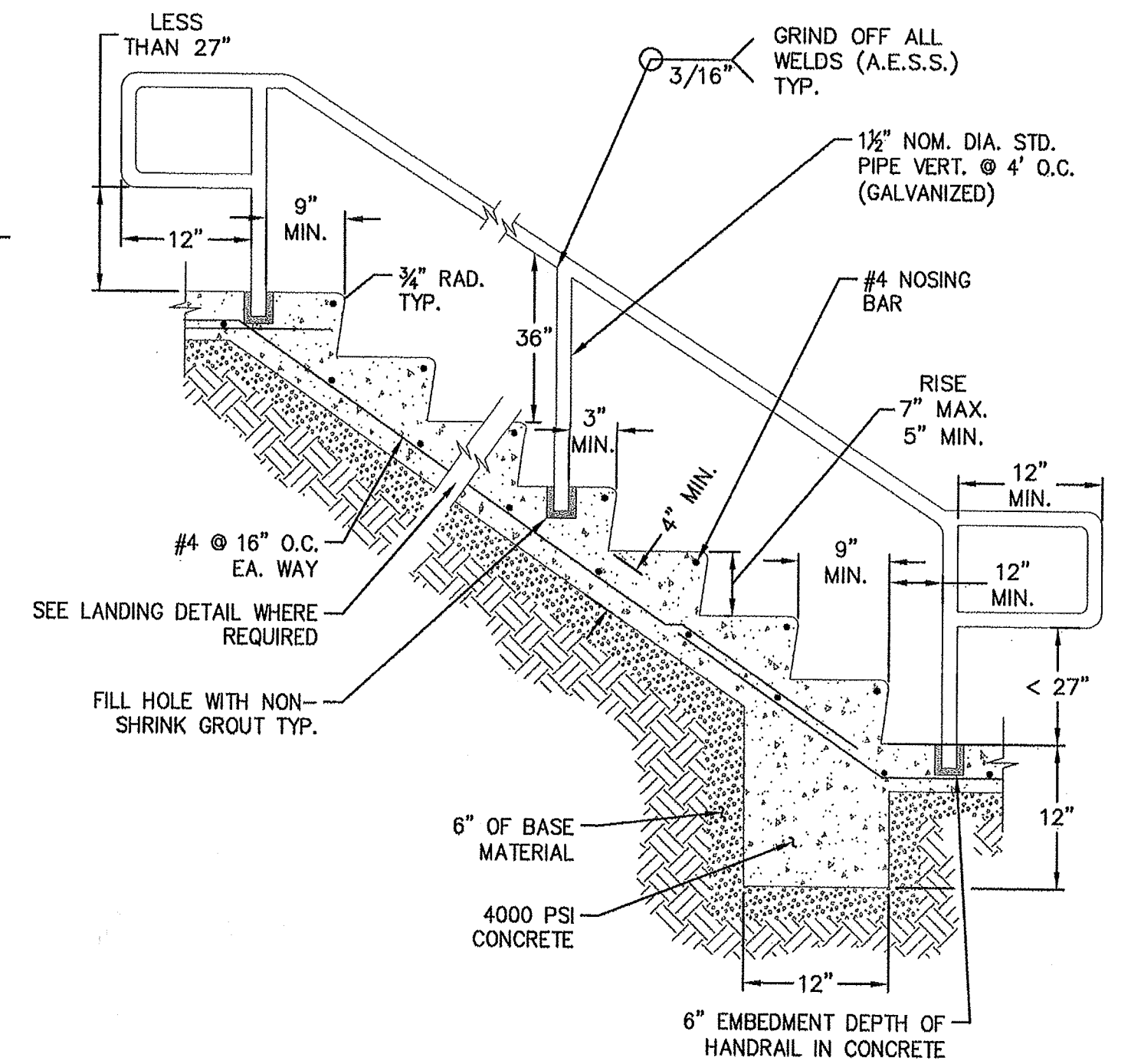
**3 TRENCH DRAIN - 8 INCH WIDE**  
SCALE: NTS



**4 TYPICAL PIPE BEDDING AND BACKFILL**  
SCALE: NTS



**1 ASPHALT PAVEMENT SECTION**  
SCALE: NTS



- NOTE:**
1. STEEL PIPE SHALL CONFORM TO ASTM A501.

**2 STAIR AND HANDRAIL**  
SCALE: NTS

File: N:\2017\1700026\_Tualatin-Prof-Ctr-CAD\LOT\C500-DT.dwg TAB: C501  
22x34 Plotted: 8/10/17 at 1:11pm By: achung

REVISION	DATE	DESCRIPTION	BY

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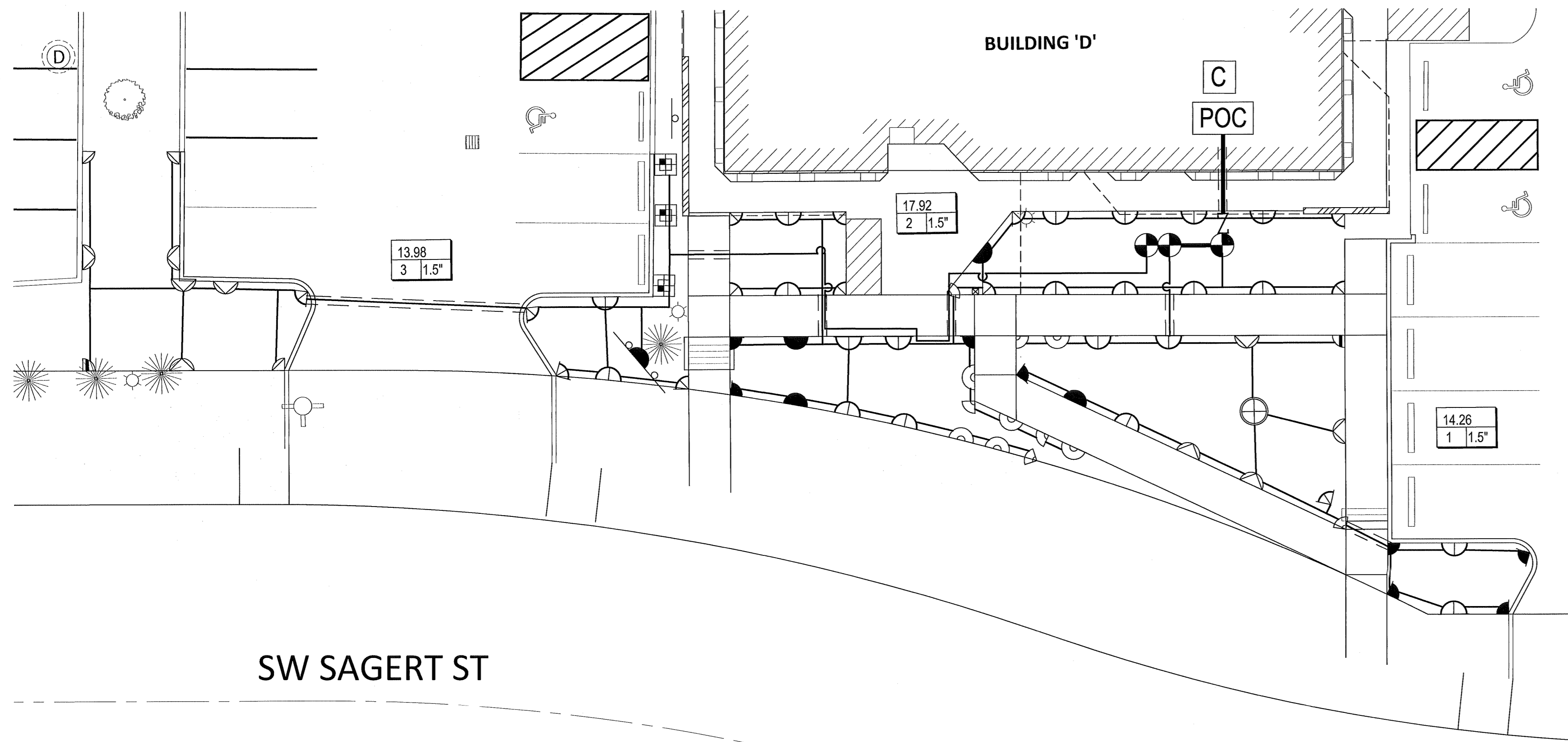
JOB No.: 1700026  
DESIGNED BY: AC  
DRAWN BY: MB  
CHECKED BY: MJ  
PLOT DATE: 8/10/17 1:11pm  
PLOTTED BY: achung  
DWG NAME: C500-DT.dwg  
TAB NAME: C501

6464 SW Borland Road

TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS

DETAILS

SHEET NO.  
**C501**  
SHEET 7 OF 11  
RECORD NO.



**IRRIGATION NOTES**

1. VERIFY AND COORDINATE WORK AROUND ALL UNDERGROUND UTILITIES BEFORE EXCAVATION. NOTIFY ALL UTILITY PROVIDERS AT LEAST THREE (3) WORKING DAYS PRIOR TO BEGINNING WORK.
2. VERIFY THAT CONDITIONS ARE SUITABLE TO PROVIDE A COMPLETE WORKING SYSTEM. DO NOT PROCEED IF CONDITIONS ARE PRESENT THAT ARE DETRIMENTAL TO THE EQUIPMENT OR WILL NOT SUPPORT A HEALTHY GROWING ENVIRONMENT FOR PLANTS.
3. COORDINATE WITH OTHER SUBCONTRACTORS AND TRADES TO ENSURE PROTECTION OF THE SYSTEM INCLUDING BUT NOT LIMITED TO, WATER SERVICE, WATER METER, BACKFLOW DEVICES, CONTROLLER LOCATION, CONTROLLER ELECTRICAL SERVICE, AND WIRE CONDUITS FOR CONTROLLER.
4. ANY NUMERICAL QUANTITIES SHOWN ARE FOR CONTRACTOR CONVENIENCE; QUANTITIES SHALL BE BASED ON THE GRAPHIC REPRESENTATION ON THE PLANS.
5. INSTALL IRRIGATION SYSTEM IN COMPLIANCE WITH ALL STATE AND LOCAL CODES.
6. IRRIGATION HEADS, EMITTERS, AND OTHER WATERING DEVICES ARE GRAPHICALLY SHOWN IN THE DESIRED LOCATIONS; PIPE AND OTHER SUPPORT EQUIPMENT MAY BE SHOWN IN PAVED AREAS FOR GRAPHIC CLARITY. INSTALL ALL IRRIGATION EQUIPMENT IN LANDSCAPE AREAS UNLESS OTHERWISE INDICATED. PLACE PIPE AND CONTROL WIRE IN COMMON TRENCHES WHERE POSSIBLE.
7. PLACE ALL VALVE BOXES IN PLANTING BEDS WHERE POSSIBLE, AND LOCATE TO ALLOW EASE OF ACCESS FOR MAINTENANCE, CONSIDERING PLANT MATERIAL AND OBSTRUCTIONS. SIZE BOXES TO ACCOMMODATE COMPLETE VALVE ASSEMBLY INCLUDING WIRE, ISOLATION VALVES, AND UNIONS. SET VALVE BOXES IN A UNIFORM MANNER, SQUARE TO ADJACENT PAVING. ALIGN AND EVENLY SPACE GROUPS OF BOXES IN A UNIFORM AND ORDERLY FASHION. ONLY ONE VALVE PER BOX. BOX LOCATIONS SHALL BE STAKED IN FIELD AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
8. ADJUST THE ENTIRE SYSTEM TO PROVIDE UNIFORM EVEN COVERAGE. ELIMINATE ALL FOGGING, AND OVERSPRAY ON TO PAVING, STRUCTURES, OR NON-PLANTED AREAS. PROVIDE A COMPLETE WORKING SYSTEM.
9. THE SYSTEM IS DESIGNED TO OPERATE AT A MINIMUM STATIC PRESSURE OF 50 P.S.I. AT A MINIMUM FLOW OF 40 GPM AT POINTS-OF-CONNECTION. NOTIFY THE OWNERS REPRESENTATIVE PRIOR TO COMMENCING WORK IF ACTUAL FIELD DATA DIFFERS FROM DESIGN PRESSURE AND FLOWS.
10. INSTALL ALL IRRIGATION PIPE AND WIRE IN CLASS-200 PVC SLEEVES BELOW ALL PAVED SURFACES OR STRUCTURES SUCH AS WALLS, STAIRS, AND OTHER IMPROVEMENTS. SIZE OF SLEEVES SHALL BE MINIMUM TWICE (2X) THE COMBINED DIAMETER OF PIPE TO BE PLACED IN SLEEVE. MINIMUM SIZE 4" WITH 24" COVER, MINIMUM. COORDINATE PLACEMENT OF SLEEVES WITH OTHER TRADES.
11. SIZE PIPE TO ENSURE THAT MAXIMUM WATER VELOCITY DOES NOT EXCEED 5 FT./SEC.
12. EXISTING IRRIGATION TO REMAIN AND IN USE DURING AND AFTER CONSTRUCTION.

SW SAGERT ST

IRRIGATION EQUIPMENT KEY			
SYMBOL	DESCRIPTION	MODEL	DETAIL/SHEET
	CONTROLLER	SEE KEY NOTE #1	
	BACKFLOW PREVENTER	SEE KEY NOTE #3	
	REMOTE CONTROL VALVE - SIZE AS SHOWN		
	PVC CLASS 200 LATERAL LINE PER CHART		
	2" SCHEDULE 40 PVC MAINLINE, UNLESS OTHERWISE NOTED		
	4" SCHEDULE 40 PVC SLEEVE, UNLESS OTHERWISE NOTED		
	VOLUME IN GAL/MIN ZONE NUMBER   VALVE SIZE		

IRRIGATION KEY						
SYMBOL	NOZZLE	BODY	GPM	PSI	RADIUS	DETAIL/SHEET
SPRAY HEADS						
	RAINBIRD 5-H	RAINBIRD 1804	.20	30	5'	X/LXXX
	RAINBIRD 5-Q	RAINBIRD 1804	.10	30	5'	X/LXXX
	RAINBIRD 8-H	RAINBIRD 1804	.52	30	8'	X/LXXX
	RAINBIRD 8-Q	RAINBIRD 1804	.26	30	8'	X/LXXX
	RAINBIRD 10-F	RAINBIRD 1804	1.58	30	10'	X/LXXX
	RAINBIRD 10-H	RAINBIRD 1804	.79	30	10'	X/LXXX
	RAINBIRD 10-Q	RAINBIRD 1804	.39	30	10'	X/LXXX
	RAINBIRD 12-H	RAINBIRD 1804	1.30	30	12'	X/LXXX
	RAINBIRD 12-Q	RAINBIRD 1804	0.65	30	12'	
	RAINBIRD 15-Q	RAINBIRD 1804	0.92	30	15'	X/LXXX
	RAINBIRD 15LCS	RAINBIRD 1804	0.49	30	4' X 15'	X/LXXX
	RAINBIRD 15RCS	RAINBIRD 1804	0.49	30	4' X 15'	X/LXXX

PVC SCHEDULE 200 - PIPE SIZING CHART	
GPM	PIPE SIZE
0-10	3/4"
11-16	1"
17-35	1.5"
36-55	2"
56-80	2.5"
81-120	3"

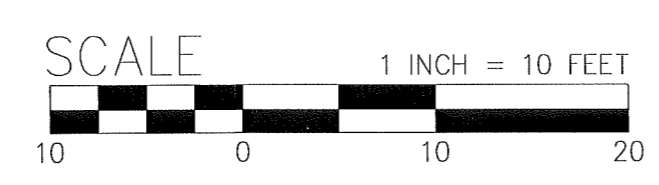
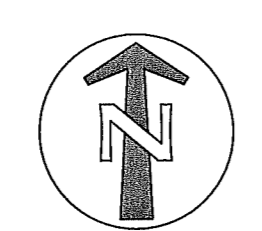
PVC SCHEDULE 40 - PIPE SIZING CHART	
GPM	PIPE SIZE
0-12	1"
13-30	1.5"
31-50	2"
51-70	2.5"
71-110	3"

**IRRIGATION KEYNOTES**

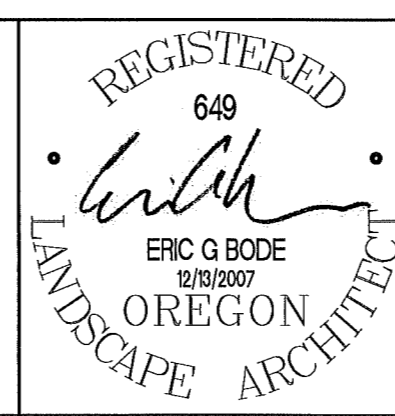
1. NEW IRRIGATION TO USE EXISTING CONTROLLER
2. LOCATE POINT OF CONNECTION ON SITE WITH CLIENT VERIFICATION
3. INSTALL BACKFLOW AS NECESSARY

File: W:\Work\17022.00\_Tualatin Professional Center\Drawings\Plots\100\_IRR.dwg TAB:L100  
22x34 Plotted: 8/16/17 at 5:17pm By: cwoffe

REVISION	DATE	DESCRIPTION	BY



**PLACE**  
735 NW 18th Avenue  
Portland, OR 97209  
503.334.2080

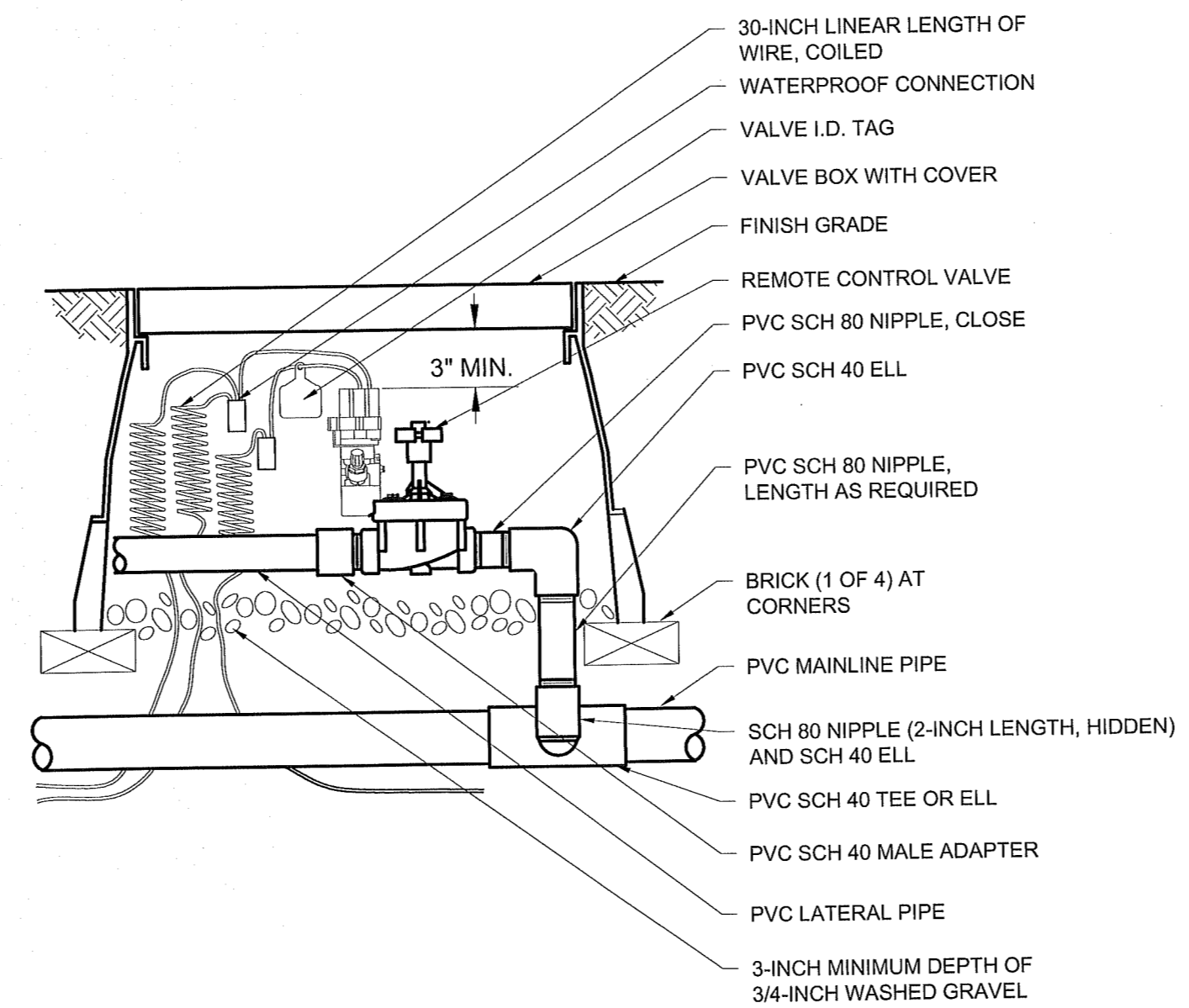


JOB No.:	1700026
DESIGNED BY:	CW
DRAWN BY:	KS
CHECKED BY:	EB
PLOT DATE:	8/16/17 5:17pm
PLOTTED BY:	cwoffe
DWG NAME:	L100_IRR.dwg
TAB NAME:	L100

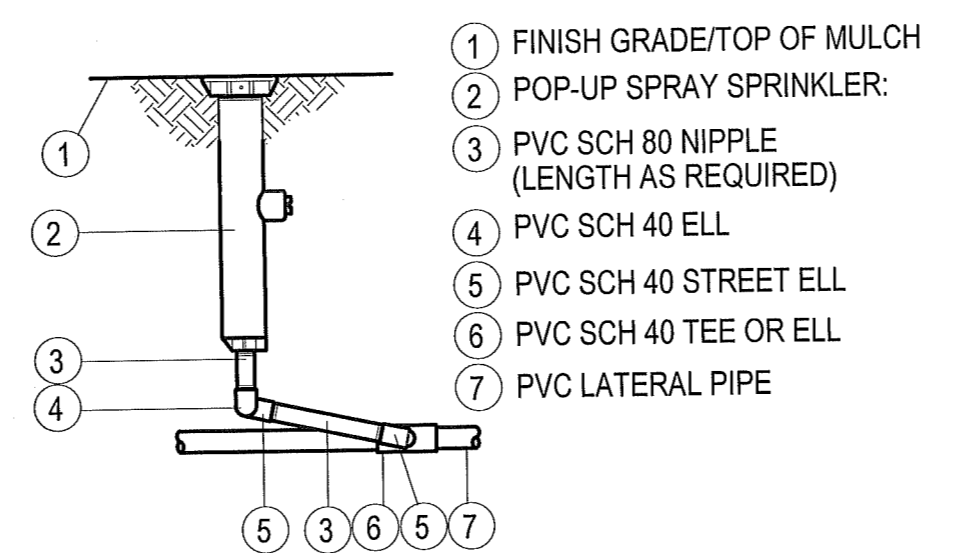
6464 SW Borland Road  
TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS  
**DESIGN-BUILD IRRIGATION PLAN**

SHEET NO.  
**L100**  
SHEET 8 OF 11  
RECORD NO.

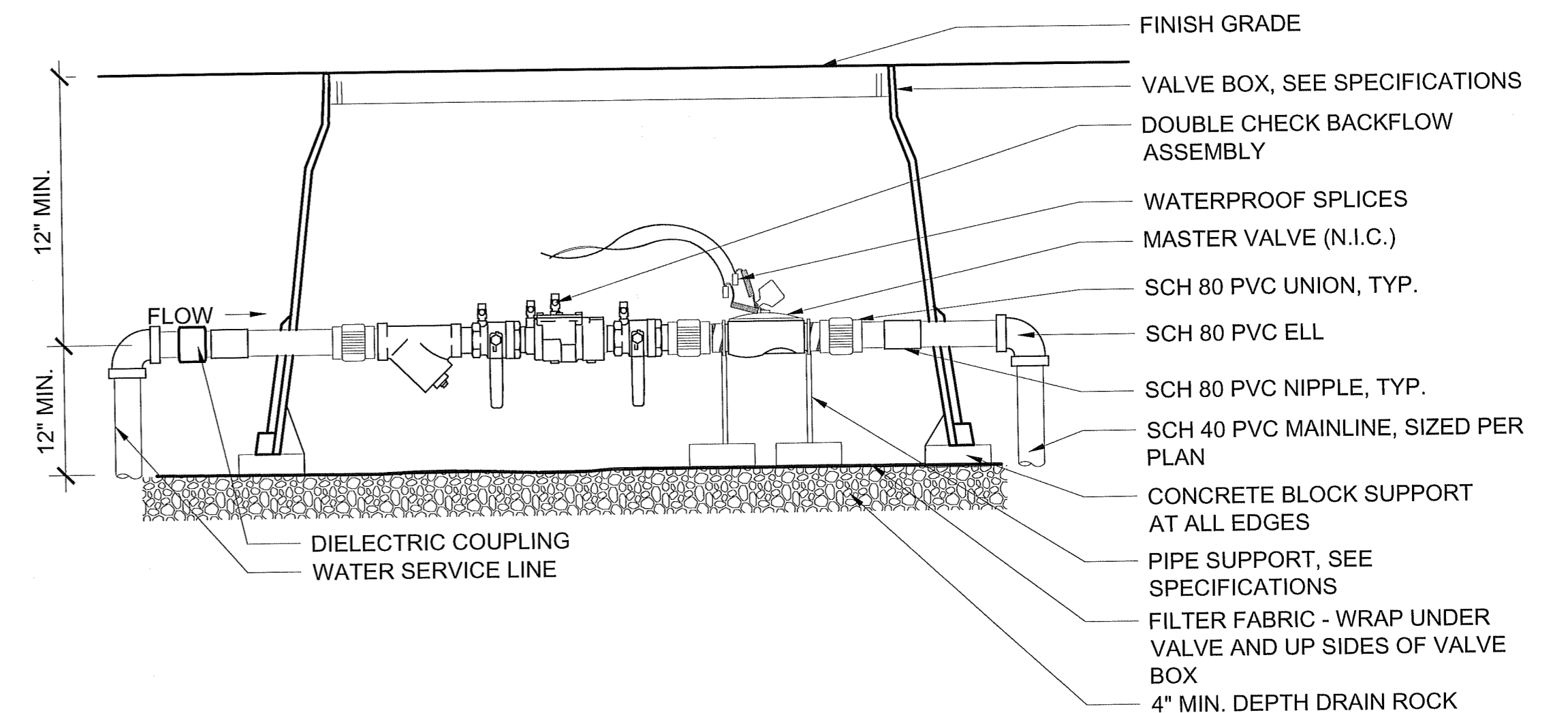




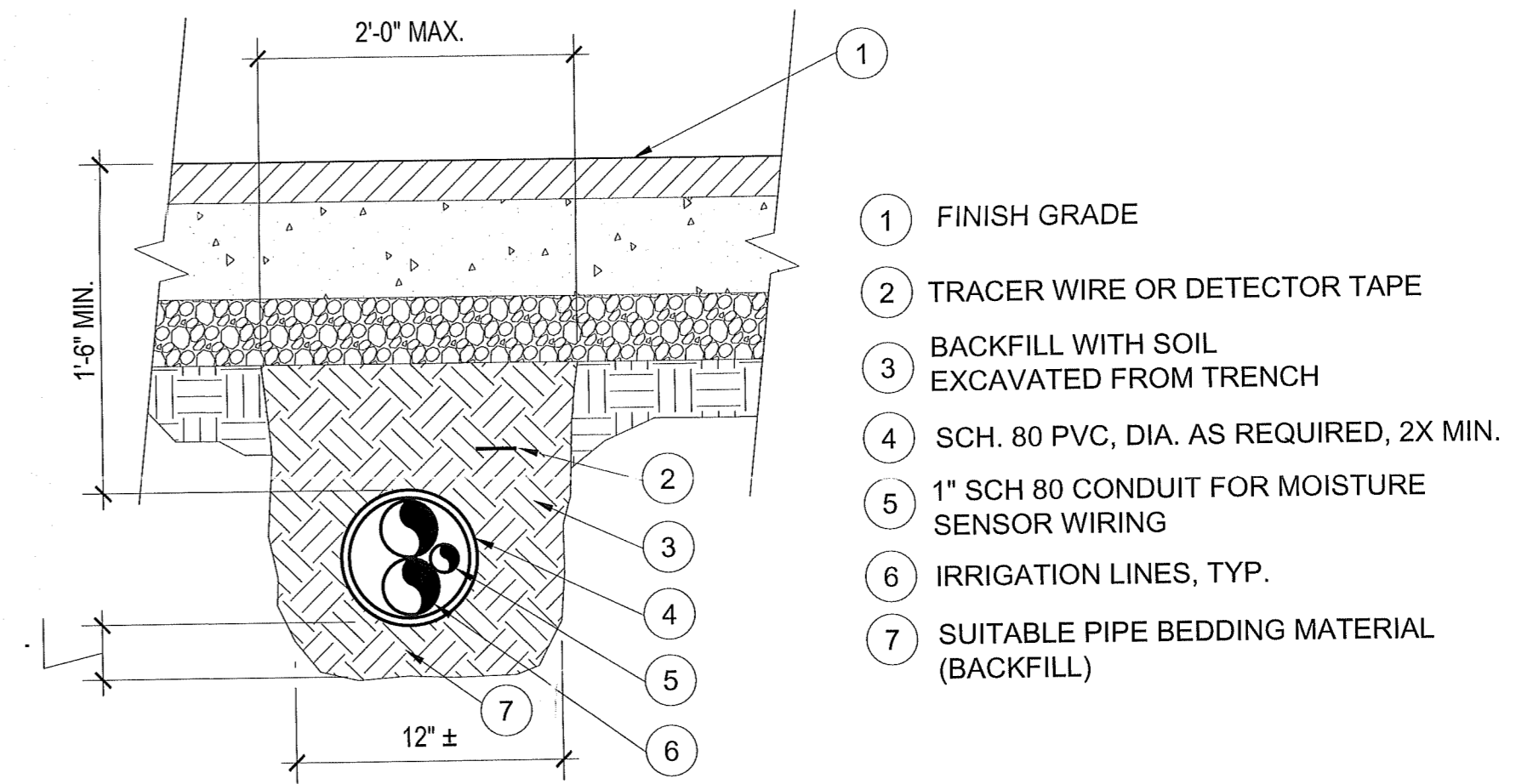
**4 REMOTE CONTROL VALVE**  
Not to Scale



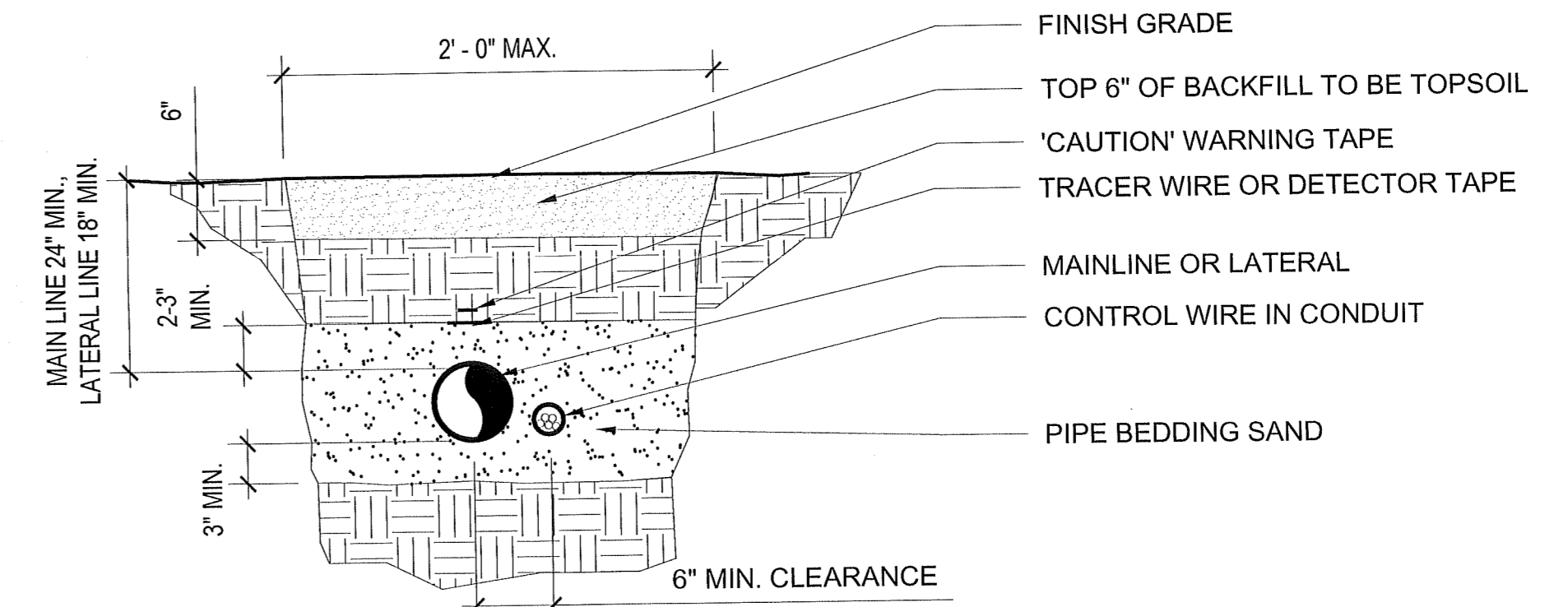
**5 POP-UP SPRAY HEAD**  
Not to Scale



**1 BACKFLOW PREVENTER ASSEMBLY**  
Not to Scale



**2 IRRIGATION SLEEVING**  
Not to Scale



**3 IRRIGATION TRENCH**  
Not to Scale

File: W:\Work\17022\_00\_Tualatin Professional Center\04-Drawings\Plots\1101\_IRR\_DET.dwg TAB: L101  
22x34 Plotted: 8/16/17 at 5:18pm By: cwolfe

REVISION	DATE	DESCRIPTION	BY

SCALE: AS DRAWN

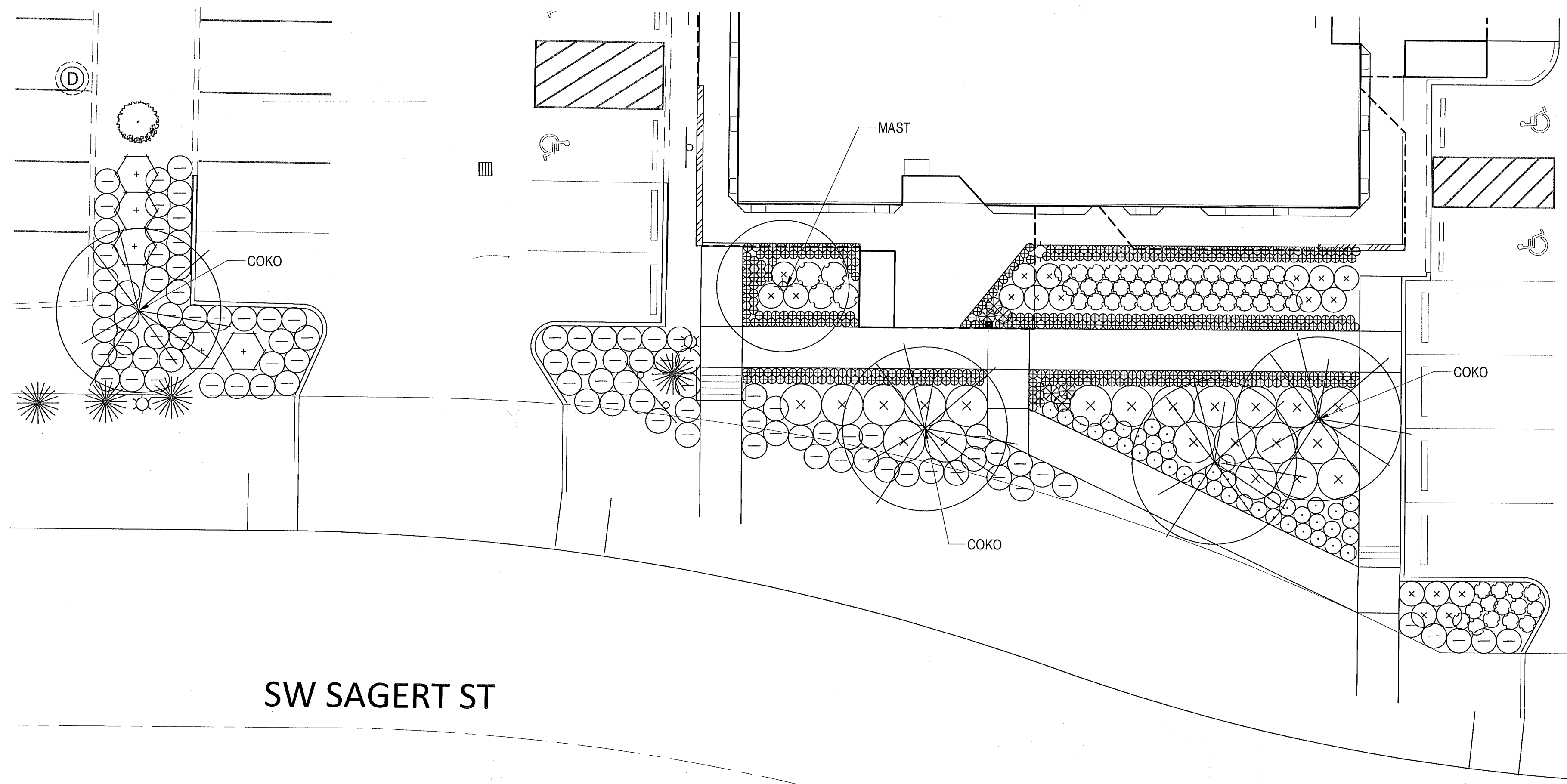
**PLACE**  
735 NW 18th Avenue  
Portland, OR 97209  
503.334.2080

REGISTERED  
649  
*Eric G. Bode*  
ERIC G. BODE  
12/19/2007  
OREGON  
LANDSCAPE ARCHITECT

JOB No.: 1700026  
DESIGNED BY: CW  
DRAWN BY: KS  
CHECKED BY: EB  
PLOT DATE: 8/16/17 5:18pm  
PLOTTED BY: cwolfe  
DWG NAME: L101\_IRR\_DET.dwg  
TAB NAME: L101

6464 SW Borland Road  
TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS  
IRRIGATION DETAILS

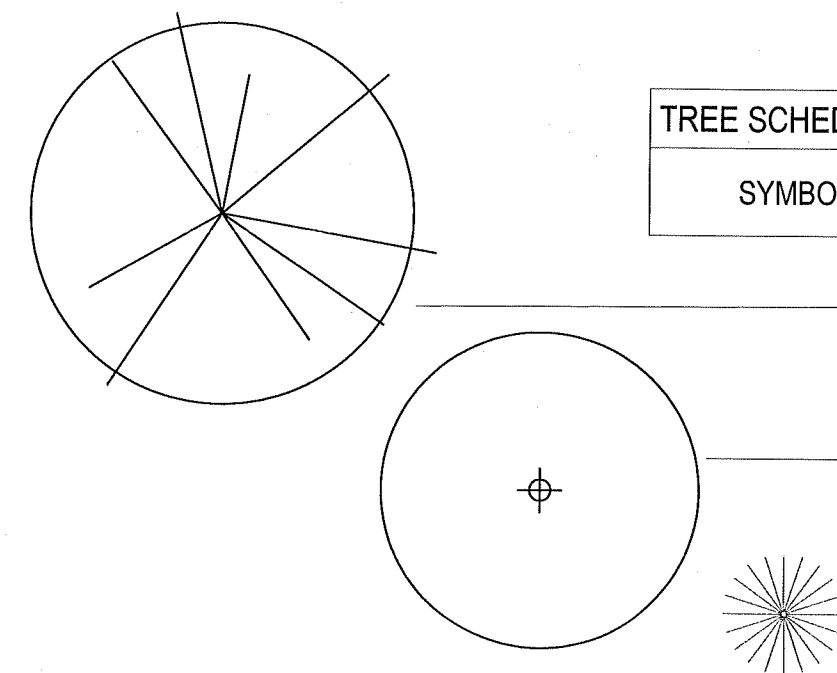
SHEET NO.  
**L101**  
SHEET 9 OF 11  
RECORD NO.



**PLANTING NOTES**

1. VERIFY LOCATION OF EXISTING TREES TO REMAIN PRIOR TO SOIL PREPARATION. PROTECT ALL TREES AND SHRUBS INDICATED TO REMAIN.
2. VERIFY AND COORDINATE WORK AROUND ALL UNDERGROUND UTILITIES BEFORE EXCAVATION. NOTIFY ALL UTILITY PROVIDERS AT LEAST TWO (2) WORKING DAYS PRIOR TO BEGINNING WORK.
3. VERIFY THAT THE CONDITIONS ARE SUITABLE TO PROMOTE HEALTHY PLANT GROWTH. DO NOT PROCEED IF CONDITIONS DETRIMENTAL TO HEALTHY GROWING ENVIRONMENT ARE PRESENT, INCLUDING OVER-COMPACTED SOILS, ADVERSE DRAINAGE CONDITIONS, DEBRIS, OR OTHER HARMFUL CIRCUMSTANCES. PROCEEDING WITHOUT NOTIFICATION DENOTES ACCEPTANCE.
4. COORDINATE WITH OTHER SUBCONTRACTORS AND TRADES TO ENSURE PROTECTION OF GROWING CONDITIONS AND PLANT MATERIALS.
5. REFER TO SPECIFICATIONS FOR ADDITIONAL PLANTING REQUIREMENTS, METHODS, AND MATERIALS.
6. VERIFY PLANT QUANTITIES SHOWN ON THE PLANS BASED ON GRAPHIC REPRESENTATION. QUANTITIES SHOWN ARE FOR CONTRACTOR CONVENIENCE ONLY.
7. PROVIDE POSITIVE DRAINAGE FOR ALL PLANTING AREAS.
8. UNLESS OTHERWISE INDICATED, ALL PLANTINGS SHALL BE TRIANGULARLY SPACED.
9. LABELLING REFERS TO ALL ADJACENT IDENTICAL SYMBOLS WHERE PLANTS ARE MASSED. LABEL FOR MASS INDICATES TOTAL NUMBER OF PLANTS IN GROUP, EVEN IF THE GROUP IS SPREAD OVER MORE THAN ONE SHEET.

SW SAGERT ST

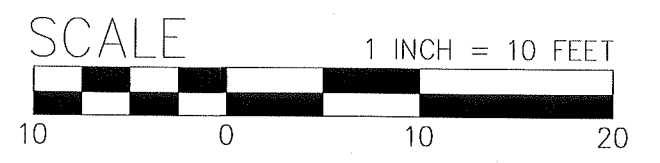
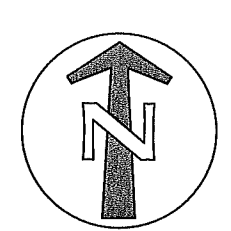


TREE SCHEDULE						
SYMBOL	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE	SPACING	QUANTITY	NOTES
(Symbol)	CORNUS KOUSA	KOUSA DOGWOOD	2.5" CAL., MIN.	AS SHOWN	4	
(Symbol)	MAGNOLIA STELLATA	STAR MAGNOLIA	N/A	AS SHOWN	1	RELOCATE EXISTING TREE
(Symbol)	EXISTING TREES					EXISTING CHAMAECYPARIS OBTUSA

PLANT SCHEDULE							
SYMBOL	KEY	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE (HT. X SPRD.)	SPACING	QTY.	NOTES
(Symbol)	CISA	CISTUS SALVIFOLIUS 'PROSTRATUS'	SAGELEAF ROCKROSE	12" HT., MIN. 4 CANES, #3 CONT.	3' O.C.	95	
(Symbol)	COSE	CORNUS SERICEA 'SANTI'	RED TWIG DOGWOOD	18" HT., MIN. 4 CANES, #5 CONT.	5' O.C.	21	
(Symbol)	COKE	CORNUS SERICEA 'KELSEYII'	KELSEY DOGWOOD	12" HT., MIN 4 CANES, #3 CONT.	2' O.C.	56	
(Symbol)	EUAL	DWARF BURNING BUSH	EUONYMUS ALATUS 'COMPACTUS'	18" HT., MIN. 4 CANES, #5 CONT.	5' O.C.	5	
(Symbol)	MISI	MISCANTHUS SINENSIS 'MORNING LIGHT'	MORNING LIGHT MAIDEN GRASS	12" SPREAD, #2 CONT.	2' O.C.	6	
(Symbol)	PEAL	PENNISETUM ALOPECUROIDES 'LITTLE BUNNY'	LITTLE BUNNY DWARF FOUNTAIN GRASS	12" SPREAD, #1 CONT.	1' O.C.	399	
(Symbol)	POFR	POTENILLA FRUTICOSA 'PINK BEAUTY'	PINK BEAUTY POTENILLA	12" HT., MIN. 4 CANES, #2 CONT.	3' O.C.	18	
(Symbol)	SPJA	SPIRAEA JAPONICA 'WALBUMA'	MAGIC CARPET SPIRAEA	12" HT., MIN. 4 CANES, #3 CONT.	2' O.C.	41	

File: W:\Work\17022\_00\_Tualatin Professional Center\04-Drawings\Plots\L200\_PLNT.dwg TAB:L200  
22x34 Plotted: 8/16/17 at 5:25pm By: cwoife

REVISION	DATE	DESCRIPTION	BY



**PLACE**  
735 NW 18th Avenue  
Portland, OR 97209  
503.334.2080



JOB No.:	1700026
DESIGNED BY:	CW
DRAWN BY:	KS
CHECKED BY:	EB
PLOT DATE:	8/16/17 5:25pm
PLOTTED BY:	cwoife
DWG NAME:	L200_PLNT.dwg
TAB NAME:	L200

6464 SW Borland Road

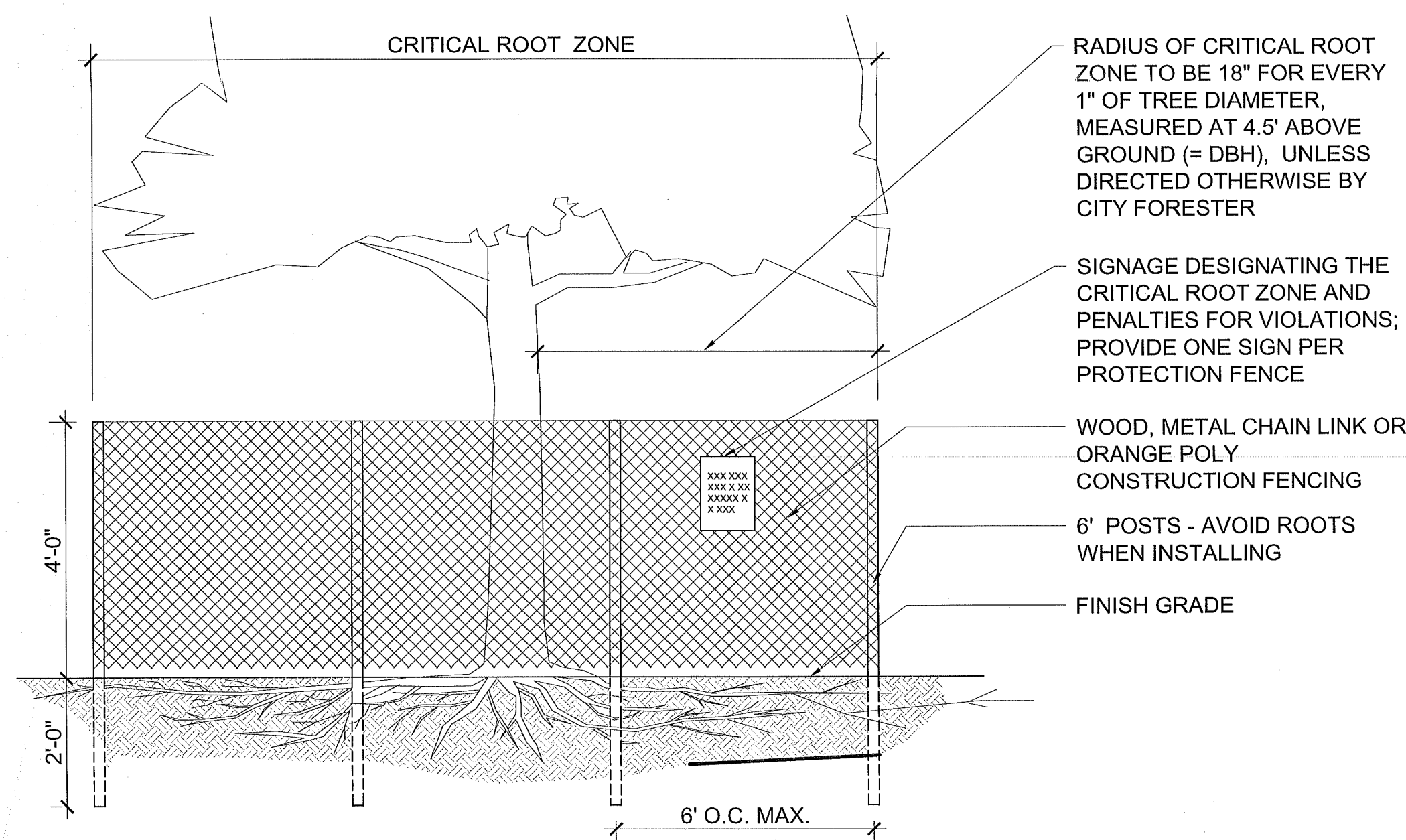
TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS

**PLANTING PLAN & SCHEDULE**

SHEET NO.

**L200**

SHEET 10 OF 11  
RECORD NO.



**NOTES:**

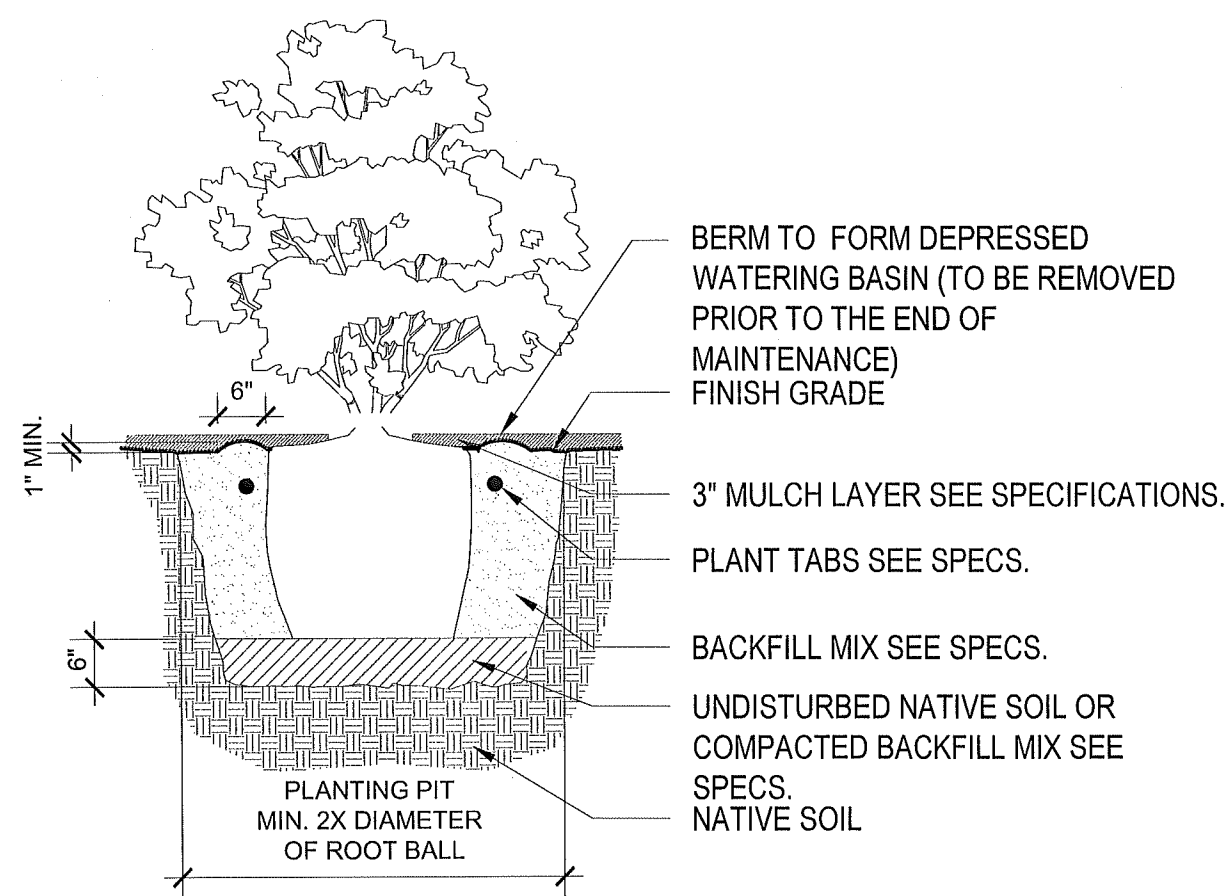
- 1) NO SOIL GRADE CHANGES, COMPACTION OR STORAGE OF MATERIALS SHALL BE ALLOWED WITHIN THE CRITICAL ROOT ZONE (CRZ). THE FOLLOWING CONSTRUCTION ACTIVITIES SHALL NOT BE ALLOWED WITHIN THE CRITICAL ROOT ZONE: STORAGE OR STAGING OF MATERIALS OR EQUIPMENT, DUMPING OF REFUSE, VEHICLE PARKING.
- 2) THE CRZ FOR TREES 4" DIAMETER OR SMALLER SHALL BE AN AREA WITH A RADIUS AT LEAST 5' FROM THE TRUNK. THE CRZ FOR TREES OVER 4" DIAMETER SHALL BE AN AREA WITH A RADIUS AT LEAST 1'-6" FROM THE TRUNK FOR EVERY 1" OF DIAMETER SIAE.
- 3) PROTECTIVE FENCING IS REQUIRED WHEN THE WORK AREA IS WITHIN THE CRZ OF TREES, EXCEPT WHERE PORTIONS OF THE CRZ ARE COVERED WITH PAVEMENT SUCH AS STREETS OR WALKS.
- 4) WORK DONE WITHIN THE CRZ MUST MINIMIZE ROOT DISTURBANCE. SPECIAL CARE SHALL BE TAKEN DURING EXCAVATION AND REMOVAL OF EXISTING CURB, GUTTER, AND SIDEWALKS TO AVOID DAMAGE TO TREE ROOTS. LOCATE EXISTING TREE ROOTS USING HAND TOOLS OR OTHER APPROVED METHODS SUCH AS AIRSPADE.
- 5) NO ROOT OVER 2" SHALL BE CUT WITHOUT APPROVAL OF THE URBAN FORESTER (OR AN APPROVED ARBORIST). ROOTS SHALL BE CUT WITH APPROVED SAWS. NO ROOTS OVER 2" SHALL BE CUT OR TORN DURING TRENCHING WITH POWER EQUIPMENT SUCH AS BACKHOES AND TRENCHERS. UTILITY LINES AND IRRIGATION OR OTHER PIPES SHALL BE INSTALLED BY HAND DIGGING OR TUNNELING UNDER ROOTS AS NECESSARY TO AVOID CUTTING ROOTS 2" AND LARGER.

**3 TREE PROTECTION**

Not to Scale

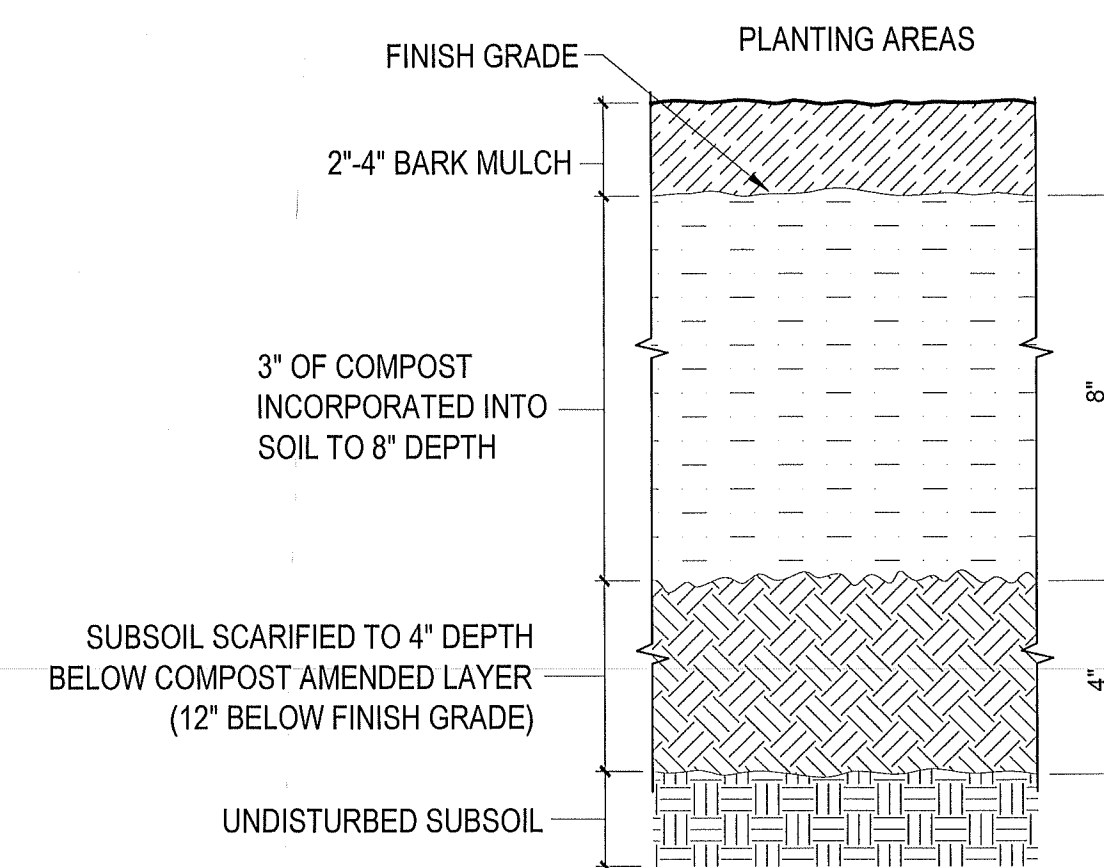
**NOTE:**

1. PLANTING PITS SHALL BE 2X DIAMETER AND 1 1/2X DEPTH OF ROOTBALL.
2. ROOTBALL CROWN TO BE SLIGHTLY ABOVE FINISH GRADE BEFORE MULCH IS APPLIED.
3. CUT AND REMOVE ALL BINDING FROM THE TOP AND SIDES OF THE ROOTBALL BEFORE BACKFILLING. ROUGH UP EXTERIOR SURFACE OF ROOT BALL AND EXTEND CIRCLING ROOTS OUTWARDS INTO PLANTING PIT.
4. KEEP MULCH AWAY FROM WOODY STEMS.



**4 SHRUB PLANTING**

Not to Scale

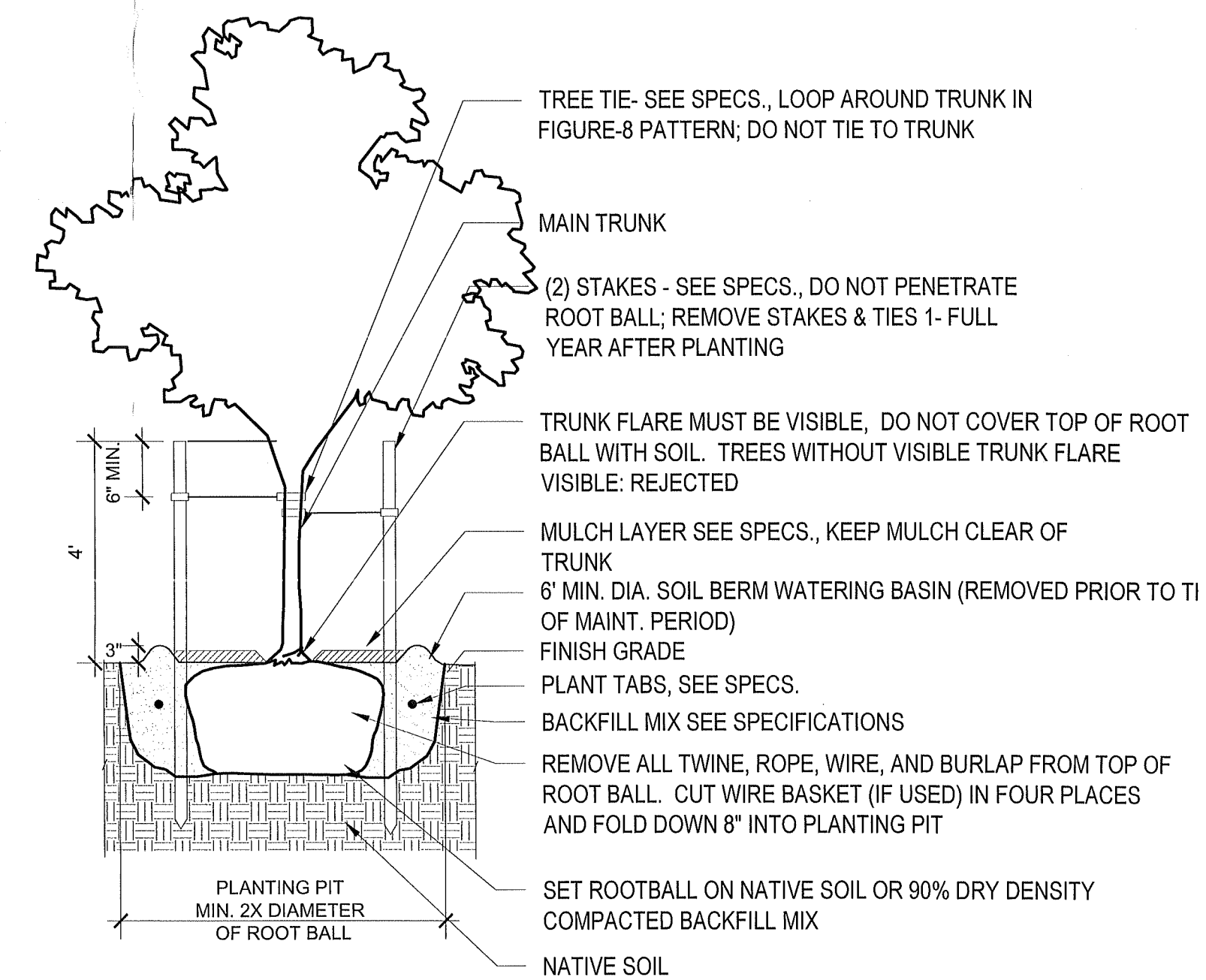


**NOTES:**

1. ALL SOIL AREAS DISTURBED OR COMPACTED DURING CONSTRUCTION, AND NOT COVERED BY BUILDINGS OR PAVEMENT, SHALL BE AMENDED WITH COMPOST AS DESCRIBED BELOW.
2. SUBSOIL SHOULD BE SCARIFIED (LOOSENED) 4 INCHES BELOW AMENDED LAYER, TO PRODUCE 12-INCH DEPTH OF UN-COMPACTED SOIL, EXCEPT WHERE SCARIFICATION WOULD DAMAGE TREE ROOTS OR AS DETERMINED BY THE LANDSCAPE ARCHITECT.
3. COMPOST SHALL BE TILLED IN TO 8 INCH DEPTH INTO EXISTING SOIL, OR PLACE 8 INCHES OF COMPOST-AMENDED SOIL, PER SOIL SPECIFICATION.
4. PLANTING AREAS SHALL RECEIVE 3 INCHES OF COMPOST TILLED IN TO 8-INCH DEPTH, OR MAY SUBSTITUTE 8" OF IMPORTED SOIL CONTAINING 35-40% COMPOST BY VOLUME. MULCH AFTER PLANTING WITH 2-4 INCHES OF BARK MULCH OR APPROVED EQUAL.
5. SETBACKS: TO PREVENT UNEVEN SETTLING, DO NOT COMPOST-AMEND SOILS WITHIN 3 FEET OF UTILITY INFRASTRUCTURES (POLES, VAULTS, METERS ETC.). WITHIN ONE FOOT OF PAVEMENT EDGE, CURBS AND SIDEWALKS SOIL SHOULD BE COMPACTED TO APPROXIMATELY 90% PROCTOR TO ENSURE A FIRM SURFACE.

**1 PLANTING BED SOIL**

Not to Scale



**2 TREE PLANTING**

Not to Scale

File: W:\Work\17022.00\_Tualatin Professional Center\04-Drawings\Plots\L201\_PLNT\_DET.dwg TAB: L201 22x34 Plotted: 8/16/17 at 5:19pm By: cwoife

REVISION	DATE	DESCRIPTION	BY

SCALE: AS DRAWN

**PLACE**  
735 NW 18th Avenue  
Portland, OR 97209  
503.334.2080

REGISTERED  
649  
LANDSCAPE ARCHITECT  
ERIC G BODE  
12/10/2007  
OREGON

JOB No.: 1700026  
DESIGNED BY: CW  
DRAWN BY: KS  
CHECKED BY: EB  
PLOT DATE: 8/16/17 5:19pm  
PLOTTED BY: cwoife  
DWG NAME: L201\_PLNT\_DET.dwg  
TAB NAME: L201

6464 SW Borland Road  
TUALATIN PROFESSIONAL CENTER  
PARKING LOT IMPROVEMENTS

PLANTING DETAILS

SHEET NO.  
**L201**  
SHEET 11 OF 11  
RECORD NO.



## I. RECOMMENDATION

Based on the findings presented, the City Engineer approves the preliminary plat of SB15-0002, Sagert Farm with the following conditions:

### A. PRIOR TO ANY ON SITE WORK RELATED TO THIS DECISION:

PFR-1 Provide a tree protection plan to scale that shows all preserved trees will be protected with sturdy chain link fencing around the drip line throughout the entirety of the development. If the drip line of the preserved trees is shown within a current building envelope, the building envelope shall be moved so that no construction takes place within the drip line of the preserved trees. Any encroachment on the drip line of the preserved trees must first be approved by the City per TDC 73.250(2)(e). In addition to the tree protection plan, any and all grading plans shall show all preserved trees protected with sturdy fencing (chain link fence) during the construction process. Any and all grading plans shall include a note that states "No grading activities will allow preserved tree roots to remain exposed per TDC 73.250(2)(f)".

### B. PRIOR TO ISSUANCE OF PUBLIC WORKS AND WATER QUALITY PERMITS:

- PFR -2 Submit final sanitary sewer plans that show location of the lines, grade, materials, and other details.
- PFR -3 Show each lot will have a separate minimum 1-inch water lateral with backflow prevention, double check valve assemblies, and control valves.
- PFR -4 Submit final water system plans that show location of the water lines, grade, materials, and other details.
- PFR-5 Obtain a NPDES Erosion Control Permit in accordance with code section TMC 3-5-060.
- PFR-6 Obtain a City of Tualatin erosion control permit in accordance with code section TMC 3-5-060.
- PFR-7 Submit final stormwater calculations that include conveyance through the development.
- PFR-8 Submit final stormwater plans.
- PFR -9 Submit plans that meet the requirements of TVF&R and show red powder coated public fire hydrants spaced to meet Public Works Construction Code.

- PFR-10 Submit a scaled tree preservation site plan and grading plan that shows preservation of trees to be retained in conformance with TDC 34.210(1&2), 73.250(2)(a) and as approved on the plans.
- PFR -11 Submit approvable plans and color elevations including all color and material specifications that show the entirety of the subject site's SW 65th Avenue frontage, the entirety of the subject site's SW Borland Road frontage, and the south side of SW Sagert Street with masonry fences with appropriate vision clearance per TDC 34.330 and 34.340 Fence Design or obtain an alternate approval through Architectural Review after the ability to issue Building Permits for lots 1, 2, 7, 8, 17, 18, 31, 32, 45, 46, 75, and 76.
- PFR -12 Submit a final site plan that demonstrates the masonry fence is located entirely along access restricted property lines parallel to SW 65th Avenue, SW Borland Road, and SW Sagert Street and located entirely outside the public right-of-way. This masonry fence site plan shall conform to all applicable sections of TDC 34.330 Fence Standards or obtain an alternate approval through Architectural Review after the ability to issue Building Permits for lots 1, 2, 7, 8, 17, 18, 31, 32, 45, 46, 75, and 76 as shown in this application.
- PFR -13 Show the proposed Tract F either as part of adjacent lots, maintained by a home owners association, or be dedicated to the City.
- PFR -14 Show the location of existing sanitary sewer septic tank for decommissioning.
- PFR -15 Submit plans that show access for lot 2 to proposed SW 61<sup>st</sup> Terrance via a flag pole at least 20 feet wide.
- PFR -16 Submit plans that show one driveway for Tualatin Professional Center and one driveway for MEI to be at least 32-feet wide extending to the back of the proposed sidewalk.
- PFR -17 Submit plans that comply with the requirements of Clackamas and Washington County memorandums.
- PFR -18 Submit plans and narrative that identify how adjacent park lands (Atfalati Park) will be restored subsequent to SW 65th Avenue and SW Sagert Street road widening (e.g., tapering grades, salvaging and replanting trees, irrigation).
- PFR -19 Submit plans that show a maintenance access from SW 65<sup>th</sup> Avenue for the proposed manhole west of the SW 65th Avenue pump station.
- PFR -20 Show that the sidewalk to SW 65<sup>th</sup> Avenue at the south end of the development is an entrance for northbound bicycles from SW 65<sup>th</sup> Avenue only, taper the approach to AASHTO code, and include a pedestrian barrier.

- PFR -21 Extend the public sidewalk on SW Borland Road west to connect to the existing sidewalk.
- PFR -22 Submit plans that show 5-foot wide public utility easements at the sides and rear of all lots.
- PFR -23 Submit plans that show public stormwater facility within the greenway tract in a separate tract for stormwater purposes.
- PFR -24 Submit plans that show concrete maintenance surfaces extending 5-feet past the sanitary sewer manholes and extend to the public water quality facilities per City Engineer direction.
- PFR -25 Submit plans that show root barriers for street trees that are within 10 feet of a public line or adjacent to a public sidewalk will need a 24-inch deep, 10-foot long root barrier centered on the tree trunk at the edge of the public easement or sidewalk.
- PFR -26 Show the accessway from proposed SW 64<sup>th</sup> Terrace to SW 65<sup>th</sup> Avenue across Tract C as concrete and 8 feet wide.
- PFR -27 Submit plans that show SW Street "E" with a City approved name.
- PFR -28 Show street name signs at each intersection of SW Sagert Street with SW 65<sup>th</sup> Avenue, proposed SW 64<sup>th</sup> Terrace, proposed SW 63<sup>rd</sup> Terrace, proposed SW 62<sup>nd</sup> Terrace, and proposed SW 61<sup>st</sup> Terrace; at each intersection of proposed SW "E" Street with proposed SW 64<sup>th</sup> Terrace, proposed SW 63<sup>rd</sup> Terrace, proposed SW 62<sup>nd</sup> Terrace, and proposed SW 61<sup>st</sup> Terrace; and with proposed SW 61<sup>st</sup> Terrace and SW Borland Road or as amended per City Engineer direction.
- PFR -29 Show stop signs for northbound traffic intersecting with SW Sagert Street on proposed SW 64<sup>th</sup> Terrace, proposed SW 63<sup>rd</sup> Terrace, and proposed SW 62<sup>nd</sup> Terrace; southbound traffic intersecting proposed SW "E" Street on proposed SW 63<sup>rd</sup> Terrace and proposed SW 62<sup>nd</sup> Terrace; an all way stop at the intersection of SW Sagert Street and proposed SW 61<sup>st</sup> Terrace; and northbound proposed SW 61<sup>st</sup> Terrace at the intersection with SW Borland Road or as amended per City Engineer direction.
- PFR -30 Show 25-mph speed limit signs entering this subdivision from SW Borland Road on proposed SW 61<sup>st</sup> Terrace and from SW 65<sup>th</sup> Avenue on SW Sagert Street or as amended per City Engineer direction.
- PFR -31 Show traffic control signs and striping for the intersection of SW 65<sup>th</sup> Avenue and SW Sagert Street or as amended per City Engineer direction.



- PFR -32 Submit plans that show approved street trees selected for the 4-foot wide planter strips, in a planter strip between SW Sagert Street curb and sidewalk adjacent to PGE, and the planted median is shown within SW Sagert Street east of proposed SW 61<sup>st</sup> Terrace.
- PFR –33 Show extension of a public water line from within the proposed development south to adjacent undeveloped Tax Lot 21E30B 00700.
- PFR -34 Underground all utility lines with the exception of those that are 50,000 volts or above or record a Street Improvement Agreement for undergrounding.
- PFR -35 Submit plans that are sufficient to obtain a Stormwater Connection Permit Authorization Letter that complies with the submitted Service Provider Letter conditions and obtain an Amended Service Provider Letter as determined by Clean Water Services for any revisions to the proposed plans.
- PFR-36 Submit plans that minimize the impact of stormwater from the development to adjacent properties.

**C. PRIOR TO APPROVAL OF THE FINAL PLAT:**

- PFR-37 Record the final plat within 24 months of the issued decision or obtain an extension per TDC 36.160(6).
- PFR-38 Obtain a Public Works Permit and Water Quality Permit.
- PFR-39 Complete all the public improvements, shown on submitted plans and corrected by conditions of approval, and have them accepted by the City or provide financial assurance.
- PFR –40 Demolish all existing structures meeting the requirements of HIST-14-01 which expires September 11, 2016 or obtain another HIST approval or extension to demolish the historic barn.
- PFR –41 Submit proof of DEQ approval of decommissioning of all wells and tanks.
- PFR -42 Record all public easements and dedications shown on submitted plans and corrected by conditions of approval.
- PFR -43 Convey Tract A and the portions of B and C excluding the public water quality facilities in separate tracts by statutory warranty deed and execute and record Greenway easements covering the connecting pathway over sanitary sewer easement between lots 69 and 70.
- PFR -44 The area shown as Tract E will be dedicated as SW Sagert Street right-of-way.

PFR -45 Enter into an Improvement Agreement substantially like the attached draft Saum Creek Greenway Trail Improvement Agreement with City to construct the Saum Creek Greenway Trail and related improvements and provide adequate assurances in a form approved by the City Attorney.

PFR -46 Dedicate the area shown as Tract F as Natural Area and plant in northwest native trees, shrubs, and ground cover or show it as maintained by a Home Owners Association within a conservation easement.

**D. PRIOR TO ISSUANCE OF THE FIRST HOUSE'S BUILDING PERMIT  
ON THE SUBJECT SITE:**

PFR -47 Decommission and salvage the pump station south of Sequoia Ridge Subdivision.

PFR-48 Construct all public improvements shown on submitted plans and corrected by conditions of approval.

PFR-49 Deliver a Mylar copy of the recorded plat to the City Engineer.

PFR -50 Request and obtain SDC and TDT credits for public improvements, if desired.

PFR-51 Construct the entirety of required masonry fences per TDC 34.330 and 34.340 and obtain a final inspection from the planning division.

**E. PRIOR TO ISSUANCE OF A EACH NEW HOME BUILDING PERMIT:**

PFR-52 Provide the approved tree protection plan from PFR-10 with each structure's building permit, to ensure construction is consistent with the protections provided by the approved plan. The approved plan may be amended by the project's arborist during construction if approved by the City.

PFR -53 Show no more than 45% of any lot covered with buildings.

PFR -54 Show plans meeting the minimum width of all setbacks for permitted uses: front yard 15 feet, unenclosed porch 12 feet, garage door 20 feet, side yard 5 feet, rear yard 15 feet; for a corner lot: one front yard 15 feet and the second 10 feet.

PFR -55 Show structure projections into yards with a maximum of front or rear yard setback area not more than three feet and into a required side yard not more than two feet.

PFR -56 Show structure heights a maximum of 35 feet.

PFR -57 Show 2 onsite parking spaces per lot.

PFR -58 Show driveways widths a minimum of 10 feet wide and with a maximum for 26 feet for one or two car garages and 37 for three or more.

PFR -59 Submit plans that state the landscaped areas on each lot will be irrigated.

PFR -60 Submit verification that shows adequate capacity of proposed sanitary sewer lines and the SW 65<sup>th</sup> Avenue pump station.

PFR -61 Submit plans that show private sanitary sewer and stormwater laterals serving lot 2 from proposed SW 61<sup>st</sup> Terrace.

PFR -62 Submit proof that shows all crawl spaces will be served by gravity drainage.

**F. PRIOR TO ISSUANCE OF A SIGN PERMIT FOR MONUMENT SIGNS:**

PFR-63 The applicant shall separately from this subdivision land use decision submit sign permit applications for any new signage.

2550  
2550

AGREEMENT

H-22

THIS AGREEMENT, made and entered into this 14<sup>th</sup> day of May, 1984, by and between CITY OF TUALATIN, a municipal corporation in Washington County, Oregon, hereinafter referred to as "CITY," and CONSOLIDATED ASSET GROUP, INC., hereinafter referred to as "DEVELOPER,"

WITNESSETH:

WHEREAS, the DEVELOPER received approval for a development from the CITY; and

WHEREAS, Land Partition (LP-83-01), approved by the City Council of Tualatin on March 28, 1983, contains certain conditions relative to half-street improvements in S.W. 65th Avenue and S.W. Sagert Street, and

IN CONSIDERATION of the mutual promises, covenants and undertakings, IT IS AGREED:

Section 1: The DEVELOPER agrees to deposit with the CITY the sum of \$15,613.95. This amount is equal to the cost of construction that would have been incurred by the DEVELOPER had the improvements to S.W. 65th Avenue and S.W. Sagert Street been constructed at the time the project was developed. The improvements required to be constructed in S.W. 65th Avenue and S.W. Sagert Street are adjacent to the Tualatin Professional Center are as follows:

- Widening of the pavement to provide a 20-foot half-street improvement along S.W. Sagert Street and 22-foot half-street improvement along S.W. 65th Avenue from the centerline of the road, installation of curbs

and gutters and sidewalks, street trees and street lights along S.W. 65th Avenue and S.W. Sagert Street, reconstruction of portions of S.W. 65th Avenue deemed to be of inadequate structural section to handle the projected traffic loads on S.W. 65th Avenue, and to make adjustments in the horizontal and vertical alignment as necessary to construct S.W. 65th Avenue in a safe manner.

Section 2: The funds deposited with the CITY shall be retained by the CITY and all interest earned on this money shall be used for the construction of the improvements described in this agreement.

Section 3: CITY agrees to use the funds deposited by DEVELOPER and all interest accrued on said funds in the following manner:

1. CITY may construct a half-street improvement required of DEVELOPER using the funds deposited and interest accrued thereon.
2. CITY may combine the funds deposited and interest accrued thereon from DEVELOPER with other funds available to the CITY for construction of a City sponsored project.
3. CITY may combine the funds deposited and interest accrued thereon with funds derived from a local improvement district for the improvement of S.W. 65th Avenue and S.W. Sagert Street.

Section 4: If the CITY constructs a half-street improvement as discussed above in Section #1 above, the CITY will keep a detailed cost accounting of the project, the excess funds upon completion of the project, and these funds

2



will be returned to the DEVELOPER. If the total construction costs exceed the amount deposited by the DEVELOPER, the CITY will bill the DEVELOPER and the DEVELOPER agrees to pay the CITY within 60 days of receipt of the bill.

Section 5: If the CITY combines funds with other funds for City projects as in 2(2) above, CITY will determine an appropriate assessment method for properties that would be included in a local improvement district had one been formed. If the amount that would be assessed to DEVELOPER is less than the amount deposited by DEVELOPER and interest accrued on said deposit and the CITY will refund the difference back to DEVELOPER. If the total cost exceeds the amount deposited by the DEVELOPER the CITY will bill the DEVELOPER and the DEVELOPER agrees to pay the CITY within 60 days of receipt of the bill.

The CITY and DEVELOPER agree that the maximum obligation of the DEVELOPER under Sections 4 and 5 is 10% more than the amount deposited plus interest earned under Section 2 of this agreement.

Section 6: If the City forms a Local Improvement District to construct the improvements covered by this agreement and if assessment against this property is less than the total of the funds deposited by DEVELOPER, and interest accrued thereon, the CITY will refund to DEVELOPER the difference. If the assessment determined by the CITY is greater than the funds deposited and interest accrued thereon by DEVELOPER, DEVELOPER will pay the additional amount over the amount deposited and interest accrued thereon. This additional amount will be eligible for Bancroft Bond financing. If the CITY forms a Local Improvement District to construct the improvements covered by this agreement, the DEVELOPER may elect to Bancroft the entire assessment and receive a refund of the amount deposited in Section 1 of this agreement with the interest accrued in Section 2.

3



H.2 C  
Section 7: The DEVELOPER agrees that by execution of this agreement, he will not remonstrate against the formation of a local improvement district to construct improvements to S.W. 65th Avenue and S.W. Sagert Street.

Section 8: This agreement shall be in effect for a period of five (5) years from its enactment. If at the end of five (5) years the CITY has not used funds deposited and interest accrued by DEVELOPER for the improvement of S.W. 65th Avenue and S.W. Sagert Street, then the funds and interest shall be returned to DEVELOPER.

Section 9: It is intended by the parties that all promises to be performed by DEVELOPER shall be covenants, conditions and restrictions running with the title to the property and shall be binding upon DEVELOPERS, their successors in interest and assigns.

Section 10: Promptly after its execution by the parties, this agreement shall be recorded in the records of Washington County to provide public notice of the conditions, covenants and restrictions against the title to the property imposed by this agreement.

Section 11: The DEVELOPER agrees that the driveway improvements to S.W. Sagert Street are temporary in nature and agrees to maintain said driveway improvements at his expense.

Section 12: Land Partition (LP-83-01) contains certain conditions relative to half-street improvements along S.W. Borland Road.

1. Said improvements have been completed to the satisfaction of the CITY.
2. DEVELOPER is required to submit to the CITY a maintenance bond in the amount of 15% of the cost of said half-street improvements as guarantee against any defects in materials and workmanship for a period of (1) year from the date of this agreement, DEVELOPER agrees to deposit the sum of \$3750.00 in substitution for said maintenance bond.
3. CITY agrees to use said deposit to correct any defects in materials and workmanship for a period of (1) year from the date of this agreement.
4. CITY agrees to refund the balance of the deposit plus any interest accrued on the initial deposit to the DEVELOPER at the end of the (1) year period.

IN WITNESS WHEREOF, the parties have executed this agreement to be effective on the date first above mentioned.

CITY OF TUALATIN, OREGON

BY

[Signature]  
Mayor

ATTEST:

BY

Stephen A. Rhodes  
City Recorder

DEVELOPERS:

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

5

PAGE FIVE

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of March, 1983. H-2C

Mary A. Wood  
Notary Public for Washington

My commission expires: 6-1-86

STATE OF WASHINGTON  
County of Clark  
I, \_\_\_\_\_, Notary Public for the State of Washington,  
do hereby certify that the foregoing instrument was duly executed by  
the person or persons named therein, and that the instrument is a true and  
correct copy of the original as recorded in the records of said County at  
\_\_\_\_\_.

1983 MAY 17 PM 1:56

Witness my hand and seal, affixed  
Juanita M. Ows  
JUANITA M. OWS  
County Clerk  
Recorder Certificate  
CCP 64 S-4 16657



6

550  
5-56

H-2-C

RESOLUTION NO. 1408-84

A RESOLUTION AUTHORIZING THE MAYOR AND CITY RECORDER  
TO EXECUTE AN AGREEMENT WITH CONSOLIDATED ASSET GROUP

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

Section 1: That the agreement (attached hereto) between the Consolidated  
Asset Group and the City of Tualatin is for the purpose of half-street  
improvements in S.W. 65th Avenue and S.W. Sagert Street adjacent to the  
Tualatin Professional Center Development.

Section 2: That the Mayor and City Recorder are authorized to execute  
the attached agreement and record said agreement on the Clackamas County  
Book of Records.

INTRODUCED AND ADOPTED this 9th day of April, 1984.

CITY OF TUALATIN, OREGON

BY [Signature]  
Mayor

ATTEST:

BY [Signature]  
City Recorder



STATE OF OREGON )  
County of Clackamas )  
I, Juanita N. Orr, County Clerk, Ex-Officio  
Recorder of Conveyances of the State of Oregon,  
for the County of Clackamas, do hereby certify  
that the instrument of writing was received for  
recording in the records of said County at

1984 MAY 17 PM 1:56



Resolution No. 1408-84

84 16656

**From:** Tony Doran  
**Sent:** Thursday, August 10, 2017 3:48 PM  
**To:** Matt Johnson  
**Cc:** Andrew Chung; Mike Darby; Erin Engman; Dominique Huffman; Jeff Fuchs  
**Subject:** RE: Tualatin Professional Center Driveway

Erin – Please add/edit as needed to respond to any onsite needs.

Matt,

A reduction of width to 24 feet is not feasible for the current construction. Applicable code requirements (that do not seem to allow variance) for sites with this zone have a minimum of 32 feet width measured at the right-of-way. As there is a lack of onsite circulation, each separate parking lot needs to have the 32-foot width which was a requirement for the Sagert Farm subdivision developers.

<https://www.tualatinoregon.gov/developmentcode/tdc-chapter-73-community-design-standards#73.400>

(11) Minimum Access Requirements for Commercial, Public and Semi-Public Uses.

~~In the Central Design District, when driveway access is on local streets, not collectors or arterials and the building(s) on the property is(are) less than 5,000 square feet in gross floor area, or parking is the only use on the property, ingress and egress shall not be less than 24 feet.~~ In all other cases, ingress and egress for commercial uses shall not be less than the following:

<b>Required Parking Spaces</b>	<b>Minimum Number Required</b>	<b>Minimum Pavement Width</b>	<b>Minimum Pavement Walkways, Etc.</b>
1-99	1	32 feet for first 50 feet from ROW, 24' thereafter	Curbs required; walkway 1 side only

Tony Doran, Engineering Associate  
 Engineering Division, Operations  
 City of Tualatin  
 18880 SW Martinazzi Ave.  
 Tualatin, OR 97062  
 (503) 691-3035 | [tdoran@tualatin.gov](mailto:tdoran@tualatin.gov)  
[www.tualatinoregon.gov](http://www.tualatinoregon.gov)

---

**From:** Matt Johnson [<mailto:Matt.Johnson@kpff.com>]

**Sent:** Thursday, August 10, 2017 2:40 PM

**To:** Mike Darby <[MDARBY@tualatin.gov](mailto:MDARBY@tualatin.gov)>; Tony Doran <[TDORAN@tualatin.gov](mailto:TDORAN@tualatin.gov)>

**Cc:** Andrew Chung <[andrew.chung@kpff.com](mailto:andrew.chung@kpff.com)>

**Subject:** Tualatin Professional Center Driveway

Tony & Mike,

We're wrapping things up for the driveway modifications for TPC and I want to call your attention to the width of the driveways proposed on the Sagert Farms plans. The doctors do not need large commercial truck deliveries and in fact they complete with the depth of the drive aisles. What is the potential for having these widths reduced? I would think 24-ft centered on the drive aisles would be best.



**Matt Johnson**

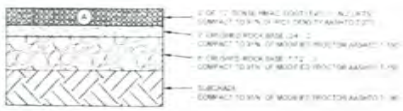
Project Manager | Portland Civil + Survey

**Direct** 503.542.3858 **Office** 503.542.3860

111 SW Fifth Avenue, Ste 2500

Portland, OR 97204





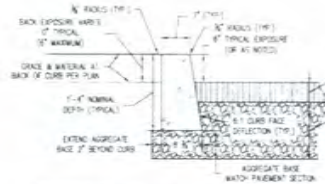
**ASPHALT PAVING**



**NON-VEHICULAR CONCRETE PAVING**

**SPOT GRADE ABBREVIATIONS**

EXISTING SPOT GRADE PAVEMENT
PROPOSED SPOT GRADE PAVEMENT
PROPOSED SPOT GRADE CONCRETE
PROPOSED SPOT GRADE BOTTOM FACE OF CURB



**STANDARD CURB**

- GENERAL NOTES:**
1. CONCRETE TO BE 3500 PSI TYPE II PORTLAND CEMENT CONCRETE (28-DAY STRENGTH)
  2. MAXIMUM CONTRACTION JOINT SPACING TO BE 15 FT
  3. CONTRACTION JOINTS SHALL BE PROVIDED BY INSERTING A THIN OILED STEEL SHEET INTO THE FRESH CONCRETE TO FORCE COARSE AGGREGATE AWAY FROM THE JOINT
  4. INSERT STEEL SHEETS TO 1/2 CURB DEPTH
  5. REMOVE STEEL SHEETS AFTER INITIAL SET, PRIOR TO REMOVAL OF FORM CURB FORM
  6. ALIGN CURB JOINTS TO ADJACENT SIDEWALK OR DRIVEWAY CONCRETE SURFACE JOINTS
  7. ALL JOINT EDGES AND CORNERS TO BE TOOLED
  8. AGGREGATE BASE MATERIAL TO CONFORM TO SPECIFICATIONS OF PAVEMENT DESIGN, BY OTHERS

- DEMOLITION KEY NOTES**
1. REMOVE STANDARD CURB AND DISPOSE OF OFF SITE
  2. REMOVE EXISTING PAVEMENT WITHIN WIDTH SHOWN AND DISPOSE OF OFF SITE
  3. REMOVE RETAINING WALL AND DISPOSE OF OFF SITE

- CONSTRUCTION KEY NOTES**
1. CONSTRUCT STANDARD CURB PER DETAIL THIS SHEET
  2. CONSTRUCT ASPHALT PAVING TO GRADES & DIMENSIONS SHOWN PER PAVEMENT SECTION SHOWN THIS SHEET
  3. CONSTRUCT CONCRETE WALKWAY TO GRADES & DIMENSIONS SHOWN PER NON-VEHICULAR CONCRETE PAVING SECTION SHOWN THIS SHEET
  4. INSTALL 4" WIDE WHITE LATEX PAINTING LOT PAINT STRIPE AS SHOWN
  5. PROVIDE CONCRETE DRIVEWAY CONNECTION TO RIGHT OF WAY AS SHOWN PER CITY STD. DSG. 447
  6. END STANDARD CURB



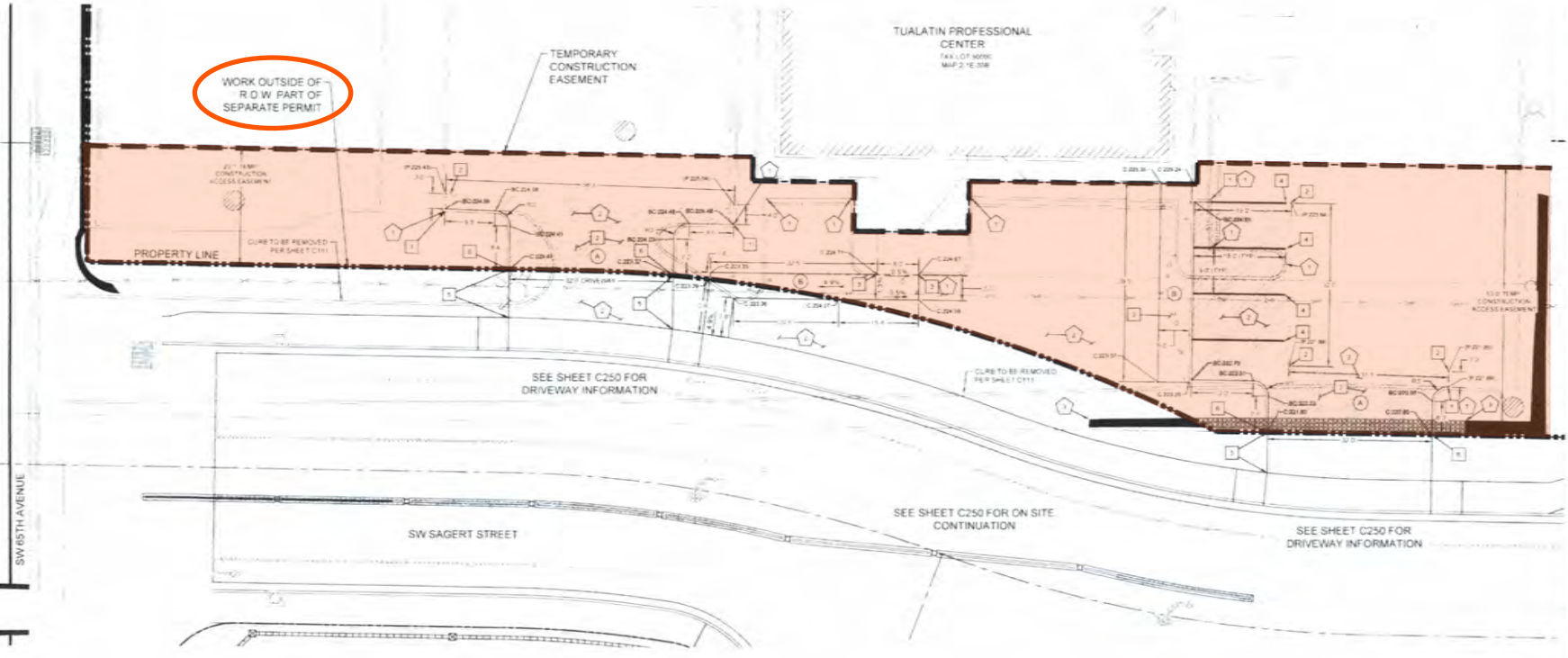
**PERMIT INFO**

REGIONAL NUMBER	001
DATE	02/21/16
PERMIT NUMBER	076 022116
PERMIT COMMENTS	1/16 08 18 18

TIC ACCESS RECONFIGURATION  
**SAGER FARM SUBDIVISION**  
 CONSTRUCTION DOCUMENTS  
 LENNAR NORTHWEST, INC  
 TUALATIN, OR

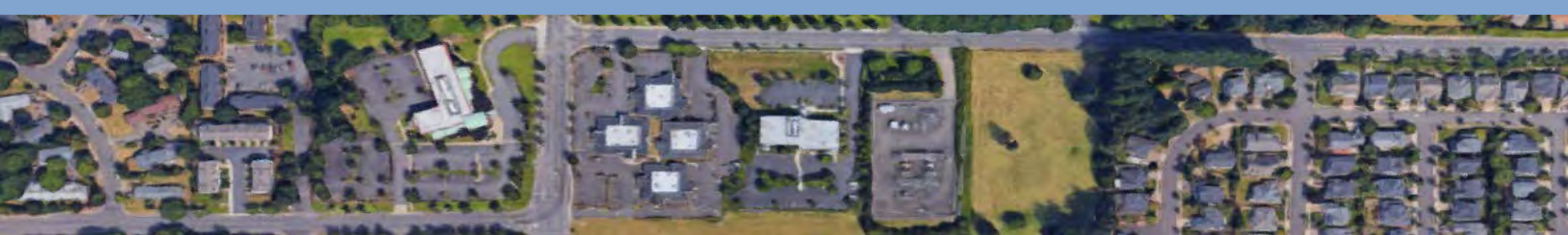


DATE	02/20/16
LAND USE	CONCRETE
TAX LOT	001000000000
REGION	001
CHECKED BY	J. J. J. J.
PROJECT TITLE	TIC ACCESS
SHEET NUMBER	<b>C220</b>



*Handwritten signature or initials.*

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Tualatin Professional Center  
Parking Lot Improvement

Request for Review of a  
Minor Architectural Review  
(MAR17-0041)

Tualatin City Council  
December 11, 2017



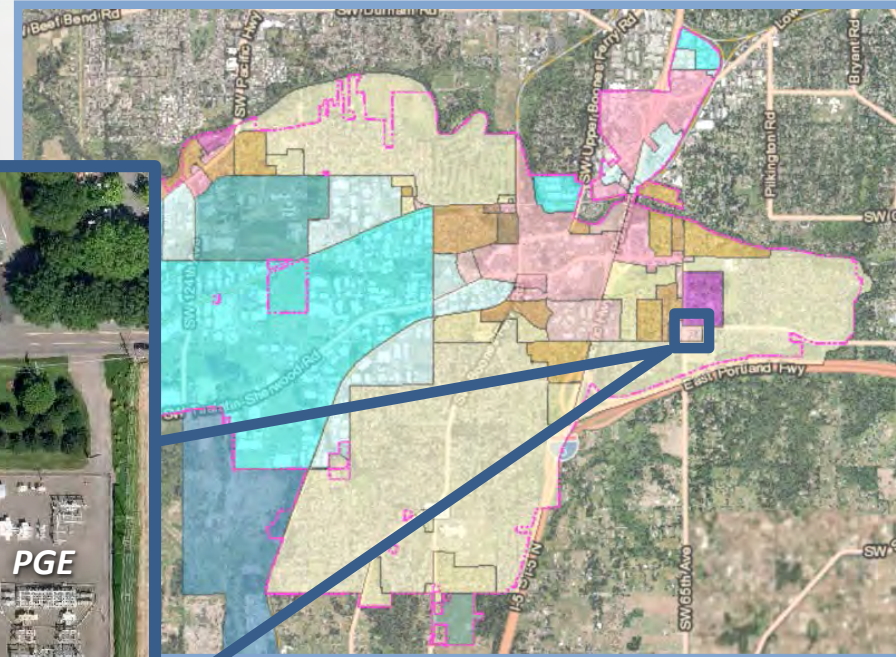
*City of Tualatin*





City of Tualatin

# Vicinity Map





# Appeal Discussion

## **APPEAL INCLUDES:**

- Tualatin Professional Center submitted a Minor Architectural Review for parking lot site improvements and regrading to match proposed Sagert Street extension.
- Sagert Street extended to accommodate a subdivision approved in 2016.
- Parking lot improvements are subject to an Architectural Review and current code standards.
- Architectural Review cannot be used to vary or change standards in the Tualatin Development Code – a Variance Application would be required

## **APPEAL DOES NOT INCLUDE:**

- The Sagert Farm Subdivision decision did not include the Tualatin Professional Center and did not apply conditions of approval or requirements to the subject property.





City of Tualatin

# Current Right of Way Conditions



*TPC looking west toward SW 65<sup>th</sup> Avenue*



*TPC looking east along SW Sagert Street*

- Temporary loss of southern access drives while Sagert Street is being improved
- Need to transition grade from site to Sagert Street



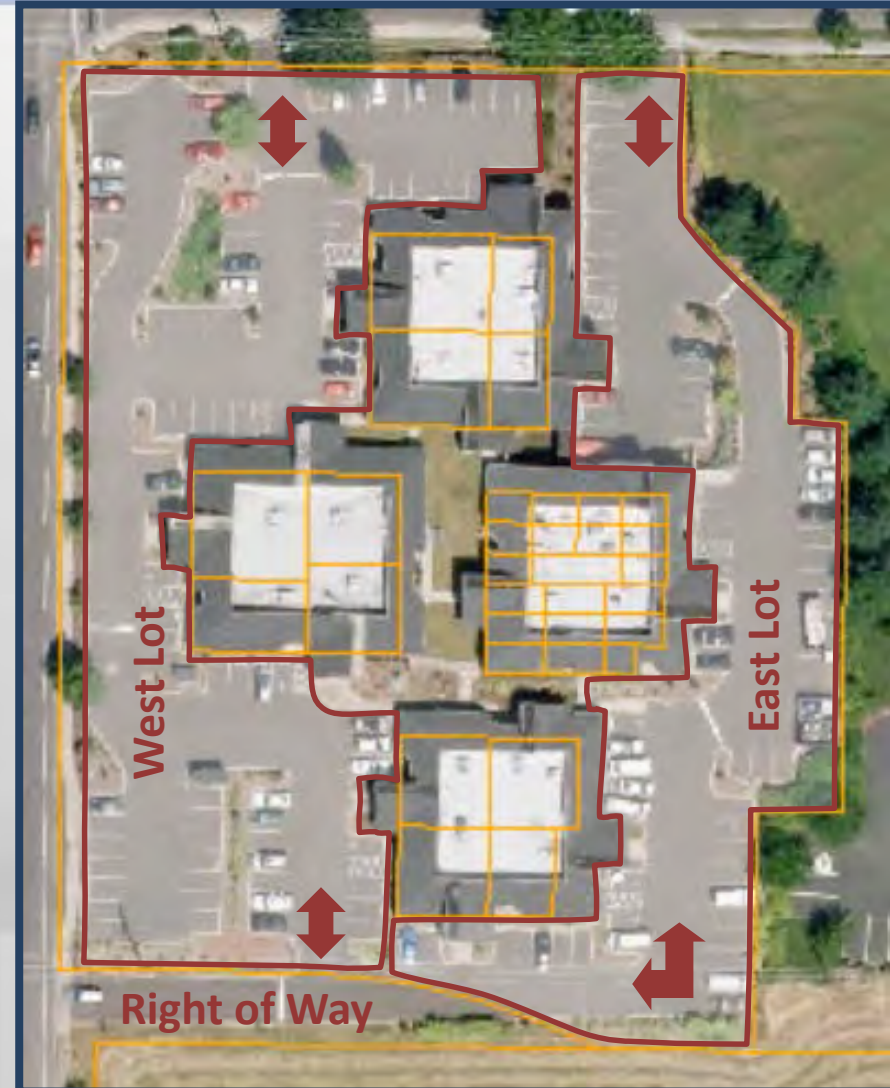


City of Tualatin

# Site Summary

## TUALATIN PROFESSIONAL CENTER BACKGROUND:

- Commercial condominium developed in 1984
- Private improvements in R/W
- Agreement allowing improvements expired in 1989
- Clear provisions to remove improvements when Sagert Street is extended



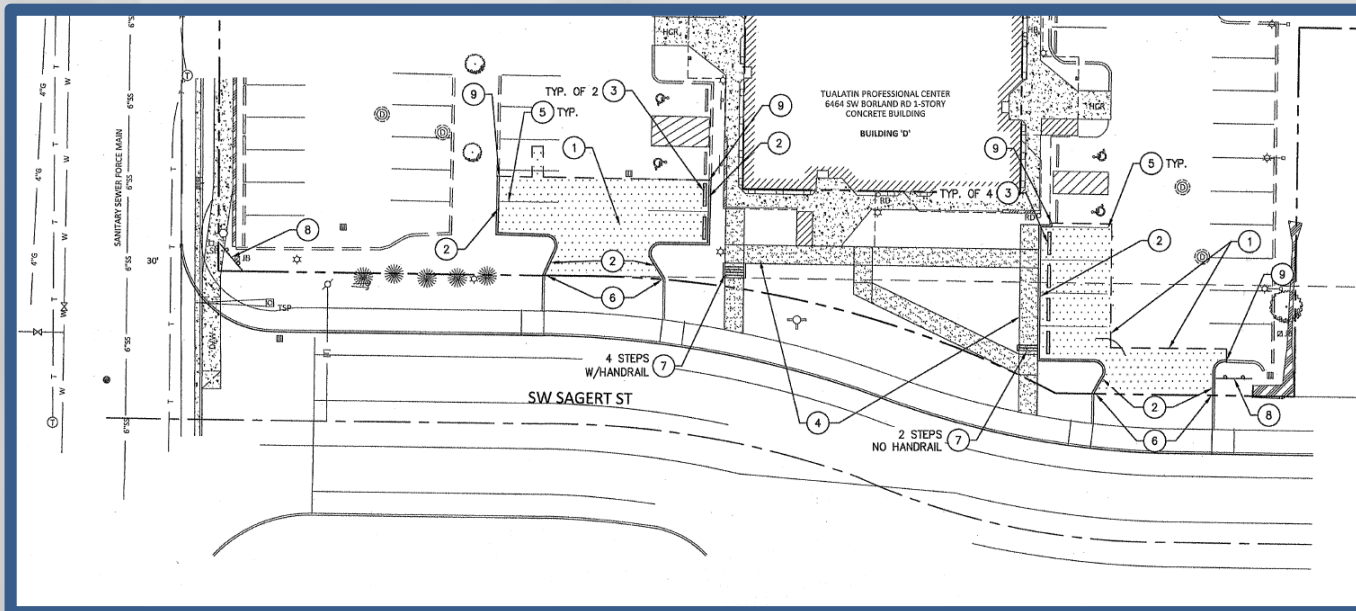


City of Tualatin

# Project Summary

**Zone:** Office Commercial (CO)

**Project Description:** Site improvements and regrading the existing parking lot to match proposed Sagert Street improvements. Includes demolition of and modification of parking drive aisle and layout.

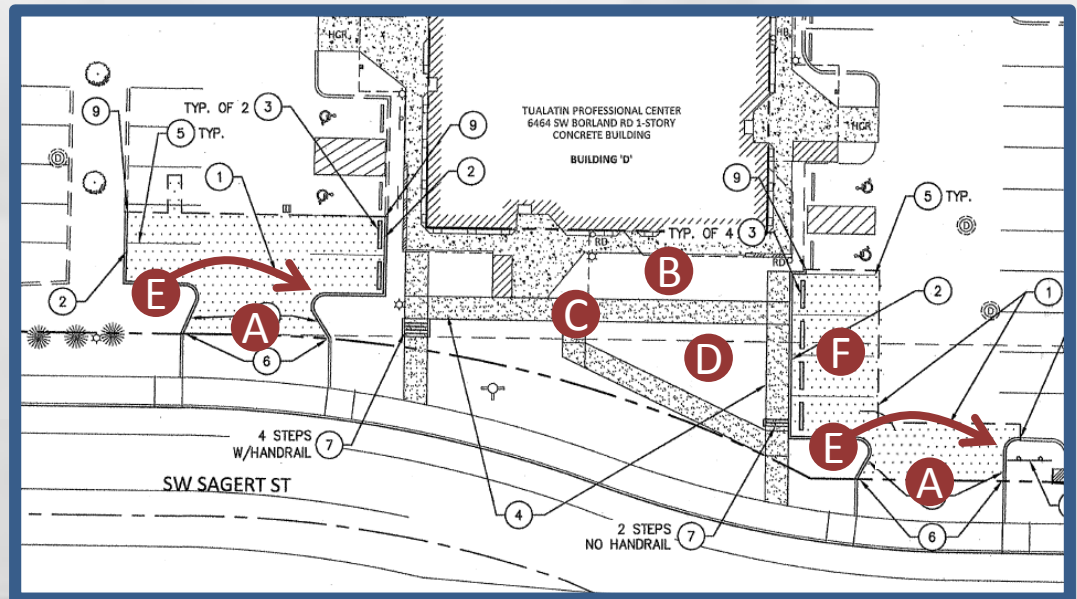




# Project Summary

City of Tualatin

- A** Transition drive aisle to Sagert ROW
- B** Demo 7 parking stalls
- C** Install pedestrian connection
- D** Install landscaped area
- E** Install curbs
- F** Install 4 parking stalls





*City of Tualatin*

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 1 Provide evidence that conditions are met prior to submitting for permits

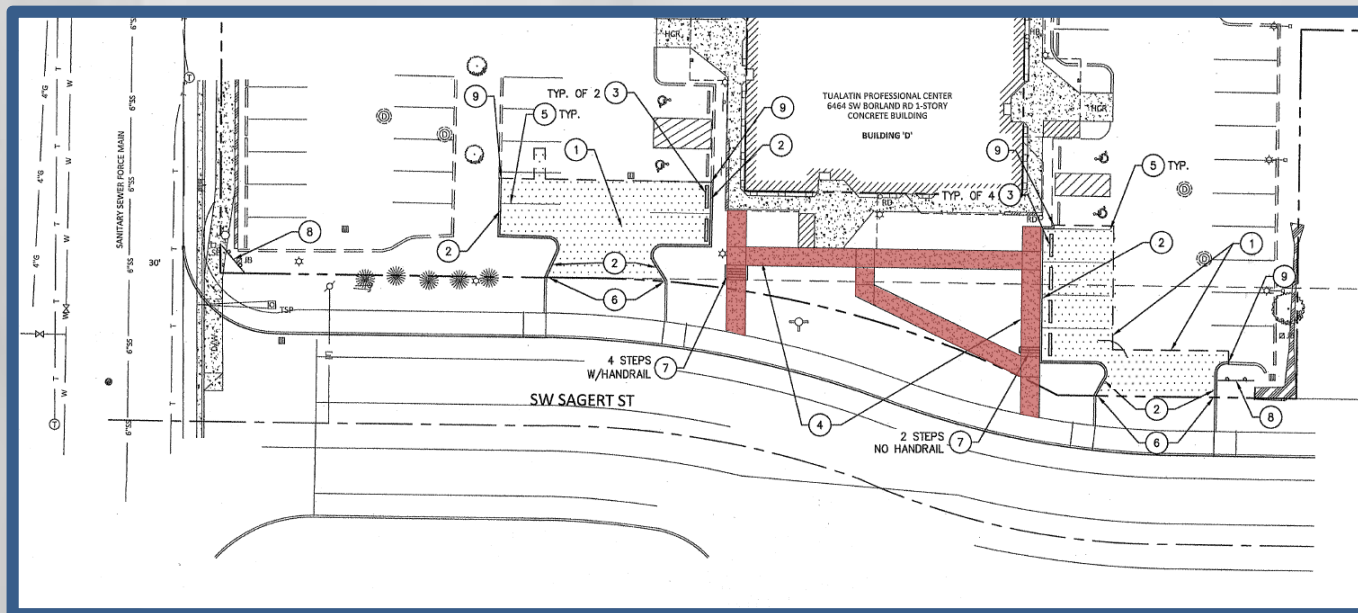


City of Tualatin

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 2 Six foot wide sidewalks per Code [73.160(1)(a)(i)]





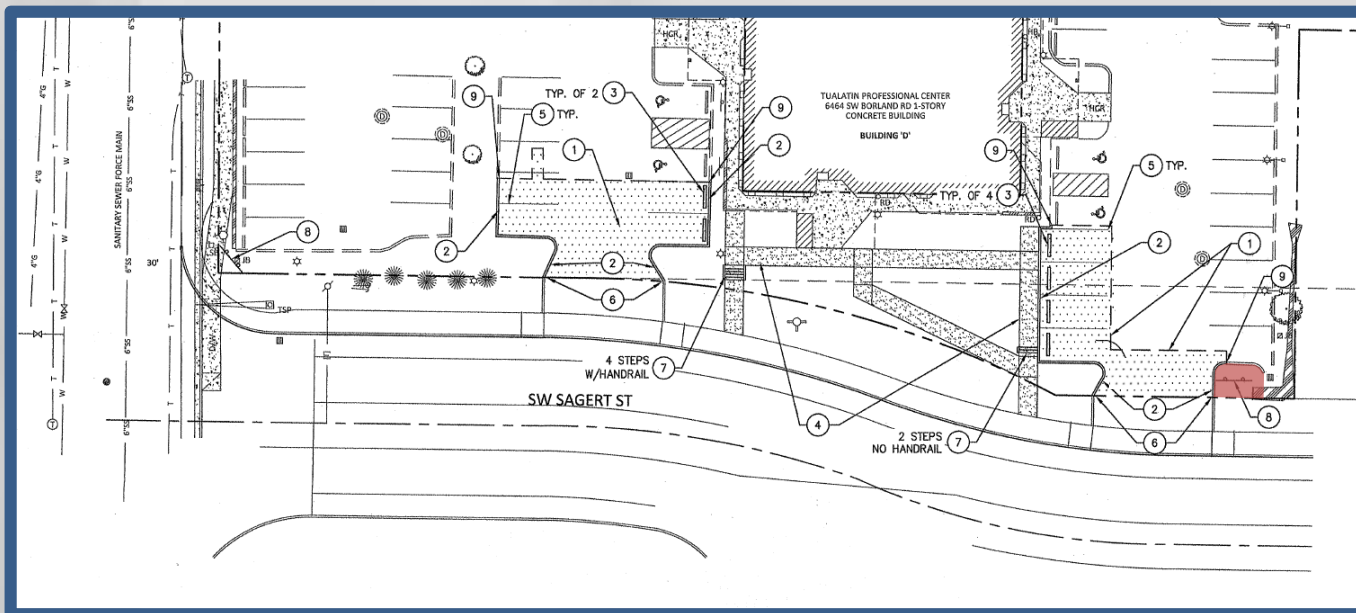


City of Tualatin

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 3 Landscape project area per Code [73.310(3)]



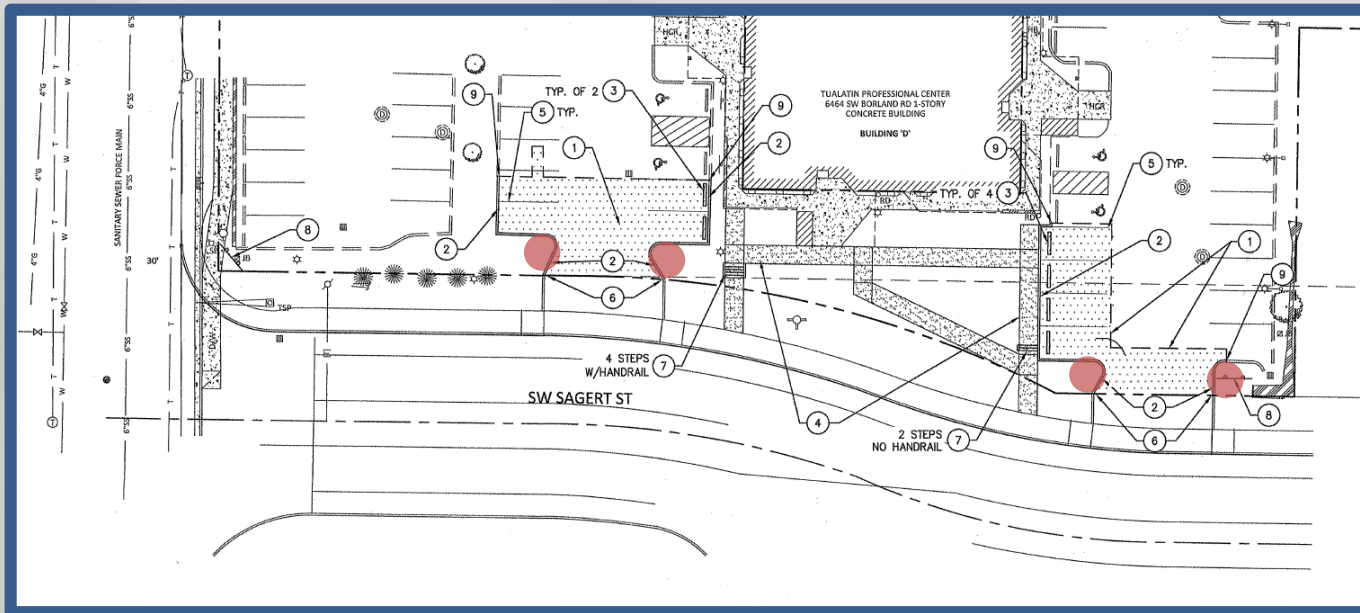


City of Tualatin

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 4 Note vision clear zones on landscape plan per Code [73.340(1)]



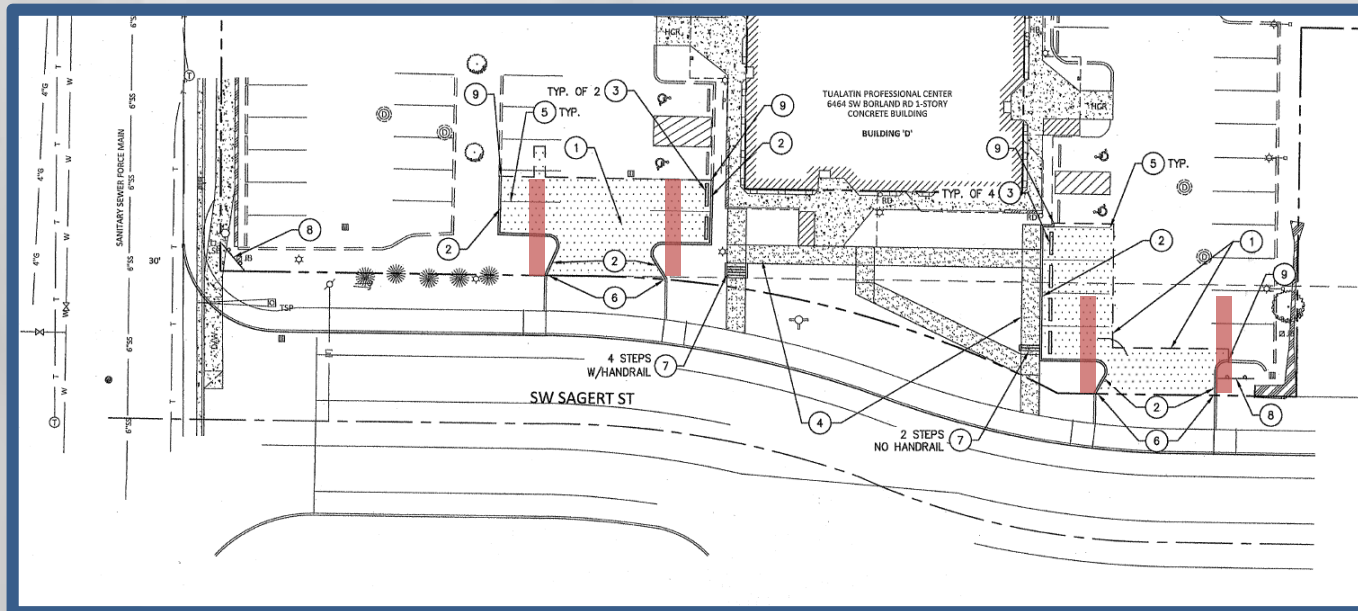


City of Tualatin

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 5 Five foot wide landscape area for 25 ft per Code [73.360(6)(a)]



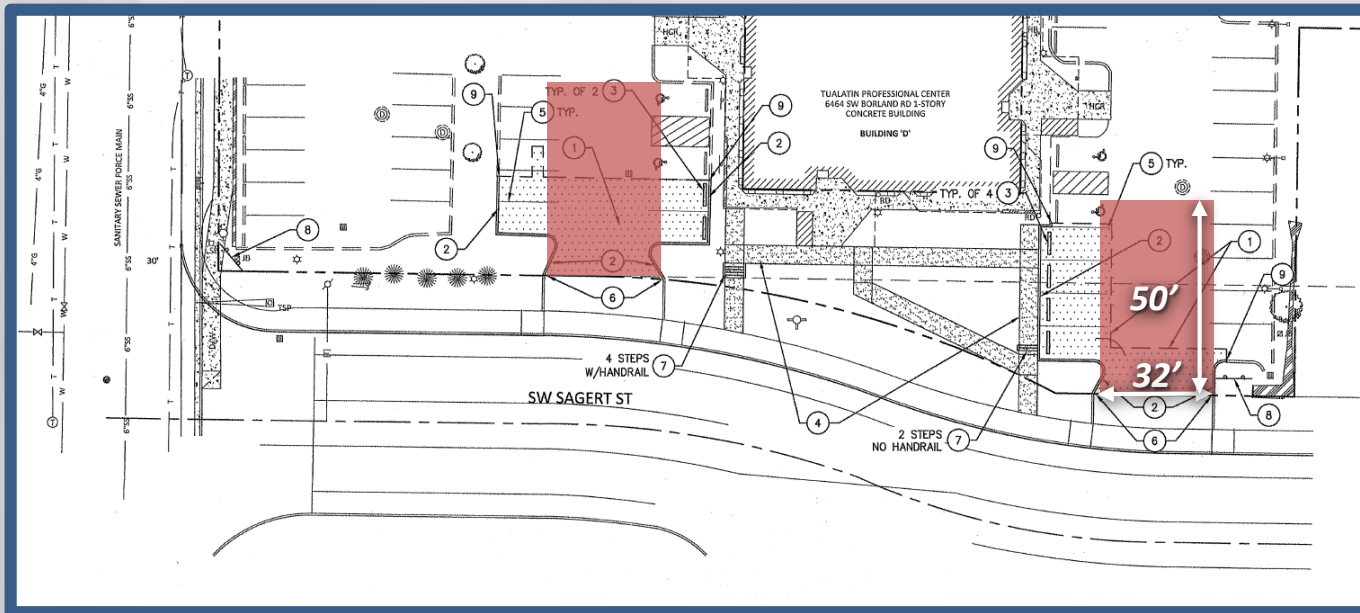


City of Tualatin

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 6 32 ft wide drive aisles for 50 ft long per Code [73.400(11)]



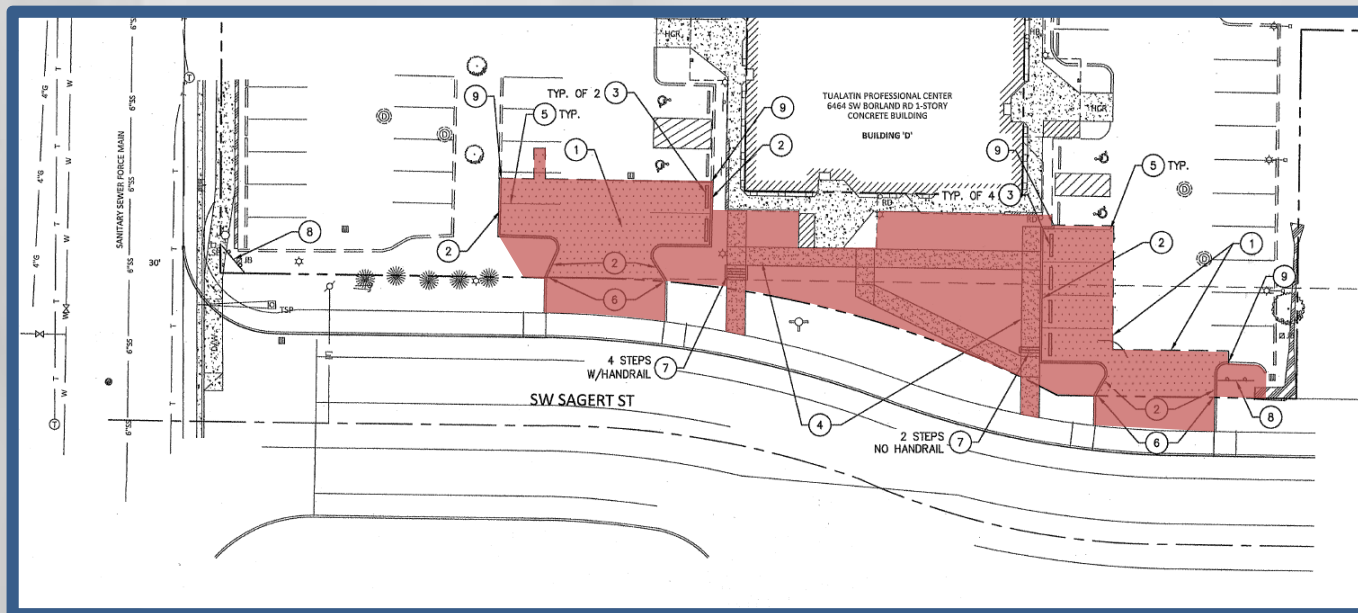


City of Tualatin

# Conditions of Approval

Approved October 12, 2017 with seven conditions of approval:

- 7 Obtain Public Works Permit and Erosion Control Permit







# Appeal Summary

**Request for Review (a de novo appeal) was filed by representatives of Tualatin Professional Center on October 26, 2017**

- Outlines five reasons for appeal
- Asks for four modifications to staff's approval

**TPC has asked City Council to modify the MAR Decision as follows:**

1. Approve construction plans as submitted
2. Delete 50 ft long drive aisle requirement
3. Delete code that applies to the site in an ongoing manner
4. Remove any other condition inconsistent with the Sagert Farm Subdivision



# Appeal Summary

***Staff finds that the request for review is without merit for the following reasons:***

- The Sagert Farm subdivision design does **not** apply to improvements on this property
- Tualatin Professional Center's parking lot is **not** a legal, nonconforming use
- Parking lot improvements are required to meet current code



# Staff Report Summary

## APPELLANT CLAIMS

### 1. 50 ft long drive aisle requirement incorrectly applied to TPC's southern two accessways

#### Staff findings:

- The parking lot improvement proposal must conform to the Tualatin Development Code, applicable City ordinances, and regulations [31.071(4)]
- Minor Architectural Review (MAR) application required because the applicant proposed modifications to parking lot
- Sagert Farm Subdivision approval or conditions have no bearing on TPC's parking lot
- Development standards discussed with applicant in scoping and pre-application meetings, as well as email correspondence



# Staff Report Summary (Continued)

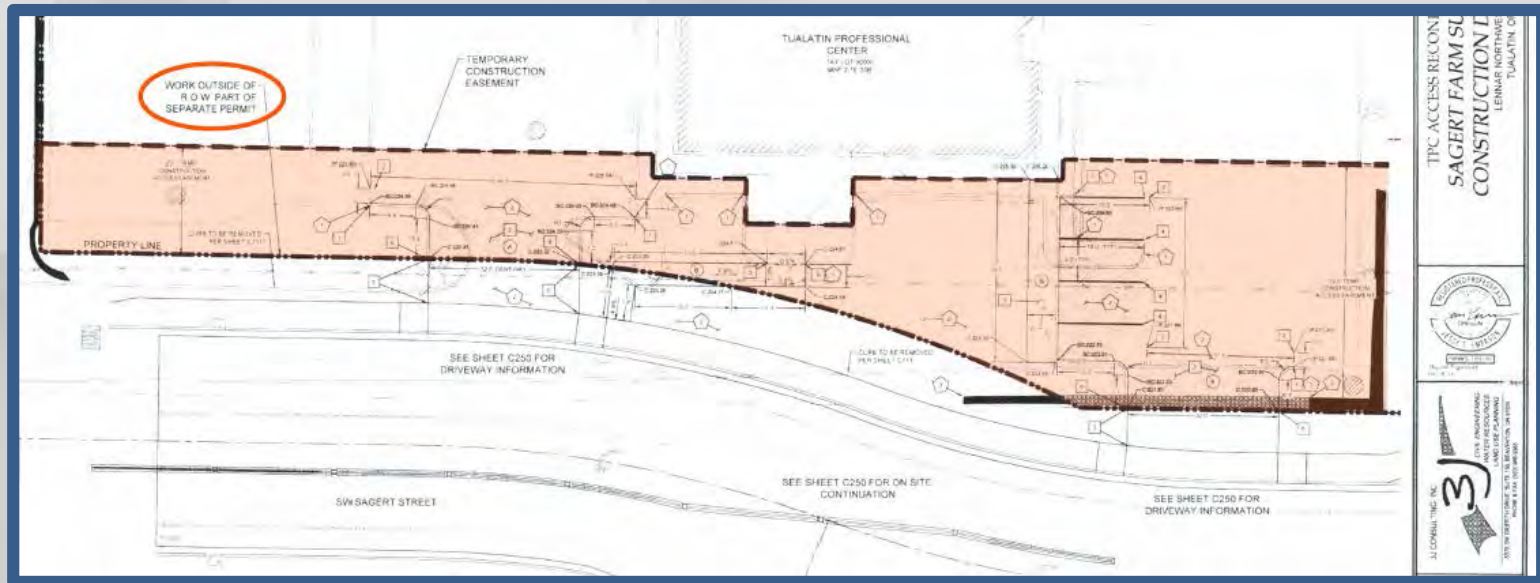
City of Tualatin

## APPELLANT CLAIMS

1. 50 ft long drive aisle requirement incorrectly applied to TPC's southern two accessways

### Staff findings:

- Plans approved in the subdivision process state “Work outside of ROW part of separate permit”





City of Tualatin

# Staff Report Summary

## (Continued)

### APPELLANT CLAIMS

#### 2. Decision imposed code beyond Conditions No. 16 and 48 from approved Sagert Farm subdivision

##### Staff findings:

- Sagert Farm Subdivision Conditions No. 16 and 48 only apply to Sagert Farm Subdivision
- TPC did not sign as property owner on the subdivision application. Improvements on TPC property were not considered under that application
- Sagert Farm Subdivision Condition No. 16 required a 32 ft wide access drive in Sagert Street right-of-way





City of Tualatin

# Staff Report Summary (Continued)

## APPELLANT CLAIMS

### 3. Decision Violates Continuation and Maintenance of Non-Conforming Use

#### Staff findings:

- The lawful use of TPC's southern access drives expired in 1989. The access drives have had no legal basis since that time

Section 11: The DEVELOPER agrees that the driveway improvements to S.W. Sagert Street are temporary in nature and agrees to maintain said driveway improvements at his expense.

*Excerpt from Development Agreement 84-16657*

# Staff Report Summary

## (Continued)

### APPELLANT CLAIMS

#### 3. Decision Violates Continuation and Maintenance of Non-Conforming Use

##### Staff findings:

- Even if the parking lot was a legal nonconforming use, the subject parking lot improvement is beyond the scope of a simple paving project. The proposal includes demolition and modification of parking drive aisle and layout





City of Tualatin

# Staff Report Summary

## (Continued)

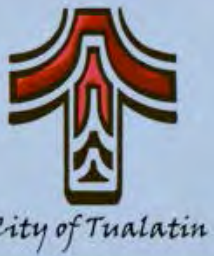
### APPELLANT CLAIMS

#### 4. Decision Violates Modifications to Subdivision Plan Approval

##### Staff findings:

- Sagert Farm Subdivision has no bearing to the Tualatin Professional Center parking lot improvement
- The subject improvements are not part of the Sagert Farm Subdivision  
*(next slide)*





# Staff Report Summary

## (Continued)

### 5. Decision Imposes Future Standards under TDC 73 Community Design Standards

#### Staff findings:

- These standards were not included as conditions
- It is standard practice to inform applicants of code sections that apply to their project, as a means to provide good service





City of Tualatin

# Staff Report Summary (Continued)

## **TPC has asked City Council to Modify the Decision as follows:**

1. Approve construction plans as submitted
2. Delete 50 ft long drive aisle requirement
3. Delete code that applies to the site in an ongoing manner
4. Remove any other condition inconsistent with the Sagert Farm Subdivision

*Staff has informed TPC that the variance process is where standards can be altered/changed. TPC chose not to pursue a variance.*



# Staff Report Summary

## (Continued)

### STAFF CONCLUSION:

1. Construction plans cannot be approved without proposed conditions
2. The 50 ft long drive aisle standard is required by code *[73.400(11)]*
3. There are code requirements in the Tualatin Development Code that apply to the site in an ongoing manner
4. The Sagert Farm subdivision decision does not apply to this private property
5. The applicant may request a variance to Chapter 73 standards *[30.010(2)]*



*City of Tualatin*

# Options

- Approve with the original conditions of approval
- Approve with modified conditions of approval
- Deny the application

## **STAFF RECOMMENDATION:**

- Uphold staff's Minor Architectural Review approval with original conditions (MAR17-0041)



Dorothy S. Cofield,  
*Attorney at Law*

---

**To: Tualatin City Council**

**Subject:** Tualatin Professional Center's Request for Review (MAR17-0041)

**Property Address:** 6464 SW Borland Road, Tualatin, OR 97062

**Date:** December 8, 2017

---

Background Information

- Two southern accesses to the Tualatin Professional Center were reconfigured due to the Farm's subdivision approval (SB15-0002) and construction of Sagert Road to serve the new subdivision. *See Attached Exhibit 1 C220.*
- Tualatin Professional Center appealed the plan for its two southern accesses in SB 15-0002 to the City Council because of the imposition of a "right-in/right-out" for the southwest access and lost its appeal. *See Request for Review SB 15-0002 Staff Report, January 25, 2016.*
- The City Council approved the Lennar C220 access plan and declared that Tualatin Professional Center would have substantially similar access as compared to its current condition. *See SB 15-0002 Findings Related to Tualatin Professional Center, p. 73-74.*
- When Tualatin Professional Center submitted its construction plans to restore the two southern accesses consistent with C220, the planning staff imposed new requirements from Tualatin Development Code (TDC) 73.400(11) that causes Tualatin Professional Center to lose approximately nineteen additional parking spaces due to the imposition of a 50-foot driveway aisle for the two southern accesses. *See Attached Exhibit 2.*

Issues on Review

- Tualatin Professional Center seeks to restore the two southern accesses approved in SB15-0002 and as designed in its construction plans prepared by KPFF Engineering. *See Attached KPFF C-100 Construction Sheet.*
- Planning Staff incorrectly applied TDC 73.400(11) to Tualatin Professional Center's the KPFF submitted construction plans because there is no "increase" to ingress or egress, just restoration of previously approved accesses in SB 15-0002.

- Transportation Engineer Chris Clemow confirmed the proposed 25-foot driveway throat lengths are **substantially similar** to the 25-foot driveway throat lengths in the preliminary plat approval for SB15-0002. *See Attached* Clemow Associates Letter dated 11/28/17.
- Transportation Engineer Clemow confirmed the “**driveways can operate in a safe and efficient manner**” and “**25-foot driveway throat lengths are anticipated to be sufficient to accommodate existing development traffic.**”
- The MAR 17-0041 additional land use review requirements are not necessary as the Tualatin Professional Center is afforded “**substantially similar access as compared to its current condition.**” (Tualatin Staff Report)
- Transportation Engineer Clemow confirmed the previously approved accesses and proposal to restore the two accesses are **substantially similar** plans (Clemow Letter dated 11/28/17).
- TPC has sustained time delays and damages due to the closure and unwarranted changes to the southern accesses as approved in C220 as part of the Sagert Farms Subdivision Preliminary Plat Approval Decision.
- The City Council should grant the relief requested in Tualatin Professional Center’s request for review narrative letter (Cofield Law Office Letter to Tualatin City Council dated October 26, 2017), deleting the 50-foot driveway aisle requirement and order the approval of the KPFF constructions plans as submitted to the City.







November 28, 2017

Cofield Law Office  
Attention: Dorothy S. Cofield  
1001 SW 5<sup>th</sup> Avenue, Suite 1100  
Portland, Oregon 97204

**Re: Tualatin Professional Center – Tualatin, Oregon**  
*Site Access Evaluation*

City of Tualatin File Number MAR 17-0041  
C&A Project Number 20171004.00

Dear Ms. Cofield,

This transportation analysis supports the proposed restoration of the access drives at the Tualatin Professional Center at 6464 SW Borland Street, Tualatin, Oregon. This analysis specifically addresses the proposed driveway throat length.

As depicted in the Tualatin Professional Center Parking Lot Improvements plan set, the SW Sagert Street north curb face is shifted north, resulting in the two driveway throat lengths being approximately 25 feet. We have also been provided with the Sagert Farms Subdivision plan for the two restored accesses (Sheet C-220), which is substantially similar to the Tualatin Professional Center plan, and both plans depict 25-foot driveway throat lengths. Based on our review of these plans and the following materials presented in this letter, the driveways can operate in a safe and efficient manner.

The National Cooperative Highway Research Program (NCHRP) Report 659 *Guide for the Geometric Design of Driveways* contains guidelines for driveway design and complements the American Association of State Highway Transportation Officials (AASHTO) *Policy on the Geometric Design of Streets and Highways* and the AASHTO *Access Management Manual*. The NCHRP Guide states driveway design is affected by setting and land use, and consideration needs to be given to development density, spacing of parallel and intersecting streets, levels of bicycle and pedestrian traffic, and availability of public transit service. For the Tualatin Professional Center driveways, in a suburban environment with a commercial land use, motor vehicles are the predominate transportation mode with few bicycles and pedestrians. As such, the relative importance of motor vehicles is high and the other modes is low. Additionally, the design vehicle is a passenger car and there is seldom more than one vehicle entering or exiting the site at one time.

The NCHRP Guide further states, "Driveway throat length is the distance from the outer edge of the traveled way of the intersecting roadway to the first point along the driveway at which there are conflicting vehicular traffic movements." And, "Throat length must be long enough to avoid internal site conflicts associated with crossing or weaving movements. It also must be adequate to avoid spillback onto the public road or internal circulation system."

Based on materials contained in the NCHRP Guide, the minimum driveway throat length is the sum of three values:

- 1) Design vehicle length,
- 2) A front buffer, and
- 3) A rear clearance.

For the subject driveways, the passenger car is the design vehicle with an AASHTO defined length of 19 feet, the front buffer is 2-3 feet, and the rear clearance is 2 feet, resulting in a total throat length of 23-24 feet. As such, the proposed Tualatin Professional Center 25-foot driveway throat lengths are anticipated to be sufficient to accommodate existing development traffic.

Sincerely,



Christopher M. Clemow, PE, PTOE  
Transportation Engineer







**DEMOLITION KEY NOTES**

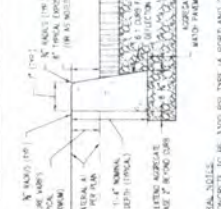
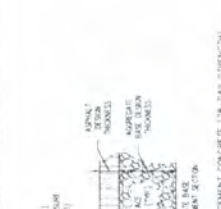
- 1 REMOVE STANDARD CURB AND GROUNDLINE OF OFF SITE
- 2 REMOVE EXISTING PAVEMENT WITHIN 10' FROM CURB AND DISPOSE OF ON SITE
- 3 REMOVE RETAINING WALL AND DISPOSE OF ON SITE

**CONSTRUCTION KEY NOTES**

- 1 CONSTRUCT STANDARD CURB PER DETAIL, THIS SHEET
- 2 CONSTRUCT ASPHALT PAVING TO GRADES & DIMENSIONS SHOWN PER PLAN AND SECTION
- 3 CONSTRUCT SPOT GRADE PAVEMENT TO GRADES & DIMENSIONS SHOWN PER PLAN AND SECTION
- 4 INSTALL 4" (MIN) WHITE LAYER PAVEMENT WITHIN STREETS AS SHOWN PER PLAN AND SECTION
- 5 FINISH CONCRETE DRIVEWAY CONNECTION TO RIGHT OF WAY AS SHOWN PER PLAN AND SECTION
- 6 (N) STANDARD CURB

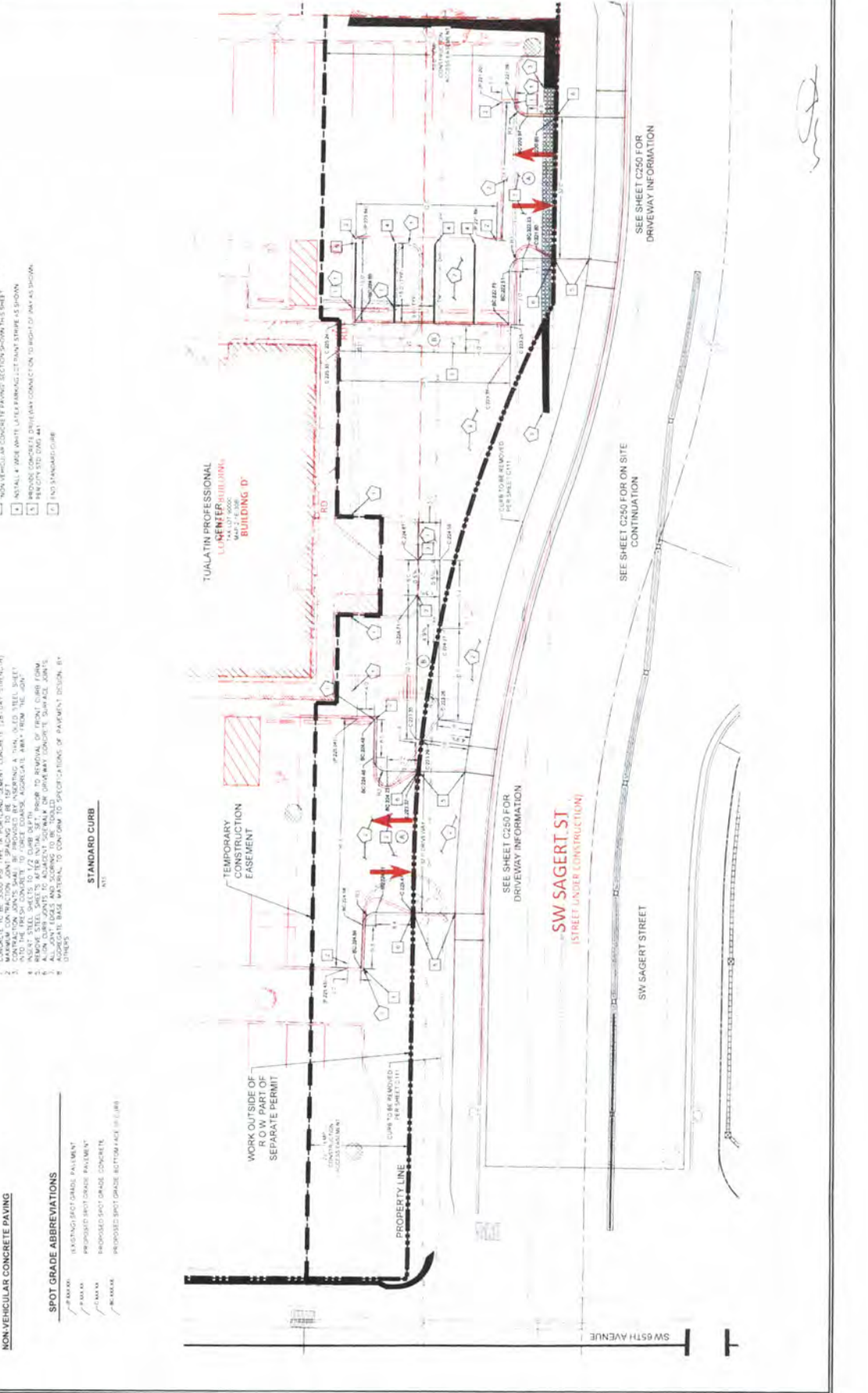
**GENERAL NOTES**

- 1 CONCRETE TO BE 3000 PSI TYPE I/A PORTLAND CEMENT CONCRETE (28-DAY STRENGTH)
- 2 CONSTRUCTION JOINTS SHALL BE PROVIDED BY ADAPTING A TYPICAL DETAIL SHEET
- 3 ALL CONCRETE SHALL BE FINISHED WITH A BRUSHED AGGREGATE AREA FROM THE JOINT
- 4 REMOVE STEEL SHEET PILING AFTER INSTALLATION AND PRIOR TO REMOVAL OF PERMIT CURB FORM
- 5 ALL JOINT LEVELS AND SLOPING TO BE TYPICAL OF DRIVEWAY CONCRETE SURFACE JOINTS
- 6 INVESTIGATE BASE MATERIAL TO CONFORM TO SPECIFICATIONS OF PAVEMENT DESIGN BY OTHERS



**SPOT GRADE ABBREVIATIONS**

- ASPH - ASPHALT
- CONC - CONCRETE
- SPOT - SPOT GRADE
- ST - STANDARD CURB
- STP - SPOT GRADE BOTTOM FACE OF CURB



SEE SHEET C250 FOR ON SITE DRIVEWAY INFORMATION

SEE SHEET C250 FOR ON SITE DRIVEWAY INFORMATION

SEE SHEET C250 FOR ON SITE DRIVEWAY INFORMATION

SEE SHEET C250 FOR ON SITE DRIVEWAY INFORMATION

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SEE SHEET C250 FOR ON SITE DRIVEWAY INFORMATION

SEE SHEET C250 FOR ON SITE DRIVEWAY INFORMATION

SW 65TH AVENUE

SW SAGERF STREET

SW SAGERF ST (STREET UNDER CONSTRUCTION)

SEE SHEET C250 FOR DRIVEWAY INFORMATION

SEE SHEET C250 FOR DRIVEWAY INFORMATION

SEE SHEET C250 FOR DRIVEWAY INFORMATION

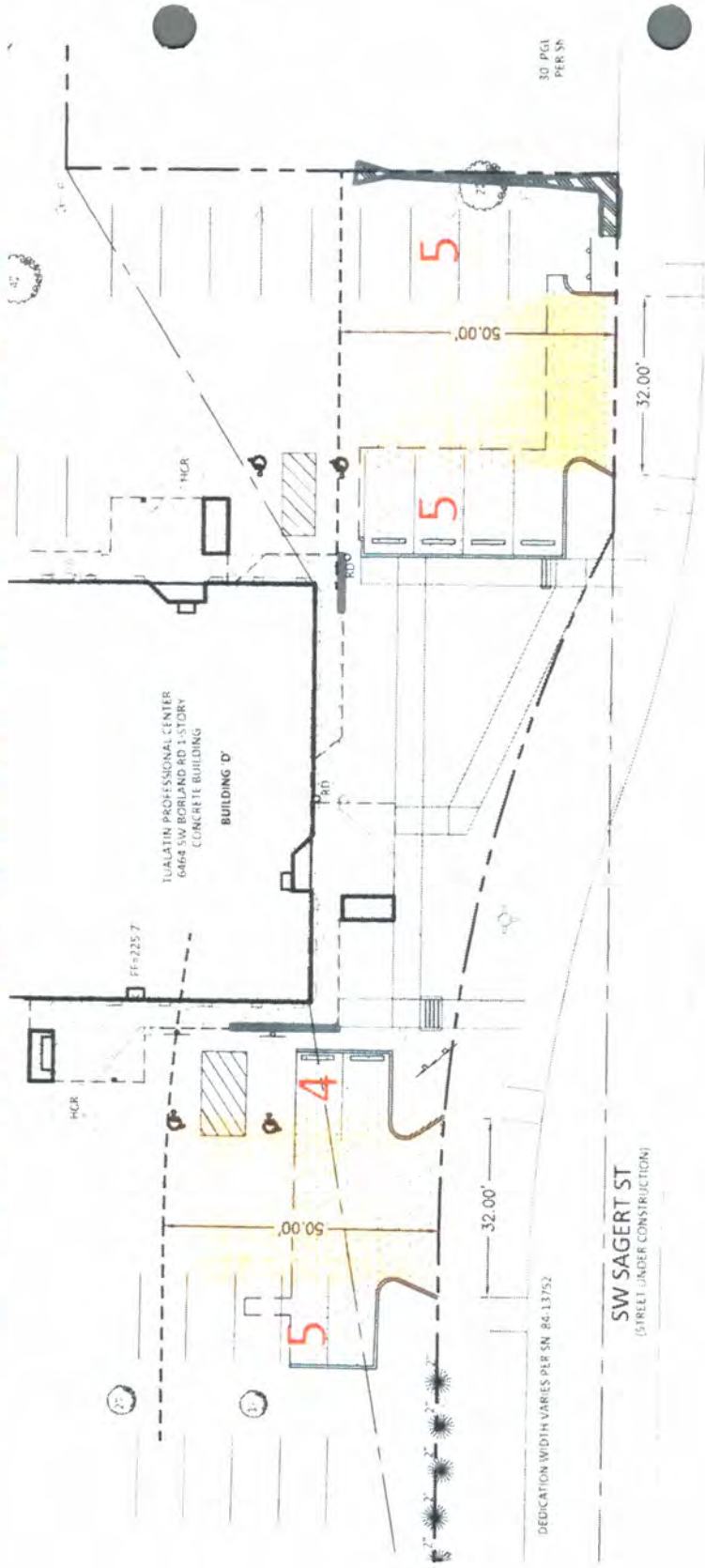
SEE SHEET C250 FOR DRIVEWAY INFORMATION

SEE SHEET C250 FOR DRIVEWAY INFORMATION

SEE SHEET C250 FOR DRIVEWAY INFORMATION

SEE SHEET C250 FOR DRIVEWAY INFORMATION

# Drive Aisle Access that meets 73.400 (11)



19 existing parking stalls impacted

Exhibit 2



**NOTES:**

- 1.1 VERIFY A 54" DIA. MANHOLE IS LOCATED AT THE INTERSECTION OF SW SAGERT ST AND SW 11TH ST. THE MANHOLE SHALL BE CONCRETE AND SHALL BE 18" DEEP.
- 2.1 BASIS OF ALIGNMENT FOR THIS PROJECT IS THE EXISTING CONCRETE CURBLINE AS SHOWN ON THE ATTACHED SURVEY. THE RESULTING BEARING OF THE CENTERLINE OF SW SAGERT ST IS N 89° 57' 40" W 100.00 FT.
- 3.1 BOUNDARY AND EASEMENT AREAS ARE SHOWN AS SHOWN ON THE ATTACHED SURVEY. THE RESULTING BEARING OF THE CENTERLINE OF SW SAGERT ST IS N 89° 57' 40" W 100.00 FT.
- 4.1 UTILITIES SHOWN ON THIS PLAN ARE BASED ON THE ATTACHED SURVEY. THE RESULTING BEARING OF THE CENTERLINE OF SW SAGERT ST IS N 89° 57' 40" W 100.00 FT.
- 5.1 THE LOCATION OF ALL UTILITIES SHOWN ON THIS PLAN IS BASED ON THE ATTACHED SURVEY. THE RESULTING BEARING OF THE CENTERLINE OF SW SAGERT ST IS N 89° 57' 40" W 100.00 FT.

**LEGEND:**

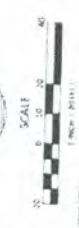
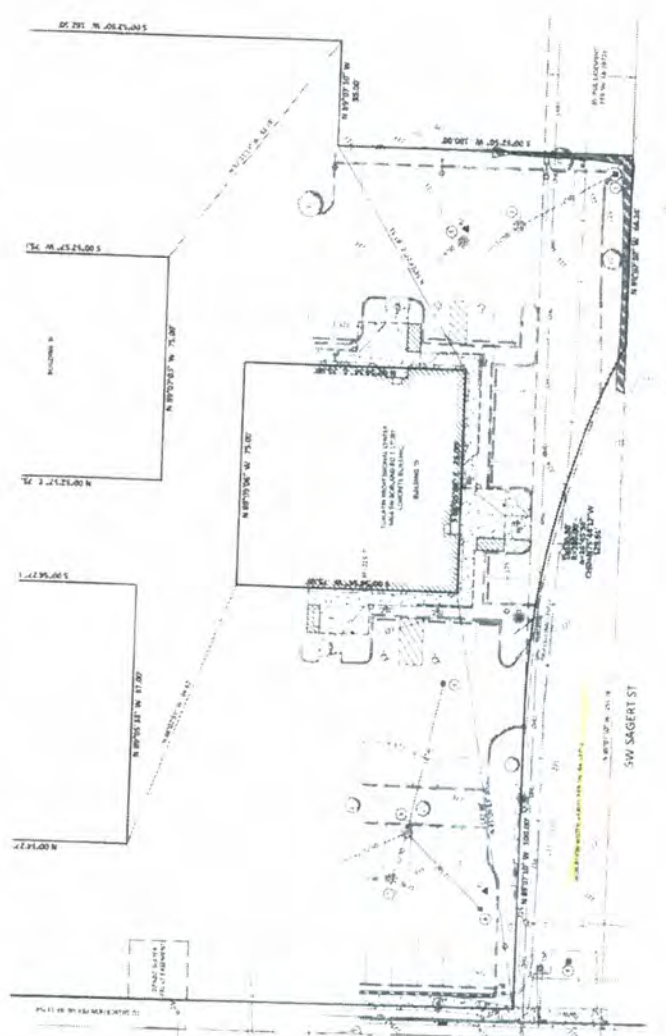
- 1.0 EXISTING UTILITY
- 2.0 PROPOSED UTILITY
- 3.0 EXISTING MANHOLE
- 4.0 PROPOSED MANHOLE
- 5.0 EXISTING CURBLINE
- 6.0 PROPOSED CURBLINE
- 7.0 EXISTING SIDEWALK
- 8.0 PROPOSED SIDEWALK
- 9.0 EXISTING DRIVEWAY
- 10.0 PROPOSED DRIVEWAY
- 11.0 EXISTING DRIVEWAY EASEMENT
- 12.0 PROPOSED DRIVEWAY EASEMENT
- 13.0 EXISTING DRIVEWAY EASEMENT
- 14.0 PROPOSED DRIVEWAY EASEMENT
- 15.0 EXISTING DRIVEWAY EASEMENT
- 16.0 PROPOSED DRIVEWAY EASEMENT
- 17.0 EXISTING DRIVEWAY EASEMENT
- 18.0 PROPOSED DRIVEWAY EASEMENT
- 19.0 EXISTING DRIVEWAY EASEMENT
- 20.0 PROPOSED DRIVEWAY EASEMENT

**STORM TABLE:**

NO.	DESCRIPTION	INLET ELEVATION	OUTLET ELEVATION	LENGTH	DIAMETER	AREA
1	CATCH BASIN (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
2	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
3	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
4	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
5	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
6	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
7	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
8	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
9	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
10	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
11	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
12	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
13	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
14	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
15	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
16	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
17	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
18	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
19	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
20	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00

**SANITARY TABLE:**

NO.	DESCRIPTION	INLET ELEVATION	OUTLET ELEVATION	LENGTH	DIAMETER	AREA
1	CATCH BASIN (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
2	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
3	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
4	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
5	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
6	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
7	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
8	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
9	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
10	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
11	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
12	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
13	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
14	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
15	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
16	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
17	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
18	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
19	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00
20	MANHOLE (SUMPTYPE)	227.48	227.48	10.00	36"	108.00



**kpff**  
 KENNETH P. FORTNEY & ASSOCIATES  
 1100 N. W. 10th St., Suite 100  
 Ft. Lauderdale, FL 33304  
 TEL: 954.575.1100  
 FAX: 954.575.1101  
 WWW.KPFF.COM

SHEET NO. **C100**  
 DATE: 2/27/13  
 SCALE: AS SHOWN

**PROJECT CONTROL:**

NO.	DESCRIPTION	DATE	ELEVATION
1	MANHOLE WITH INLET/OUTLET CONTROL	13801.45	125.87
2	MANHOLE WITH INLET/OUTLET CONTROL	13802.08	122.47

FOR INFORMATION ONLY

**kpff**

ENCLOSURE

DATE: 2/27/13  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: AS SHOWN

ENCLOSURE

ENCLOSURE

ENCLOSURE

ENCLOSURE



approx 3-ft





# STAFF REPORT

## CITY OF TUALATIN

**TO:** Honorable Mayor and Members of the City Council

**THROUGH:** Sherilyn Lombos, City Manager

**FROM:** Nicole Morris, Deputy City Recorder

**DATE:** 12/11/2017

**SUBJECT:** Consideration of **Resolution No. 5350-17** Authorizing the City Manager to Execute a 4-party Intergovernmental Agreement Seeking a Non-Appealable Decision from Metro Regarding the Central Subarea of the Basalt Creek Planning Area

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### **ISSUE BEFORE THE COUNCIL:**

Approve Resolution No. 5350-17 authorizing the City Manager to execute a 4-party intergovernmental agreement seeking a non-appealable decision from Metro regarding the Central Subarea of the Basalt Creek Planning Area.

### **RECOMMENDATION:**

Staff recommends that the City Council approve resolution 5350-17 authorizing the City Manager to execute a 4-party intergovernmental agreement seeking a non-appealable decision from Metro regarding the Central Subarea of the Basalt Creek Planning Area.

### **EXECUTIVE SUMMARY:**

In 2004 the Metro Council added two areas, known as the Basalt Creek and West Railroad Planning Areas, located between Tualatin and Wilsonville, to the Urban Growth Boundary; they conditioned that these UGB expansion areas undergo Title 11 concept planning. Since 2013, Tualatin and Wilsonville have been engaged in activities associated with concept planning for the Basalt Creek area. Much work has been accomplished and progress has been made towards producing a concept plan. Within the last year, a disagreement has arisen between Wilsonville and Tualatin with respect to the land use designation for an area known as the Central Subarea within the Basalt Creek Planning Area (see attached map); Tualatin believes the land use should be designated for housing and Wilsonville wants the land use to be designated for employment. Representatives from both Tualatin and Wilsonville met with Washington County representatives in an attempt to identify a process by which to move forward and complete the concept plan map, but were unable to do so. Following that meeting, staff from the four parties consulted and have agreed to ask Metro to settle the dispute and to make a final, binding, non-appealable decision on the sole issue of designation of the land use for the Central Subarea.

Metro has agreed to act as the decision-maker to resolve the issue; in that capacity they will

have sole discretion to determine what to call the process, where and when to hold the process, and ground rules that must be adhered to throughout the process. The IGA explicitly states that once Metro makes that decision, Tualatin and Wilsonville will abide by that and the decision will be incorporated into the final concept plan.

It is the intention of all parties that once Metro makes a decision on the Central Subarea, we will move forward with all due haste to finalize and adopt the concept plan.

**FINANCIAL IMPLICATIONS:**

There are no financial implications associated with the decision to adopt the resolution.

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**Attachments:**    [Attachment A - Resolution 5350-17](#)  
                          [Attachment B - Intergovernmental Agreement](#)  
                          [Map](#)

RESOLUTION NO. 5350-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH METRO, WASHINGTON COUNTY, AND THE CITY OF WILSONVILLE SEEKING A NON-APPEALABLE DECISION FROM METRO REGARDING THE CENTRAL SUBAREA OF THE BASALT CREEK PLANNING AREA.

WHEREAS, in 2004 the Metro Council added two areas between Tualatin and Wilsonville to the Urban Growth Boundary (UGB), known as the Basalt Creek and West Railroad Planning Areas; and

WHEREAS, Metro conditioned the UGB expansion areas to undergo Title 11 concept planning; and

WHEREAS, in 2011, Metro, Washington County, Tualatin, and Wilsonville entered into an Intergovernmental Agreement, as amended, for concept planning the Basalt Creek Planning Area; and

WHEREAS, located within the Basalt Creek Planning Area is a distinct subarea referred to as the "Central Subarea;" and

WHEREAS, a disagreement has arisen with respect to the land use designation for the Central Subarea; and

WHEREAS, all parties agree to have Metro settle the dispute and make a final, binding, non-appealable decision on the sole issue of designation of the land use for the Central Subarea;

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 an IGA with Metro, Washington County, and the City of Wilsonville, which is attached as Exhibit 1 and incorporated by reference, seeking a non-appealable decision from Metro regarding the land use designation for the Central Subarea of the Basalt Creek Planning Area.

**Section 2.** This resolution is effective upon adoption.

Adopted by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF TUALATIN, OREGON

BY \_\_\_\_\_  
Mayor

APPROVED AS TO FORM

ATTEST:

BY \_\_\_\_\_  
City Attorney

BY \_\_\_\_\_  
City Recorder





**INTERGOVERNMENTAL AGREEMENT  
BETWEEN METRO, WASHINGTON COUNTY, AND THE CITIES OF  
TUALATIN AND WILSONVILLE SEEKING A BINDING NON-APPEALABLE  
DECISION FROM METRO CONCERNING ONE AREA, THE CENTRAL SUBAREA,  
OF THE BASALT CREEK PLANNING AREA**

This Intergovernmental Agreement (IGA) is entered into by the following parties: Metro, a metropolitan service district organized under the laws of the State of Oregon (hereinafter referred to as "Metro"), Washington County, a political subdivision in the State of Oregon (hereinafter referred to as "County"), and the City of Tualatin ("Tualatin") and City of Wilsonville ("Wilsonville"), incorporated municipalities of the State of Oregon (hereinafter referred to as "Cities").

Whereas, in 2004 the Metro Council added two areas, known as the Basalt Creek and West Railroad Planning Areas, located generally between the Cities, to the Urban Growth Boundary (UGB) via Metro Ordinance No. 04-1040B; and

Whereas, Metro conditioned that these UGB expansion areas undergo Title 11 concept planning, as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP); and

Whereas, County and Cities agreed to consider the Basalt Creek and the West Railroad areas in a single concept planning effort and to refer to the two areas generally as the Basalt Creek Planning Area; and

Whereas, located within the Basalt Creek Planning Area is a distinct subarea consisting of the following parcels identified by Washington County tax lot identification 2S135CB00400, 2S135CB00500, 2S135CC00300, 2S135CC00100, 2S135CC00800, 2S135CC00900, 2S135CC00500, 2S135CC00600, 2S135CC00700, as reflected in Exhibit 1, attached hereto and incorporated by reference herein, which subarea is hereafter referred to as the "Central Subarea"; and

Whereas, in 2011, Metro, County, and Cities entered into an Intergovernmental Agreement (2011 IGA) for concept planning the Basalt Creek Planning Area; and

Whereas, in 2013, Metro, County, and Cities entered into the First Addendum to the 2011 IGA, acknowledging the Basalt Creek Transportation Refinement Plan; and

Whereas, in 2013, Cities began concept planning the Basalt Creek Planning Area; and

Whereas, a disagreement has arisen with respect to what the land use designation should be for the Central Subarea; and

Whereas, Tualatin wants the land use in the Central Subarea to be designated for housing; and

Whereas, Wilsonville wants the land use in the Central Subarea to be designated for employment; and

Whereas, representatives from the Cities jointly met with County representatives in an attempt to identify a process to move forward and complete the Basalt Creek land use Concept Plan map, but were unable to do so; and

Whereas, the governing bodies for the Cities and County agreed to ask Metro to settle the dispute and to make a final, binding, non-appealable decision on the sole issue of designation of the land use for the Central Subarea; and

Whereas, Metro has agreed to accommodate this request, based on the Cities' joint assertion that they cannot agree, with the clear understanding that this is not a role Metro intended, wanted, or asked for itself, but is willing to take on at the request of the Cities and the County;

Now, therefore, incorporating the above Recitals as if fully set forth below, the Cities, County, and Metro agree as follows:

## **1. FINAL BINDING AND NON-APPEALABLE DECISION BY METRO**

Metro will act as the decision-maker to resolve the issue of the land use designation for the area known as the Central Subarea. In that capacity, Metro will have sole discretion to determine what to call this decision making process, where and when to hold the process, who Metro will appoint to make the decision, a briefing schedule, whether or not to hear oral argument, and ground rules that must be adhered to by the Cities and County throughout the process. Metro may require the Cities and County to sign ground rules and decision protocol, as determined solely by Metro. Once designated by Metro, the Parties agree that the Central Subarea will be designated in the final Concept Plans and in the Urban Planning Area Agreement between the Parties, as determined by Metro.

## **2. CITIES AND COUNTY AGREEMENT**

The Cities agree to follow whatever decision-making process and rules are created by Metro, including timelines for submitting evidence and argument. The County may participate and advocate for its preference or may elect to be neutral. Cities and County agree that Metro's decision will be binding and non-appealable by any of them and, once made, all of their respective governing bodies and staff will support the decision to move the Basalt Creek Planning effort to completion without delay and in accordance with the decision of Metro. Each City agrees that it will prepare concept plans for the Basalt Creek Planning Area consistent with Metro's final decision and with Title 11 of Metro's Urban Growth Management Functional Plan. Each City agrees to adopt a resolution accepting the concept plan, reflecting the Metro decision, within 120 days after the date Metro's decision becomes final and effective, and to adopt an ordinance amending each City's comprehensive plan to include and/or reflect the concept plan within one year after the Metro decision. Cities and County further agree that if the designation is appealed by any third party, each will vigorously defend and support the

decision and will not support or assist in the appeal of the designation determined by Metro through this process. At the conclusion of Metro's decision, a binding agreement will be signed by all Parties to this effect, with any future disputes or violations with respect to the agreement to be resolved in accordance with the specified requirements of that binding decision. Hereafter the Parties will work in good faith to reach agreement on all other issues so that the final Concept Plans and Urban Planning Area Agreement can be finalized.

**This Agreement is effective the \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

Exhibit 1 – Map

**CITY OF WILSONVILLE, OREGON**

By: \_\_\_\_\_

Tim Knapp

As Its: Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

*[Signatures continue on following pages]*

**CITY OF TUALATIN, OREGON**

By: \_\_\_\_\_

Lou Ogden

As Its: Mayor

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

*[Signatures continue on following pages]*



**WASHINGTON COUNTY, OREGON**

By: \_\_\_\_\_

Andy Duyck

As Its: Chair, Board of County Commissioners

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_

*[Signatures continued on following page]*

**ACCEPTED AND AGREED TO BY METRO:**

By: \_\_\_\_\_

Martha Bennett  
As Its: Chief Operating Officer

Date: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_

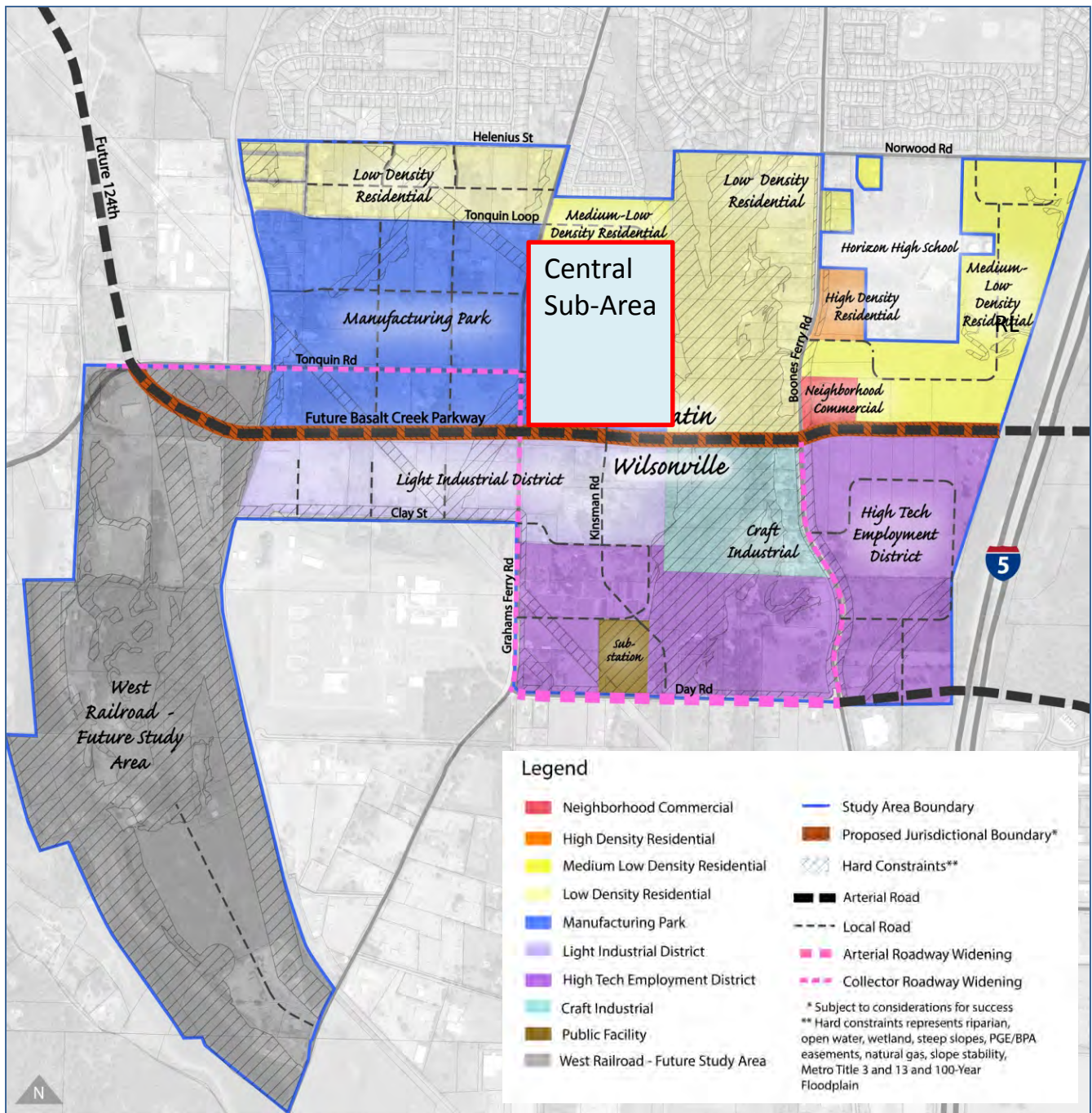


Central Sub Area



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





**City Council Meeting**

**Meeting Date:** 12/11/2017

**CONSENT** Council Rules

**AGENDA:**

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**CONSENT AGENDA**

Consideration of Council Rules

**SUMMARY**

The Council discussed the Council Rules document on September 11 and November 13 and directed that it be placed on the agenda for further consideration. Also attached are documents from the cities of Happy Valley and Tigard.

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Draft Council Rules

Mayor Ogden Highlighted Draft Rules

Mayor Ogden Comments

Sample- Happy Valley Council Rules

Sample- Tigard Council Rules

Mayor Ogden Track Changes

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# **CITY OF TUALATIN COUNCIL RULES**

Adopted \_\_\_\_\_

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# RULE 1

## General Governance

### A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules of procedure for Council meetings.<sup>1</sup> Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.
2. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

**B. Council.** The members of Council are the Mayor and the Councilors.<sup>2</sup> There are six Councilor positions.<sup>3</sup>

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

### C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.<sup>4</sup>
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official

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<sup>1</sup> Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings”).

<sup>2</sup> Charter Sections 7 (Council); 8 (Councilors); 8a(Assignment of Council Positions); 9 (Mayor) (describing Council, Mayor, and powers).

<sup>3</sup> Charter Section 8a (Assignment of Council positions).

<sup>4</sup> Charter Section 14, (“Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.”).

Council actions will be taken.

#### D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.<sup>5</sup>
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.<sup>6</sup>
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure must be utilized to determine the Presiding Officer for the meeting:<sup>7</sup>
  - a. The City Recorder, or designee, must call the Council to order and call the roll of the members of Council.
  - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the incumbent members on the Council to become the Presiding Officer for the meeting.
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

#### E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.<sup>8</sup>

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<sup>5</sup> Charter Section 17 (Mayor's Functions at Council Meetings) ("The Mayor shall be chair of the Council and preside over its deliberations.").

<sup>6</sup> Charter Section 18 (President of the Council) ("In the Mayor's absence from a Council meeting, the president shall preside over it as Mayor pro tem.").

<sup>7</sup> Charter Section 33 (Filling of Vacancies) (authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members.") The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

<sup>8</sup> Charter Sections 20a (City Manager) ("attend all meetings of the Council, unless excused therefrom"); Section 22 (Recorder). The person appointed as City Manager is also the same person appointed as the Recorder.

3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

## F. Agendas.<sup>9</sup>

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the member of Council present at the meeting.
7. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.

## G. Order of Business.

1. The order of business for all regular meetings will be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:<sup>10</sup>
  - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;

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<sup>9</sup> An agenda is required by ORS 192.640 (Oregon Public Meetings Law) (public notice of a meeting must include “[a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.]”)

<sup>10</sup> Charter Section 17 (Mayor’s Functions at Council Meetings) (the Mayor is to “determine the order of business under the rules of the Council.”)



- b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
- c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
- d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
- e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
- f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

#### **H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.**

1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
3. Oral reports to the Council should generally not exceed five (5) minutes in length.
4. The Council may ask questions of the presenter upon conclusion of the report being given.

#### **I. Public Comment.**

1. One (1) period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment must sign the "Speaker Request Form" and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.

3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Generally, speakers will be called upon in the order in which they have signed the "Speaker Request Form." Before providing any public comment, speakers must announce the person's name and place of residence to the Council. The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

#### **J. Consent Agenda.**

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed and the reason for removal.
4. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.

#### **K. Ordinances and Resolutions – See RULE 3**

#### **L. Public Hearings Generally.**

1. A public hearing may be held on any matter upon majority vote of the Council. Public

hearings may be held to consider legislative, quasi-judicial, or administrative matters.

2. Persons wishing to speak must sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council must use restraint and be considerate of the meeting time of the Council when exercising this option. Any member of Council may intervene if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.

11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
12. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

**M. Conduct of Hearings on Land Use Matters – See RULE 4**

## RULE 2

### Meeting Time, Location, and Frequency

**A. Regular meetings.** The Council will hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.<sup>11</sup>

**B. Special meetings.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.<sup>12</sup>

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

**C. Emergency meetings.** Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.<sup>13</sup>

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting must specifically identify why the meeting constituted an emergency and was necessary.

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<sup>11</sup> Charter Section 13 (Meetings) ("The Council shall hold a regular meeting at least once a month in the City at a time and a place which is designated."); Tualatin Municipal Code 1-04 (setting forth specific times of meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>12</sup> Charter Section 13 (Meetings) ("The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council in accordance with procedures prescribed by the state law and general ordinance. Special meetings of the Council may also be held by the common consent of all the members of the Council in accordance with procedures prescribed by state law and general ordinance."); Tualatin Municipal Code 1-04 (48 hours' notice requirement for Special Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>13</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).



**D. Executive Sessions.** Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.<sup>14</sup>

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
  - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
  - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).
  - c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
  - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
  - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
  - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

**E. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.<sup>15</sup>

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.

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<sup>14</sup> Charter Section 13 (Meetings); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>15</sup> Charter Section 13 (Meetings); TMC 1-4-020 (“A work session of the City Council will be held from 5:00 p.m. to 7:00 p.m., as needed, before each regular meeting.”); see also ORS 192.610 to 192.690 (Oregon Public Meetings Law).

2. All work sessions are subject to Oregon’s public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.

#### **F. Location of Meetings.**<sup>16</sup>

1. Council meetings must be held at City Hall.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City’s jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City’s jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals’ race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**G. Notice of Meetings.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon’s public meeting law and City codes.<sup>17</sup>

#### **H. Attendance at Meetings.**

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.<sup>18</sup>
2. Members of the Council must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.

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<sup>16</sup> This section sets forth the requirements for public meetings locations as contained in ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>17</sup> Tualatin Municipal Code Chapter 1-04 (48 hours’ notice for meetings); ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>18</sup> Charter Section 32 (What Creates Vacancy) (vacancy created “upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy.”)

3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard.<sup>19</sup> The preference of the Council is for all members of Council to attend in person.
4. A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
5. The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance.

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<sup>19</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) requires the public to have the opportunity to hear the proceedings of a meeting.

## Rule 3 Ordinances and Resolutions

**A. Ordinances.** An ordinance is a law passed by the Council in its legislative capacity. All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.
2. **Preparation.**
  - a. The enacting clause of each ordinance must be “The City of Tualatin ordains as follows.”<sup>20</sup>
  - b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
  - c. No ordinance can relate to more than one subject, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.
3. **Introduction.**
  - a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
  - b. After introduction, the Council may direct by majority vote of the members present any of the following:<sup>21</sup>
    1. A public hearing on the ordinance be held;
    2. Refer the ordinance to committee for review and recommendation;
    3. Refer the ordinance to the City Manager for further revision;
    4. Pass the ordinance to a second reading; or
    5. Reject the ordinance in whole or in part.
4. **Readings and Final Action.**
  - a. Every ordinance of the Council must, before final passage, be read fully and

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<sup>20</sup> Charter Section 34 (Enacting Clause).

<sup>21</sup> Charter Section 19 (Vote Required) Charter Section 35 (Mode of Enactment).

distinctly in an open Council meeting on two different days.<sup>22</sup>

- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.<sup>23</sup>
- c. Any of the readings may be by title only, instead of a full reading, if:<sup>24</sup>
  1. No Council member present at the meeting requests to have the ordinance read in full; or
  2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.<sup>25</sup>
- e. The City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.<sup>26</sup>
- f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee’s name and title of office, and within three days thereafter the Mayor must sign with the Mayor’s name, and the title of office.<sup>27</sup>

**B. Resolutions.** A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

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<sup>22</sup> Charter Section 35 (Mode of Enactment).

<sup>23</sup> Charter Section 35 (Mode of Enactment).

<sup>24</sup> Charter Section 35 (Mode of Enactment).

<sup>25</sup> Charter Section 35 (Mode of Enactment).

<sup>26</sup> Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); Charter Section 15 (Journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>27</sup> Charter Section 35 (Mode of Enactment).



1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.
2. **Preparation.**
  - a. The resolving clause of each resolution must be “Be it resolved by the City Council of the City of Tualatin that:”
  - b. All resolutions must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
3. **Introduction.**
  - a. Resolutions must be introduced by the Presiding Officer.
  - b. After introduction of the resolution, the Council may direct that:
    1. A public hearing be held on the resolution;
    2. Pass the resolution; or
    3. Reject the resolution in whole or in part.
4. **Readings and Final Action.**
  - a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
  - b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.<sup>28</sup>
  - c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
  - d. Resolutions may also be placed on the agenda as a General Business item.
  - e. For resolutions placed on General Business, the City Recorder, or designee, must take a “roll call” vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must be recorded in the meeting minutes.<sup>29</sup>

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<sup>28</sup> Charter Section 19 (Vote Required) (“ Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>29</sup> Charter Section 15 (Journal) (“Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.”); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of

## RULE 4 Land Use Hearings

### A. General Conduct of Hearings.<sup>30</sup>

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

### B. Quasi-Judicial Land Use Matters.

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
  - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
    2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

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all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name").

<sup>30</sup> State law governs this process. ORS Chapter 197 (Comprehensive Land Use Planning; ORS Chapter 227 (City Planning and Zoning).

### 3. **Ex Parte Contact.**

- a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.
- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

### 4. **Burden of Proof.**

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

### 5. **Hearing Procedures.** The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclose statement, which must include:
  1. A list of the applicable criteria;
  2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.

- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises.
- d. Staff summary. Planning staff will present a summary and recommendation concerning the proposal.
- e. Presentation of the Case. The presentation of the case will be as follows:
  1. Proponent's case.
  2. Persons in favor.
  3. Persons opposed.
  4. Other interested persons.
  5. Rebuttal. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. Close of hearing. Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. Deliberations. Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### C. Legislative Land Use Matters.

1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:

- a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.

- b. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
- c. **Presentation of the Case.** The presentation of the case will be as follows:
1. Proponent's case.
  2. Persons in favor.
  3. Persons opposed.
  4. Other interested persons.
- d. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- e. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- f. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.



## RULE 5

### Motions, Debate, Public Comment, and Voting

**A. Motions.** The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.<sup>31</sup>
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

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<sup>31</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

## **B. Motion to Reconsider.**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

## **C. Debate.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

## **D. Public Comment.**

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior.

## **E. Voting.** The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 3 of these Rules.

1. **Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.<sup>32</sup>

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<sup>32</sup> Charter Section 19 (Vote Required) ("Except as this Charter otherwise provides, the concurrence of  
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2. **Consent Agenda.** The unanimous vote of all members of Council present is required to approve the matters on a consent agenda.
3. **Ordinances.** An ordinance requires a majority of a quorum to pass.<sup>33</sup>
4. **Emergency Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.<sup>34</sup>
5. **Resolutions.** A majority of a quorum is required to pass a resolution.<sup>35</sup>
6. **Budget.** The budget requires a majority of a quorum to pass.<sup>36</sup>
7. **Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.<sup>37</sup>
8. **Suspension of Rules.** A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.<sup>38</sup>

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a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>33</sup> Charter Section 35 (Mode of Enactment); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>34</sup> Charter Section 35 (Mode of Enactment) (“an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council member present...”); Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

<sup>35</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>36</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>37</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>38</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

**F. Votes.** All votes must be recorded in the minutes.<sup>39</sup>

**G. Tie Votes.** Tie votes indicate a denial of the motion or proposal.<sup>40</sup>

**H. Effective Date.**

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:<sup>41</sup>
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

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<sup>39</sup> Charter Section 15 (Journal); Charter Section 35 (Mode of Enactment) (“Upon the final vote of an ordinance, the ayes and nays of the member shall be taken and recorded in the journal); ORS 192.650(1)(c)(Oregon Public Meetings Law) (require the meeting minutes to include “[t]he results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name”).

<sup>40</sup> Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”)

<sup>41</sup> Charter Section 36 (When Ordinances Shall Take Effect) (“An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.”)

## RULE 6 Minutes

### **A. Generally.**<sup>42</sup>

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
  - a. The date, time and place of the meeting;
  - b. The members of the Council present;
  - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - d. The results of all votes and the vote of each member by name;
  - e. The substance of any discussion on any matter; and
  - f. A reference to any document discussed at the meeting.

### **B. Approval.** The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

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<sup>42</sup> Charter Section 15 (Journal) ("The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal."); Charter Section 13 (Meetings); Charter Section 22 (Recorder); see also, ORS 192.610 to 192.690 (Oregon Public Meetings Law).



## RULE 7 Appointments

**A. Appointments of City Staff.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the entire Council.<sup>43 44</sup>

**B. City Manager/Recorder.** The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.<sup>45</sup>

1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.

2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.<sup>46</sup>

**C. Municipal Judge.** The Council appoints and may remove the Municipal Judge, including pro tem judges.<sup>47</sup>

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<sup>43</sup> Charter Section 20a (City Manager); Charter Section 21 (Municipal Judge); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

<sup>44</sup> The City Manager has the power to appoint and remove all other City officers under Charter Section 20a (City Manager) (City Manager's power to "appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them....")

<sup>45</sup> Charter Section 20a (City Manager) ("The Manager shall be chosen by the Council...."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

<sup>46</sup> Charter Section 20a (City Manager) ("The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Council."); Charter Section 22 (Recorder); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.")

<sup>47</sup> Charter Section 21 (Municipal Judge) ("The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council."); Charter Section 10 (Other Officers) ("Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council

1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.
2. **Removals.** All appointed judges may be removed by a majority vote of the entire Council.<sup>48</sup>
3. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.<sup>49</sup>

**D. Council Subcommittees.** Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.<sup>50</sup>

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.<sup>51</sup>
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
  - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
  - b. Governance Committee. The purpose of the Governance Subcommittee is review

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may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

<sup>48</sup> Charter Section 21 (Municipal Judge) (“The Council may, in addition to appointing the Municipal Judge, appoint such pro tem judges as it considers necessary, to hold office at the pleasure of the Council.”); Charter Section 10 (Other Officers) (“Additional officers of the City shall be a Municipal Judge, a Recorder, and such other officer as the Council deems necessary. Each of these officers shall be appointed and may be removed by the Mayor with the consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officer to supervise any other appointive officer, except the Municipal Judge in the exercise of judicial functions.”).

<sup>49</sup> Charter Section 21(Municipal Judge); Charter Section 10 (Other Officers).

<sup>50</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>51</sup> Charter Section 20 (Mayor) (“The Mayor shall appoint the committees provided by the rules of the Council and sign all approved records of proceedings of the Council.”)

the Council Rules and recommend amendments and changes to the full Council.

**E. Appointments of Citizen Members to Boards, Commissions and/or Committees.**

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
  - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
  - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
  - c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
  - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
  - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
  - f. All appointments must be by majority vote of the members of Council present.

## RULE 8

### Ethics, Decorum, Outside Statements, and Social Media

#### **A. Ethics.**<sup>52</sup>

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGECE).

#### **B. Decorum.**

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who does so will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

#### **C. Statements to the Media and Other Organizations**

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the

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<sup>52</sup> ORS Chapter 244 (Government Ethics).

official position of the City, as approved by a majority of the Council.

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

#### **D. Use of Social Media.**

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.<sup>53</sup>
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.<sup>54</sup>
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
  - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

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<sup>53</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law).

<sup>54</sup> ORS 192.410 to 192.505 (Oregon Public Records Law).



## RULE 9 Interactions with City Staff

**A. City Staff.** All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.<sup>55</sup>
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council must normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

**B. City Attorney.** Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. To discuss parliamentary procedures of these Rules; or
3. To discuss substantive legal issues involving pending City business if the legal issue does not require more than two (2) hours of the City Attorney's time.

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<sup>55</sup> Charter Section 20a (City Manager) (“(c) Powers and Duties. The Manager shall: (1) Devote his or her entire time to the discharge of official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all the affairs and departments of the City. (2) See that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the City are observed. (3) Appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them but shall have no control over the judicial activities of the Municipal Judge. (4) Be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests. (5) Supervise the operation of all public utilities owned and operated by the City and shall have general supervision over all City property.”).

## RULE 10

### Enforcement and Consequences

**A. Enforcement.** The Council may enforce these rules and ensure compliance with City ordinances, charter, and state laws applicable to governing bodies.<sup>56</sup> If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.<sup>57</sup>

#### **B. Investigations and Hearings.**

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.<sup>58</sup>
2. Before the Council may publicly reprimand or remove a member of Council, the Council must the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).<sup>59</sup>
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).<sup>60</sup>

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<sup>56</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>57</sup> Other than for the reasons stated in Charter Section 32 (What Creates Vacancy), an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

<sup>58</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”).

<sup>59</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

<sup>60</sup> ORS 192.610 to 192.690 (Oregon Public Meetings Law) (process for executive session).

## RULE 11 Amendment and Repeal of Council Rules

**A. Amendment.** These Rules are subject to amendment by the Council.<sup>61</sup>

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

**B. Repeal.** These Rules are subject to repeal and replacement by the Council. .<sup>62</sup>

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

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<sup>61</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

<sup>62</sup> Charter Section 6 (Where Powers Vested) (“Except as this Charter provides otherwise, all powers of the City shall be vested in the Council.”); Charter Section 19 (Vote Required) (“Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.”); Charter Section 13 (Meetings) (“[the Council] shall adopt rules for the government of its members and proceedings.”).

## RULE 12

### Finances and Travel Policy

**A. Financial Statements.** Pursuant to ORS 244.050, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.<sup>63</sup>

**B. Health Insurance.** Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.
2. Councilors may each receive City health insurance benefits at the single employee level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

**C. Technology Stipend.** Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

**D. Water Bill.** Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

#### **E. Travel Policy.**

1. **Adoption of Reimbursement Rates.** The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
  - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
  - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the compact rate.

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<sup>63</sup> ORS Chapter 244 (Government Ethics).

- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

#### 4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

#### 5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's travel requires an overnight accommodation.
- b. Reimbursement will be at the cost of a single standard room at the per diem rate established by the GSA, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls will be reimbursed. If in-room internet is necessary to conduct City business, the expense is reimbursable.

#### 6. **Meals.**

- a. The City will pay the GSA per diem rate for meals.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, no reimbursement will be given for that meal. Conference "continental" is not considered a meal.
- d. Alcoholic beverages are not authorized for reimbursement.
- e. For a single day trip:
  - 1. Breakfast – Reimbursed when travel begins before 7:00 a.m. and the one-way trip is at least 75 miles.
  - 2. Lunch – Reimbursed when travel begins before 9:00 a.m., lunch is not provided in the training/ conference cost, and the one-way trip is at least 75 miles.
  - 3. Dinner – Reimbursed when travel ends after 7:00 pm and the one-way trip is



at least 75 miles.

- f. For trips involving an overnight stay, meals will be reimbursed based on the time of departure and return:
  - 1. Breakfast – Reimbursed when departure time is before 7:00 a.m. and return time is after 9:00 a.m.
  - 2. Lunch – Reimbursed when departure time is before 9:00 a.m. and return time is after 3:00 p.m.
  - 3. Dinner – Reimbursed when departure time is before 4:00 p.m. and return time is after 7:00 p.m.
- g. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

## **7. Travel Advances and Reimbursements.**

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager at least two-weeks in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
  - 1. A receipt is provided; or
  - 2. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

## **F. Council Report Required for Expenses over \$250.00.**

- 1. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, is required to give an oral or written documentation for the expenditure to the Council. The written documentation may be placed on the consent agenda for consideration by the Council.
- 2. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.



# **CITY OF TUALATIN COUNCIL RULES**

Adopted \_\_\_\_\_

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# RULE 1

## General Governance

### A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules for the governance of its members and proceedings. Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by **Robert's Rules of Order**, 11th Edition.
2. Members of Council are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public.
3. Whenever these rules and Robert's Rules of Order conflict, these rules govern.

**B. Council.** The members of Council are the Mayor and the Councilors. There are six Councilor positions:

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

### C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.<sup>1</sup>
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

### D. Presiding Officer.

1. The Mayor is the Presiding Officer and presides over all meetings.
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the

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<sup>1</sup> Charter Chapter IV, ("Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and **compel the attendance of absent members in a manner provided by ordinance**"). See, Rule 1(D)(3) of these rules.

Presiding Officer and presides over the meeting.

3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure **must** be utilized to determine the Presiding Officer for the meeting:<sup>2</sup>
  - a. The City Recorder, or designee, must call the Council to order and call the roll of the members of Council.
  - b. Those members of Council present must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the **incumbent members** on the Council to become the Presiding Officer for the meeting.<sup>3</sup>
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

#### **E. Other Officers.**

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The **City Manager, or designee, is required to attend** all meetings of the Council and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.
3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### **F. Agendas.**

1. The City Manager must prepare an agenda for every meeting, including regular, special, and executive session meetings.
2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.

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<sup>2</sup> Charter Section 33 authorizes the Council to fill temporary vacancies by majority vote of the “incumbent members.”

<sup>3</sup> The term “incumbent members” in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 “incumbent members” of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 “incumbent members.” The term “incumbent members” does not mean a majority of those Councilors actually attending the meeting.



4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda must bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
7. As a principle matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for **emergency purposes and only with the unanimous consent of all members of Council present.**

## **G. Order of Business.**

1. The order of business for all regular meetings will be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:<sup>4</sup>
  - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
  - b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
  - c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
  - d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
  - e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
  - f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;
  - g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
  - h. **General Business.** Consideration of ordinances, resolutions, contracts, policy

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<sup>4</sup> Section 17 of the Charter provides the Mayor the authority to “determine the order of business under the rules of the Council.”

statements, and other items. General Business items may also include public hearings on those matters.

- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

#### **H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.**

1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
2. **When appropriate**, reports to the Council should include written materials which are provided to the Council at least **seven (7)** days in advance of the meeting.
3. Oral reports to the Council should generally not exceed **five (5) minutes** in length.
4. The Council may ask questions of the presenter upon conclusion of the report being given.

#### **I. Public Comment.**

1. One (1) period for public comment will be reserved for every regular meeting of the Council.
2. Persons wishing to speak during public comment must sign the "Speaker Request Form" and provide the person's name and **place of residence**, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.
5. Generally, speakers will be called upon in the **order in which they have signed** the "Speaker Request Form." Before providing any public comment, speakers must announce the person's name and **place of residence** to the Council. The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."

6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. In general, members of Council **will not respond to comments** made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing it on a future agenda. Any member of **Council may intervene** if the Mayor or a Councilor is violating the spirit of this guideline.
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

#### **J. Consent Agenda.**

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed and the reason for removal.
4. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.
5. **Appointments to committees must not be** placed on the consent agenda.

#### **K. Ordinances and Resolutions – See RULE 3**

#### **L. **Public Hearings Generally.****

1. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak must sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of residence. All remarks must be addressed to the Council as a body and not to any member thereof.
5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three **(3) minutes.**

6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. **Questions should not be used as an attempt to lengthen or expand the testimony of the individual.** Members of Council must use restraint and be considerate of the meeting time of the Council when exercising this option. **Any member of Council may intervene** if another member of Council is violating the spirit of this guideline.
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.
9. At the end of public testimony and questions of staff, the Council must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.
11. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
- 12.** Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

**M. Conduct of Hearings on Land Use Matters – See RULE 4**

## RULE 2

### Meeting Time, Location, and Frequency

**A. Regular meetings.** The Council **will hold** regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.

**B. Special meetings.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

**C. Emergency meetings.** Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the emergency meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council must identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting must specifically identify why the meeting **constituted an emergency and was necessary.**

**D. Executive Sessions.** Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
  - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
  - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).



- c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e)).
  - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
  - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
  - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  3. Representatives of recognized **news media** may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.
  4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

**E. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant **staff** to work sessions so that the sessions are as productive as possible.

#### **F. Location of Meetings.**

1. Council meetings are expected to be held at City Hall, but a majority of a quorum may decide to hold a Council meeting at an alternate site, consistent with these rules.
2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no

deliberations toward a decision are made.

4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**G. Notice of Meetings.** The City Recorder, or designee, **must** provide notice of all meetings in accordance with Oregon's public meeting law and City codes.

**H. Attendance at Meetings.**

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.
2. Members of the Council **must advise** the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of Council to attend in person.
4. A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, **more than two consecutive** meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, **must remain present for the entire meeting**, unless it is the result of a malfunction or technical issue out of the control of the Councilor.
5. The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council **a quarterly report** of each member of Council's attendance.

## RULE 3

### Ordinances and Resolutions

**A. Ordinances.** An ordinance is a law passed by the Council in its legislative capacity. All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.

1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.
2. **Preparation.**
  - a. The enacting clause of each ordinance must be “The City of Tualatin ordains as follows:”
  - b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney’s designee.
  - c. No ordinance can relate to **more than one subject**, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the **new ordinance** contains the title of the ordinance or section amended or repealed.
3. **Introduction.**
  - a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
  - b. After introduction, the Council may direct by majority vote of the members present any of the following:
    1. A public hearing on the ordinance be held;
    2. Refer the ordinance to committee for review and recommendation;
    3. Refer the ordinance to the City Manager for further revision;
    4. Pass the ordinance to a second reading; or
    5. Reject the ordinance in whole or in part.
4. **Readings and Final Action.**<sup>5</sup>
  - a. Every ordinance of the Council must, before final passage, **be read fully** and distinctly in an open Council meeting on **two different days**.

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<sup>5</sup> This process is outlined in Charter Section 35.

- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance **must be read first in full** and then by title.
- c. Any of the readings may be by title only, instead of a full reading, if:
  - 1. No Council member present at the meeting requests to have the ordinance read in full; or
  - 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not **later than five days** before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.
- e. The City Recorder, or designee, **must take a "roll call" vote** of each Councilor upon the final vote on an ordinance and the **ayes and nays and abstentions of the members of Council must be recorded in the meeting** minutes.
- f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee's name and title of office, and **within three days thereafter the Mayor must sign with the Mayor's name**, and the title of office.

**B. Resolutions.** A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

- 1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.
- 2. **Preparation.**
  - a. The resolving clause of each resolution must be "Be it resolved by the City Council of the City of Tualatin that:"
  - b. All resolutions must, before presentation to the Council, **have been approved** by the City Attorney, or the City Attorney's designee.
- 3. **Introduction.**
  - a. Resolutions must be introduced by the Presiding Officer.

- b. After introduction of the resolution, the Council may direct that:
  1. A public hearing be held on the resolution;
  2. Pass the resolution; or
  3. Reject the resolution in whole or in part.

#### 4. Readings and Final Action.

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. For resolutions placed on General Business, the City Recorder, or designee, must take a "roll call" vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.

## RULE 4 Land Use Hearings

### A. General Conduct of Hearings.

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, , **it must not be included in the record for the proceeding.**
3. Except as otherwise provided by these rules, no person **may speak more than once** without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition **to rise,** and the City Recorder, or designee, **must note the numbers of such** persons for the record in the minutes.

### B. **Quasi-Judicial Land Use Matters.**

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
  - a. A member of Council **must not participate** in a discussion or vote in a quasi-judicial land use proceeding if:
    1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
    2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
3. **Ex Parte Contact.**
  - a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.



- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

#### 4. Burden of Proof.

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

#### 5. Hearing Procedures. The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclose statement, which must include:
  - 1. A list of the applicable criteria;
  - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must

not participate in any discussion or debate on the issue of which the conflict arises.

- d. **Staff summary.** Planning staff will present a summary and recommendation concerning the proposal.
- e. **Presentation of the Case.** The presentation of the case will be as follows:
  1. **Proponent's case.**
  2. **Persons in favor.**
  3. **Persons opposed.**
  4. **Other interested persons.**
  5. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

**6. Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

**7. Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### C. **Legislative Land Use Matters.**

**1. Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:

- a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
- c. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

- d. **Presentation of the Case.** The presentation of the case will be as follows:
1. Proponent's case.
  2. Persons in favor.
  3. Persons opposed.
  4. Other interested persons.
- e. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.
- f. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- g. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.

## RULE 5

### Motions, Debate, Public Comment, and Voting

**A. Motions.** The following rules apply to motions:

1. All motions must be distinctly worded.
2. The **Presiding Officer must repeat the motion prior to a vote.**
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

**B. Motion to Reconsider.**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A motion to reconsider can be made only once and must be **made before the final adjournment of the meeting** when the item goes out of possession of the Council.

**C. Debate.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution **will have the privilege of closing the debate.**

**D. Public Comment.**

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be **referred to City staff for a response to be provided a later time.**
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person creating an actual disturbance, which includes, but is not limited to making personal, impertinent, or slanderous remarks, becoming boisterous, threatening, or personally abusive while addressing the Council, **or any applause, boos, or other public demonstrations by those attending the Council, may be requested to leave the meeting.**

**E. Voting.** The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 4 of these Rules.

**F. Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for **informational purposes.**

**G. Consent Agenda.** The **unanimous vote** of all members of Council present is required to approve the matters on a consent agenda.

**H. Ordinances.** An ordinance requires a majority of a quorum to pass.

**I. Emergency Ordinances.** An emergency ordinance requires the unanimous vote of all Council members present.

**J. Resolutions.** A majority of a quorum is required to pass a resolution.

**K. Budget.** The budget requires a majority of a quorum to pass.

**L. Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.

**M. Suspension of Rules.** A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.

**N. Votes.** All votes must be recorded in the minutes.

**O. Tie Votes.** Tie votes indicate a denial of the motion or proposal.

**P. Effective Date.**

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.



## **RULE 6**

### **Minutes**

#### **A. Generally.**

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
  - a. The date, time and place of the meeting;
  - b. The members of the Council present;
  - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - d. The results of all votes and the vote of each member by name;
  - e. The substance of any discussion on any matter; and
  - f. A reference to any document discussed at the meeting.

#### **B. Approval.** The Council must approve all minutes of any meeting.

1. All minutes must be approved within **ninety days** of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## RULE 7 Appointments

**A. Appointments of City Staff.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of the entire Council.

**B. City Manager/Recorder.** The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.

1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.
2. **Removals.** The City Manager may be removed by a majority vote of the entire Council.

**C. Municipal Judge.** The Council appoints and may remove the Municipal Judge, including pro tem judges.

1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.
2. **Removals.** All appointed judges may be removed by a majority vote of the entire Council.
3. **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.

**D. Council Subcommittees.** Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
  - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
  - b. Governance Committee. The purpose of the Governance Subcommittee is review the Council Rules and recommend amendments and changes to the full Council, conduct performance reviews of the City Manager and Municipal Judge, investigate rules violations and disciplinary matters of members of Council, and recommend disciplinary sanctions of members of Council to the full Council. A member of Council can refer a rules violation or other claim of violation by any other member of Council to the Governance Committee.

## **E. Appointments of Citizen Members to Boards, Commissions and/or Committees.**

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
  - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
  - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
  - c. Upon receiving the recommendation from the CCAA, the Council **will place the names for consideration on the regular meeting agenda as a General Business item.**
  - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
  - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
  - f. All appointments must be by majority vote of the members of Council present.

## **RULE 8**

### **Ethics, Decorum, Outside Statements, and Social Media**

#### **A. Ethics.**

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

#### **B. Decorum.**

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may cause an actual disturbance, which includes, but is not limited to, disrupting the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like. Any audience member who creates an actual disturbance will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

#### **C. Statements to the Media and Other Organizations**

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may only state the official position of the City, as approved by a majority of the Council.

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

#### **D. Use of Social Media.**

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
  - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - b. **Express an opinion in a manner contrary to Rule 8** (C) (Statements to the Media and Other Organizations) above.

## RULE 9

### Interactions with City Staff

**A. City Staff.** All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. Limiting individual inquiries and requests for information from staff to those questions that may be **answered readily as part of staff's day-to-day responsibilities**. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council **must normally share** any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of Council acting in their **individual capacities rather than as members of Council**, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

**B. City Attorney.** Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. To discuss parliamentary procedures of these Rules; or
3. To discuss **substantive legal issues involving pending City business if the legal issue does not require more than 2 hours of the City Attorney's time.**



## RULE 10

### Enforcement and Consequences

**A. Enforcement.** The Council may enforce these rules and ensure compliance with City ordinances, charter, and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.<sup>6</sup>

#### **B. Investigations and Hearings.**

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the City charter, or state laws applicable to governing bodies has occurred.
2. Before the Council may publicly reprimand or remove a member of Council, the Council must to the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).

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<sup>6</sup> Other than for the reasons stated in Charter Section 32, an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

## **RULE 11**

### **Amendment and Repeal of Council Rules**

**A. Amendment.** These Rules are subject to amendment by the Council.

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

**B. Repeal.** These Rules are subject to repeal and replacement by the Council.

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

## RULE 12

### Finances and Travel Policy

**A. Financial Statements.** Pursuant to ORS 244.050, members of Council are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

**B. Health Insurance.** Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.
2. Councilors may each receive City health insurance benefits at the single employee level or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers. Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

**C. Technology Stipend.** Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their terms of office.

**D. Water Bill.** Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

#### **E. Travel Policy.**

1. **Adoption of Reimbursement Rates.** The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.
3. **Transportation.**
  - a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
  - b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the compact rate.
  - c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.

- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

#### 4. **Parking.**

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for **airport travel of more than one day in duration.**

#### 5. **Lodging.**

- a. Reimbursement for lodging is authorized when the member of Council's business-related travel requires an overnight accommodation.
- b. Reimbursement will be at the cost of a single standard room at the per diem rate established by the GSA, **or at the conference/training rate.**
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, **personal phone calls**, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls will be reimbursed. If **in-room internet is necessary to conduct City business**, the expense is reimbursable.

#### 6. **Meals.**

- a. The City will pay the GSA **per diem rate for meals.**
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, no reimbursement will be given for that meal. **Conference "continental" is not considered a meal.**
- d. For a single day trip:
  - 1. Breakfast – Reimbursed when travel begins before 10:00 a.m. and the one-way trip is at least 75 miles.
  - 2. **Lunch** – Reimbursed when travel begins before 11:00 a.m., lunch is not provided in the training/ conference cost, **and the one-way trip is at least 75 miles.**
  - 3. Dinner – Reimbursed when travel ends after 4:00 pm and the one-way trip is at least 75 miles.
- e. For trips involving an overnight stay, meals will be reimbursed based on the time of departure:

1. Breakfast – Reimbursed when travel begins before 10:00 a.m.
  2. Lunch – Reimbursed when travel occurs between 11:00 a.m. and 2:00 p.m.
  3. Dinner – Reimbursed when travel occurs after 4:00 p.m.
- f. A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

#### **F. Travel Advances and Reimbursements.**

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager at least two-weeks in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
  - i. A receipt is provided; or
  - ii. The expense report states the amount spent, who was present, and the specific topic or project of discussion.
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

#### **A. Council Report Required for Expenses over \$250.00.**

1. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, is required to give an oral or written documentation for the expenditure to the Council. The written documentation may be placed on the consent agenda for consideration by the Council.
2. Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.

## Charter Citations

Mayor appoints Recorder, Judge, and other officers as council deems, with consent of council

Council may assign any officer to supervise other officers except Municipal Judge in the exercise of judicial functions

Compensation of officers and employees shall be fixed by City Council

To be eligible for election a person must be a qualified elector and reside in City for 12 months at time of election and remain a resident during term of office

Council shall hold regular meetings at least monthly

It shall adopt rules for the government of its members and proceedings

The Mayor upon his or her own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council. Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance.

The Council shall cause a journal of its proceedings to be kept. Upon request of any of its members, the ayes and nays upon any question before it shall be taken and a record of the vote entered in the journal.

The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council and authority to preserve the order, enforce the rules of the Council, and determine the order of business under the rules of the Council

Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to official duties or unlawful destruction of public records; resignation; recall from office; or ceasing to possess qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefore within 10 days after the term of office is to commence; or in the case of the mayor or councilor, upon absence from the City for 30 days without the consent of the Council or upon absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy

Vacancies in elective offices in the city shall be filled by appointment by a majority of the incumbent members of the Council. The appointee's term shall begin immediately upon appointment and shall continue until the beginning of the year following the next general biennial election and the successor for the unexpired term shall be chosen at the next general biennial election after said appointment. During the temporary disability of any officer or during the absence temporarily from the City for any cause, the office may be filled pro tem in any manner provided for filling vacancies in office permanently.

(a) Except as this section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

(b) Except as this section provides the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only,

(1) if no Council member present at the meeting requests to have the ordinance read in full; or

(2) if a copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by



- (i) written notice posted at the City Center; or
- (ii) advertisement in a newspaper of general circulation in the City

An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately

City Manager is required to attend all meetings of the Council unless excused therefrom by the Council or the Mayor,

### At Issue

#### Rule 1

##### A1 Roberts Rules

See Rewritten section below

F7 for emergency purposes and only with the unanimous consent of all members of Council present.

D3(b) If both the Mayor and the President of the Council are absent from the meeting consisting of a quorum of the council, a councilor may call the meeting to order at the appointed time and a majority of those present may elect a mayor pro tem for that meeting. If the mayor or council president joins the meeting, they shall then conduct the meeting.

Gi Items Removed from Consent Agenda. Any item removed from the Consent Agenda will be discussed and voted on at this time;

I5 Appointments to committees must not be placed on the consent agenda.

L,M Substitute with the language read for quasi-judicial hearings

#### Rule 2

H2 Members of the Council must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.

H4 A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.

H5 The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance

#### Rule 3

A2c one subject for ordinance

A4 covered by Charter

B2b Resolutions approved by City Attorney

B4e Roll call vote.

#### Rule 4

A2 is not submitted to the City Recorder, or designee, it must not be included in the record for the proceeding

A3 no person may speak more than once without obtaining permission from the Presiding Officer.

A6 Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes

#### B5c

Any member of Council announcing a conflict of interest must or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must not participate in any discussion or debate on the issue of which the conflict arises

#### Rule 5

C3 The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate

DG The unanimous vote of all members of Council present is required to approve the matters on a consent agenda

DI An emergency ordinance requires the unanimous vote of all Council members present

DM M. Suspension of Rules. A unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure

#### Rule 7

B violate Charter. Manager appointed by Mayor with consent of Council

B1 The City Manager is subject to a review by the Council to be conducted in even numbered years before the last Council meeting in December.

C Same as B

C1 Annual Review of Judges

D3b No Governance Committee

#### Rule 8

C2. Councilors may state their personal opinion in their official office and must declare as such

D5b See C2

#### Rule 9

A3 Councilors should not contact city staff unless direct to do so by the City Manager

A4 Councilors need to share with council information germane to pertinent issues coming to council

B2, 3 See A3

Rule 10

A What city ordinances?

Rule 11

Rule 12

B1,2 No Stipend in lieu of insurance

C only one Technology Stipend for multiple terms

E1 GSA Per Diem may be inadequate

E5d,e delete

### Not Addressed

Placing a Work Session Agenda Item

Placing Resolutions on the Agenda

### Rewritten

Rule 1

1A Council meetings should be orderly and conversations should be respectful, thoughtful, and courteous. Discussion of action items should begin with a motion and a second of the motion. Without a second the motion dies and discussion does not begin. When recognized by the chair, discussion should be to the motion and directed to the chair, to avoid person to person debate. When the discussion is completed, the chair should ask for a vote on the motion. A majority of the council quorum present is required for the motion to pass. Any councilor may offer an amendment to the motion before the vote. If the maker of the motion and the second agree, a vote on the amendment is not required. When an amendment is approved, it will be voted upon prior to the motion on the action item.

L,M Substitute with the language read for quasi-judicial hearings

### Deleted

## **EXHIBIT A**

### **CITY OF HAPPY VALLEY CITY COUNCIL RULES**

#### **A. AUTHORITY**

City Charter Section 10 requires the Council to by resolution adopt rules to govern its meetings. The Council will review its rules at its first meeting in January of even numbered years. Amendments will be made as necessary. The Council will have clear and simple procedures for considering agenda matters.

#### **B. DEFINITIONS** As used in these Rules, the following mean:

1. City Committees: All City committees, commissions, task forces, and advisory bodies.
2. Council and Council members: The Mayor, the Council President, and the Councilors.
3. Councilors: The Council President and the Councilors.
4. Mayor: The Mayor or in the absence of the Mayor the Council President or other Presiding Officer.

#### **C. COUNCIL MEETINGS**

1. Regular Meetings to conduct Council business will be held as needed.
2. Work Sessions to develop city policy will be held each month. Work sessions may be held in conjunction with Council business meetings. Work session agendas will be developed by the City Manager in consultation with the City Council.
3. Special Meetings may be called by the Mayor, Council President in the absence of the Mayor or by a majority of the Council.
4. Executive Sessions will be held in compliance with the Oregon Public Meetings law.
5. Minutes will be taken as provided by the Oregon Public Records law.
6. Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Council members may participate and vote in Council

meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7. Attendance at meetings is expected of Council members who should use their best efforts to attend all Council meetings.

#### **D. AGENDA**

1. The agenda headings for Council business meetings are generally as follows:

- a. CALL TO ORDER
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL
- d. APPEARANCE OF INTERESTED CITIZENS
- e. PRESENTATIONS & REPORTS
- f. CONSENT AGENDA
- g. PUBLIC HEARINGS
- h. CITY MANAGER REPORT
- i. COUNCIL CONCERNS & COMMENTS
- j. ADJOURNMENT

2. The City Manager will prepare and schedule agenda items. Council members may request that items be placed on an agenda. Council members may make agenda suggestions at any Council meeting or by communication with the City Manager. Council members will make best efforts to reach consensus on agenda items and should obtain staff input before requesting an agenda item. Agendas will generally be set to allow meetings to end no later than 10:00 p.m. If the Council is still in session at 9:30 p.m., then the Council will decide whether to continue with the agenda or move items to a future agenda.

#### **E. COUNCIL DISCUSSIONS AND DECORUM**

1. Council members will conduct themselves so as to bring credit upon the city government, ensuring non-discriminatory delivery of public services, keeping informed about matters coming before the Council and abiding by Council decisions, whether or not the member voted on the prevailing side.
2. Councilors will assist the Mayor to preserve order and decorum during Council meetings and may not, by conversation or other action, delay or interrupt the proceedings or refuse to obey ruling of the Mayor or Council rules. When addressing staff or members of the public, Councilors will confine themselves to questions or issues under discussion and not engage in personal attacks, or impugn the motives of any speaker.

3. The following ground rules will be observed to maintain order and decorum during Council discussions:
  - a. Council members will gather necessary information and ask questions of city staff before meetings.
  - b. Council members will have an opportunity to speak once on any pending motion or agenda item, and will speak for themselves and not for other Council members.
  - c. Council members will not speak on behalf of the Council, unless they have been authorized by the Council to do so.
  - d. During public meetings, Council members will not attempt to edit or revise prepared ordinances. Amendments to proposed ordinances may be appropriate, but input from the City Manager or the City Attorney will be sought to accomplish the Council members' objectives.
  - e. Council members will be open, direct and candid in the Council forum. Members should be brief and succinct in stating their views and focus on a single issue or topic at any one time.
  - f. Council members will focus on city issues and avoid becoming involved in "extra-territorial" issues.
  - g. The Mayor will recognize Councilors wishing to speak in the order of their requests. The Mayor will provide a Council member with an opportunity to speak before recognizing another Council member. Council members will not interrupt another Council member who has the floor.
  - h. Council members will not disguise statements as questions or use repetitions as a way to convince others.
  - i. Council members will keep discussions moving and call for a "process check" if the Council becomes bogged down in discussions.
  - j. Council members will set and adhere to time limits on discussions.
  - k. Council members will refrain from criticizing or attacking each other, city staff or other persons.
  - l. If a Council member wishes to discuss a major policy issue, it will be scheduled on a future agenda and not raised during a current agenda.



4. Public Comment.
  - a. Citizen and community group sign-up forms will be available at each regular business meeting. At the time on the agenda designated for public comment and during any public hearing, any member of the public desiring to address the Council must first request to be recognized by the Mayor and then state their name and address for the record. The Council may set time limits for comments. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
  - b. During public hearings, all public comment must relate to the matter under discussion and addressed to the Mayor.
  - c. In general, Council members will not respond to comments made during the public comment agenda time, except to ask clarifying questions. Any public requests for Council action will be referred to staff for review before placing on a future agenda.

#### **F. COUNCIL MEETING DECORUM**

1. The following conduct is disruptive and cause for removal of any person from a council meeting:
  - a. Loud or abusive language, noise or conduct that obstructs the conduct of the council meeting,
  - b. Violent or distracting actions,
  - c. Damage to personal or city property, or
  - d. Refusal to obey an instruction from the mayor or presiding officer or decision of the council.
2. The mayor or presiding officer must warn a person to cease the disruptive conduct before ordering removal of the person from the council meeting.
3. If a council meeting is disrupted by members of the audience, the mayor or presiding officer may order the council chambers cleared.
4. The mayor or presiding officer has the authority to preserve order at all council meetings, remove any person from any meeting for disorderly conduct, and enforce the council rules. The mayor or presiding officer may command the assistance of a police officer to restore order at any meeting.

5. After a motion has been made or after a public hearing has been closed, no public member may address the council without the permission of the council.

## **G. MOTIONS**

1. General.
  - a. Council member motions will be clearly and concisely stated. The Mayor will state the name of the Councilor who made the motion and the Councilor who made the second.
  - b. The motion maker, Mayor, or City Recorder should repeat the motion prior to voting.
  - c. Most motions die if they do not receive a second. Motions for nominations, withdrawal of a motion, agenda order, roll call votes, and a point of order do not require a second. Any motion on which a second is not made but on which discussion begins is automatically seconded by the Council member beginning the discussion.
  - d. Discussion of a motion is open to all Council members who wish to address the motion. A Councilor must be recognized by the Mayor before speaking.
  - e. The Mayor will ask for a voice vote for all final decisions. All Council members are expected to vote on each motion unless they are disqualified for some reason. A Council member who does not vote must state the basis for any conflict of interest or other disqualification. The City Recorder will maintain a record of the votes. Any Council member may request a roll call vote on any motion.
  - f. At the conclusion of any vote, the Mayor will announce the results. Council members who wish to explain the reasons for their votes should do so briefly and succinctly.
2. Withdrawal. A motion may be withdrawn by the mover at any time without the consent of the Council.
3. Tie. A motion that receives a tie vote fails.
4. Table. A motion to table is not debatable and precludes all amendments or further debate. If the motion prevails, the item may be taken from the table only by adding it to a future agenda for continued discussion.

5. Postpone. A motion to postpone to a certain date is debatable and amendable. A motion to postpone indefinitely is a motion to reject without a direct vote and is debatable and not amendable.
6. Call for Question. A motion to call for the question ends debate on the item and is not debatable. Before a Council member calls for the question, each Council member wishing to speak on the item should have one opportunity to speak. A second is required for this motion. When the question is called, the Mayor will inquire whether any Council member objects. If there is an objection, the matter will be put to a vote, and it fails without a two-thirds' vote. Debate may continue if the motion fails.
7. Amendment. A motion to amend may be made to a previous motion that has been seconded but not voted on. Amendments will be voted on first, then the main motion as amended (or not amended). Motions to adjourn, agenda order, table, point of order, take from table, and reconsider may not be amended.
8. Reconsideration. When a motion has been decided, any Council member who voted with the majority may move for reconsideration. A motion for reconsideration may only be made at the meeting at which the motion on the ordinance, resolution, order or other decision was approved.

## **H. COUNCIL MEMBER CONDUCT**

1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
  - a. Whether the statement reflects personal opinion or is the official position of the City; and
  - b. Whether the statement is supported by a majority of the Council.

If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

2. Censure.
  - a. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand.
  - b. The Council may investigate the actions of any Council member and meet in executive session to discuss any finding that reasonable grounds exist that a

substantial violation has occurred. Under ORS 192.660(1)(b), the Council member under investigation may request an open hearing.

## **I COUNCIL MEMBER USE OF SOCIAL MEDIA**

1. On social media platforms, council members are encouraged to exercise caution when commenting on municipal affairs. While using social media, City Council members are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
  - a. According to ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid such situations.
  - b. A public record created through a Council member's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City, or seek other assistance from the City for retention if the individual Councilor does not wish to do so himself or herself.
  - c. The digital decorum of elected and appointed officials will be governed by City Council Rules. Consistent with these rules, Council members will conduct themselves so as to bring credit upon the City government, ensuring non-discriminatory delivery of public services. Councilors shall abide by section S(3) in all social medial activities.
2. City Council members will refrain from posting comments that:
  - a. Express a council or committee position prior to a Council or committee determination of a position or on a matter that would otherwise require council or committee authorization prior to the conveyance of a position, or;
  - b. Express an opinion in a manner contrary to section S(3) of these rules.

## **J. CONFIDENTIALITY**

1. Council members will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is

not compromised. No mention of the information read or heard should be made to anyone other than other Council members, the City Manager or City Attorney.

2. If the Council meets in executive session, members should attempt to provide direction or consensus to staff on proposed terms and conditions for negotiations. All contact with other parties must be left to the designated staff or representative(s) handling the negotiations or litigation. Council members may not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
3. All public statements, information or press releases relating to a confidential matter will be handled by designated staff or a designated Council member.
4. Unless required by law, no Council member may make public the discussions or information obtained in executive session. Council may censure a member who discloses a confidential matter or otherwise violates these rules.

#### **K. COMMUNICATION WITH STAFF**

1. Council will respect the separation between policy making (Council function) and administration (City Manager function) by:
  - a. Working with the staff as a team with a spirit of mutual respect and support.
  - b. Except in a Council meeting, not attempting to influence a city employee or the City Manager concerning personnel matters, purchasing issues, the award of contracts or the selection of consultants, the processing of development applications or granting of city licenses and permits. However, the sharing of ideas on these matters is appropriate.
  - c. Limiting individual contacts with city staff to the City Manager so as not to influence staff decisions or recommendations, interfere with their work performance, undermine the City Manager authority or prevent the full Council from having benefit of any information received.
  - d. Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages.
2. All written informational material requested by Council members will be submitted by staff to the entire Council with a notation stating who requested the information.
3. The Mayor will refer any comments or questions regarding city personnel or administration to the City Manager. The Mayor may redirect other questions to a Council member or the City Manager, as appropriate. Council members may also address questions directly to the City Manager, who may either answer the inquiry or ask a staff member to do so.

## **L. MINUTES**

1. Minutes will be prepared with sufficient detail to meet their intended use. Verbatim minutes are not required. The minutes of meetings of the Council will comply with provisions of ORS 192.650 by containing the following information at a minimum:
  - a. The name of Council members and staff present;
  - b. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
  - c. The result of all votes, including ayes and nays and the names of the Council members who voted.
  - d. The substance of the discussion on any matter.
  - e. Reference to any document discussed at the meeting.
2. The Council may amend the minutes to more accurately reflect what transpired at the meeting. Upon receipt of the minutes in the Council agenda packet, Council members should read and submit any changes, additions or corrections to the City Recorder so that a corrected copy may be issued prior to the meeting for approval. Under no circumstances may the minutes be changed following approval by the Council, unless the Council authorizes such change.
3. The City Recorder or designee will make an audio recording of all meetings except for executive sessions. The City Recorder will maintain custody of all tapes, but a Council member may obtain a copy of any tape. A Council member may obtain a meeting transcript or partial transcript if it can be produced with nominal staff time. If a transcript would require a significant amount of staff time, the City Recorder may only produce the transcript with Council approval. The City Recorder is authorized to produce transcripts as required by law.

## **M. ADJOURNMENT**

1. Upon motion and majority vote of the Council members present, any meeting of the Council may be continued or adjourned from day to day or for more than one day. No adjournment may be for a period longer than until the next regular meeting.
2. Upon the request of a Council member a short recess may be taken during a Council meeting.
3. A motion to adjourn will be in order at any time except as follows:
  - a. When made as an interruption of a member while speaking; or
  - b. While a vote is being taken.



## **N. BIAS AND DISQUALIFICATION**

1. Any proponent, opponent or other party interested in a quasi-judicial matter to be heard by Council may challenge the qualification of any Council member to participate in such hearing and decision. Any challenge must state any fact(s) relied upon by the party relating to a Council member's bias, pre-judgment, personal interest or other factor from which the party has concluded the Council member should not participate and may not make an impartial decision. Such challenges must be made prior to the commencement of the public hearing. The Mayor will give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted upon by the Council. Such challenges and the Council's decision will be incorporated into the record of the hearing.
2. In quasi-judicial matters, each Council member must disclose participation in a prior decision or action on the matter that is before the Council. Common examples include when a Planning Commission member is elected or appointed to the City Council or when a Council member testifies at a Planning Commission meeting. The Council member must state whether the member can participate in the hearing with no regard for the prior decision made. If the Council member is unable to be impartial, the member has a duty not to participate in proceedings and leave the Council table.
3. If the Council believes that the member is actually biased, it may disqualify the member by majority vote from participating in a decision on the matter. A Council member who has been disqualified from participating in a decision may participate in the proceeding as a private citizen.
4. Generally, conflicts of interest arise in situations where a Council member, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A potential conflict of interest is one that could be to the private financial benefit of the Council member, a relative or a business with which the Council member or a relative is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Council member must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

## **O. EX PARTE CONTACTS AND DISQUALIFICATION**

1. For quasi-judicial hearings, Council members should refrain from having *ex parte* contacts relating to any issue of the hearing. *Ex parte* contacts are those contacts by a party on a fact in issue under circumstances that do not involve all parties to the proceeding. *Ex parte* contacts may be either oral statements when other interested

parties are not present, or written information that other interested parties do not receive.

2. If a Council member has *ex parte* contact prior to a hearing, the member must reveal the contact at the meeting and before the hearing. The Council member must describe the substance of the contact and the Mayor will announce the right of interested persons to rebut the substance of the communication. The Council member also will state whether such contact affects their impartiality or ability to vote in the matter. The Council member must state whether the member will participate or abstain.
3. For quasi-judicial hearings, a Council member who was absent during the presentation of evidence may not participate in any deliberations or decision regarding the matter, unless the Council member reviews all the evidence and testimony received.

**P. GOVERNMENT STANDARDS AND PRACTICES COMMISSION REQUIREMENTS AND REPORTING**

1. Council members must review and observe the requirements of the State Ethics Law (ORS 244.010 to ORS 244.390) dealing with use of public office for private financial gain.
2. Council members must give public notice of any conflict of interest or potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Council members will maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council.
3. In accordance with ORS 244.195, it is each Council member's responsibility to file annual statements of economic interest with the Government Standards and Practices Commission

**Q. LEGAL ADVICE**

Requests to the City Attorney for advice requiring legal research may not be made by a Council member without the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council members are encouraged to consider consulting with the City Manager to determine if the request or action can be accomplished more cost-effectively. Outside a Council meeting, a Council member should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique/sensitive personal, yet City business-related, requests.

**R. ROBERT'S RULES**

Robert's Rules of Order Revised will be used as the guideline for conduct of Council meetings, except where these Rules specifically apply.

## **S. COMMISSIONS, COMMITTEES, ORGANIZATIONS & MEDIA**

1. Citizen Appointment and Removal.
  - a. The Mayor will appoint the City commissions and committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
  - b. Council members will encourage broad participation on City commissions and committees by generally limiting the number of terms a citizen may serve.
  - c. A citizen may not serve on more than two City commissions and committees simultaneously. Any citizen serving on two City commissions and committees may not be chairperson of both simultaneously. This limitation does not apply to service on the city budget committee.
  - d. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.
2. Council Member Participation. Council members shall encourage City committee member participation.
3. Organizations, Media.
  - a. If the Mayor or a Council member represents the City before another governmental agency, a community organization, or the media, the Council member should first state the Council majority position. Personal opinions and comments should be expressed only if the Council member makes clear that it does not express the Council position.
  - b. Council members should obtain the appropriate permission before representing another Council member's view or position with the media.

## **T. MANAGER EVALUATION**

1. Criteria. The standards, criteria, and policy directives used in the evaluation of the Manager will be adopted at a regular Council meeting in accordance with state law.
2. Process.
  - a. The Manager will prepare a written assessment identifying major accomplishments.
  - b. Council members may make written comments in response to the Manager assessment.

- c. Evaluation sessions will be scheduled in accordance with the employee's decision on whether to hold the evaluation in open or executive session.
  - d. At evaluation sessions, Council summary comments and individual Council member comments will be made. The Manager will have an opportunity to respond to all comments. The effect of the evaluation on the Manager's employment contract will be discussed. Sufficient time will be allotted for the evaluation discussion with the Manager.
  - e. Council members will then complete their individual evaluations and convene to discuss overall evaluation of the Manager and reach a consensus.
  - f. Council will then reconvene with the Manager to review final performance evaluation and discuss compensation.
3. Contract. The City Attorney will prepare any employment contract amendments to the Manager's contract. Contracts normally will be approved as a consent agenda item at the next regular Council meeting.

#### **U. COUNCIL EXPENSES**

- 1. Reimbursement. Council will follow the same rules and procedures for reimbursement as city employees.
- 2. Budget. Council will review and discuss its proposed annual budget as coordinated by the Mayor and Council President and as presented by city staff during a public meeting.

**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 17-01**

A RESOLUTION AMENDING THE COUNCIL GROUNDRULES AND SUPERSEDING RESOLUTION NO. 15-02.

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WHEREAS, the Council Groundrules were reviewed and updated on January 13, 2015, with the adoption of Resolution 15-02; and

WHEREAS, newly elected officials and mid-term elected officials reviewed the groundrules during a special council meeting held November 29, 2016; and

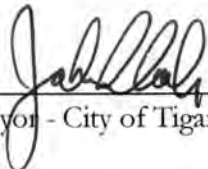
WHEREAS, the City Council determined at the November 29, 2016 meeting that updating of the groundrules was desired.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:


SECTION 1: Council Groundrules as outlined in Exhibit A represent the agreement of the Mayor and City Councilors and is hereby adopted.

SECTION : This resolution is effective immediately upon passage.

PASSED: This 3<sup>rd</sup> day of January 2017.

  
\_\_\_\_\_  
Mayor - City of Tigard

ATTEST:

  
\_\_\_\_\_  
City Recorder - City of Tigard

### Tigard City Council Groundrules

The Tigard City Council hereby adopts the following rules for government of its members and proceedings. (Tigard City Charter, Chapter IV, Section 13). These rules will be reviewed and signed off on by each councilor annually.

1. **Mandates** are not discretionary. Any council or councilor who fails to abide by these is at risk of serious trouble and/or dysfunction.
2. **Processes and Procedures** are the rules the council sets to manage its own business.
3. **Mutual Expectations** reflect agreements and understandings among councilors to behave in certain ways. Once agreements are made, councilors who do not abide by them are likely to be mistrusted by their colleagues.
4. **General Guidelines for Effective, Respectful Councils** are basic rules of courtesy and respect that should guide any Council...or any other group for that matter.

#### 1. Mandates

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- In no case should councilors direct the work of staff. Take issues to the city manager first, giving as much information as possible to ensure a thorough response.
- Council members will not contact a board member to lobby on behalf of an individual, business or developer. Council members may contact the board member in order to clarify a position taken by the board. Council members may respond to inquiries from board members. Communications should be for information only.
- Board members do not report to individual council members. Individual councilors have no authority to remove board members.
- Be aware of the public nature of written notes, calendars, voicemail messages, and e-mail. All written or recorded materials including notes, voicemail, text messages and e-mail created as part of one's official capacity will be treated as potentially "public" communication.
- Respect the professional duties of city staff. Council members should refrain from disrupting staff from the conduct of their jobs; participating in administrative functions including directing staff assignments; attending staff meetings unless requested by staff; and impairing the ability of staff to implement policy decisions.
- ORS 244.025 prohibits any public official to solicit or receive any gift of \$50 or more from anyone reasonably known to have a legislative or administrative interest.
- ORS Chapter 244 governs conflicts of interest among Councilors and requires disclosure of all potential or actual conflicts of interest prior to that Councilor's participation in the matter. Councilors with actual conflicts of interest shall not participate in the decision except when allowed by law. Councilors with concerns or questions regarding conflicts of interest are encouraged to contact the Oregon Government Ethics Commission or city attorney.
- Protect confidential information concerning litigation, personnel, property, or other affairs of the city.
- Use public resources, such as staff time, equipment, supplies or facilities, only for city-related business.



- A council member may be censured by the other council members for misconduct, nonperformance of duty or failure to obey the laws of the federal, state, or local government.

## 2. Processes and Procedures

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### Ending Time for Council Meetings

- The chair or other members if the chair fails to remember may call for a point of order at or around 9 p.m. to review remaining agenda items. The council may reset or reschedule items, which it feels may not be reached prior to the regular time of adjournment.
- The council's goal is to adjourn prior to 9:30 p.m. unless extended by majority consent of council members present. If not continued by majority consent, the meeting shall be adjourned to the next scheduled meeting or the meeting shall be continued to another regular or special meeting at another date and time.

### "Citizen Communication"

- The "Citizen Communication" portion of the agenda is a regular feature on the council business meetings. To manage the agendas to allow council time to consider the remaining agenda items scheduled for the business meeting, this agenda item will be allotted a maximum of 20 minutes. This item will be placed near the beginning of the council agenda to give citizens a chance to introduce a topic to the City Council. The mayor or the council president (if the mayor is absent) may ask speakers to keep their remarks to about two to five minutes. If a large number of speakers have signed up, the mayor might ask speakers to keep their comments closer to two minutes.
- At the conclusion of the Citizen Communication period, the mayor, a council member or staff member will comment what, if any, follow-up action will be taken to respond to each issue. At the beginning of Citizen Communication at the next business meeting, staff will update the council and community on the review of the issue(s), the action taken to address the issue, and a statement of what additional action is planned. Council may decide to refer an issue to staff and/or schedule the topic for a later council meeting.

### Budget Decisions

- Budget cuts or increases are policy decisions. Budgets will not be cut "piece meal" or "across the board," but rather should be made in service or program areas, giving staff full opportunity to provide data clearly defining the anticipated impact of the action.

### Council Liaisons

- Council liaison assignments are determined by consensus of City Council. The goal is to have assignments evenly divided between council members. When making assignments consideration should be given to continuity and the background, experience and expertise of individual councilors. Should two or more Council members seek appointment to a position, preference of the longest serving Council member may be a consideration.
- The role of the council liaison is to periodically attend board meetings, listen to the board discussion, set context for the board regarding council decisions/goals/policies and city priorities, answer questions and carry concerns and information to report back to the full council. Council liaisons may attend board meetings more frequently if attendance is requested

by the board. Councilors should make their role clear to the board when attending a meeting as a council liaison.

- Council liaisons are not to direct the business or decision-making process of the board and do not vote of matters before the board.
- Council liaisons do not initiate, propose or advocate for their personal position on a matter before the board.
- Council liaisons at times may advocate council actions on behalf of their assigned board. Great care must be taken to avoid the appearance of unfairness, conflict of interest or circumstances where such possibilities may exist (e.g., Planning Commission quasi-judicial matters).
- Council liaisons are expected to represent the city positively and promote constructive relationships with community volunteers and city partners. Failure to maintain positive relationships can result in the removal of a Councilor from committee assignments.

### City Council Compensation

Section 2.44.020 of the Tigard Municipal Code provides for compensation for attendance at Council meetings and meetings for an intergovernmental board, committee or agency. The amount of the compensation for Council members may be reviewed and set annually by resolution of the City Council as part of the budget cycle. As part of the annual review, Council may elect to enter into an agreement with the Mayor or one City Councilor to assume additional responsibilities for additional compensation. The additional duties shall relate to representing the city on regional, state or federal issues and committees or task forces. The responsibilities and compensation shall be set by agreement between the Mayor or Councilor and the Council members. (Mayor Cook will serve as provided in Resolution No. 10-36: “The annual stipend for the Mayor shall be no more than \$42,000. It is the expectation of the City Council that the assignments given to the Mayor, over and above usual and customary assignments... (Described in Section 6 of Res. 10-36...will require an average of twenty (20) hours each week during business hours.”)

## 3. Mutual Expectations

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### Communication among Councilors

- Information received by a council member that affects the council should be shared with the whole council. The city manager is to decide on “gray areas,” but too much information is preferable to too little.
- Councilors and the city manager agree to report and discuss any contact that might affect labor relations with the entire council in Executive Session.
- No surprises or ambushes.
- Bounce ideas off each other by phone or informal conversation, always mindful not to form a quorum.
- Share substantive information that is relevant to a matter under consideration from sources outside the public decision-making process with my fellow council members and staff.
- It is the council’s job to govern itself. If a discussion is going overly long or if a discussion becomes heated or tense, a council member may consider calling for a point of order to suggest taking a break or deferring the discussion to a future meeting.

- The presiding officer should invite each councilor to express his or her opinion.

#### Communication with Staff

- Councilors are encouraged to avoid substantive contact with staff below the department head to avoid possible disruption of work, confusion on priorities and limited scope of responses.
- City manager shares information equally with councilors.

#### Communication with Boards and Commissions

- Council members may attend any board meeting, which is open to any member of the public. However, council members should be sensitive to the way their participation could be viewed as unfairly affecting the process.

#### Communication with Other Public Agencies

- Council members will be clear about representing the city or personal interests. If a council member appears before another governmental agency or organization to give a statement on an issue, the council member must clearly state whether the statement reflects personal opinion or is the official position of the city.
- If a council member is representing the city on a board, committee or at a public meeting, that council member will consistently support and advocate the city's official position on an issue and cannot foster or further a personal viewpoint that is inconsistent with the official city position.

#### Communication on Behalf of the City or the Council

- Do not provide the official response to communications directed to the full council. The city manager or mayor will coordinate the response on behalf of the city. It is appropriate for councilors to acknowledge receipt of communication and thank the sender.
- It is the policy of the council that if councilors are contacted regarding labor relations during labor negotiations or conflict resolution proceedings, then councilors have no comment.
- Communication that represents the city's position on an issue should come through city hall and be provided by the city manager. Direct submittals or inquiries to the council or individual councilors should be referred to the city manager, or councilors may ask the city manager to look into an issue.
- Make no promises on behalf of the council in unofficial settings. Council members will frequently be asked to explain a council action or to give their opinion about an issue as they meet and talk with citizens. It is appropriate to give a brief overview. Overt or implicit promises of specific action or promises that city staff will take a specific action are to be avoided.

#### Use of Electronic Communications Devices During Council Meetings

- Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before the council during a council meeting.

#### 4. General Guidelines for Effective, Respectful Councils

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- Recognize that you are seen as a councilor at all times, no matter how you see yourself at any particular time. Thus, councilors are always treated by administration as council members.
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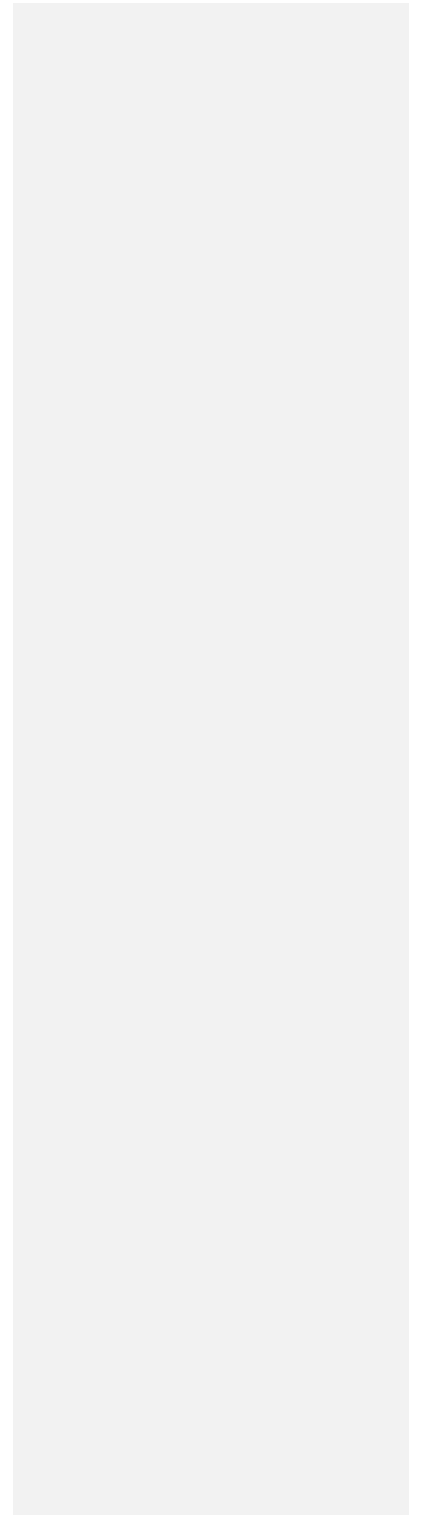
- Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.
- If a communication is directed to an individual councilor, you may choose to respond as an individual or refer to the city manager.
- Councilors are encouraged to maintain open communications with the city manager, both as a group and individually.
- Councilors are encouraged to take issues to the city manager first, giving as much information as possible to ensure a thorough response. In the absence of the city manager, councilors are encouraged to contact the assistant city manager. In the absence of both the city manager and the assistant city manager, councilors are encouraged to contact the department head, realizing that the department head will discuss any such inquiries with the city manager.
- Communicate clearly, directly and respectfully. Focus on problems and solutions, not people.
- Our goal is mutual confidence and respect with staff. Compliment staff members when they make good presentations. Be friendly. Attend staff occasions when you can.
- Be courteous.
- Honestly share concerns and opinions with each other.
- Don't blurt it out on TV.
- If you hold back in a meeting, follow up later with fellow councilors or the city Manager.
- Spend some casual time together.
- Practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of democratic governance. This does not allow, however, council members to make belligerent, personal, slanderous, threatening, abusive, or disparaging comments.
- Avoid personal comments that are intended to, or could reasonably be construed to, offend other members or citizens. If a council member is offended by the conduct or remarks of another member, the offended member is encouraged to address the matter early with the offending member.
- Continue respectful behavior in private. The same level of respect and consideration of differing points of view deemed appropriate for public discussion should be maintained in private conversations.
- Even private conversations can have a public presence. Council members should be aware that they are the focus of the public's attention. Even casual conversation about city business, other public officials or staff may draw attention and be repeated.
- Understand proper political involvement. Council members, as private citizens, may support political candidates or issues but such activities must be done separate from their role as a council member.
- Be welcoming to speakers and treat them with respect by giving them full attention demonstrated by eye contact and active listening; avoid interrupting them with questions or comments. For many citizens, speaking in front of the council is a new and difficult experience.
- Council members should commit full attention to the speaker. Comments, questions, and non-verbal expressions should be appropriate, respectful and professional.
- Be honest with fellow council members, the public and others.

- Credit others' contributions to moving our community's interests forward.
- Make independent, objective, fair and impartial judgments by avoiding relationships and transactions that give the appearance of compromising objectivity, independence, and honesty.
- Review materials provided in advance of the meeting.
- Make every effort to attend meetings.
- Be prepared to make difficult decisions when necessary.
- Contribute to a strong organization that exemplifies transparency.
- Make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city.
- Promote meaningful public involvement in decision-making processes.
- Treat council members, board members, staff and the public with patience, courtesy and civility, even when we disagree on what is best for the community.
- Conduct myself in a courteous and respectful manner at all times.
- Encourage participation of all persons and groups.



# **CITY OF TUALATIN COUNCIL RULES**

Adopted \_\_\_\_\_





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## RULE 1 General Governance

### A. Rules of Procedure.

1. Chapter IV of the Charter authorizes the Council to adopt rules for the governance of its members and proceedings. ~~Unless otherwise provided by the Charter, an ordinance, or these rules, the procedure for all Council meetings, and any subcommittee of the Council, will be guided by Robert's Rules of Order, 11th Edition.~~
2. ~~To maintain orderly procedures, M~~members of Council ~~should be recognized by the chair before commenting and should maintain decorum with courteous interactions during debate and deliberations. are encouraged to avoid invoking the finer points of parliamentary procedure found in Robert's Rules of Order when such points could obscure the issues before Council and confuse the public. Action items are debated and deliberated upon a motion with a second. Motions are approved by a majority vote of the members present when there is a quorum of the council. Dissenting votes are reported by name.~~
3. ~~Whenever these rules and Robert's Rules of Order conflict, these rules govern.~~

**B. Council.** The members of Council are the Mayor and the Councilors. There are six Councilor positions:

1. Council Position 1 – the term ends December 31, 2018 and every four years thereafter.
2. Council Position 2 – the term ends December 31, 2020 and every four years thereafter.
3. Council Position 3 – the term ends December 31, 2018 and every four years thereafter.
4. Council Position 4 – the term ends December 31, 2020 and every four years thereafter.
5. Council Position 5 – the term ends December 31, 2018 and every four years thereafter.
6. Council Position 6 – the term ends December 31, 2020 and every four years thereafter.

### C. Quorum.

1. A quorum is required to conduct official City business. A quorum consists of three (3) Councilors plus the Mayor or Mayor pro tem.<sup>1</sup>
2. In the event a quorum is not present, the members of Council present may choose to hear comments from the public and receive reports, provided however no votes or official Council actions will be taken.

### D. Presiding Officer.

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<sup>1</sup> Charter Chapter IV, ("Three Councilors and the Mayor or Mayor pro tem shall constitute a quorum for its business, but a small number may meet and compel the attendance of absent members in a manner provided by ordinance."). See, Rule 1(D)(3) of these rules.

1. The Mayor is the Presiding Officer and presides over all meetings.
2. In the Mayor's absence the President of the Council, as Mayor Pro-Tem, serves as the Presiding Officer and presides over the meeting.
3. If both the Mayor and the President of the Council are absent from the meeting, the following procedure ~~must~~ may be utilized to determine the Presiding Officer for the meeting:<sup>2</sup>
  - a. ~~The City Recorder, or designee, must~~ Any present member may call the Council to order ~~and call the roll of the members of Council.~~
  - b. Those members of Council present ~~should~~ must elect a temporary Presiding Officer, as Mayor Pro Tem, for the meeting. A Councilor must receive the majority vote of the ~~incumbent~~ members present on the Council to become the Presiding Officer for the meeting.<sup>3</sup>
4. Should either the Mayor or the President of the Council arrive at the meeting after it begins, the temporary Presiding Officer ~~should~~ must relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

#### E. Other Officers.

1. **City Recorder, or designee.** The City Recorder, or designee, must keep the official minutes of the Council in compliance with Oregon Public Meetings laws.
2. **City Manager.** The City Manager, or designee, is required to attend all meetings of the Council and ~~may be permitted to~~ participate in any discussion when recognized by the presiding officer; however, the City Manager has no authority to cast a vote in any decision rendered by the Council.
3. **City Attorney.** The City Attorney serves as the parliamentarian of the Council and will advise the Council on any questions of order. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

#### F. Agendas.

1. The City Manager ~~should~~ must prepare an agenda for every meeting, including regular, special, and executive session meetings.

<sup>2</sup> Charter Section 33 authorizes the Council to fill temporary vacancies by majority vote of the "incumbent members."

<sup>3</sup> The term "incumbent members" in the Charter means the entire Council minus any permanently vacant seats (e.g., resignation, death, permanent incapacity). For instance, if the Mayor and Council President are absent, but 5 Councilors are present at the meeting, a Councilor must receive at least 4 votes to become the Presiding Officer because there are 7 "incumbent members" of the Council. However, if two seats on Council are permanently vacant seats, then in the same scenario above, the Councilor must receive 3 votes to be the Presiding Officer because there are 5 "incumbent members." The term "incumbent members" does not mean a majority of those Councilors actually attending the meeting.

2. Agendas and informational material for meetings will generally be distributed to the Council at least seven (7) days preceding the meeting. However, in certain circumstances less time may be provided.
3. The agenda for a meeting does not require Council approval.
4. The City Manager may place routine items and items referred by staff on the agenda without Council approval or action.
5. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer must announce such removal under announcements.
6. A member of Council who wishes to have an item placed on the agenda ~~should~~**must** bring the matter before the Council for consideration of adding the matter to the agenda and to determine the meeting date on which the agenda item is to be placed, if at all. Adding a matter to the agenda requires a majority vote of the members of Council present at the meeting.
- ~~7. As a principle matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. The exception to this general rule is for emergency purposes and only with the unanimous consent of all members of Council present.~~

**G. Order of Business.**

1. The order of business for all regular meetings ~~should~~**will** be as follows, however when it appears to be in the best interest of the public, the order of business may be changed ~~for any single meeting by the presiding officer~~**a majority vote**.<sup>4</sup>
  - a. **Call to Order.** The Presiding Officer announces the opening of the meeting and designates the person to lead the pledge of allegiance;
  - b. **Announcements.** Brief announcements relating to the community, including upcoming events and proclamations;
  - c. **Citizen Comments.** Public comments received concerning matters not on the agenda for the meeting;
  - d. **Consent Agenda.** Routine items to be adopted by one motion of the Council;
  - e. **Special Reports.** Reports of City Boards and Commissions, proclamations, special presentations, or reports.
  - f. **Public Hearings (Legislative and Other).** Public hearings on legislative land use matters;

<sup>4</sup> Section 17 of the Charter provides the Mayor the authority to “determine the order of business under the rules of the Council.”

- g. **Public Hearings (Quasi-Judicial).** Public hearings on quasi-judicial land use matters.
- h. **General Business.** Consideration of ordinances, resolutions, contracts, policy statements, and other items. General Business items may also include public hearings on those matters.
- i. **Items Removed from Consent Agenda.** Any item removed from the Consent Agenda will be discussed and voted on at this time;
- j. **Communications from Councilors.** Announcements and information provided by members of Council; and
- k. **Adjournment.** The conclusion of the meeting. Adjournment of the meeting is by majority vote of the members of Council present at the meeting.

**H. Reports of Boards, Commissions, Committees, Elected Officials and City Employees.**

- 1. When necessary, reports can be given to the Council by boards, commissions committees, elected officials and/or City employees.
- 2. When appropriate, reports to the Council should include written materials which are provided to the Council at least seven (7) days in advance of the meeting.
- 3. Oral reports to the Council should generally not exceed five (5) minutes in length.
- 4. The Council may ask questions of the presenter upon conclusion of the report being given.

**I. Public Comment.**

- 1. One (1) period for public comment will be reserved for every regular meeting of the Council.
- 2. Persons wishing to speak during public comment ~~should~~ must sign the "Speaker Request Form" and provide the person's name and place of residence, as well as the topic upon which the person wishes to speak. The Council may request that groups with like comments choose a spokesperson to present joint remarks.
- 3. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker must wait until that public hearing portion of the meeting. Public comment must not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.
- 4. Speakers are limited to three (3) minutes. At the discretion of the Presiding Officer, spokespersons for a group of people may be given additional time beyond three (3) minutes to speak on the matter.

5. ~~Generally, speakers will be called upon in the order in which they have signed the "Speaker Request Form."~~ Before providing any public comment, speakers must announce the person's name and place of residence to the Council. ~~The Presiding Officer may allow additional persons to speak even if the speaker has not signed the "Speaker Request Form."~~
6. Members of Council may, after obtaining the floor, ask questions of speakers during public comment. ~~In general, members of Council will not respond to comments made during the public comment agenda time, except to ask clarifying questions.~~ Any public requests for Council action will be referred to staff for review before placing it on a future agenda. ~~Any member of Council may intervene if the Mayor or a Councilor is violating the spirit of this guideline.~~
7. Speakers may play electronic audio or visual material during the time permitted for comment and may use available City-provided audio or visual equipment located in the Council chambers.

#### J. Consent Agenda.

1. In order to expedite the Council's business, the approval of minutes and other routine agenda items will be placed on the consent agenda.
2. All items on the consent agenda must be approved by a single motion, unless an item is removed for separate consideration.
3. Any item on the consent agenda may be removed for separate consideration by any member of Council by stating which item is to be removed ~~and the reason for removal.~~
4. ~~For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.~~
5. ~~4.~~ Appointments to committees should~~must~~ not be placed on the consent agenda.

#### K. Ordinances and Resolutions – See RULE 3

#### L. Public Hearings Generally.

1. ~~A public hearing may be held on any matter upon majority vote of the Council.~~ Public hearings may be held to consider legislative, quasi-judicial, or administrative matters.
2. Persons wishing to speak should~~must~~ sign the "Speaker Request Form" with the person's name and place of residence prior to the commencement of the public hearing at which the person wishes to speak.
3. The Presiding Officer will announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The Presiding Officer will then declare the hearing open.
4. Prior to giving testimony, each person must state the person's name and their place of



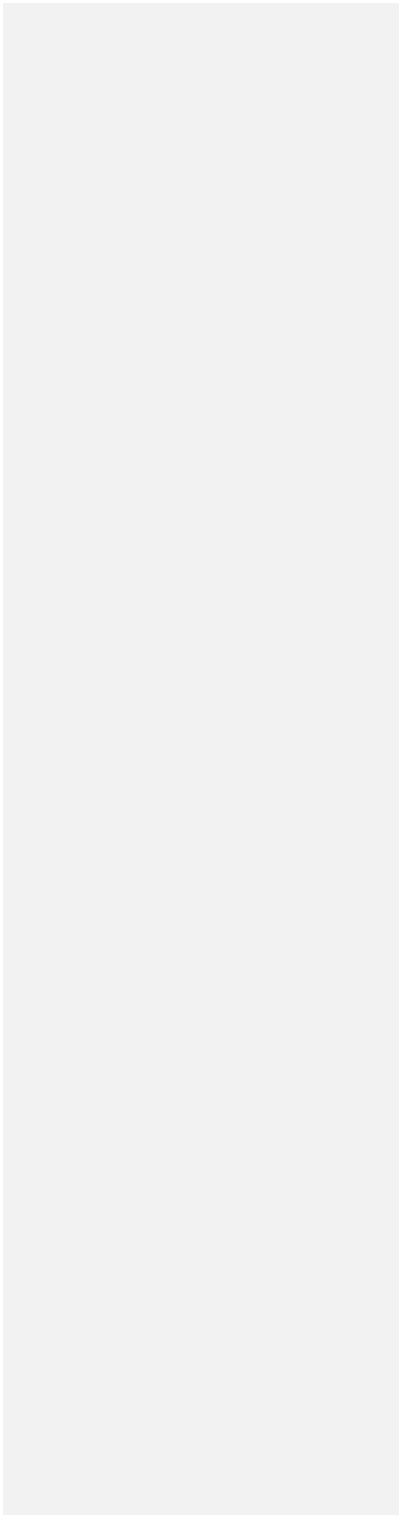
residence. All remarks must be addressed to the Council as a body and not to any member thereof.

5. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three (3) minutes.
6. Members of Council may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed testifying. Questions posed by members of Council should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Members of Council ~~should~~ must use restraint and be considerate of the meeting time of the Council when exercising this option. ~~Any member of Council may intervene if another member of Council is violating the spirit of this guideline.~~
7. Members of Council may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by a member of Council should be to provide clarification or additional information on testimony provided.
8. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matter. The Presiding Officer may order the testimony, ~~alternating those speaking in favor and those in opposition, or have~~ ing all speaking in favor testify, followed by all those in opposition. The Presiding Officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; ~~provided that the Presiding Officer must announce any such restrictions prior to the commencement of the testimony.~~
9. At the end of public testimony and questions of staff, the Council ~~should~~ must do one of the following:
  - a. Initiate deliberations by introducing a motion on the matter;
  - b. Continue the hearing; or
  - c. Keep the record open for additional written testimony.
- ~~10. During deliberations, each member of Council must have the opportunity to comment on or discuss testimony given during the public hearing.~~
- ~~11.10.~~ A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, must be submitted to the City Recorder, or designee, prior to the conclusion of the hearing, unless the record is held open.
- ~~12.11.~~ Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed, unless exempt under Oregon law, if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address,

including email address, and telephone number from disclosure must submit a written request for non-disclosure to the City Recorder, or designee, pursuant to ORS 192.455(1).

**M. Conduct of Hearings on Land Use Matters – See RULE 4**

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## RULE 2 Meeting Time, Location, and Frequency

**A. Regular meetings.** The Council will generally hold regular meetings at 7:00 p.m. on the second and fourth Monday of each and every month, excluding the fourth Monday in December. If a second or fourth Monday falls on a City-recognized holiday, the meeting will be held on the following business day.

**B. Special meetings.** Special meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the special meeting to each member of Council, each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of special meetings.
2. The notice of the special meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Special meetings must be noticed in accordance with Oregon's public meetings law, and, at a minimum, must be noticed at least 48 hours prior to the meeting taking place.

**C. Emergency meetings.** Emergency meetings may be called by the Mayor, three members of Council, or by the City Manager.

1. The City Manager will provide notice of the emergency meeting to each member of Council, and may provide notice to each local newspaper, radio, and television station, and any other person or entity which has on file a written request for notice of emergency meetings.
2. The notice of the emergency meeting must be given to each Councilor via personal notice, telephone, email, or other electronic means sufficient to provide actual notice.
3. Emergency meetings are those meetings called with less than 48 hours' notice and the Council should~~must~~ identify why the meeting could not be delayed 48 hours immediately after calling the meeting to order.
4. The minutes for any emergency meeting should~~must~~ specifically identify why the meeting constituted an emergency and was necessary.

**D. Executive Sessions.** Executive sessions may be called by the Presiding Officer, by the request of three members of Council, by the City Manager, or by the City Attorney.

1. Executive Sessions may be called for any purpose authorized by ORS 192.660, including but not limited to the following reasons:
  - a. Consider employment of a public officer, employee, or agent pursuant to regularized procedures for hiring adopted by the public body in meetings open to the public in which there has been opportunity for public comment. (ORS 192.660(2)(a)).
  - b. Consider discipline of a public officer, employee, or agent. (ORS 192.660(2)(b)).

- c. Conduct deliberations with persons designated by the governing body to carry on labor negotiations. (ORS 192.660(2)(d)). Conduct deliberations with persons designated to negotiate real estate transactions (ORS 192.660(2)(e).
  - d. Consider information or records exempt by law from public inspection. (ORS 192.660(2)(f)).
  - e. Consult with legal counsel concerning litigation or litigation likely to be filed. (ORS 192.660(2)(h)).
  - f. Review and evaluate the employment-related performance of the chief executive officer pursuant to standards, criteria, and policy directives adopted by the governing body. (ORS 192.660(2)(i)).
2. Only members of Council, the City Manager, and persons specifically invited by the City Manager or the Council are allowed to attend executive sessions.
  3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation. Members of the media are not to report the issues discussed during the executive session.
  4. No final decision can be made in executive session. All final decisions must be made in open session at a regular meeting.

**E. Work Sessions.** Work sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

1. Work sessions are generally scheduled, as needed, between 5:00 and 7:00 p.m., immediately preceding each regular meeting.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the City Manager.
5. The City Manager may invite any relevant staff to work sessions so that the sessions are as productive as possible.

5-6. Members may request an item to be placed on a work session agenda during communications of work sessions or business meetings. A majority of the council is generally required to place the item on a future work session agenda.

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**F. Location of Meetings.**

1. Council meetings are expected to be held at City Hall, but a majority of a quorum may

decide to hold a Council meeting at an alternate site, consistent with these rules.

2. In the event City hall is not available for a meeting, the Council must meet at a venue open to the public and which is located within the jurisdictional limits of the City.
3. Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.
4. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, ~~but should be held as close as practical to the City, and such meetings must be located within the jurisdictional boundaries of the other government entity.~~
5. No Council meeting must be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, gender, sexual orientation, source of income, or disability is practiced.

**G. Notice of Meetings.** The City Recorder, or designee, must provide notice of all meetings in accordance with Oregon's public meeting law and City codes.

**H. Attendance at Meetings.**

1. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.
2. Members of the Council ~~should~~ must advise the City Manager if the member of Council will be unable to attend any regular, special, emergency, or work session meetings, or any assigned committees.
3. Attendance at meetings must be in person, by telephone, or other electronic means where the person's voice may be heard. The preference of the Council is for all members of Council to attend in person.
4. ~~A member of Council may not attend by telephone, or other electronic means where the person's voice may be heard, more than two consecutive meetings. A member of Council appearing by telephone, or other electronic means where the person's voice may be heard, must remain present for the entire meeting, unless it is the result of a malfunction or technical issue out of the control of the Councilor.~~
5. ~~The City Manager must track each member of Council's attendance at regular, special, emergency, and work session meetings, and assigned committee meetings. The City Manager must present to the Council a quarterly report of each member of Council's attendance.~~

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**RULE 3**  
**Ordinances and Resolutions**

**A. Ordinances.** An ordinance is a law passed by the Council in its legislative capacity. ~~All ordinances considered by and voted upon by the Council must adhere to the rules outlined herein.~~

~~1. **Numbering.** The City Recorder, or designee, must number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the ordinance was introduced.~~

~~2. **Preparation.**~~

~~a. The enacting clause of each ordinance must be "The City of Tualatin ordains as follows:"~~

~~b. All ordinances must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney's designee.~~

~~c. No ordinance can relate to more than one subject, which must be clearly expressed in its title, and no ordinance, or section thereof, can be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.~~

~~3-1. **Introduction.**~~

- a. An ordinance is introduced for consideration by the Presiding Officer for presentation for first reading.
- b. After introduction, the Council may direct by majority vote of the members present any of the following:
  - 1. A public hearing on the ordinance be held;
  - 2. Refer the ordinance to committee for review and recommendation;
  - 3. Refer the ordinance to the City Manager for further revision;
  - 4. Pass the ordinance to a second reading; or
  - 5. Reject the ordinance in whole or in part.

**4. Readings and Final Action.**<sup>5</sup>

- a. Every ordinance of the Council must, before final passage, be read fully and distinctly in an open Council meeting on two different days.
- b. However, an ordinance may be enacted at a single meeting, if the Council approves the ordinance by the unanimous vote of all Council members present. In such cases, the ordinance must be read first in full and then by title.

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<sup>5</sup> This process is outlined in Charter Section 35.  
CITY OF TUALATIN COUNCIL RULES



- c. Any of the readings may be by title only, instead of a full reading, if:
  - 1. No Council member present at the meeting requests to have the ordinance read in full; or
  - 2. A copy of the ordinance is provided for each Council member, and a copy is available for public inspection in the office of the City Recorder, or designee, not later than five days before the first reading of the ordinance and notice of its availability is given forthwith upon the filing, by: (i) written notice posted at the City Center; or (ii) advertisement in a newspaper of general circulation in the City.
- d. An ordinance enacted after being read by title alone has no legal effect if it differs substantially from its original terms, unless, prior to being approved by the Council, each substantial difference is read fully and distinctly at the meeting as finally amended.
- ~~e. The City Recorder, or designee, must take a "roll call" vote of each Councilor upon the final vote on an ordinance and the ayes and nays and abstentions of the members of Council must be recorded in the meeting minutes.~~
- ~~f. Upon the enactment of an ordinance, the City Recorder, or designee, must sign it with the date of its passage, the City Recorder, or designee's name and title of office, and within three days thereafter the Mayor must sign with the Mayor's name, and the title of office.~~

**B. Resolutions.** A resolution is an action by the Council to adopt a policy, order, rule, or expression of opinion. All resolutions considered and voted upon by the Council must adhere to the rules outlined herein.

- ~~1. **Numbering.** The City Recorder, or designee, must number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number must be followed by the last two digits of the year in which the resolution was introduced.~~
- ~~2. **Preparation.**
  - ~~a. The resolving clause of each resolution must be "Be it resolved by the City Council of the City of Tualatin that:"~~
  - ~~b. All resolutions must, before presentation to the Council, have been approved by the City Attorney, or the City Attorney's designee.~~~~

~~3.1. **Introduction.**~~

- a. Resolutions ~~should~~**must** be introduced by the Presiding Officer.
- b. After introduction of the resolution, the Council may direct that:
  - 1. A public hearing be held on the resolution;

2. Pass the resolution; or
3. Reject the resolution in whole or in part.

**4. Readings and Final Action.**

- a. Resolutions do not need to be read in full or by title at a Council meeting prior to adoption.
- b. An affirmative vote of a majority of the Council members present is necessary to pass a resolution.
- c. Resolutions may be placed on the Consent Agenda and may be considered as a group under the Consent Agenda.
- d. Resolutions may also be placed on the agenda as a General Business item.
- e. ~~For resolutions placed on General Business, the City Recorder, or designee, must take a "roll call" vote of each Councilor upon the final vote on the resolution and the ayes and nays and abstentions of the members must recorded in the meeting minutes.~~

**RULE 4**  
**Land Use Hearings**

**A. General Conduct of Hearings.**

1. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized Citizen Involvement Organization (CIO) present the party's case.
2. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing must be submitted to the City Recorder, or designee, at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City Recorder, or designee, , it must not be included in the record for the proceeding.
3. Except as otherwise provided by these rules, no person may speak more than once without obtaining permission from the Presiding Officer.
4. Upon being recognized by the Presiding Officer, any member of Council, may question any person who testifies.
5. Testimony must be directed towards the applicable standards and criteria which apply to the proposal before the Council.
6. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and the City Recorder, or designee, must note the numbers of such persons for the record in the minutes.

**B. Quasi-Judicial Land Use Matters.**

1. **Scope of Review.** All appeals and Council-initiated review in quasi-judicial land use proceedings are new (de novo) and must be held on the record.
2. **Conflicts of Interest.**
  - a. A member of Council must not participate in a discussion or vote in a quasi-judicial land use proceeding if:
    1. The member of Council has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter; or
    2. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
3. **Ex Parte Contact.**
  - a. Ex parte contacts are any contacts with any party outside of the hearing process. Specific questions about whether a contact is considered ex parte should be discussed with the City Attorney before the meeting begins.

- b. Members of the Council must reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. See, ORS 227.180. If such contact impairs the member's impartiality, the member must state this fact and abstain from participation on the matter.

**4. Burden of Proof.**

- a. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- b. The decision of the Council must be based on the applicable standards and criteria set forth in the Tualatin Development Code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- c. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

**5. Hearing Procedures.** The order of hearings in quasi-judicial land use matters is:

- a. Land Use Hearing Disclosure Statement. The Presiding Officer must read the land use hearing disclosure statement, which must include:
  - 1. A list of the applicable criteria;
  - 2. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
  - 3. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - 4. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
- b. Call for ex parte contacts. The Presiding Officer must inquire whether any member of Council had ex parte contacts. Any member of Council announcing an ex parte contact must state for the record the nature and content of the contact.
- c. Call for abstentions. The Presiding Officer must inquire whether any member of Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of Council announcing a conflict of interest or bias must state the nature of the conflict or bias, and must not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member must

not participate in any discussion or debate on the issue of which the conflict arises.

- d. **Staff summary.** Planning staff will present a summary and recommendation concerning the proposal.
- e. **Presentation of the Case.** The presentation of the case will be as follows:
  - 1. Proponent's case.
  - 2. Persons in favor.
  - 3. Persons opposed.
  - 4. Other interested persons.
  - 5. **Rebuttal.** Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
- f. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however Council may ask specific questions of staff. If the response by staff to any such questions requires the introduction of additional factual evidence, all parties must be afforded an opportunity for rebuttal.
- g. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

~~6. **Findings and Order.** The Council may approve or reject the proposal. The Council must adopt a resolution or order containing findings to support its decision. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.~~

7. **Continuances.** Only one continuance is available by right. However, nothing in this section restricts the Council, in its discretion, from granting additional continuances. Any continuance must result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### C. **Legislative Land Use Matters.**

- 1. **Hearings Procedures.** The order of procedures for hearings on legislative land use matters must be:
  - a. **Call for abstentions.** Inquire whether any member of Council wishes to abstain from participation in the hearing. Any member announcing an abstention must identify the reason therefore and must not participate in the proceedings.
  - c. **Staff summary.** Staff must present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

d. **Presentation of the Case.** The presentation of the case will be as follows:

1. Proponent's case.
2. Persons in favor.
3. Persons opposed.
4. Other interested persons.

e. **Close of hearing.** Unless the Council leaves the record open for a specified period of time, no further information will be received after the close of the hearing, provided however, Council may ask questions of staff.

f. **Deliberations.** Deliberations will immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

g. **Reopening hearing.** Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements must be met for the reopened hearing as were required for the original hearing.



**RULE 5**  
**Motions, Debate, Public Comment, and Voting**

**A. Motions.** The following rules apply to motions:

1. All motions must be distinctly worded.
2. The Presiding Officer must repeat the motion prior to a vote.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. If a motion does not receive a second, it dies.
5. A motion that receives a tie vote fails.
6. A motion to amend can be made to a motion that is on the floor and has been seconded.
7. Amendments are voted on first, then the main motion is voted on, as amended.
8. A member of Council may have a motion which contains several elements divided, but the mover has the right to designate which element will be voted on first.
9. A motion may be withdrawn by the mover at any time without the consent of the Council.
10. No motion will be received when a question is under debate except for the following:
  - a. To lay the matter on the table;
  - b. To call for the previous question;
  - c. To postpone;
  - d. To refer; or
  - e. To amend.
11. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
12. A call for the question fails without a majority vote.
13. Debate on the main subject resumes if the motion to call for the question fails.
14. A motion to adjourn cannot be amended.

**B. Motion to Reconsider.**

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A motion to reconsider can be made only once and must be made before the final adjournment of the meeting when the item goes out of possession of the Council.

**C. Debate.** The following rules govern the debate of any item being discussed by the Council:

1. Every member of Council wishing to speak on the matter must address the Presiding Officer, and, upon recognition by the Presiding Officer, confine remarks to the question under debate, at all times acting and speaking in a respectful manner.
2. Once the member of Council is recognized by the Presiding Officer, the other members of Council must not interrupt, unless it is a call to order.
3. The member of Council moving the adoption of any ordinance or resolution will have the privilege of closing the debate.

**D. Public Comment.**

1. The public is entitled to comment on all matters before the Council that require a vote.
2. Public comment will occur after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.
3. Each member of the public is entitled to comment on the matter before the Council for three (3) minutes.
4. Public comment is a time for comment; it is not a time for debate. Any questions from members of the public to Council or City staff will be referred to City staff for a response to be provided a later time.
5. Prior to giving comment, each person must state the person's name and their place of residence. This information will be used to insure the minutes of the meeting properly reflect those persons who provided public comment.
6. All remarks must be addressed to the Council as a whole. Any person creating an actual disturbance, which includes, but is not limited to making personal, impertinent, or slanderous remarks, becoming boisterous, threatening, or personally abusive while addressing the Council, or any applause, boos, or other public demonstrations by those attending the Council, may be requested to leave the meeting.

**E. Voting.** The following rules apply to voting on matters before the Council, unless amended in the manner outlined in Rule 4 of these Rules.

**F. Reports.** A majority of a quorum is required to approve or accept a report. However, no vote is required if the report is only for informational purposes.

**G. Consent Agenda.** ~~The unanimous~~ A majority vote of a quorum ~~all members of Council~~ present is required to approve the matters on a consent agenda.

**H. Ordinances.** An ordinance requires a majority of a quorum to pass.

**I. Emergency Ordinances.** An emergency ordinance requires ~~the unanimous~~ a majority of a quorum vote of ~~the all~~ Council ~~members present~~.

**J. Resolutions.** A majority of a quorum is required to pass a resolution.

**K. Budget.** The budget requires a majority of a quorum to pass.

**L. Franchise Agreements.** A majority of a quorum is required to pass an ordinance granting a franchise.

**M. Suspension of Rules.** A ~~majority of a quorum~~ unanimous vote of all members of Council present is required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the Charter may not be suspended or rescinded.

**N. Votes.** All votes must be recorded in the minutes.

**O. Tie Votes.** Tie votes indicate a denial of the motion or proposal.

**P. Effective Date.**

1. Ordinances take effect 30 days from the date of passage, unless a later date is indicated in the ordinance, in which case it takes effect on that date. However, the following ordinances take effect immediately upon passage:
  - a. Ordinances making appropriations and the annual tax levy;
  - b. Ordinances relative to local improvements and assessments; and
  - c. Emergency ordinances.
2. A resolution becomes effective upon adoption unless otherwise stated in the resolution.
3. The filing of a referendum petition suspends the effective date of an ordinance.

## **RULE 6 Minutes**

### **A. Generally.**

1. All minutes must be in written form, with an electronic copy of the meeting maintained by the City Recorder, or designee, in accordance with the appropriate record retention schedule.
2. The minutes must contain the following information:
  - a. The date, time and place of the meeting;
  - b. The members of the Council present;
  - c. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  - d. The results of all votes and the vote of each member by name;
  - e. The substance of any discussion on any matter; and
  - f. A reference to any document discussed at the meeting.

### **B. Approval.** The Council must approve all minutes of any meeting.

1. All minutes must be approved within ninety days of the meeting having occurred.
2. The draft minutes must be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.
3. Any member of Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## RULE 7 Appointments

**A. Appointments of City Staff.** The Council appoints and can remove those positions identified in the City's charter. All appointments require a majority vote of ~~a quorum~~the entire Council.

**B. City Manager/Recorder.** The City Manager (who also serves the role of Recorder under the Charter) is appointed by the Council.

~~1. **Reviews.** The City Manager is subject to a review by the Council to be conducted in even-numbered years before the last Council meeting in December.~~

~~2-1.~~ **Removals.** The City Manager may be removed by a majority vote of the entire Council.

**C. Municipal Judge.** The Mayor, with consent of the Council appoints and may remove the Municipal Judge, including pro tem judges.

~~1. **Reviews.** Any judge appointed by the Council is subject to an annual review by the Council.~~

~~2-1.~~ **Removals.** All appointed judges may be removed by the mayor with consent~~a majority vote~~ of the entire Council.

~~3-2.~~ **Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance may the Council interfere with the judge's exercise of judicial authority or discretion.

**D. Council Subcommittees.** Council subcommittees may be created, and dissolved, by a majority vote of the members of Council present at a meeting.

1. Under Section 20 of the Charter, the Mayor appoints Councilors to all Council subcommittees.
2. Council subcommittees may be standing committees or other committees created under the rules of the Council.
3. The following are current Council subcommittees that have been previously created or are created by these rules. These may be dissolved by majority vote of the members of Council present at a meeting:
  - a. Council Committee on Advisory Appointments. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees.
  - b. Governance Committee. The purpose of the Governance Subcommittee is review the Council Rules and recommend amendments and changes to the full Council,~~conduct performance reviews of the City Manager and Municipal Judge, investigate rules violations and disciplinary matters of members of Council, and recommend disciplinary sanctions of members of Council to the full Council. A member of Council can refer a rules violation or other claim of violation by any other member of Council to the Governance Committee.~~

**E. Appointments of Citizen Members to Boards, Commissions and/or Committees.**

1. **Council Committee on Advisory Appointments.** The Council Committee on Advisory Appointments (CCAA) is a standing subcommittee of the Council. The purpose of the CCAA is to screen and recommend citizens to be appointed City Boards, Commissions, and Committees through the following general process:
  - a. The CCAA will conduct interviews of all candidates for appointment, including candidates wishing to renew their appointments.
  - b. After reviewing the candidates, the CCAA will vote on all recommendations and forward those recommendations to the full Council for consideration.
  - c. Upon receiving the recommendation from the CCAA, the Council will place the names for consideration on the regular meeting agenda as a General Business item.
  - d. The Council may consider the candidates submitted as a group or may consider each candidate individually.
  - e. The Council may accept, reject, or appoint any candidate, including those not considered by the CCAA.
  - f. All appointments must be by majority vote of the members of Council present.



**RULE 8**  
**Ethics, Decorum, Outside Statements, and Social Media**

**A. Ethics.**

1. All members of Council must review and observe the requirements of state ethics laws.
2. In addition to complying with state ethics law, all members of Council must refrain from:
  - a. Disclosing confidential information.
  - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
  - c. Expressing an opinion contrary to the official position of the Council without so saying.
  - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.
  - e. Not profiting from their position on Council in violation of state law.
3. All ethics complaints received about a Councilor will be forwarded to the Oregon Government Ethics Commission (OGEC).

**B. Decorum.**

1. The Presiding Officer will preserve decorum during meetings and decide all points of order, subject to appeal of the Council.
2. Members of the Council will preserve decorum during meetings, and must not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
3. City staff and all other persons attending meetings must observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.
4. All audience members must abide by the rules of decorum contained in these Rules. No audience member may cause an actual disturbance, ~~which includes, but is not limited to, disrupting the conduct of the meeting, clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like.~~ Any audience member who creates an actual disturbance will be deemed out of order and the Presiding Officer may have the person removed from the Council chambers immediately, and the person will not be permitted to attend the remainder of that Council meeting.

**C. Statements to the Media and Other Organizations**

1. Representing City. If a member of Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member of Council may ~~only~~ state the official position of the City, as approved by a majority of the Council. The member may state

[their personal opinion being clear that they are not speaking for the council or making official policy statements on behalf of the City.](#)

2. Personal Opinions. If a member of Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member of Council must state they are expressing their own opinion and not that of the City or of any other Councilor, unless they receive the express permission of that Councilor, before giving their statement.

#### **D. Use of Social Media.**

1. Members of Council are encouraged to exercise caution when commenting on municipal affairs on social media platforms. While using social media, members of Council are subject to applicable Oregon Laws as they pertain to public meetings and public records retention schedules.
2. Under ORS 192.610, a public meeting occurs when a quorum is required in order to make a decision or to deliberate toward a decision on a matter. Under Oregon Law, certain telephone and electronic communications may be considered a public meeting. Certain uses of social media may constitute a public meeting, and accordingly, Councilors should use appropriate caution to avoid public meeting violations.
3. A public record created through a member of Council's social media footprint must be retained by the elected official in accordance with any state laws and local retention schedules. A "public record" encompasses any information that is prepared, owned, used or retained by the city; relates to an activity, transaction or function of the city; and is necessary to satisfy the fiscal, legal, administrative or historical policies, requirements or needs of the city. Councilors should forward social media posts to the City Manager or seek other assistance from the City for retention if the member of Council does not wish to be individually responsible for retaining the public record.
4. The digital decorum of elected and appointed officials will be governed by Council Rules. Consistent with these Rules, members of Council must conduct themselves so as to bring credit upon the City government. Councilors must abide by Rule 8 (C)(Statements to the Media and Other Organizations) above in all social medial activities.
5. City Council members will refrain from posting comments that:
  - a. Express a Council or Committee position prior to a Council or Committee determination of a position or on a matter that would otherwise require Council or Committee authorization prior to the conveyance of a position; or
  - b. Express an opinion in a manner contrary to Rule 8 (C) (Statements to the Media and Other Organizations) above.

## RULE 9 Interactions with City Staff

**A. City Staff.** All members of Council must respect the separation between the Council's role and the City's Manager's responsibility by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Refraining from actions that would undermine the authority of the City Manager or a Department Head.
3. ~~Preclude limiting~~ individual inquiries and requests for information from staff unless directed to do so by the City Manager to those questions that may be answered readily as part of staff's day to day responsibilities. Questions of a more complex nature must be directed to the City Manager. Questions sent to staff must be copied to the City Manager.
4. Members of the Council must normally share any information obtained from staff with the entire Council when it involves an action item on a council agenda. This section is not intended to apply to questions by members of Council acting in their individual capacities rather than as members of Council, nor to questions regarding conflict of interest or similar issues particular to a member of Council.

**B. City Attorney.** Members of the Council may contact the City Attorney directly without contacting the City Manager in the following circumstances:

1. When the issue involves allegations of misconduct by the City Manager;
2. ~~To discuss parliamentary procedures of these Rules; or~~
3. ~~To discuss substantive legal issues involving pending City business if the legal issue does not require more than 2 hours of the City Attorney's time.~~

## RULE 10 Enforcement and Consequences

**A. Enforcement.** The Council may ~~enforce these rules and~~ ensure compliance with ~~City ordinances, charter, and~~ state laws applicable to governing bodies. If a member of Council violates ~~these rules, City ordinances,~~ the City charter, or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.<sup>6</sup>

### **B. Investigations and Hearings.**

1. A majority of the Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of ~~these rules, local ordinance,~~ the City charter, or state laws applicable to governing bodies has occurred.
2. Before the Council may ~~publicly reprimand or~~ remove a member of Council, the Council must to the member of Council notice of the alleged violations and an opportunity to be heard on, and rebut, the allegations. Sufficient notice must be given to the affected member of Council to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).
3. No final action or decision can be made in executive session, as provided by ORS 192.660(6).

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<sup>6</sup> Other than for the reasons stated in Charter Section 32, an elected official cannot be removed from office absent a recall vote by the electorate in accordance with the Oregon Constitution Article II, section 18, and ORS 249.865.

**RULE 11**  
**Amendment and Repeal of Council Rules**

**A. Amendment.** These Rules are subject to amendment by the Council.

1. Any proposed amendment to these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
2. All amendments to these rules require approval by a majority of Council.
3. Amended rules do not go into effect until the meeting after the rule was approved.

**B. Repeal.** These Rules are subject to repeal and replacement by the Council.

1. Any proposed repeal of these rules must be accompanied by a proposed replacement rule.
2. Any proposed repeal and replacement of these rules must be noted on an agenda for a regular meeting, wherein the same will be discussed, and open for comment by the public.
3. Any repeal and replacement of these rules requires approval by a majority [of a quorum](#) of Council.
4. Any repeal and replacement of these rules does not go into effect until 30 days after the replacement rule was approved.

## RULE 12 Finances and Travel Policy

**A. Financial Statements.** Pursuant to ORS 244.050, members of Councilor are required to file annual Statements of Economic Interest (SEI) by April 15 of each year. For more information, see the Oregon Government Ethics Commission (OGEC) website on how to file.

**B. Health Insurance.** Pursuant to Resolution No. 3837-01, members of Council are entitled to receive the following health insurance benefits:

1. The Mayor may receive City health insurance benefits at the family level ~~or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.~~
2. Councilors may each receive City health insurance benefits at the single employee level ~~or a stipend equal to the cost of those benefits, not to exceed the level offered to City department managers.~~ Councilors may obtain family level coverage by paying the difference in the cost of the family policy and the single employee policy.
3. The health insurance benefits provided are subject to the rules for enrollment and contractual conditions of the health insurance provider.

**C. Technology Stipend.** Pursuant to Resolution No. 5128-13, each member of Council is entitled to a technology stipend of \$750.00 to be received at the beginning of their initial terms of office.

**D. Water Bill.** Pursuant to Resolution No. 3216-96, each member of Council receives a \$20.00 monthly credit on their water bill.

**E. Travel Policy.**

~~1. **Adoption of Reimbursement Rates.** Members of council may be reimbursed for normal expenses incurred while carrying out their official duties at usual and customary rates. Councilors should use prudence in the expenditures. The recent rates established by the U.S. General Services Administration (GSA) are the maximum allowed by destination for reimbursement of per diem rates for meals and lodging, and the maximum allowed for privately owned vehicles for mileage reimbursement. The website to obtain the current per diem rates is [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem).~~

1.  
2. **Registration Fees for Conferences and Trainings.** Members of Council are encouraged to take advantage of early registration to obtain discounted rates.

3. **Transportation.**

- a. **Airfare.** The City will pay for roundtrip, coach airfare. Members of Council are expected to look for the least expensive fare available within the appropriate arrival/ departure times. If the member of Council makes first-class or business- class travel reservations, the member of Council must pay the difference between those rates and the coach rate.
- b. **Vehicle Rental.** Vehicle rental is a reimbursable expense at the midsizecompact rate.

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- c. **Ground Transportation.** Ground transportation (e.g., taxis, buses, mass transit, and shuttles) is a reimbursable expense.
- d. **Individual Vehicles.** Members of Council will be reimbursed for City-related travel in their individual vehicles for the actual miles traveled at the GSA rate.

#### 4. Parking.

- a. Parking fees are reimbursable for business purposes or attending training.
- b. Long-term economy parking at airports is expected to be used for airport travel of more than one day in duration.

#### 5. Lodging.

- a. Reimbursement for lodging is authorized when the member of Council's business-related travel requires an overnight accommodation.
- b. Reimbursement will be at the reasonable and customary cost of a single standard room ~~at the per diem rate established by the GSA~~, or at the conference/training rate.
- c. The final itemized lodging bill is required when submitting for reimbursement of the expenditure.
- d. Any additional room charges room service, movies, personal phone calls, laundry service, etc. are the responsibility of the member of Council. If cell phone coverage is unavailable, business calls and reasonable personal calls will be reimbursed. ~~If in-room internet is necessary to conduct City business, the expense~~ is reimbursable.

#### 6. Meals.

- a. The City will pay ~~the GSA per diem~~reasonable and customary rates for meals.
- b. Members of Council have the choice of an advance or a reimbursement for the total authorized per diem amount.
- c. When meals are provided as part of the conference or training, ~~no~~ reimbursement will generally not be given for that meal without proper cause. Conference "continental" is not considered a meal.

##### ~~d. For a single day trip:~~

~~1. Breakfast—Reimbursed when travel begins before 10:00 a.m. and the one-way trip is at least 75 miles.~~

~~2. Lunch—Reimbursed when travel begins before 11:00 a.m., lunch is not provided in the training/ conference cost, and the one-way trip is at least 75 miles.~~

~~3-1. Dinner—Reimbursed when travel ends after 4:00 pm and the one-way trip is at least 75 miles.~~

~~e. For trips involving an overnight stay, meals will be reimbursed based on the time of departure:~~

~~1. Breakfast—Reimbursed when travel begins before 10:00 a.m.~~

~~2. Lunch—Reimbursed when travel occurs between 11:00 a.m. and 2:00 p.m.~~

~~3. Dinner—Reimbursed when travel occurs after 4:00 p.m.~~

~~f.d.~~ A member of Council may meet with and purchase a meal for others, including persons of other government jurisdictions and professional institutions from which an exchange of information is obtained that may aid the City in improving its efficiency, service, or governance.

#### F. Travel Advances and Reimbursements.

- a. Members of Council may choose to be reimbursed for expenses or receive an advance.
- b. For travel and training cash/check advances, members of Council should submit a check request to the City Manager ~~in a timely manner at least two weeks~~ in advance of the expected travel or training date, when possible.
- c. If a member of Council chooses to be reimbursed instead of an advance, the member of Council must submit the following:
  - i. A receipt is provided; or
  - ii. The expense report states the amount spent, who was present, ~~and the specific topic or project of discussion.~~
- d. Personal items and expenses of family members traveling with the member of Council are not authorized expenses.

#### A. Council Report Required for Expenses over \$250.00.

1. Any member of Council requesting reimbursement for an ~~amount, or series of connected amounts, that exceeds \$250.00, but less than \$1,500.00, event may~~ is required to give an oral or written documentation ~~of the event for the expenditure~~ to the Council. ~~The written documentation may be placed on the consent agenda for consideration by the Council.~~
2. ~~Any member of Council requesting reimbursement for an amount, or series of connected amounts, that exceeds \$1,500.00 must provide an oral or written report to the Council. The report cannot be placed on the consent agenda, but must be placed separately on the agenda for consideration by the Council.~~