



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: June 7, 2010

SUBJECT: Work Session for June 14, 2010

4:00 p.m. (40 min) – Executive Session – Labor Relations – ORS 192.660(2)(d).

4:40 p.m. (30 min) – Park Measure. At Council's direction TPARK, at their May 11th meeting discussed the proposed Park Charter Amendment. They agreed that questions that had been asked of the amendment committee regarding intent should be refreshed and resent to the group and that a second discussion would happen at the June 8th TPARK meeting. Tonight staff will update the Council on the discussion at the June 8th TPARK meeting and look to the Council for direction about whether or not to craft language for a possible City referral. Attached are the refreshed questions that went to the amendment committee that were discussed at TPARK. Also attached is a sheet with the timeline for a City referral. As you can see, if the Council is going to refer a measure you must direct that no later than at your July 26th meeting.

Action Requested: Direction on whether to work on language for a City-referred charter amendment to be brought back at your July 12th meeting.

5:10 p.m. (30 min) – Citizen Involvement. There have been a couple of meetings recently and some discussion about additional ways to more actively engage and involve residents and businesses, specifically through loosely formed geographical neighborhood groups and a potentially new citizen advisory committee. The purpose of tonight's discussion is to make sure everyone is on the same page about the concepts, who is working on organizing, staff role, Council role, and understand who is doing what by when. Attached is a document that Councilor Barhyte crafted several years ago that has been the basis for some of the recent discussions.

Action Requested: Understanding by the Council of what concepts are being pursued and who is involved and what will come back to the Council and when.

5:40 p.m. (30 min) – TPAC Discussion on a Transportation Committee. At your April 26th work session you discussed the upcoming Transportation System Plan (TSP) update and the need for community involvement. Since TPAC will be involved at some level on the TSP update, you appointed Councilors Barhyte and Davis to attend the next TPAC meeting and get their input on what the best approach might be – a new standing Transportation / Transit Committee, a sub-committee of TPAC, or something else. TPAC took up this issue at their May 13th meeting (attached are the minutes from that meeting) and their meeting on June 10th. A TPAC representative will be at tonight's meeting to talk about their discussion and feedback.

Action Requested: Direction on whether to set up a separate advisory committee on transportation (either ad hoc for the duration of the TSP update, or a permanent committee) and what structure that possible committee would take.

6:10 p.m. (30 min) – Storm Water Management (SWM) Audit. In 1990 Unified Sewerage Agency (now Clean Water Services, CWS) started the Surface Water Management (SWM) program to improve water quality, protect fish habitat, and manage drainage in the Tualatin River basin. All 12 cities in Washington County participate in this program. The Tualatin monthly utility bill contains a SWM charge that is based on the amount of impervious surface on a property. The impervious area square footage is converted into Equivalent Surface Units (ESUs) by using a formula established by CWS. Until now the City has been using the ESU information from 1990. Over the last year we have used advanced technology and current aerial photographs to measure the impervious surface area more accurately on all non-single family properties in the City. This work has resulted in much more accurate measurements and billing capability. The majority of accounts are not affected or will reflect a minor adjustment. Some accounts however, will require a significant change (some higher, some lower) to their bill. The purpose of tonight's discussion is to hear a presentation on the audit and establish some direction on how the City will move forward to correct the non-single-family residence accounts. Attached is the full audit report for your information.

Action Requested: Direction on how to deal with the corrections to non-single-family residence SWM accounts that require a significant change.

6:40 p.m. (15 min) – Council / Commission Meeting Agenda Review, Communications & Roundtable. This is the opportunity for the Council to review the agenda for the June 14th City Council and Development Commission meetings and take the opportunity to brief the rest of the Council on any issues of mutual interest.

Upcoming Council Meetings & Work Sessions: Attached is a three-month look ahead for upcoming Council meetings and work sessions. If you have any questions, please let me know.

Dates to Note: Attached is the updated community calendar for the next three months.

As always, if you need anything from your staff, please feel free to let me know.

QUESTIONS ABOUT PARK CHARTER AMENDMENT

Please cite the portion of the proposed amendment that answers each question.

1. What lands are “parks’ or “parklands”?

We understand from the petitioners that they intend to include the listed parks in Section 51 and after-acquired parks, although that section isn’t referred to in the definition.

However, the definition in Section 48 (c) provides: “Parks” are parcels of real property owned by...the City of Tualatin for the purposes of ...preservation of open space, riparian greenway, natural wildlife or habitat values, or the preservation of historic or cultural resources.” We understand that you do not intend to include bioswales or accessways between subdivisions or private property, but this definition appears to include all open space areas owned by the City and any riparian greenway owned by the City. It is unclear what “natural wildlife or habitat value” lands and “preservation of historic or cultural resources” lands owned by the City are excluded and which are included.

This definition could include dedicated natural areas in various parts of the City, such as in subdivisions, that are owned by or dedicated to the City as natural areas, habitat, or open space. - Please show us the language that excludes these parcels from the scope of this proposed amendment.

Looking again at the definition of “parks,” what are “parcels...owned by the City for the preservation of historic or cultural resources”?

2. Some of Tualatin’s parklands are co-owned with Metro. There is existing Oregon case law that allows Metro’s home rule authority to trump city home rule in the area of land use. What happens if Metro decides it wants a major change in use under a new functional plan requirement and insists that the Metro Charter trumps the City’s but the voters say “no”?

3. Tualatin does not formally “adopt” procedures and rules for park management and operations. There is no definition included in the proposed amendment for what is required for something to be “adopted.” What constitutes “adopted” for “adopted park management and operations”?

4. Petitioners have stated that they do not want to control or override adopted park management that does not constitute a “major change in use.” A major change in use

includes uses unrelated to the park uses for which the park was established, acquired or dedicated. **Could the City use its management authority to put a ball diamond in Brown's Ferry Park without a vote of the people, even though Brown's Ferry Park was established as a natural prairie park or would a vote be required? Conversely, could the City convert ball fields into a natural area without a vote of the residents?**

5. Is there a size or scale that triggers the "non-park use" definition of major change? (Example, an additional 100 square feet of right-of-way is needed for the installation of a traffic signal at an intersection abutting the park.)

6. The City owns land around its water reservoir where a second reservoir can be built in the future but is not currently being used. The property was purchased with water funds. The City has discussed using the excess land for trails until a second reservoir is needed. Could the City develop the area for interim park use that would expire when the land is needed for second reservoir without a vote of the people or would the fact that the property had been used for park uses for the interim trigger a vote?

7. Would it be a change in legal status, requiring a vote, for the City to grant an easement on park land to Clean Water Services or another utility where it was required for a river, creek or wetland environmental buffer setback?

8. Would a vote be required to sell the surplus portion of a larger property that was purchased for park land that was acquired prior to the proposed charter amendment?

9. Does "the City of Tualatin" include the Tualatin Development Commission for purposes of this amendment?

10. When a film company is looking for a location to shoot a movie, there is usually a relatively short one-three month period from the decision to use the particular location and the beginning of the actual filming of the movie. Rarely would there be enough time to place such a request on the ballot. Is there a length of time that triggers a use as "temporary" (7 days, 30 days, 190 days, 12 months)? Would a short-term, non-recreation use of parklands, such a filming a movie, allowing a circus to stage, or another party to store materials and equipment require a vote before the use could occur?

11. Would a vote be required before the City could temporarily use park property for a non-park use by another City department? Examples could be relocating one or more City departments to a park building for a year while a new City building was being constructed? **What about emergency repairs and maintenance for non-park uses?**

12. Under state and federal law, the Clean Water Act requires storm water run-off and sanitary sewer drainage to be treated before it can go into a river. Spills result in significant fines, at least \$25,000 per incident. The Supremacy Clause of the US Constitution has been interpreted generally to mean federal law is supreme over state and local law. Is there an exemption from voting for Clean Water Services if CSW needs to expand an easement in a park to comply with the Clean Water Act or does it have to have a vote of the people? If a vote is required, what happens if the vote is “no?”

13. The City has allowed Hayden’s restaurant to use parts of the Commons plaza for special events that are commercial in nature and are not related to park uses. Other restaurants are allowed to have outdoor seating around the Lake of the Commons. What is the impact of the proposed amendment on these currently permitted uses?

What about the Farmers’ Market? What about future uses as opposed to those already permitted?

14. The petitioners indicated that certain uses are grandfathered in. Where is the language that grandfathers those uses in? What are they?

15. Would a vote be required for the City to extinguish an easement on parkland?

16. There could be circumstances in which a developer is seeking to develop a specific property and the only way to get utilities to the property is through or along the side of a park. Is a vote required before the City may give permission for the utility to go through or along the edge of a park or greenway for an adjacent property?

Please indicate the language in the proposed amendment that supports your position.

TIMELINE FOR CITY MEASURE REFERRAL

- September 2, 2010: Deadline to file notice of measure election with the County
- August 23, 2010: Appeal period ends
- August 11, 2010: Publish appeal notice in the Oregonian (starts 7 day appeal period)
- August 9, 2010: Council action to refer measure to November 2 election
- July 26, 2010: Council meeting – Council directs preparation of notice
- July 12, 2010: Council meeting – discussion of draft measure documents
- June 28, 2010: No Council meeting
- June 14, 2010: Council work session – direction regarding drafting of measure

June

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July

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August

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September

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Plan

Community Involvement Plan

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Executive Summary

The following document creates a Community Involvement Plan in the City of Tualatin’s Municipal Code.

The primary objective of a Community Involvement Plan is to facilitate citizen involvement in all phases of land use planning and decision making. Oregon State Land Use Goal Number 1 requires all cities to establish an officially recognized Committee of Citizen Involvement (CCI). Specific Committee activities include: Providing information to citizens regarding opportunities to become involved in land use processes and decisions; Developing educational materials to promote greater understanding of land use issues; and evaluating programs and procedures used to promote citizen involvement in land use planning.

This document will propose a new Title 11, Tualatin Community Involvement Plan, in the Municipal Code. It will propose to move current advisory committees out of Title 1, Administration, and place them within the new Title 11. It will also organize the committees consistently and remove redundancies that have occurred in the current chapters.

This Community Involvement Plan incorporates the current Tualatin Citizen Advisory Committees (currently seven), adds additional responsibilities to the Committee of Citizen Involvement and recognizes additional Committees that would be specific to geographical regions of the City (CPO).

This plan would encourage citizen involvement throughout the City of Tualatin by requiring all land use applicants to conduct citizen outreach efforts with neighbors of the proposed project before submitting a formal application to the City of Tualatin.

The development code will also need to be updated to reflect Title 11 of the Tualatin Municipal Code.

Current Committees	Proposed New Committees
Community Involvement Committee	#1 -
Arts Advisory Committee	#2 -
Budget Advisory Committee	#3 -
Library Advisory Committee	#4 -
Parks Advisory Committee	#5 -
Planning Advisory Committee	#6 -
Urban Renewel Advisory Committee	#7 -
	#8 – Committee for Citizen Involvement
	#9 - CPO
	#10 -
	#11 -
	#12 -

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Tualatin Urban Renewal Advisory Committee
Establishment of Committee
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Neighborhood CPO
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Land Use Application Notices and Meetings with
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Amendments, Comprehensive Plan Changes,
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Title 11 - Tualatin Community Involvement Plan

Chapter 11 – 1 - Purpose

The primary objective of a Community Involvement Plan is to facilitate citizen involvement in all phases of government including land use planning and decision making. Oregon State Land Use Goal Number 1 requires all cities to establish an officially recognized Committee of Citizen Involvement (CCI). Specific Committee activities include: Providing information to citizens regarding opportunities to become involved in government, land use processes and decisions; Developing educational materials to promote greater understanding of government, land use issues; and Evaluating programs and procedures used to promote citizen involvement.

Chapter 11 – 2 - Committee for Citizen Involvement (CCI)

- 1) There is hereby established a Committee for Citizen Involvement (CCI).
- 2) The Committee shall consist of seven members, Each CPO will hold a seat on the CCI. The City Council may appoint two Council members to the Committee. The Committee shall be independent from any other standing City Boards and Commissions and Committee members shall not be current members of any other standing City Boards and Commissions, excluding Council member.
- 3) Serve as the City of Tualatin Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities.
 - (a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.
 - (b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Committee deems appropriate. [Ord. 342-76 §6, July 26, 1976; Ord. 454-78 § __, Aug. 28, 1978; Ord. 926-94 § __, June 13, 1994.]

Chapter 11 – 3 - Policy of Citywide Citizen Advisory Committees

Section 11 – 3 – 010 - Purpose

The purpose of this section is to establish consistent rules for all Citywide Citizen Advisory Committees.

Current Citywide Citizen Advisory Committees include:

- Planning Advisory Committee
- Parks Advisory Committee
- Library Advisory Committee
- Arts Advisory Committee
- Urban Renewal Advisory Committee

Section 11 – 3 – 020 - Powers and Duties

- (1) Recommend and make suggestions to the Council on issues that the committee is responsible for.
- (2) Provide committee updates at the City Council meetings monthly.
- (3) Each Advisory Committee will have a list of specific Powers and Duties.

Section 11 – 3 – 030 – Membership

(1) The membership of the Committee shall be appointed by the City Council. Committee members shall receive no compensation. The Committee shall consist of a minimum of nine members confirmed by the Council and, except as provided in subsection (6) of this section, shall serve three-year staggered terms, or until their respective successors are appointed. Except for a member who is appointed under subsection (6) of this section, no member shall serve more than two three-year terms in succession.

One member of each committee may be an elected City of Tualatin Council member. A Council member may not sit on more than two citywide CAC Committees or Boards. The Budget Committee will not be included as one of a Councilors' committees since the Budget Committee includes all seven members of the City Council.

- (2) In considering new members, the CCI and Council shall strive for geographic balance. No fewer than six members shall reside inside the corporate boundaries of the City, and no more than three shall reside outside the City. Any nonresident member shall reside within the Urban Growth Boundary of the City of Tualatin.
- (3) Each committee member serves at the pleasure of the City Council and may be removed by the Council at any time before the committee member's term expires.
- (4) Any vacancy on the Committee shall be filled by the City Council for the unexpired term of the member creating the vacancy.
- (5) No more than two members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that is engaged principally in the buying,

selling or developing of real estate for profit. No more than three members shall be engaged in the same kind of business, trade or profession.

(6) No more than one member may be less than 18 years of age. A member who is appointed under this provision shall serve a one-year term which may be renewed for one additional year. In addition to other criteria deemed relevant by the Council for appointment, the Council may consider the academic performance of the member and the effect membership on the Committee may have on such performance.

(7) A committee member shall not have unexcused absences from two or more meetings, including regular and special work sessions during a calendar year, or absences from more than five such meetings held during the calendar year. An excused absence may be obtained by contacting the chairperson or secretary of the committee at least 24 hours prior to any scheduled committee meeting. [Ord. 342-76 §2, July 26, 1976; Ord. 583-82 §__, Aug. 23, 1982; Ord. 888-93 §1, 2, Mar. 22, 1993; Ord. 1017-99 §1&2, Apr. 26, 1999.]

(8) Committees may have specific requirements for membership that are described in the membership section of each committee.

Section 11 – 3 – 040 - Organization of Committees

(1) Each Committee shall meet within 30 days after it is established under this chapter for the purpose of electing a chairperson and vice chairperson who shall be voting members of the Committee. The chairperson and vice chairperson shall hold office until the first regular meeting of the Committee in January, 1978. At the regular meeting of the Committee in January, 1978, the Committee shall elect a chairperson and vice chairperson of the Committee; and at the first regular meeting of each and every January thereafter, the Committee shall elect a chairperson and vice chairperson from its membership.

(2) Each Committee shall elect a secretary who need not be a member of the Committee. The secretary shall keep an accurate record of all Committee proceedings. The Committee shall file a report of all its proceedings with the City Recorder within 30 days of such proceedings. [Ord. 342-76 §3, July 26, 1976.]

(3) Committees may have specific requirements for organization that are described in the Organization of the Committee section of each committee.

Section 11 – 3 – 050 - Expenditures of Funds

The Committees shall have no authority to make any expenditure of funds on behalf of the City or to obligate the City for the payment of any funds without first obtaining the approval of the City Council by minute order or resolution stating the purpose of such expenditure. [Ord. 342-76 §5, July 26, 1976.]

Section 11 – 3 – 060 - Meeting Rules Regulations of Committees

A majority of the Committee shall constitute a quorum. A quorum of the Committee may transact any business or conduct any proceedings before the Committee. The Committee may adopt and amend rules and regulations establishing the procedure for the conduct of proceedings before it. Such rules and regulations shall be consistent with any ordinances, resolutions or laws of the City regulating the Committee.

Section 11 – 3 – 070 - Coordination of Planning Activities

In discharging its powers and duties at the request of the Council, under TMC 1-22.060, the Committee shall consider the provisions of any comprehensive plan, project plan or agency plan of the City of Tualatin Development Commission, the Urban Renewal Agency of the City of Tualatin and other government agencies having plans or projects affecting the City of Tualatin. [Ord. 418-77 §8, Nov. 28, 1977.]

Section 11 – 3 – 080 - Annual Reports of Committees

Not later April 1st of each year, commencing with the year 1977, the Committee shall file with the City Council its annual report of the activities of the Committee. The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee. The report may include activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council. [Ord. 342-76 §8, July 26, 1976.]

Section 11 – 3 – 090 – Other Citywide Committees

The City Council or Mayor of the city of Tualatin may add AD Hoc and task force committees as needed. These committees must follow the guidelines above for Citywide Citizen Advisory Committees.

Chapter 11 – 4 Tualatin Planning Advisory Committee

Section 11 – 4 – 010 - Establishment of Committee

The Tualatin Planning Advisory Committee is established and created. [Ord. 342-76 §1, July 26, 1976.]

Section 11 – 4 – 020 - Powers and Duties of Committee.

The Committee shall have the following powers and duties:

(1) Recommend and make suggestions to the Council regarding preparation and revision of plans for the growth, development, and beautification of areas both inside the

corporate limits of Tualatin and also within the City's urban growth boundary, such plans to incorporate elements and sub elements including but not limited to the following:

- (a) Land use;
- (b) Economic development:
 - (i) Housing;
 - (ii) Commercial and industrial;
- (c) Public facilities:
 - (i) Transportation;
 - (ii) Water supply;
 - (iii) Sewerage;
 - (iv) Drainage;
 - (v) Parks and open space; and
 - (vi) Institutions; and
- (d) Historic Resources.

(2) Recommend and make suggestions to the Council regarding preparation and revision of community development ordinances, including but not limited to the following: (a) Tualatin Development Code; (b) Tualatin Sign Ordinances; and (c) Tree planting regulations.

(3) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the City and of the area within the City's Urban Growth Boundary.

~~(4) Serve as the City of Tualatin Committee for Citizen Involvement in accordance with the State of Oregon Land Conservation and Development Goal No. 1, with the following responsibilities:~~

~~(a) Evaluate the effectiveness of the citizen involvement program during March and October of each calendar year.~~

~~(b) Recommend and make suggestions to the City Council regarding revisions in the citizen involvement program, as the Committee deems appropriate. [Ord. 342-76 §6, July 26, 1976; Ord. 454-78 §__, Aug. 28, 1978; Ord. 926-94 §__, June 13, 1994.]~~

Section 11 – 4 – 030 - Emergency Clause

Chapter 11 – 5 - Tualatin Parks Advisory Committee

Section 11 – 5 – 010 - Establishment of Committee

The Tualatin Park Advisory Committee is established and created. [Ord. 418-77 §1, Nov. 28, 1977.]

Section 11 – 5 – 020 - Powers and Duties of Committee

The Committee shall have the following powers and duties:

(1) Recommend and make suggestions to the City Council regarding all matters relating to public parks, playground-related activities and programs. This shall include, but not be

limited to (a) the budget process, (b) immediate and long-range planning, and (c) citizen participation.

(2) To formulate comprehensive and community-wide park and recreation systems and programs to serve the horticultural, environmental, historical, recreational, and cultural and leisure needs of all City residents. [Ord. 418-77 §6, Nov. 28, 1977.]

Section 11 – 5 – 030 - Emergency Clause

Chapter 11 – 6 - Tualatin Library Advisory Committee

Section 11 – 6 – 010 - Establishment of Committee

The Tualatin Library Advisory Committee is established and created for the purposes stated in TMC 1-25.070. [Ord. 758-88 §2, Oct. 10, 1988.]

Section 11 – 6 – 020 - Organization of Committee

(1) The Library Director shall serve as secretary to the Committee.

Section 11 – 6 – 030 - Powers and Duties of Committee

The Committee shall have the following powers and duties in addition to those granted by resolution of the City Council from time to time:

- (1) Consult with and advise the Library Director on all matters affecting operational policies of the City library;
- (2) Make recommendations to the City Council with respect to services, facilities and all other matters pertaining to the maintenance and improvement of the City Library;
- (3) Hear and consider complaints about City Library policies or materials;

Section 11 – 6 – 040 - Emergency Clause [Ord. 758-88 §10, Oct. 10, 1988.]

Chapter 11 – 7 - Tualatin Arts Advisory Committee

Section 11 – 7 – 010 - Establishment of Committee

The Tualatin Arts Advisory Committee is created within the City of Tualatin to encourage greater opportunities for recognition of arts in Tualatin; to stimulate private and public support for programs and activities in the arts; and to strive to ensure excellence in the public arts collection. [Ord. 967-97 §1, Jan 13, 1997]

Section 11 – 7 – 020 - Definitions

As used in this ordinance:

(1) "Arts" includes, but is not limited to, on-site art such as sculpture, paintings, murals, earthworks, tapestry and fiber arts, crafts, photography, and graphics; performance arts such as dance, music, and drama; educational arts such as lectures and public presentations, "artist in residence" programs; literary arts such as creative writing, storytelling, and poetry; and media arts such as film, video, and audio recording; and the history, theory, criticism, and practice of each of these arts.

(2) "Arts Professional" means a person trained and practicing as a visual or performing artist, an arts critic, an arts educator, and arts administrator, or a curator.

(3) "Committee" means the Tualatin Arts Advisory Committee.

(4) "Misconduct" means that a member has been convicted of a crime or has violated the Code of Ethics, ORS 244.040.

(5) "Nonperformance" means to have two or more unexcused absences from regular and special meetings during the calendar year or three or more absences from regular meetings during the calendar year. [Ord. 967-97 §2, Jan 13, 1997]

Section 11 – 7 – 030 – Membership

At least two members shall have arts professional backgrounds. No fewer than seven members shall reside within the corporate city limits of Tualatin and no more than two may reside outside the City.

Section 11 – 7 – 040 - Organization of Committee

The Library Director shall serve as secretary to the Committee.

Section 11 – 7 – 050 - Powers and Duties of Committee

The Committee shall:

(1) Make recommendations to the City Council regarding all matters involving public arts and the cultural development of the City. When an arts purchase or project is proposed for placement within a particular Department's area of responsibility, such as within a City park, the Committee shall work with and coordinate with the affected department or advisory committee to reach a recommendation. However, nothing in this section shall be construed to require the Parks and Recreation Department to seek approval or recommendation from the Committee of proposed recreation programs;

- (2) Prepare, recommend, and implement policies, upon approval by the City Council, for the selection, placement, maintenance and preservation of public artwork and programs;
- (3) Prepare, recommend, and, upon approval by the City Council, implement policies for proposed gifts, exhibitions, and loans of artwork to the City, for deaccessioning materials, and for handling citizen concerns;
- (4) Develop, recommend, and implement upon approval by the City Council a long range plan for the development of a public arts program for the city which shall be reviewed annually before the budget cycle of the City;
- (5) Establish a review policy to assess the collection of public art at least every ten years from the date of this ordinance;
- (6) Explore and recommend funding sources to support the arts program;
- (7) Provide assistance to activities and organizations in the community which provide art programs; and
- (8) Encourage, sponsor, co-sponsor or conduct public programs to further the development and public awareness of the arts. [Ord. 967-97 §7, Jan 13, 1997]

Chapter 11 – 8 - Tualatin Urban Renewal Advisory Committee

Section 11 – 8 – 010 - Establishment of Committee

To assure public participation in the Urban Renewal process, the Tualatin Urban Renewal Advisory Committee is created to advise the Tualatin Development Commission.

Section 11 – 8 – 020 - Powers and Duties of Committee

The Committee shall recommend and make suggestions to the Commission for the adoption of or amendment to an Urban Renewal Plan, a project plan or any plan or project implementation proceeding affecting an urban renewal area. In any such recommendation, the Committee shall consider the needs of the general City of Tualatin as expressed in the City of Tualatin Community Plan or as expressed by the Tualatin Planning Advisory Committee. The Committee shall make recommendations to the Commission on any other matters specifically requested by the Commission.

(Ord. 1118-02, Add, 09/23/2002)

Chapter 11 – 9 - Neighborhood CPO

Section 11 – 9 – 010 - Purpose

These committees will be made up of members within the area that they serve. Neighborhoods will manage who is on the committee and when they meet. The City of

Tualatin will not appoint citizens to these committees. These committees will be the starting point for community involvement within the City of Tualatin. Including such issues as proposed land use decisions, comprehensive plan, plan text amendment or city regulation which will affect the neighborhood such as a transportation system plan or a zoning change.

Section 11 – 9 – 020 -Powers and Duties

- (1) CPOs will organize and hold meetings at the discretion of the residents and businesses within the boundary of the CPO.
- (2) Provide the City of Tualatin contact information for the CPO
- (3) Recommend and make suggestions to City staff, City Council, other Citywide CAC and land use applicants.

Section 11 – 9 – 030 - Boundaries

- (1) There will be a minimum of six Neighborhood CPO'S that are recognized in this Chapter.
- (2) The City Council shall determine neighborhood CPO boundaries and may adjust them as needed.
- (3) The Neighborhood CPO boundaries will be as close to existing geographical neighborhood boundaries that also have similar zoning.

Section 11 – 9 – 040 - Neighborhood CPO Contact Information

- (1) The City Coordinator of Committees, designated by the City Manager, will keep a roster of CPOs, which will include contact information for each of these committees and make them available.
- (2) The City will offer contact information on its web site for each neighborhood CPO.
- (3) The City will also publish a brief explanation of each neighborhood CPO once a year in the City of Tualatin newsletter.

Section 11 – 9 – 050 - Land use Application Notices and meetings with Neighborhood CPO

- (1) Before a land use application may be submitted to the City staff, the applicant must hold at least one public meeting with the neighborhood CPO, refer to the City of Tualatin Neighborhood Review Meetings handout.

(6) All Land use applications deemed complete will need to be submitted to the City of Tualatin in digital form to be placed on the City web page for review. It is expected that each section of the application will be provided to City staff in a digital form that is specified by the IS department to be placed on our web site for easy downloading.

(7) The applicant must provide a minimum of six applications that may be provided to the CPO committees affected by the land use decisions.

Section 11 – 9 – 060 Staff decisions that relate to plan text amendments, comprehensive plan changes, traffic system plan. Development code or municipal code

The following will occur when the City Staff submits a comprehensive plan provision, land use regulation, or transportation system plan proposal to the City Council, which affects an area represented by the CPO:

(1) The City must notify all CPOs in regards to the proposal and any residents within 500 feet of the land use decision, 1000 feet if in a rural area. These notices need to be specific and will summarize the project that will be added or changed. (For instance, the City will be expanding Road A road from two to four lanes from Street C to Street D. This project will require additional right away.)

(2) All City decisions or recommendations will need to be placed on the City web page for review.

(3) Two public meetings will be held with the neighborhood CPOs and concerned residents. If a decision affects more than one CPO the city may hold a group meeting for all effected CPOs and residents. It is expected that the first meeting will be to seek public input and the second meeting will be to review the staff recommendations or final decisions with the neighborhood CPO, including what effect citizen comments had in the staff decision.

(4) A copy of the City's decision should be provided to each of the Neighborhood CPO, Along with Citizens that provided verbal or written comment at the public meeting.

Appendix A

Why Create a Citizen Involvement Plan?

Tualatin has done a good job of implementing Oregon Goal 1 in the land use policy. But many concerns have surfaced that need to be addressed to give the City staff the ability to hear from our citizens. Since the land use decisions are governed in the Oregon statute but under Oregon Land use laws public involvement is strongly recommended if not law. The City of Tualatin has the opportunity to fine-tune their Citizen involvement to improve and foster a better community.

Why is Citizen Involvement Important?

Oregon's Statewide Planning goals and guidelines place goal 1 as citizen involvement. It states, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process". Goal one list six components of the process:

- 1 - Citizen Involvement – To provide for widespread citizen involvement
- 2 - Communication – To assure effective two-way communication with citizens.
- 3 - Citizen Influence – To provide the opportunity for citizens to be involved in all Phases of the planning process.
- 4 – Technical Information – To assure that technical information is available in an Understandable form.
- 5 – Feedback Mechanism – To assure that citizens will receive a response from policy makers.
- 6 – Financial Support – To insure funding for the citizen involvement program.

What is Citizen involvement?

"Citizen involvement means participation in planning by people who are not professional planners or government officials. It is a process through which everyday people take part in developing, administering, and amending local comprehensive plans and land use regulations. It is citizens participating in the planning and decision making that affect their community".

What is the difference between a CCI, CAC and Boards?

CCI – Committee for Citizen Involvement deals only with citizen involvement.

CAC – Citizen Advisory Committees deal with a variety of planning and land use issues.

Boards – Boards have legal authority and you must be 18 years old to be a member.

Appendix B

What is a Land Use Decision?

(a) Includes:

(A) A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

(i) The goals;

(ii) A comprehensive plan provision;

(iii) A land use regulation; or

(iv) A new land use regulation; or

(B) A final decision or determination of a state agency other than the commission [LCDC] with respect to which the agency is required to apply the goals; and

(b) Does not include a decision of a local government:

(A) Which is made under land use standards, which do not require interpretation or the exercise of policy or legal judgment;

(B) Which approves or denies a building permit issued under clear and objective land use standards;

(C) Which is a limited land use decision; or

(D) Which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility, which is otherwise authorized by and consistent with the comprehensive plan and land use

The courts have interpreted that definition broadly. In other words, some actions that might not seem to fit the above definition have been found to be land use decisions. The actual impact on land use is the crucial factor.

Land use decisions may be either "legislative" or "quasi-judicial." The difference between the two is not always precise. In general, however, legislative land use decisions involve the *creation* of policies or regulations; quasi-judicial land use decisions involve the *application* of policies or regulations to a specific situation or piece of land.

Suppose, for example, that a city council adopts policies and regulations to manage development on lands subject to flooding. The council is "legislating" -- *creating* law that affects all or much of the community. That's a legislative decision.

Now suppose the same city's planning commission decides to approve a request for a conditional use permit to build a house in the Flood Management Zone. Here, the city is not creating new law. Rather, it is *applying* existing law. In judging how the law should be applied in that particular case, the planning commission is making a quasi-judicial land use decision.

The laws that govern procedures for making legislative land use decisions are relatively broad. For example, they give local officials greater latitude to decide who will receive notice about a particular decision.

The laws that apply to quasi-judicial decision-making are more detailed. The most important is ORS 197.763. This statute sets forth procedures that city and county officials must use when deciding requests for variances, conditional use permits, and other land use permits. The statute answers four basic questions:

- Who must get notice of the proposed decision?
- What information must be in that notice?
- When must the notice be provided?
- Who may appeal the decision?

You may read the complete text of ORS 197.763 in Oregon Revised Statutes Chapter 197. It details what must be done to inform citizens about each proposed land use decision. In cities, for example, notice must be mailed to all owners of property within 100 feet of land involved in a proposed land use decision; the notice must be mailed at least 20 days before the public hearing.

ORS 197.763 applies to cities and counties alike. But Oregon's laws also contain more specialized laws on permits, hearings, and notices. ORS 215.416 describes certain steps to be followed by counties; ORS 227.175 describes similar procedures for cities. See Oregon Revised Statutes, Chapter 215 and Chapter 227

The statutes described above establish minimum standards for "due process." They specify what *must* be done, not necessarily what should be done. Often, local officials need to go beyond the statutory standards to have effective citizen involvement.

Appendix C
Map of Neighborhood CAC

Appendix D

Current Title 1 of Municipal Code
Items that have been removed and placed in the new Title 11
are redlined in the attached Chapters

Title 1 Administration

Chapter 1-1 Codification of Ordinances

Chapter 1-2 Codification of the Tualatin Community Development Code

Chapter 1-3 Delegating Authority To City Manager To Accept Certain Documents

Chapter 1-4 Public Meetings Notice

Chapter 1-5 Records Retention

Chapter 1-6 Personnel Rules

Chapter 1-7 Emergency Management Plan

Chapter 1-20 Contract Review Board; Rules

Chapter 1-21 Planning Advisory Committee

Chapter 1-22 Parks Advisory Committee

Chapter 1-23 Heritage Trees

Chapter 1-24 Core Area Parking District Board; Tax Rate And Impact Fees committee

Chapter 1-25 Library Advisory Committee

Chapter 1-26 Arts Advisory Committee

Chapter 1-27 Disability Advisory Board

Chapter 1-28 Urban Renewal Advisory Committee

Chapters removed

Chapter 1 – 21	Planning Advisory Committee
Chapter 1 – 22	Parks Advisory Committee
Chapter 1 – 25	Library Advisory Committee
Chapter 1 – 26	Arts Advisory Committee
Chapter 1 – 28	Urban Renewal Advisory Committee



City of Tualatin

www.ci.tualatin.or.us

UNOFFICIAL

TUALATIN PLANNING ADVISORY COMMITTEE - MINUTES OF MAY 13, 2010

TPAC MEMBERS PRESENT:

Alan Aplin
Paul Sivley
Gunnar Olson
Mike Riley

STAFF PRESENT:

Doug Rux
Stacy Crawford
Will Harper

TPAC MEMBER ABSENT: Charlie Tumelty, Nic Herriges, Gunnar Olson & Guy Wherity
(excused)

GUESTS: see list

1. **CALL TO ORDER AND ROLL CALL:**

Chair Sivley called the meeting to order at 7:05 pm. Ms. Crawford took roll call.

2. **APPROVAL OF MINUTES:**

None

3. **COMMUNICATION FROM THE PUBLIC:**

None

4. **ANNOUNCEMENTS:**

None

5. **UPCOMING AGENDA ITEMS:**

Chair Sivley noted that the future agenda is included in the packet.

6. **COMMUNICATIONS:**

6.1 Transportation Committee Discussion– Councilor Barhyte

Councilor Barhyte stated that there have been some conversations with the Council about the Transportation System Plan (TSP) and how to engage the citizens on this process. The Mayor proposed having a TSP Committee that would help drive that process and find out how we can get citizen input. This topic along with a couple of others, Councilor Barhyte was asked to bring back to the Council after speaking to TPAC. The question Councilor Barhyte proposed to TPAC is should we have a permanent TSP committee that would look at transportation issues all the time? TPAC is going to get a look at the transportation issues in the process, it's just trying to figure out what we need to do to get citizens involved and he's bringing this concept to TPAC and asking for some feedback.

Mr. Rux provided some history of the TSP. There has been an internal discussion about this process and plan as well as questions raised by the Council. It's been proposed in next year's budget to start working on the TSP, which could take two years or more. It is the intentions of the Council to have as much public involvement as possible. Council is asking TPAC for some ideas on how to structure this. One option is to set-up a standing Transportation Advisory Committee that only deals with transportation. A second way is to create an Ad-Hoc committee to deal with the TSP and that process. A third way is that TPAC would deal with the TSP and be the advisory committee as another role. A fourth way could be that TPAC oversee the TSP work but also have an Ad-Hoc Committee of citizens. There are different ways to do this, but staff wanted to have this initial discussion and we can come back to the TPAC meeting in June, in which TPAC will need to formulate some feedback to give to the Council.

Mr. Riley asked Mr. Rux to describe for him how the TSP would go and when would this committee start? Mr. Rux responded that in 2000, TPAC was the advisory committee. The City hired a consultant, there were three Open Houses in the community that year and TPAC had this topic on the agenda for every meeting. The problem with this structure was the Open Houses were not well attended. Mr. Rux suggested other types of models that TPAC could think about and suggest. Mr. Riley thinks that having all the other committees involved there might be more interest and wondered if the meetings would be guided by the consultant. Mr. Rux responded that the City would hire a consultant that has expertise in the state and regional transportation planning rules. The City would manage that project, so the consultant works for the City. The citizen involvement component will be determined by the structure of the committee. Mr. Riley asked if cost is an issue. Councilor Barhyte stated the cost for the public outreach is already in the budget for TSP. The TSP budgeted amount is approximately \$200,000.00.

Chair Sivley heard five different options for structuring or managing. He asked if anyone had comments or questions around those five options. Mr. DeHaan asked if there was a state requirement triggering the update. Mr. Rux responded that the first trigger is Periodic Review and the other is a pending Regional Transportation Plan (RTP) update to be adopted. There is a two year window to update the TSP to be consistent with the RTP. The other issue is with the Council on wanting to update the TSP. Councilor Barhyte stated that the TSP has been the topic for Council for some time and if you look at the vision goals from Tualatin Tomorrow, they don't tie into what the TSP says.

Mr. DeHann is supportive with TPAC taking this one.

Chair Sivley asked for public comments at this time. He asked that they limit their comments to two minutes and only provide comments to how the city should best address the transportation system plan structurally and how to get citizen involvement.

Kathy Newcomb – 17515 SW Cheyenne Way, Tualatin, OR 97062

Ms. Newcomb stated what they asked for is not a Transportation Committee in the sense of roads, but would rather like to have a Transit Committee. Tualatin is the least served by transit according to the Chamber. The Chamber conducted a study that the

North Tualatin Friends want to participate in and learn from them. They have already looked into quite a few things with transit that they can do. The North Tualatin Friends want buses, high capacity transit rail and matching park & rides on the both ends. They want industries to have transportation just like on the eastside and they want the same thing on the west side so that people don't come through. They want origin and destination information, to know where people are coming from and going to. She has talked to TriMet and Metro about both of these issues and they are very willing to help. Wilsonville has an enormous advantage over Tualatin with their transit.

The citizen involvement for the North Tualatin Friends was awful. Tualatin Tomorrow is not a good vehicle for it. She has a lot of examples and has started a committee for it working with Sherilyn, Councilor Barhyte and others who want to set up a newer and better method for citizen involvement. She has been talking to Beaverton and she belongs to the CPO5, to see how they arrange it. We need to have infinitely better citizen involvement and she knows how they can arrange it. It doesn't have to be expensive.

Budget process, she is doubtful they will need much in the way of budget because we have a lot of very capable people. They might need a little bit of financial help from the City of Tualatin, but nothing like full-time. When you want more information, she will give it. Councilor Barhyte asked a follow-up question regarding budget, he misunderstood and probably some of the other Councilors did too, the request from her and others in regards to the transit committee, when you say budget are you talking in regards to your transit committee? Ms. Newcomb said no, she was thinking about suggestions that were made by Councilors, for instance, perhaps we need an information person. We do not, we need a very good system that they are beginning to work on and Councilor Barhyte will be the speaker for the 2003 ordinance that he tried to get implemented. They will take from that, make a list and hopefully have a list of about 20 ways and find out which are the most effective, that cost the least and least burdensome on the citizens.

Ms. Newcomb closed her comments with something that Councilor Harris said, "the City has had three bad experiences, with the North Tualatin Friends, the tennis courts, and the hospital office buildings". He wants a system where people know about it. She knows of systems which will get information to people directly, clearly, and they can choose for themselves. It will be based on Neighborhood Associations, which are already in existence, but inert. There are five of them and she has called all of them, only one had a working number. That is the system she feels they should be using.

Chair Sivley asked staff to what extent does the TSP address public transit issues. Mr. Rux responded that it's a component of the existing TSP. It can be reevaluated and updated as part of TSP. It would take community input and it would take discussions with TriMet. The Chamber has been operating a shuttle van for a number of years trying to get people out to their employment in the industrial areas from the bus lines. Chair Sivley asked if staff sees getting into discussions of transit the issues of light rail, high speed rail. Mr. Rux thinks given the discussion of late about high speed rail it will be something that will have to be considered in updating the TSP.

Doloris Hurtado – 8685 SW Chinook Street, Tualatin, OR 97062

Ms. Hurtado wants to stress the importance of knowing the sources and destinations of workers. She thinks the public could even be involved in that process. Wilsonville has a SMART bus program that meets the WES train and brings employees within 10 minutes to wherever they work. It's a great system and it works very well. It invites people to participate because it meets their needs. Somebody did the research and found out who works there, who might use it, where did they come from. She thinks it's about time Tualatin did the same thing and find out where our traffic is coming from. How much is going straight through and how much is going to the employment areas. She thinks we need tallies and might they use the WES line. Since we have the WES line, we should use it, or there might be a need for an internal bus line system. The problem is we don't know where people are coming from and where they are going. She strongly supports whatever system is started up.

In terms of involving public, the public needs to know that the City is taking a look at the traffic problems. If the Council reported it and if this committee put it on their agenda you would have people showing up. The problem is people hear about it months down the road after it's gone through all various professional engineering statistical studies and it hasn't include the human component. She feels that if getting the human component early it might make things go more smoothly. Certainly it would have helped with the park bridge, because if people knew about it two years earlier it wouldn't have happened. Some kind of communication from the City out to the newspapers, schools, employers, Chamber, emails and neighborhood associations early on would be very valuable to the process. She also agrees the enhancement to Neighborhood Association's would help facilitate that and she hopes the City will welcome that type of movement.

Ms. Hurtado thinks there is no question that light rail is coming down, 99W as far as to at least Tigard, we should find out if we can tie into it and have a park and ride that connects with it. She thinks the 99W Connector got away from us because the area to the South had more citizen participation, they had more concerns that they raised early in the process and they prevailed.

Chair Sivley asked staff what the amount in the budget for the TSP. Mr. Rux responded that it's about \$200,000. Chair Sivley asked if that amount covers some of the research on traffic patterns, influx, ingress and egress. Mr. Rux stated that they have heard the comments during the CURD discussion about origin and destination issues. A scope hasn't been put together yet, we are cataloging all these comments and when we craft an RFP for services, Council will have to look at all this information and all the component pieces in it. Chair Sivley feels there should be some leeway in funding for this because he can see this getting bigger and more expensive.

Steve Kungerman – 10019 SW Concho Court, Tualatin, OR 97062

Mr. Kungerman is relatively new to the area and not familiar with all the problems that have occurred. He does work with the public and one of the ways you can get public input, he finds in his business is that people are very visual. Technology is out there now. A newspaper could have Boones Ferry Road with six lanes on top of it and you will have people pay attention to that. Words don't mean as much as pictures.

Chair Sivley wanted to share Nic Herriges email comments "I've given the Transportation Committee a lot of thought. I'm very interested in working on this. But we need a lot broader input than just TPAC. There are a number of ways to accomplish this. I'm looking forward to finding ways to improve our transportation future with input from a wide variety of our residents, employers and employees." Additionally, this issue was on the agenda of a Chamber of Commerce Government Affairs Committee meeting. That committee talked about the structure of how best to address this and he heard some comments from a person from TVF&R, a person from a local business in the industrial area, and Yvonne Addington from the Tualatin Historical Society. All three felt it would be a mistake to form a new entity to address the TSP outside of existing committees.

Chair Sivley liked Mr. Rile's suggestion of making a super committee of members from URAC, TPARK, TPAC, TAAC, TLAC, Tualatin Tomorrow, Youth Advisory and citizens as an option with limited membership from each committee. He would like to have participation about outside opinions from other groups. Chair Sivley's goal is to have a committee that is effective yet inclusive.

Mr. Riley asked how much time do they see this taking. Is it comparable to a typical agenda item for TPAC or would this be a separate meeting all by itself. Mr. Rux thinks it's a combination of the two. It might start off with the amount of committee time maybe a little less, but then you'll ramp up and need more involvement and engagement by everybody and could potentially be a meeting in itself. Mr. Riley thinks that a super committee could reach beyond governmental entities and ask the Fire Department and Chamber of Commerce participation. Those folks are not going to want to sit and listen to TPAC's typical meeting, so it would be appropriate to have this be the same committee, but have this be on a parallel schedule. Not on the same agenda and an alternate meeting date and time.

Mr. Aplin feels that it's a big commitment to add another component and you can adjust the schedule to include this on the agenda. We need to figure out how to get public involvement from all areas and not just one effected area. He's not sure how you get people from all over to volunteer, but you certainly don't want everyone from just one area. Mr. Rux explained how to get others to participate.

There was consensus with the members not to create an entirely new committee that focuses on the TSP. Chair Sivley stated the only two options left are to have an all new committee that is Ad-Hoc that has a birth and death period with all new membership, completely unique or a super group? Chair Sivley asked for comments on those options. TPAC would rather have a "super group" that meets on different days than the regular TPAC meeting. Mr. Aplin feels the "Ad-Hoc" is needed when you get to that type of support where you want to bring the larger membership group in, not when you first start. Mr. DeHaan feels that managing the agenda will be a challenge.

Councilor Barhyte will give a summary to Council on May 24th of TPAC's discussion tonight. Chair Sivley would like to speak to Gunnar and Nic to find out what their thoughts are.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MCK*

DATE: June 14, 2010

SUBJECT: SURFACE WATER MANAGEMENT PROGRAM AUDIT OF IMPERVIOUS SURFACE SQUARE FOOTAGES USED FOR MONTHLY BILLING ON NON-SINGLE FAMILY PROPERTIES

ISSUE BEFORE THE COUNCIL:

Staff reviewed the impervious surface square footages on each non-single family property in the City using Geographic Information System (GIS) technology and aerial photos and needs direction on how to implement the changes to the accounts.

RECOMMENDATION:

It is recommended Council establish policies for handling notifications of changes to individual utility accounts and decide what to do about over charges and under charges prior to staff implementing the changes to Surface Water Management (SWM) billing.

EXECUTIVE SUMMARY:

Over the past year GIS staff has compared the current impervious surface square footages used for billing SWM charges to the newest (July 2009) aerial photo. The City currently bills for 19,613 ESUs per month; the GIS measurements show that the City should be charging for 21,177.20 ESUs per month. (ESU = equivalent surface unit; 1 ESU equals 2,640 square feet.)

FINANCIAL IMPLICATIONS:

At the current FY 09/10 rates there would be an increase of approximately \$4,800 per month for the local City of Tualatin revenue, and an increase of approximately \$1,500 per month for the regional CWS revenue.

Attachments: Surface Water Management System Audit Report, June 2010



City of Tualatin, Oregon

**SURFACE WATER MANAGEMENT
SYSTEM AUDIT REPORT**

June 2010

Submitted by:

**Michael A. McKillip
City Engineer**

History and Status of Surface Water Management Program

Unified Sewage Agency (USA; now Clean Water Services, CWS) started the Surface Water Management (SWM) program in 1990 to:

- Improve water quality.
- Protect fish habitat
- Manage drainage

These goals are achieved by CWS by:

- Operating and maintaining the stormwater conveyance system
- Establishing design and construction standards
- Regulating activities that can impact the watershed and enhance streams and floodplains.

In 1990 the City of Tualatin hired USA's consultant to calculate the impervious surface for all the non-single family properties in the City. Two methods were used to gather the information:

1. The consultant used the equipment available at the time (a polar planimeter), measured twice around the impervious surface visible on topography maps, and used the average number of square feet measured
2. Existing information on permits, applications, etc. was used if available

This information on impervious surface square footages is currently being used to calculate monthly utility bills for all non-single family properties.

As new projects with impervious surface are completed new accounts are created; existing projects are updated with newly added or subtracted impervious area amounts. Until now the City has never taken a comprehensive look at the existing impervious surface information in the utility database. This is a good time to check the existing information and update it as necessary because:

- In FY 09/10 and 10/11 CWS is reviewing the SWM program and the methodology for rates and system development charges (SDCs).
- Tualatin is now setting its own rates on the local portion of the monthly SWM fee and an accurate data base of information will assist in accurate revenue forecasting in the Storm Drain Operating Fund.
- In FY 09/10-10/11 the Engineering Division will be hiring a consultant to update the City's Storm Water Master Plan. The City needs to be able to provide accurate data on impervious surface area in the drainage basin to the consultant.

Rule Changes

Since 1990 USA/CWS has modified some of their original rules but the City has not gone back to review or revise any of the existing impervious surface area calculations or information in the utility database. The main reason for this was lack of manpower and limited technology in the past.

Using the City's Geographic Information System (GIS) and current aerial photography, the existing data in the utility database can now be compared to the GIS-measured impervious surface area. Some of the rule modifications over the years include:

- CWS' rules for rounding in 1990 were to round up to the next whole ESU. (ESU is Equivalent Surface Unit; a unit of measure based on the impervious surface area of an average single dwelling lot; 2,640 square feet). The current CWS Resolution & Order requires using the most accurate calculation method available.

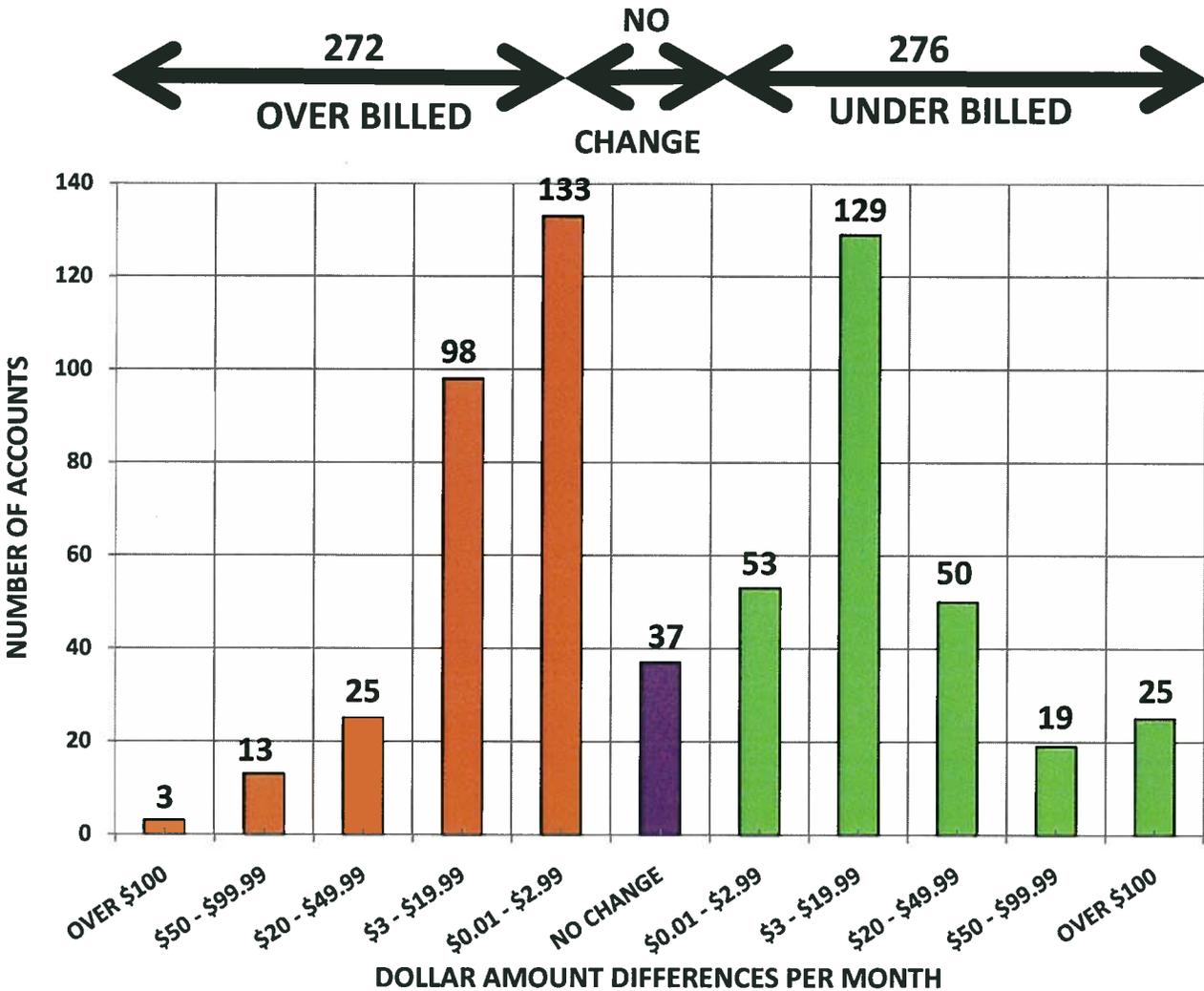
With the current financial software Tualatin would be able to bill a partial ESU, such as 14.47 ESUs instead of rounding up to 15 ESUs as done in the past.

- In 1990 compacted dirt and gravel were calculated at 100% impervious surface. The current rule for dirt and gravel parking lots and equipment storage areas is to deem 40% of the dirt and gravel area impervious (about 40% of a parking lot or equipment storage area is used as aisle ways).
- In 1990 dirt and gravel storage areas (where materials are stored and accessed by motor vehicles) were calculated at 100% impervious surface. The current rule for dirt and gravel storage areas is to deem 20% of the dirt and gravel area impervious (about 20% of a storage area is used for aisle ways).

Findings

This work has resulted in much more accurate measurements and billing capability. The majority of accounts is not affected or will reflect a minor adjustment. Some accounts, however, will require a significant change (some higher, some lower) to their bill. The chart on the next page shows a breakdown of the changes to the customer bills.

NON-SINGLE FAMILY ACCOUNTS



- There are another 128 accounts that have multiple accounts on one property such as:
 - multiple buildings with separate water meters and utility accounts
 - multiple buildings with multiple customers and utility accounts

The property owners/tenants will need to be contacted to determine how the impervious surface should be divided up between the accounts before any changes can be made to their SWM accounts.

- The total number of non-single family accounts that were measured is 713.
- Four accounts are not being billed for SWM.
- The current number of ESUs billed monthly is 19,613.
- The new GIS-measured number of ESUs to bill monthly is 21,177.20.
- The net effect is that Tualatin is currently not billing approximately \$4,800 per month local revenue and \$1,500 per month regional revenue for CWS (at the FY 09/10 rates).

Policy Questions

This review of the non-single family properties' impervious surface area has raised some policy questions:

POLICY QUESTION	CITY ENGINEER RECOMMENDATION
How will differences be handled when the current financial database information and the new GIS-measured information do not match?	
<ul style="list-style-type: none"> • Will the City issue credits to customers that have been over-charged? 	No
<ul style="list-style-type: none"> • Will the City issue refunds to customers that have been over-charged? 	No
<ul style="list-style-type: none"> • Will the City back bill property owners that have been under-charged? 	No
<ul style="list-style-type: none"> • Will everything in the past be left alone and a new start date be set for all the changes to take effect? 	Yes
How should customers be notified if their monthly SWM fee goes up or down more than \$3 per month?	A letter from the City
How much time should customers be given if their monthly SWM fees are going up or down more than \$3 per month before the changes take place?	90 days if the change is ≥ \$10/month
Should an audit of the Single-Family dwelling units be conducted?	Yes, review the properties/accounts and adjust as needed

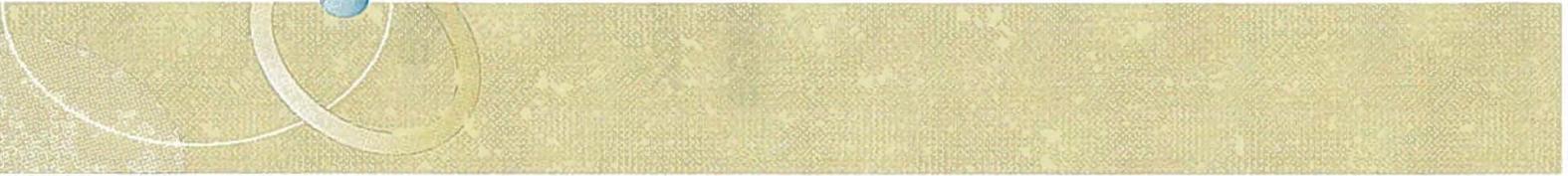
CWS "Rates and Charges," Resolution & Order No. 09-15, page 59:

Upon request of a customer or discovery by the District, adjustments may be made to correct the equivalent surface units. Adjustments may not exceed four years unless approved by the General Manager.

The City Attorney feels that the City of Tualatin can use this four year limit because Tualatin is implementing the CWS program.

Recommendation

- Get direction from City Council at June 14, 2010 work session on how to move forward to correct the non-single family residence accounts
- Determine an effective date for the revised fees to begin
- Give adequate advance notice to property owners whose monthly SWM bills are changing
- Work with the under-charged customers that need extra time to adjust to the higher monthly SWM fee
- Change ESUs on identified properties in the utility billing system
- Train staff to answer questions from property owners and tenants about methodology used to calculate new ESUs



**SURFACE WATER
MANAGEMENT (SWM)**

**AUDIT OF
IMPERVIOUS
SURFACE AREA**

JUNE 14, 2010



History of SWM Program

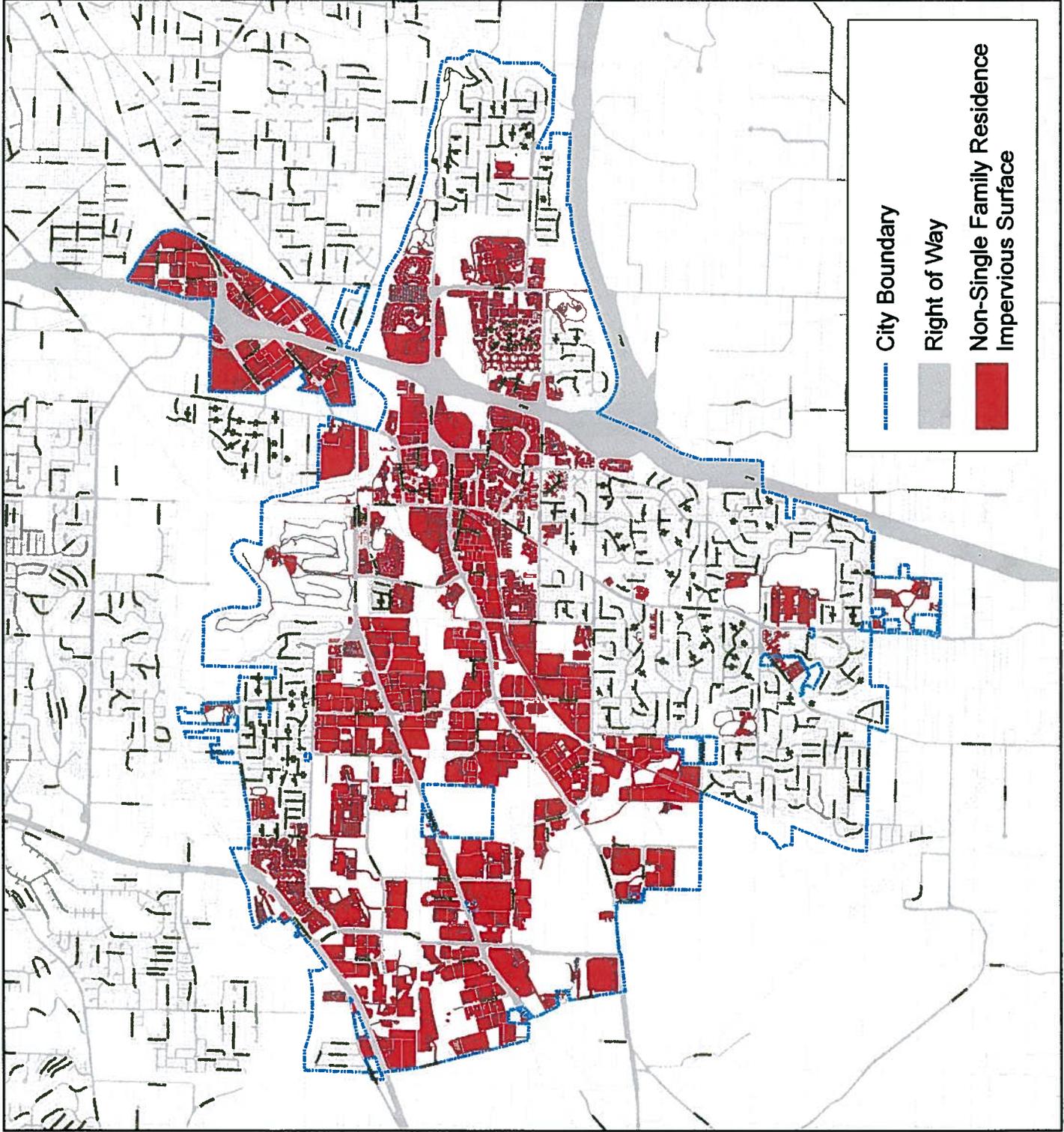
- Program started in 1990 by Unified Sewerage Agency (now Clean Water Services)
- Tualatin has never taken a comprehensive look at the SWM information in the utility data base that is used to issue monthly utility bills

Status of SWM Program

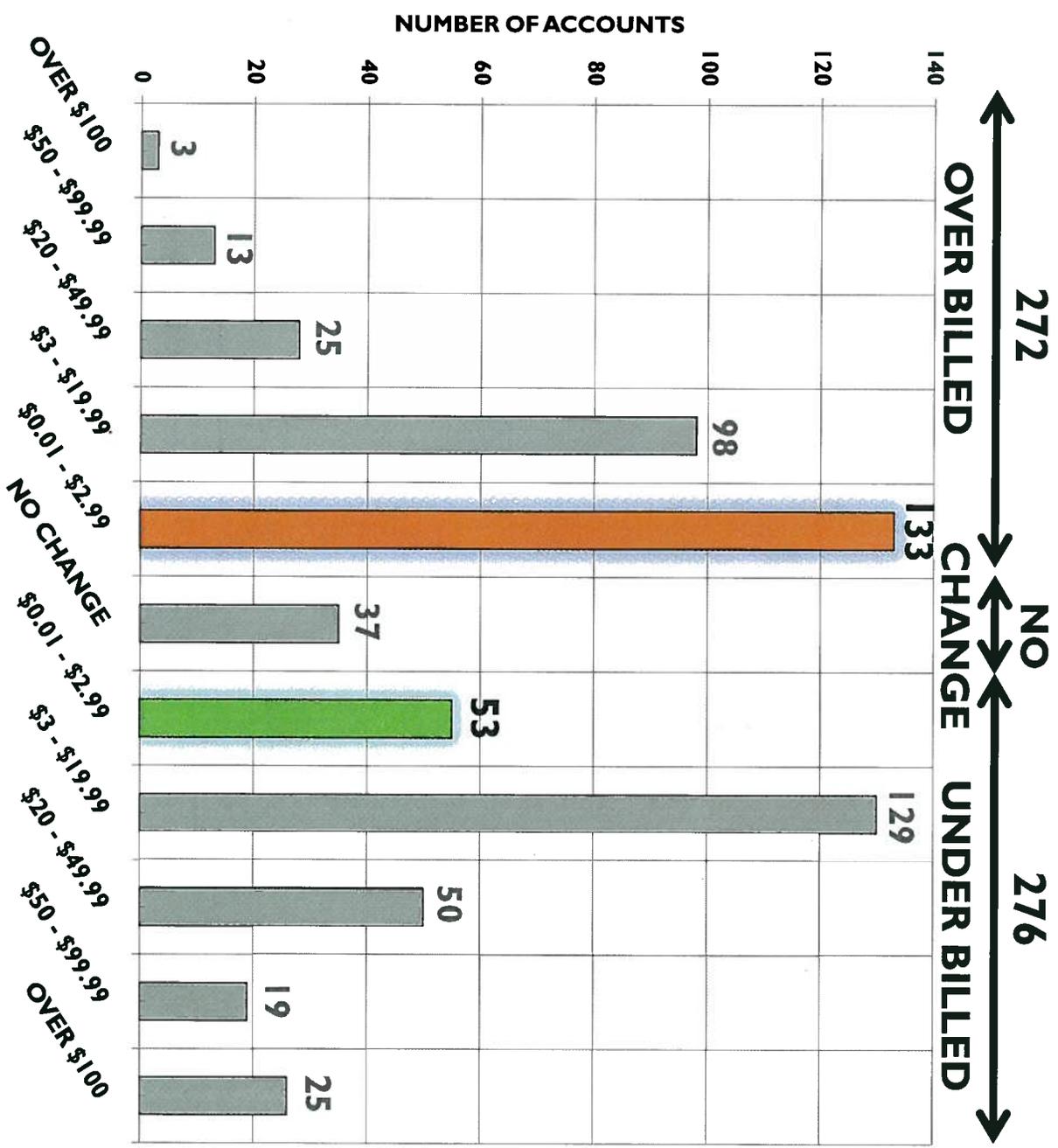
- This is a good time to update the existing information because:
 - Starting in 09/10 and continuing in 10/11 the Engineering Division is updating the storm drain data so that the Storm Water Master Plan can be updated by a consultant. Water quality is an important part of the Master Plan. Accurate impervious area is necessary.
 - Tualatin is now setting its own rates on the local portion of the monthly SWM fee and an accurate data base will assist in accurate revenue forecasting
 - CWS is currently reviewing the SWM program: methodology, rates, etc.
- GIS used aerial photography to measure each non-single family residential property's impervious surface area and compare it to the current billing data

Rule Changes

- Over the years CWS has made changes to the rules. This is the first time we have revisited the entire system to implement the changes.
- 1990:
 - Compacted dirt and gravel were considered 100% impervious surface area
 - The rule for rounding ESUs was to round up to the next whole number (Equivalent Surface Unit = 2,640 square feet; one average house)
- 2010:
 - Compacted dirt and gravel parking lots and equipment storage areas count as 40% impervious surface
 - Compacted dirt and gravel storage areas count as 20% impervious surface
 - The rule for rounding is to use the most accurate calculation method available. HTE is able to accept one or two decimal places in the ESU number



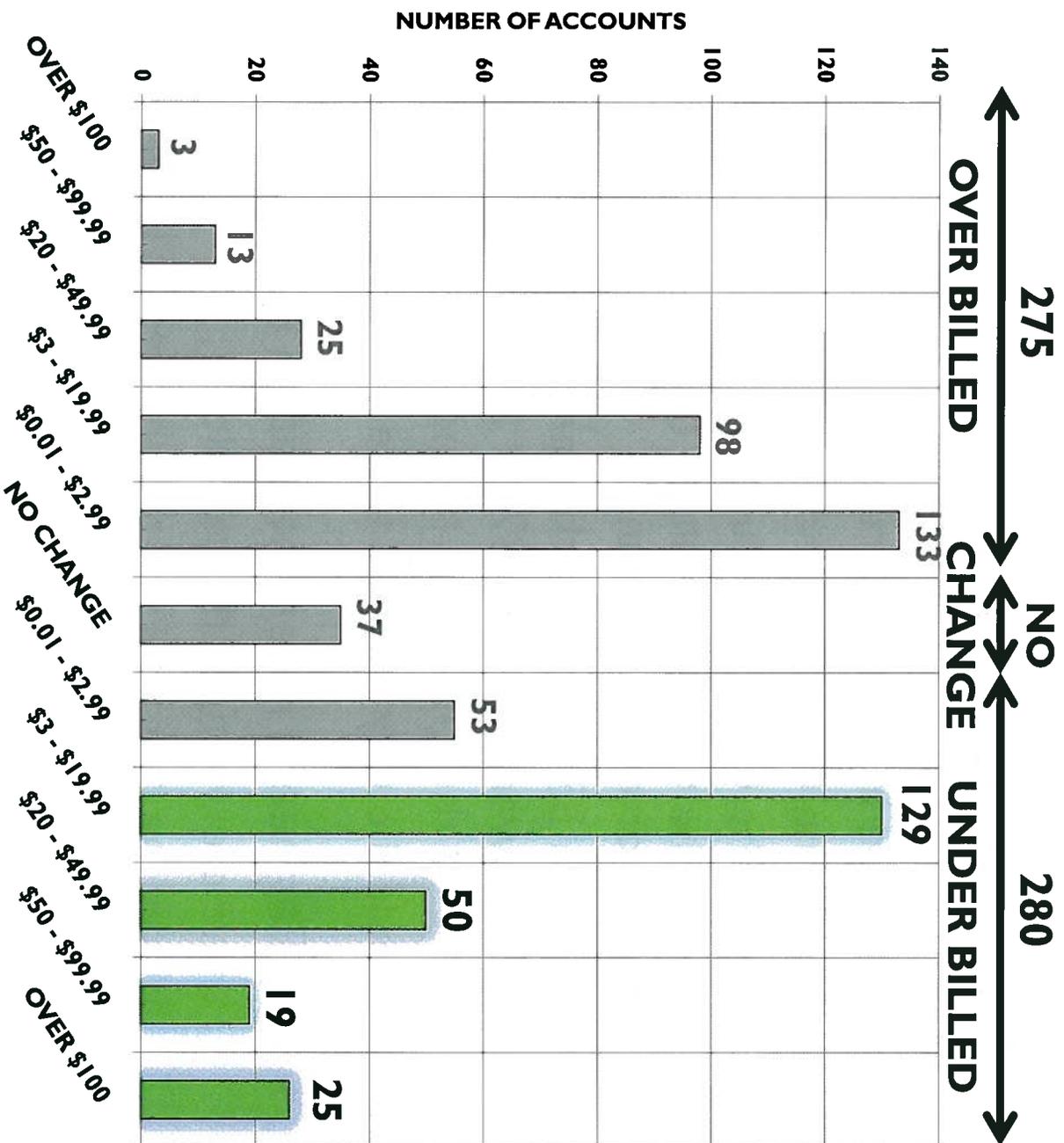
SWM AUDIT ON NON-SINGLE FAMILY ACCOUNTS



Policy Questions: \$0 - \$2.99 Change/Month

- There are 133 accounts that are being over-billed between \$0 and \$2.99 per month (mostly due to the change in rounding rules)
 - Should the City issue credits to these customers?
 - Should the City issue refunds to these customers?
 - Should the City set a limit on the number of years eligible for credit or refund?
- There are 53 accounts that are being under-billed between \$0 and \$2.99 per month (due mostly to the change in rounding rules)
 - Should the City back-bill these customers?
- City Engineer's recommendation is to
 - Leave everything in the past alone
 - Notify the customers of the changes by letter
 - Change account information for the next bill

SWM AUDIT ON NON-SINGLE FAMILY ACCOUNTS



Policy Questions:

\$3 - \$99.99/month Under-Billed

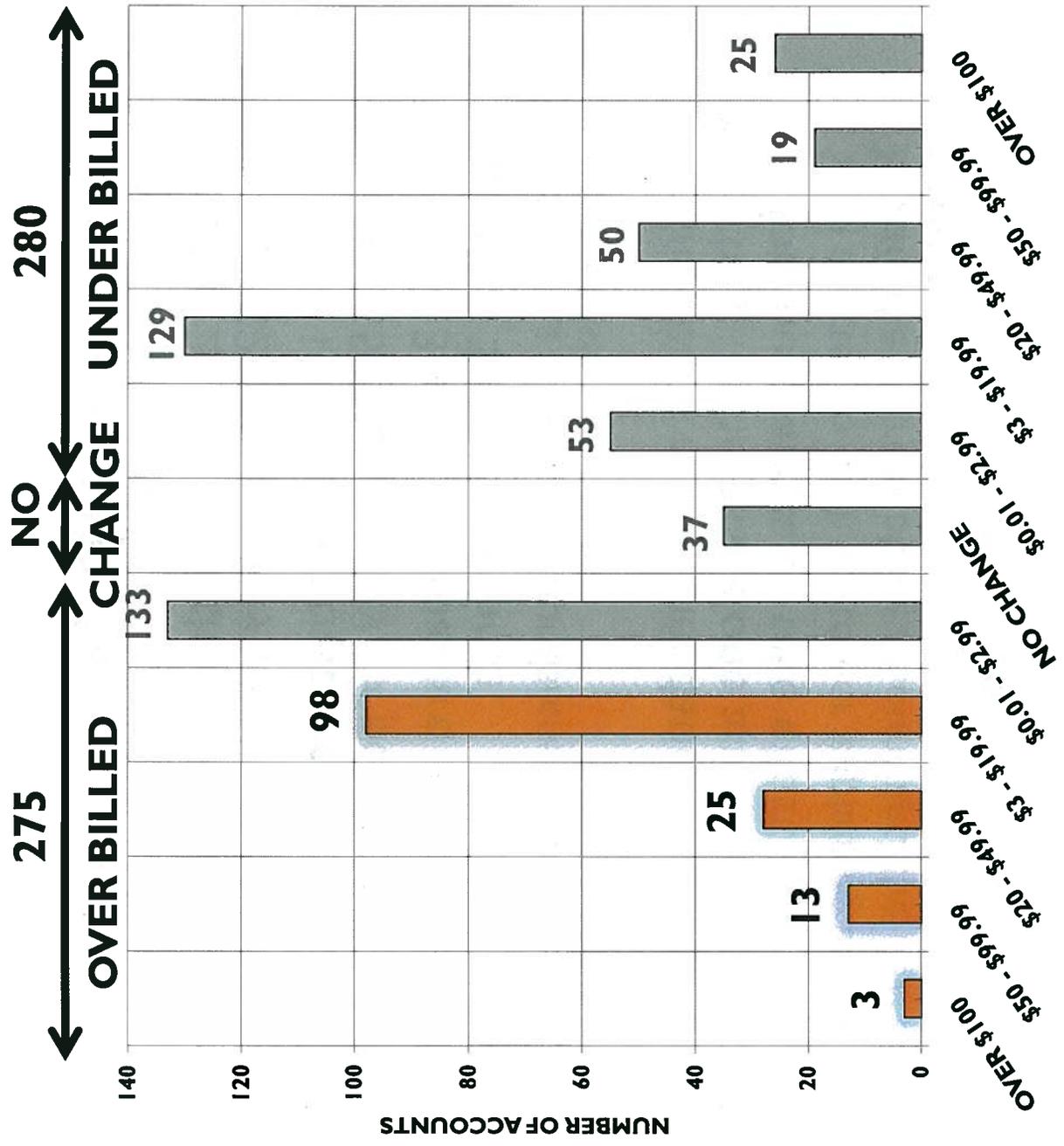
- There are 129 accounts that are being under-billed between \$3.00 and \$19.99 per month
- There are 50 accounts that are being under-billed between \$20.00 and \$49.99 per month
- There are 19 accounts that are being under-billed between \$50.00 and \$99.99 per month
 - Should the City back-bill these customers?

- City Engineer's recommendation is to leave everything in the past alone and set a new start date for the changes to take effect
 - Send a letter to each customer explaining audit
 - Explain the current billing amount and the new billing amount
 - Tell them changes will take effect in 60 days
 - Work with the customers to phase-in increases if they request it

Policy Questions: Over \$100/month Under-Billed

- There are 25 accounts that are being under-billed \$100 per month or greater
 - Should the City back-bill these customers?
- City Engineer's recommendation is to leave everything in the past alone and set a new start date for the changes to take effect
 - Make personal contact with the customers explaining the audit and the findings for their property
 - Explain the current billing amount and the new billing amount
 - Work with the customers to phase-in increases if they request it
 - Set a date six months in the future for increases to be completed

SWM AUDIT ON NON-SINGLE FAMILY ACCOUNTS



Policy Questions:

\$3 – over \$100/month Over-Billed

- There are 98 accounts that are being over-billed between \$3.00 and \$19.99 per month
- There are 25 accounts that are being over-billed between \$20.00 and \$49.99 per month
- There are 13 accounts that are being over-billed between \$50.00 and \$99.99 per month
- There are 3 accounts that are being over-billed more than \$100 per month
 - Should the City issue refunds/credits to these customers?

➤ City Engineer's recommendation is to leave everything in the past alone and set a new start date for the changes to take effect

- Send a letter to each customer explaining audit
- Explain the current billing amount and the new billing amount
- Tell them changes will take effect on the next billing

How will the SWM data be kept current?

- New water quality permit applications that are submitted will provide impervious surface area information that can be used when the project doesn't go through the building permit process.
- Upon project completion building plans will be given to GIS for preliminary measuring of impervious surface area.
- When the new aerial photos are available from Metro each year the construction projects completed that year will be measured and the number of ESUs verified/changed as needed.
- Project information from AR decisions will NOT be used for utility billing.

What are the next steps?

- **Get Council endorsement of methods for**
 - Notifying customers of changes to their accounts
 - Handling credits/refunds/back-bills
- **Send notice to affected customers**
- **Establish an internal process to handle customer questions**
- **Train staff that will be answering phone calls about the billing changes**
- **Continue system audits**
 - SWM – single-family properties for ESU and billing accuracy
 - Road Utility Fee – for building square footage and ITE code accuracy
 - Water – for meter sizes and fire service line sizes

June

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		1 6:00p TLAC @ Council Chambers Summer Reading Begins	2	3 6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg.	4 7:30a Chamber Networking PixelGigs @ Outdoor Kitchen World, 10800 SW Tualatin-Sherwood Road	5
6	7 6:00p CIC Meeting	8 6:00p TPAAC @ Council Chambers	9	10 4:00p Chamber Member Showcase @ Grand Hotel 7:00p TPAC Meeting, Council Chambers	11 7:30a Chamber Networking, Int. Retail Solutions @ A Group Realty, 18662 SW Boones Ferry Road	12
13	14 5:00p Work Session 7:00p Council/TDC Mitg	15 6:00p TAAAC @ Council Chambers	16 5:30p Chamber Alive After Five @ River Valley Landing, 19200 SW 65th Avenue	17	18 7:30a Chamber Networking sponsored by American Cancer Society; Location TBA	19 10a-4p Tualatin Riverkeepers' Discovery Day - Brown's Ferry Park (take-out)
20	21	22 6:30p Tualatin Tomorrow VIC Meeting @ Police Training Room	23	24 11:30a Chamber Luncheon @ Hayden's	25 5:45a Multi-Chamber Networking; Tigard Festival of Balloons @ Cook Park 4:00p Ribbon Cutting Ceremony; Farmers' Market @ Tualatin Commons	26 7a-5p Electric Radio Controlled Unlimited (boats) - Lake of Commons
27	28 CANCELLED 5:00p Work Session 7:00p Council/TDC Mitg	29	30			

2010

July

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1 6:45p Clackamas County C-4 Meeting @ County Develop. Services Bldg.	2 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	3 9:00p Movies on the Commons – Astro Boy
4	5 Independence Day Holiday CITY OFFICES CLOSED	6 6:00p TLAC @ Council Chambers 6:00p CIC Meeting (<i>tentative date</i>)	7	8 7:00p TPAC Meeting, Council Chambers	9 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	10 9:00p Movies on the Commons – The Spy Next Door
11	12 5:00p Work Session 7:00p Council/TDC Mtg	13 6:00p TPARK @ Council Chambers	14	15 7:00p Urban Renewal Advisory Committee, Council Chambers, 18880 SW Martinazzi Avenue	16 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	17 7a-5p Electric Radio Controlled Unlimited (boats) – Lake of Commons 10p-10p Relay for Life @ TuHS artificial turf field 9:00p Movies on the Commons – Shark Tale
18 8a-12p Relay for Life @ TuHS artificial turf field	19	20 6:00p TAAC @ Council Chambers	21	22	23 Artsplash 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	24 9:00p Movies on the Commons – Monsters vs. Aliens
25	26 5:00p Work Session 7:00p Council/TDC Mtg	27 6:30p Tualatin Tomorrow VIC Steering Committee @ Council Chambers	28	29	30 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	31 9:00p Movies on the Commons – Where the Wild Things Are

2010

August

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1	2 6:00p CIC Meeting	3 5:30p National Night Out - Police 6:00p TLAC @ Lib Comm Rim	4	5 6:45p ClackCo C-4 Mitg @ County Dev Svcs Bldg.	6 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	7 9:00p Movies on the Commons - Cloudy With a Chance of Meatballs
8	9 5:00p Work Session 7:00p Council/TDC Mitg	10 6:00p TPARK @ Council Chambers	11	12	13 4:00-8:00p Market @ Commons 6:30p Concerts on the Commons @ Commons	14 Crawfish Festival - Community Park and Tualatin Commons TBD am Crawfish Crawl 9:00p Movies on the Commons - The Goonies
15 Crawfish Festival - Community Park	16	17 6:00p TAAC @ Council Chambers	18 12:00p Core Area Parking District Board, Council Chambers	19	20 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	21 9:00p Movies on the Commons - Up
22	23 5:00p Work Session 7:00p Council/TDC Mitg	24 6:30p Tualatin Tomorrow VIC Steering Committee @ Council Chambers	25	26	27 6:30p Concerts on the Commons @ Commons 4:00-8:00p Farmers' Market @ Tualatin Commons	28 8a-5p American Kennel Club Obedience Trial (TCP)
29	30	31				

2010

MEETING CANCELLED

WORK SESSION ITEMS

PowerPoint?

- 1.
- 2.
- 3.
- 4.
- 5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

- 1.
- 2.
- 3.

CONSENT CALENDAR ITEMS

- 1.
- 2.
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

- 1.
- 2.
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

- 1.
- 2.
- 3.

EXECUTIVE SESSION ITEMS

- 1.

WORK SESSION ITEMS

PowerPoint?

1. CUP list of uses update
2. Update on For Sale/Lease signs enforcement
3. Legislative Priorities--LOC
4. Neighborhood Traffic Mitigation Process (*Stop Sign/Speed Hump Review*) (Engr)

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update
2. Commuter Rail Update
3. Introduce Vivien Lorelied (Community Services)

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Authorization to Execute Collective Bargaining Agreements [*tentative*]
3. Resolution - Shelter Rental Fees
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PMA-09-03 Meridian Park Hospital (**Quasi judicial**) (Comm. Dev.) [*continued from 3/8/10*]
2. PTA-09-08 Mitigation Impacts – Sewer, Water, Storm (**Legislative**) (Comm. Dev.)
3. CUP-10-01 Doggie Day Care (**Quasi**) – *Renoticed from 6/28/10* (Comm. Dev.)

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Tualatin Tomorrow Annual Report
2. Resolution Development Agreement Meridian Park Hospital (Comm. Dev.) [*continued from 3/8/10*]
3. Resolution – MOU re Basalt Creek Planning Area
4. ORD Parking Citation Increase CAPD (Comm. Dev.)
- 5.

EXECUTIVE SESSION ITEMS

1. Labor Negotiations

WORK SESSION ITEMS

PowerPoint?

1. Mitigation Impacts – Sewer / Water / Storm
2. WCCLS Levy discussion
- 3.
- 4.
- 5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. National Nite Out Presentation
- 2.
- 3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes
2. Resolution – Changes in Mgmt Compensation Plan
- 3.
- 4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PMA-10-__ Marquis RL to RML (*Quasi*) (Comm. Dev.)
2. PTA-10-__ Marquis Access Management
- 3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

- 1.
- 2.
- 3.
- 4.
- 5.

EXECUTIVE SESSION ITEMS

- 1.

WORK SESSION ITEMS

PowerPoint?

1. Sustainability Update

2. TSP and related planning initiatives

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. YAC Update

2. Commuter Rail Update

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1. PTA-09-03 Historic Regs (*Legislative*) (Comm. Dev.) (*tentative*)

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1.

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

WORK SESSION ITEMS

PowerPoint?

1.

2.

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1.

2.

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1.

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1. Accepting Southwest Concept Plan

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.

WORK SESSION ITEMS

PowerPoint?

1.

2.

3.

4.

5.

PRESENTATIONS / ANNOUNCEMENTS / SPECIAL REPORTS

PowerPoint?

1. Commuter Rail Update

2.

3.

CONSENT CALENDAR ITEMS

1. Meeting Minutes

2.

3.

4.

PUBLIC HEARINGS – Legislative, Quasi-Judicial or Other

PowerPoint?

1.

2.

3.

GENERAL BUSINESS ITEMS (not consent)

PowerPoint?

1.

2.

3.

4.

5.

EXECUTIVE SESSION ITEMS

1.