



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council
FROM: Sherilyn Lombos, City Manager *SL*
DATE: July 2, 2010
SUBJECT: Work Session for July 12, 2010

4:00 p.m. (20 min) – Land Use Notification Sign Template. On May 24th you approved new notification requirements and discussed signs that will be placed on properties where a land use action is being proposed. We committed to coming back to you with some changes to the sign templates that were presented that evening. Attached are some examples; we will have some full-size examples at the work session for you to look at and discuss.

Action Requested: Direction on the sign template to be used for land use notification actions.

4:20 p.m. (20 min) – Legislative Priorities for the 2011 Legislative Session. The League of Oregon Cities is looking for input on priorities they will be focusing on in the 2011 legislative session. The policy committees at the League put together a list of potential priorities that the League has forwarded. The department heads reviewed the list and has provided input into the issues that we believe have the highest impact potential to the city. Attached is a memo from Carina with the details for discussion.

Action Requested: Agreement on the top four priorities to send to the League of Oregon Cities.

4:40 p.m. (20 min) – Basalt Creek Planning Area – Agreements with Washington County and Wilsonville. Staff in Tualatin and Wilsonville have been meeting to discuss the planning work for the area between us. Attached is a memo from Doug with the details along with the memorandum of understanding that has been drafted (and is also on the Council agenda for approval).

Action Requested: Understanding of and agreement on the contents of the agreements with Wilsonville and Washington County regarding the Basalt Creek Planning Area.

5:00 p.m. (30 min) – Neighborhood Traffic Mitigation Process. Staff has been working on a process to facilitate neighborhood requests for traffic mitigation measures and to ensure the Council has information about what the neighborhood wants when these requests come before them. At the work session we will preview the process and get feedback from Council before implementing it.

Action Requested: Understanding of and agreement on a process to handle neighborhood requests for traffic mitigation.

5:30 p.m. (30 min) – List of Conditional Uses Allowed in Residential Districts. The last time you discussed this issue in work session it was apparent that there was much more in-depth discussion needed and you directed that a special work session be scheduled to allow more time for that discussion. Since then, the Mayor has suggested that this discussion should be expanded to include a broader audience. Before scheduling a special work session on the topic, we need to know how the Council wishes to proceed.

Action Requested: Direction on how to move forward with review of the list of conditional uses in residential districts.

6:00 p.m. (15 min) – Council / Commission Meeting Agenda Review, Communications & Roundtable. This is the opportunity for the Council to review the agenda for the July 12th City Council and Development Commission meetings and take the opportunity to brief the rest of the Council on any issues of mutual interest.

6:15 p.m. (40 min) – Executive Session:

- **Labor Relations – ORS 192.660(2)(d).**
- **Pending Litigation – ORS 192.660(2)(h).**

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.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: July 12, 2010

SUBJECT: LAND USE PUBLIC NOTIFICATION SIGNS (PTA-09-07)

ISSUE BEFORE THE COUNCIL:

This is a follow-up to the approval of PTA-09-07 to improve public notice of land use actions. Staff revised the land use public notification sign templates following Council discussion.

POLICY CONSIDERATIONS:

- Do the revised sign templates follow what the Council discussed on May 24, 2010?

BACKGROUND:

The Council approved PTA-09-07 on May 24, 2010 and adopted the associated ordinance on June 14, 2010. Because the amendment codified basic and simple physical parameters for land use public notification signs, the templates can be revised as needed independent of the Plan Text Amendment. Council had directed that staff make several revisions to the sign templates.

DISCUSSION:

Attachment A consists of revised sign templates. Staff will bring and show some of these examples in full-size and stand-alone form during the work session.

RECOMMENDATION:

Staff recommends that Council provide direction to staff.

Attachments: A. Sign Template Examples

NOTICE

**NEIGHBORHOOD /
DEVELOPER MEETING**

Rezoning / Site Development

10/10/2010 6:00 p.m.

Call 503-555-5555.

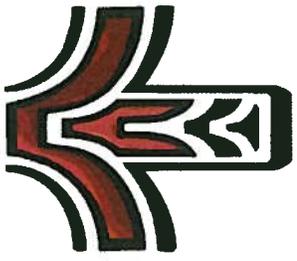


NOTICE

ANNEXATION 10-57

For more information call
503-691-3026 or visit

www.ci.tualatin.or.us

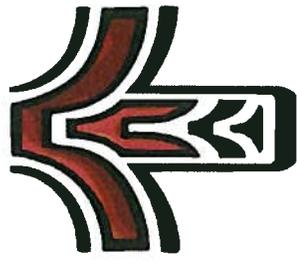


NOTICE

ARCHITECTURAL REVIEW 10-57

For more information call
503-691-3026 or visit

www.ci.tualatin.or.us



NOTICE

CONDITIONAL USE PERMIT 10-57

For more information call
503-691-3026 or visit

www.ci.tualatin.or.us

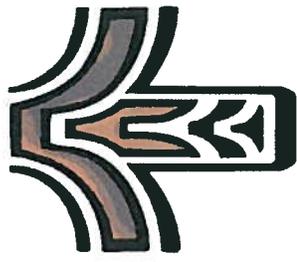


NOTICE

HISTORIC LANDMARK ACTION 10-57

**For more information call
503-691-3026 or visit**

www.ci.tualatin.or.us

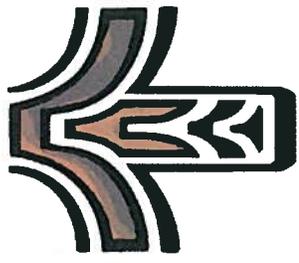


NOTICE

INDUSTRIAL MASTER PLAN 10-57

**For more information call
503-691-3026 or visit**

www.ci.tualatin.or.us

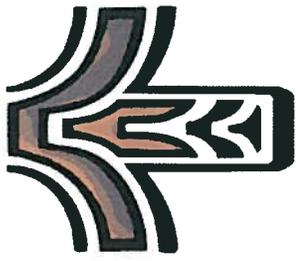


NOTICE

PARTITION 10-57

**For more information call
503-691-3031 or visit**

www.ci.tualatin.or.us



NOTICE

**PLAN MAP
AMENDMENT 10-57**

**For more information call
503-691-3026 or visit**

www.ci.tualatin.or.us

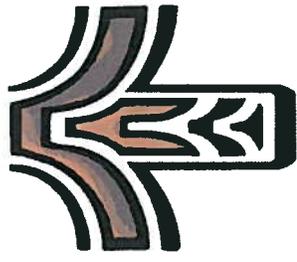


NOTICE

**PLAN TEXT
AMENDMENT 10-57**

**For more information call
503-691-3026 or visit**

www.ci.tualatin.or.us

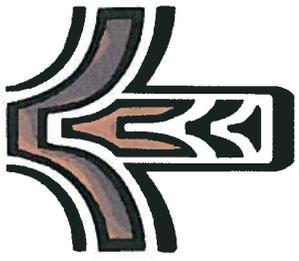


NOTICE

SUBDIVISION 10-57

**For more information call
503-691-3031 or visit**

www.ci.tualatin.or.us

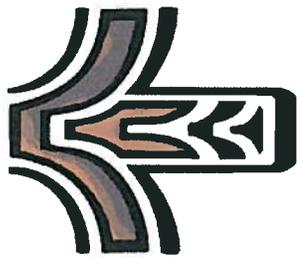


NOTICE

TEMPORARY USE PERMIT 10-57

For more information call
503-691-3026 or visit

www.ci.tualatin.or.us

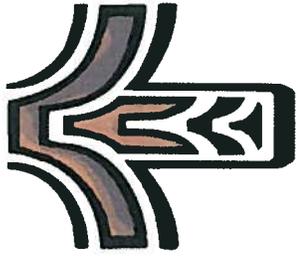


NOTICE

TRANSITIONAL USE PERMIT 10-57

For more information call
503-691-3026 or visit

www.ci.tualatin.or.us



NOTICE

VARIANCE 10-57

**For more information call
503-691-3026 or visit**

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MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Carina Christensen, Assistant to the City Manager *C.C.*

DATE: July 12, 2010

SUBJECT: 2011 LEGISLATIVE PRIORITIES

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to review the League of Oregon Cities' (LOC) Policy Committees' Legislative Recommendations for the 2011 legislative session and select Tualatin's top four priorities.

BACKGROUND:

Tualatin is a member of the League of Oregon Cities. The League has eight policy committees which have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2011 session. They have identified 28 legislative objectives, which are included as Attachment A of this report. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, LOC is asking that cities prioritize them in order to ensure that efforts are focused where they are most needed.

Tualatin is also spearheading its own issue for the 2011 session. Included as Attachment C is a document that City Attorney, Brenda Braden sent to the League on April 27, 2010. This letter explains that Tualatin is interested in getting a legislative fix regarding issues with two statutes that arose out of Tualatin's ballot measure to annex the Clackamas County portion of Tualatin into the Library District of Clackamas County. Staff will continue to work on this issue with the League.

DISCUSSION:

Please review LOC's proposed legislative priorities.

RECOMMENDATION:

Staff has reviewed LOC's proposed legislative priorities and presents their recommendation for council's review.

MEMORANDUM: 2011 Legislative Priorities

July 12, 2010

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Staff selected the top four priorities that it considered to have the most impact to the City: Priorities D, E, G, J. Staff felt that some other priorities were important enough to also warrant referral to the League. Therefore, a letter has been drawn up asking the League to consider the importance of monitoring these issues: F, I, K, O, R, U, AA, and BB. The letter is included as Attachment B. (Please refer to attachment A for definition of issues).

Staff requests that Council provide input on staff's proposed top four priorities and the letter to the League of Oregon Cities. .

- Attachments:**
- A. LOC's Policy Committees' Legislative Recommendations
 - B. Letter to League
 - C. City Attorney's Memo Regarding Legislative Fix

City of:

Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2011 legislative agenda.

Community Development

- A. Support an urban growth boundary agenda that would provide for a more efficient urban growth management system (as outlined in the full Community Development Committee long-term recommendation).
- B. Support legislation that would: 1) create an exception to allow cities to propose and adopt population forecasts using a specified methodology, taking into consideration certain factors; 2) include conflict resolution procedures between cities and counties when adopting or amending population forecasts.
- C. Support legislation that provides conflict resolution procedures between cities and counties when adopting or amending an urban growth boundary or urban reserve area.
- D. Continue efforts to resolve the conflicts between the Transportation Planning Rule (TPR) and other statewide land use planning goals by changes to Oregon Department of Transportation/Department of Land Conservation and Development (ODOT/DLCD) procedures and rules, or by legislative action. (Note: this priority is duplicative of priority "S" forwarded by the Transportation Committee. Both priorities are brought forward here, representing the discussion of the Community Development and the Transportation policy committees.)

Energy

- E. Reauthorize the Business Energy Tax Credit (BETC) to leverage local investments in energy conservation, fuel conservation, renewable energy projects, as well as recruitment and expansion of renewable energy resource equipment manufacturing facilities.

Finance & Taxation

- F. Take an active role in facilitating and promoting processes and measures to bring about an overhaul of the state property tax system. The outcomes of this overhaul must create a system which taxes property equitably, brings assessed values closer to real market values, and is stable and predictable to both governments and taxpayers.
- G. Maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula. Any additional taxes or surcharges on these items must be incorporated into the current formula so cities may continue to provide services related to these revenues.
- H. Allow local governments a more flexible use of transient lodging tax to meet the increased demands placed both on essential services and infrastructure created by tourism activities.

General Government

- I. 9-1-1 tax for pre-paid cell phones.
- J. Restore the Department of Public Safety Standards and Training (DPSST) Regional Training program and protect DPSST from further cuts.
- K. Attach municipal court fines to tax returns.

Human Resources

- L. "Manager" designation for local governments.
- M. Lengthen time for last best offer submission from 14 days to 28 days.
- N. Allow employers to require paperless pay.
- O. Work to achieve healthcare cost containment and protect local decision making authority in benefit design.
- P. Allow employees to choose alternative retirements option and protect the integrity and stability of Public Employee Retirement System (PERS).
- Q. Eliminate the requirement for employers to provide identical health benefits for retirees as they do for active employees.

Telecommunications

- R. Address tax equity issues in the context of state telecommunications laws including removing existing preemptions that have led to declining revenues. Work towards an alternative revenue system for telecommunications providers. Oppose preemption of city franchising, rights-of-way and taxing authority.

Transportation

- S. Resolve the disconnect between the Transportation Planning Rule (TPR) and other statewide land use planning goals. (Note: this priority is duplicative of priority "D" forwarded by the Community Development Committee. Both priorities are brought forward here, representing the discussion of the Community Development and the Transportation policy committees.)

Turn over for more issues

Attachment A

- T. Ensure that transportation/land use planning requirements, especially those established to address greenhouse gas emissions and other air quality issues, are developed with certain caveats (as outlined in the full Transportation Committee recommendation).
- U. Advocate for sustainable alternatives to fuel taxes to address decreasing State Highway Fund revenues as a result of an increase in automobile efficiency and the development of new technologies.
- V. Seek funding distribution mechanisms and formulas that reflect need as determined by system demand, function and condition.
- W. Seek additional funding, efficiencies and program support for multi-modal transit and rail projects.
- X. Increase the funding allocation to Oregon's small cities for road and street development and maintenance from \$1 million to \$5 million without unfairly impacting larger cities' share of the State Highway Fund.
- Y. Enact legislation establishing a "shared road" designation allowing cities to reduce speed limits below the state-mandated minimum of 25 mph on roads that have limited capacity but are utilized by other modes.

Water/Wastewater

- Z. Support establishing statewide product stewardship programs to ensure recycling or proper disposal of toxic products at the end of their lifecycle.
- AA. Recapitalize state municipal infrastructure funds to fully meet local demand on a sustained basis and fully leverage federal matching funds for water and wastewater infrastructure.
- BB. Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands.

LOC Policy Committees' Legislative Recommendations

Priority	Description
Community Development	
<p>A. Support an urban growth boundary agenda that will:</p> <ul style="list-style-type: none"> ○ Determine problems to the current urban growth boundary and urban reserve system from a statewide perspective; ○ Consider different policies for the annexation of areas that are pre-urbanized (those that receive services annexations vs. greenfield annexations (those without current services); ○ Evaluate upcoming Court of Appeals decision re: <i>1,000 Friends v. LCDC/City of Woodburn</i> for parameters to codify clear standards/rational basis in ORS 197.298 for the use of higher priority land with less appeal opportunity; ○ Streamline the Oregon Land Conservation and Development's (LCDC) review of urban growth boundary and urban reserve decisions by adding a "raise it or waive it" requirement to such reviews. ○ Propose conflict resolution procedures between cities and counties when adopting or amending urban growth boundaries or urban reserves; ○ Consider legislation that would allow the sequential adoption of urban growth boundary expansion components for cities over 25,000. ○ Consider the effects of the transportation planning rule on urban growth boundary management; ○ Consider the concerns of individual cities per their recent urban growth boundary, urban reserve and annexation experiences; and ○ Propose appropriate legislation. 	<p>Appeals of urban growth management amendments are growing exponentially, and are time-consuming and expensive for cities. The Community Development Committee recognizes that long term solutions require a broad, systemic approach that may take extensive evaluation.</p> <p>Surveys, work groups, focus groups, and professional and technical assistance from city planners and attorneys will be used to evaluate and formulate appropriate changes to existing statutes to provide a more efficient urban growth boundary management system.</p>

LOC Policy Committees' Legislative Recommendations

<p>B. Support legislation that would: 1) create an exception to allow cities to propose and adopt population forecasts using a specified methodology, taking into consideration certain factors; 2) include conflict resolution procedures between cities and counties when adopting or amending population forecasts.</p>	<p>Statutes require counties to provide “coordinated” population forecasts to urban and rural areas, but for a variety of reasons, either have not or do not provide timely updates. Statutes provide cities certain alternatives, but cities in particular situations have experienced untimely and inadequate remedy. Currently there are no statutory remedies, enforcement actions, or conflict resolution procedures for counties that do not comply with the requirements.</p>
<p>C. Support legislation that provides conflict resolution procedures between cities and counties when adopting or amending an urban growth boundary or an urban reserve area.</p>	<p>Both a county and a city must adopt amendments to their comprehensive plans when a city adopts or amends an urban growth boundary or an urban reserve area. There is no statutory conflict resolution process when a county and a city can't agree on urban growth management decisions- which can become contentious and may not be sufficiently guided by urban growth management agreements.</p>
<p>D. Continue efforts to resolve the conflicts between the transportation planning rule and other statewide land use planning goals by changes to ODOT/DLCD procedures and rules, or by legislative action. (Note: this priority is duplicative of priority “S” forwarded by the Transportation Committee. Both priorities are brought forward here, representing the discussion of the Community Development and the Transportation policy committees.)</p>	<p>Interpretations of the Transportation Planning Rule (TPR) has led to direct conflicts with the implementation other statewide planning goals, including Goal 10 (Housing) and Goal 9 (Economic Development). Declining financial resources has made the situation worse; as cities look at efficiency measures for how to grow more densely within urban growth boundaries, many areas are eliminated from consideration because of TPR requirements.</p>
<p>Energy</p>	
<p>E. Reauthorize the Business Energy Tax Credit (BETC) to leverage local investments in energy conservation, fuel conservation, renewable energy projects, as well as recruitment and expansion of renewable energy resource equipment manufacturing facilities.</p> <ul style="list-style-type: none"> ○ Extend the program sunset dates; ○ Maintain BETC access for public projects; ○ Ensure funding for a full range of manufacturing, renewable energy, energy conservation, and fuel conservation projects; ○ Make the pass-through process more predictable and market-driven; and ○ Maximize certainty for BETC applicants. 	<p>The Business Energy Tax Credit provides a powerful incentive for Oregon communities and businesses to become more energy efficient, develop renewable energy, and foster a clean energy economy. In recent years, dozens of Oregon cities have leveraged funds using the BETC “pass-through” to invest in projects such as high-efficiency lighting, HVAC system upgrades, transit systems, photovoltaic energy production, and efficiency upgrades at wastewater treatment plants. The BETC has also been instrumental for local efforts to attract new businesses, foster job creation, and make local economies more efficient. The BETC is currently scheduled to sunset as early as 2012, however, and recently has been hampered by a lack of certainty for BETC applicants.</p>

LOC Policy Committees' Legislative Recommendations

Finance & Taxation	
<p>F. Take an active role in facilitating and promoting processes and measures to bring about an overhaul of the state property tax system. The outcomes of this overhaul must create a system which taxes property equitably, brings assessed values closer to real market values, and is stable and predictable to both governments and taxpayers.</p>	<p>Severe limitations imposed on local governments by Measure 5 and 50 to raise revenue have seriously jeopardized the ability of cities to provide essential services and foster economic growth. A comprehensive property tax fix is necessary which, along with equity, stability, and a stronger correlation between assessed value and real market value, should include an allowance for local control in setting appropriate long term local tax rates and grant consideration of the impact of the state's school funding methods on the property tax system. To this end, in a multi-year effort, the League of Oregon Cities will take a lead and active role in forming a coalition to facilitate conversations across the state and develop an education program to inform legislators and the public of the current crisis and the options available.</p>
<p>G. Maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula. Any additional taxes or surcharges on these items must be incorporated into the current formula so cities may continue to provide services related to these revenues.</p>	<p>State Shared Revenue stand as a historical commitment by the state to local governments; cities accepted preemptions on certain taxes and fees in exchange for a state promise to share in their revenues of liquor, cigarettes, 9-1-1, and gasoline taxes. These distributions are a critical facet of each cities' ability meet increased demands on local services from alcohol related incidences, traffic impacts, and public safety issues. Any further cuts to State Shared Revenue will jeopardize the ability of cities to provide essential services. The state should respect local government's reliance on State Shared Revenue and honor its historic commitment.</p>
<p>H. Allow local governments a more flexible use of transient lodging tax to meet the increased demands placed both on essential services and infrastructure created by tourism activities.</p>	<p>Current preemption restricts cities to control of just 30 percent of their own local transient lodging revenue. Tourism activities can place increased demands on city infrastructure and services, but this preemption necessitates these added costs be borne by local residents rather than tourists and may jeopardize the ability of cities to provide other essential services. Increasing city flexibility in the use of local transient lodging revenue lessens the burden on local residents.</p>
General Government	
<p>I. 9-1-1 tax for pre-paid cell phones.</p>	<p>Support legislation to require pre-paid cell phones to contribute to pay 9-1-1 tax as all other telephones capable of dialing 9-1-1 do.</p>
<p>J. Restore the Department of Public Safety Standards and Training (DPSST) Regional Training program and protect DPSST from further cuts.</p>	<p>Work to restore regional training services and other critical services provided by DPSST.</p>
<p>K. Attach municipal court fines to tax returns.</p>	<p>Support legislation to allow municipal and other local courts to seize income tax returns to pay delinquent municipal court fines.</p>
Human Resources	
<p>L. "Manager" designation for local governments.</p>	<p>Allow cities to designate an employee as a "managerial employee" under the PECBA for purposes of collective bargaining (currently limited to only the State).</p>
<p>M. Lengthen time for last best offer submission from 14 days to 28 days.</p>	<p>Currently when a strike-prohibited union advances their collective bargaining to Interest Arbitration, the parties' Last Best Offers (LBOs) are not due until 14 days prior to the actual hearing. ORS 243.746(3). This leads to a number of problems/issues:</p> <ul style="list-style-type: none"> ○ If the parties' submit their LBO just 2 weeks prior to the actual hearing, only to discover that they are "very close" to a possible settlement, they can be discouraged from settling since the 14-day time frame is beyond most arbitrators cancellation policy. In other words, the parties still have to pay the full cost of the arbitrator fees for each day of the scheduled hearing and any non-refundable travel costs. ○ The 14-day period does not encourage either party to get to their "bottom-line" until just before a hearing. ○ Most hearing exhibits are developed in conjunction with a parties LBO, including costing of the LBOs. Therefore, many of the exhibits are unnecessarily delayed in development until you see the other party's LBO. This would also apply to the decision

LOC Policy Committees' Legislative Recommendations

	<p>as to who your needed witnesses are.</p> <ul style="list-style-type: none"> ○ The expanded time frame would provide for a more meaningful time frame within which to consider the other parties position and/or to seek mediation assistance.
N. Allow employers to require paperless pay.	Develop legislation that will allow employers to require employees to accept electronic or payroll card payment and eliminate the requirement that a paper check be a payment option.
O. Work to achieve healthcare cost containment and protect local decision making authority in benefit design.	<p>Oregon cities, as responsible employers and leaders for healthy communities, have a vested interest in ensuring that Oregonians have access to affordable medical and preventative care. Oregon cities have proven to be innovators in providing wellness and healthcare benefits in challenging economics times to employees and have invested substantially in the health of employees. The League of Oregon Cities will support healthcare reform that:</p> <ul style="list-style-type: none"> ○ Respects the right of Oregon's city leaders to determine the manner of providing health insurance benefits in consultation with their employees; ○ Reduces unrecoverable medical care costs for providers by expanding coverage to uninsured Oregonians; ○ Ensures that capitalization in the healthcare market place is based on community need; ○ Incentivizes the use of evidence/value based medicine; ○ Fosters innovation and rewards creativity in reducing costs and promoting wellness; and ○ Promotes transparency in costs and quality.
P. Allow employees to choose alternative retirements option and protect the integrity and stability of Public Employee Retirement System (PERS).	<p>Support changes to the PERS system that allows employees to opt for alternative retirement plans. Additionally, the League should ensure that any PERS legislation passed by the Legislature:</p> <ul style="list-style-type: none"> ○ Does not shift additional costs to employers; ○ Respects the needs for predictable rates while not destabilizing the system; and ○ Allows PERS to provide an attractive retirement benefit for employees while being fiscally sustainable.
Q. Eliminate the requirement for employers to provide identical health benefits for retirees as they do for active employees.	Eliminate the requirement for public employers to provide the same health benefit plans for retirees as for active employees and at the same premium rates as paid by active employees.
Telecommunications	
R. Address tax equity issues in the context of state telecommunications laws including removing existing preemptions that have led to declining revenues. Work toward an alternative revenue system for telecommunications providers. Oppose preemption of city franchising, rights-of-way and taxing authority.	<p>Technology has rapidly advanced in the last decade and will continue to evolve in ways that cities cannot predict. This has led to significant implications for city rights-of-way authority and telecommunications revenues affecting the provision of local services. Cities have experienced an onslaught of challenges to franchising, rights-of-way management and taxing authority through local referrals, state and federal legislation and litigation. Meanwhile, the predominate system of franchising telecommunications providers has not kept pace with technology. In particular, the shift from landline telephones to wireless technologies has resulted in an erosion of telecommunications revenues. To protect city rights-of-way authority and preserve critical telecommunications revenues, cities need to consider moving to an alternative revenue system. The alternative revenue system proposal developed by a task force of city officials is a gross revenues tax specific to telecommunications providers. The League began discussions during the 2009 legislative session, but recognized that the issue would be a multi-session effort. While this move to an alternate system remains the ultimate goal, there are several incremental steps that can be taken to both address local revenue issues as well as set the stage for future discussion of an alternate telecommunications revenue system.</p>

LOC Policy Committees' Legislative Recommendations

Transportation	
<p>S. Continue efforts to resolve the disconnect between the Transportation Planning Rule (TPR) and other statewide land use planning goals. The TPR should:</p> <ul style="list-style-type: none"> ○ Be used as a growth management tool that avoids burdening cities with unintended transportation consequences which unduly add to the cost of city infrastructure; ○ Be consistent with land use decisions; ○ Not be used to effect a moratorium on growth; ○ Encourage partnerships to avoid disproportional funding contributions from local jurisdictions. <p>(Note: this priority is duplicative of priority "D" forwarded by the Community Development Committee. Both priorities are brought forward here, representing the discussion of the Community Development and the Transportation policy committees.)</p>	<p>Oregon has a strong commitment to planning, and the nexus between land use and transportation planning has become very evident. While this has properly contributed to good coordination between land use and transportation development, it also creates adverse impacts due to the mismatch between planning requirements, development timelines and the availability of financial and other resources. This can sometimes impede development and create conflicts with other statewide land use goals.</p> <p>The sheer complexity of issues attendant to land use and transportation planning can result in confusion or even conflict between competing goals and priorities. Objectives such as reduction of vehicle miles traveled, transit-based land use, increased population density in some urban areas (UGBs), reduction in greenhouse gas emissions, compliance with other clean air standards, and interchange and access management are but a few of the interests, sometimes competing, that factor into transportation / land use policy discussions.</p>
<p>T. Ensure that existing and new transportation/land use planning requirements, especially those established to address greenhouse gas emissions and other air quality issues, are developed with the following caveats:</p> <ul style="list-style-type: none"> ○ Cities are stakeholders in the policy-making process and are to be included in all discussions. ○ A sense of proportionality should be maintained, taking into account the transportation sector's contribution to the problem. ○ There must be a commitment to identifying and collecting <u>new</u> revenue to assist cities with compliance. ○ There is clarity with regard to governance authority and accountability. 	

LOC Policy Committees' Legislative Recommendations

<ul style="list-style-type: none"> ○ Recognition that “one size does not fit all”, meaning that rules must be flexible enough to allow cities the right to determine and respond to local and regional needs. ○ Requirements are based on outcomes rather than formulas and honors regional transportation planning efforts. ○ Rules factor the effect of market forces (cost of fuel, availability of alternative technology, etc.) in achieving goals. ○ Attempt to reduce greenhouse gas emissions and improve air quality while still supporting economic development. 	
<p>U. Advocate for sustainable alternatives to fuel taxes to address decreasing State Highway Fund revenues as a result of an increase in automobile efficiency and the development of new technologies.</p>	<p>In 2009 the Legislature approved HB 2001, a major transportation policy and funding measure containing a 50 percent increase in road and street funding for cities. In 2011 transportation policy measures, especially related to planning, are more likely than transportation funding and program legislation.</p>
<p>V. Seek funding distribution mechanisms and formulas that reflect need as determined by system demand, function and condition.</p>	<p>Notwithstanding the new funding that HB 2001 is providing, city transportation budgets remain disproportionately underfunded. This has been exacerbated by the temporary preemption of a local funding mechanism. Long term, there remains the challenge of identifying and establishing more sustainable and equitable systems of raising and distributing funding in support of the expansion, preservation and maintenance of the state’s transportation system.</p>
<p>W. Seek additional funding, efficiencies and program support for multi-modal transit and rail projects that result in:</p> <ul style="list-style-type: none"> ○ Creation and funding of a State Rail Authority to clarify goals and objectives and to undertake planning for passenger and freight rail service. ○ Coordination between transit providers resulting in more efficient operations. ○ Augmentation of elderly/disabled transit funding in order to maximize fixed route service. 	
<p>X. Increase the funding allocation to Oregon’s small cities (population 5,000 or less) for road and street development and maintenance from \$1 million to \$5 million without unfairly impacting larger cities’ share of the State Highway Fund.</p>	

LOC Policy Committees' Legislative Recommendations

<p>Y. Enact legislation establishing a “shared road” designation allowing cities, within established criteria, to set speed limits below the state-mandated minimum of 25 mph on roads that have limited capacity but are nevertheless utilized by motor vehicles, bicyclists and pedestrians.</p>	
Water/Wastewater	
<p>Z. Support establishing statewide product stewardship programs to ensure recycling or proper disposal of toxic products at the end of their lifecycle.</p>	<p>Product stewardship programs improve water quality and reduce the environmental and health impacts of products that contain toxins through product-supported recycling and disposal programs. These programs reduce the burden on municipalities and others to implement water treatment technologies and other costly programs. The Oregon Legislature created an “E-Waste” product stewardship program for recycling computers and electronic waste in 2007 and a pilot product stewardship program for architectural paint in 2009. Additional stewardship programs could include products such as pharmaceuticals, batteries, and lighting that contains mercury.</p>
<p>AA. Recapitalize state municipal infrastructure funds to fully meet local demand on as sustained basis and fully leverage federal matching funds for water and wastewater infrastructure.</p>	<p>The state’s Special Public Work Fund and the Water/Wastewater Fund are used to finance water and sewer systems, public buildings, road construction, downtown revitalization, energy and communications facilities, land acquisition, environmental clean-up, and port facilities. The state also must provide a 20 percent match to leverage federal funds available through the Safe Drinking Water State Revolving Fund and Clean Water State Revolving Fund. State revolving funds have failed to keep pace with growing local infrastructure demand that totals billions of dollars statewide.</p>
<p>BB. Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands.</p> <ul style="list-style-type: none"> o Limit new ecological flow conditions to projects funded through HB 3369 (2009); and o Oppose water use limits that interfere with approved water rights. 	<p>Due to the unique nature of municipal water suppliers’ need to plan for growth and infrastructure investment, cities often “grow” into water rights over time before those rights become certificated water rights. Cities currently must develop a Water Management and Conservation Plan (WMCP) for approval by the state to maintain these water rights. Special interests, however, have called for new municipal water use standards and limits that would affect existing water rights.</p>



City of Tualatin

www.ci.tualatin.or.us

July 13, 2010

Craig Honeyman, Legislative Director
League of Oregon Cities
P.O. Box 928
Salem, OR 97308

RE: Tualatin's Legislative Priorities

Dear Mr. Honeyman:

Thank you for requesting the city's input on the League's 2011 legislative agenda.

Tualatin has reviewed the Policy Committees' Legislative Recommendations and has chosen four top priorities, (D, E, G, J), as marked on the enclosed ballot form.

Upon reviewing the League's policy recommendations, it became clear that there are further issues that are worthy of attention for the 2011 Legislative Session. We have included these issues below for your information.

- F. Take an active role in facilitating and promoting processes and measures to bring about an overhaul of the state property tax system. The outcomes of this overhaul must create a system which taxes property equitably, brings assessed values closer to real market values, and is stable and predictable to both governments and taxpayers.
- I. 9-1-1 tax for pre-paid cell phones.
- K. Attach municipal court fines to tax returns.
- O. Work to achieve healthcare cost containment and protect local decision making authority in benefit design.
- R. Address tax equity issues in the context of state telecommunications laws including removing existing preemptions that have led to declining revenues. Work towards an alternative revenue system for telecommunications providers. Oppose preemption of city franchising, rights-of-way and taxing authority.
- U. Advocate for sustainable alternatives to fuel taxes to address decreasing State Highway Fund revenues as a result of an increase in automobile efficiency and the development of new technologies.

Attachment B

Tualatin's Legislative Priorities

July 13, 2010

Page 2 of 3

- AA. Recapitalize state municipal infrastructure funds to fully meet local demand on a sustained basis and fully leverage federal matching funds for water and wastewater infrastructure.
- BB. Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands.

The City will be happy to provide letters of support or opposition regarding the above issues as well as the four priorities marked on the enclosed ballot. Please contact me if you have questions or need further information.

Sincerely,

Carina Christensen
Assistant to the City Manager

Enclosures: League Legislative Ballot 2011

City of: Tualatin, Oregon

Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2011 legislative agenda.

Community Development

- A. Support an urban growth boundary agenda that would provide for a more efficient urban growth management system (as outlined in the full Community Development Committee long-term recommendation).
- B. Support legislation that would: 1) create an exception to allow cities to propose and adopt population forecasts using a specified methodology, taking into consideration certain factors; 2) include conflict resolution procedures between cities and counties when adopting or amending population forecasts.
- C. Support legislation that provides conflict resolution procedures between cities and counties when adopting or amending an urban growth boundary or urban reserve area.
- D. Continue efforts to resolve the conflicts between the Transportation Planning Rule (TPR) and other statewide land use planning goals by changes to Oregon Department of Transportation/Department of Land Conservation and Development (ODOT/DLCD) procedures and rules, or by legislative action. (Note: this priority is duplicative of priority "S" forwarded by the Transportation Committee. Both priorities are brought forward here, representing the discussion of the Community Development and the Transportation policy committees.)

Energy

- E. Reauthorize the Business Energy Tax Credit (BETC) to leverage local investments in energy conservation, fuel conservation, renewable energy projects, as well as recruitment and expansion of renewable energy resource equipment manufacturing facilities.

Finance & Taxation

- F. Take an active role in facilitating and promoting processes and measures to bring about an overhaul of the state property tax system. The outcomes of this overhaul must create a system which taxes property equitably, brings assessed values closer to real market values, and is stable and predictable to both governments and taxpayers.
- G. Maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula. Any additional taxes or surcharges on these items must be incorporated into the current formula so cities may continue to provide services related to these revenues.
- H. Allow local governments a more flexible use of transient lodging tax to meet the increased demands placed both on essential services and infrastructure created by tourism activities.

General Government

- I. 9-1-1 tax for pre-paid cell phones.
- J. Restore the Department of Public Safety Standards and Training (DPSST) Regional Training program and protect DPSST from further cuts.
- K. Attach municipal court fines to tax returns.

Human Resources

- L. "Manager" designation for local governments.
- M. Lengthen time for last best offer submission from 14 days to 28 days.
- N. Allow employers to require paperless pay.
- O. Work to achieve healthcare cost containment and protect local decision making authority in benefit design.
- P. Allow employees to choose alternative retirements option and protect the integrity and stability of Public Employee Retirement System (PERS).
- Q. Eliminate the requirement for employers to provide identical health benefits for retirees as they do for active employees.

Telecommunications

- R. Address tax equity issues in the context of state telecommunications laws including removing existing preemptions that have led to declining revenues. Work towards an alternative revenue system for telecommunications providers. Oppose preemption of city franchising, rights-of-way and taxing authority.

Transportation

- S. Resolve the disconnect between the Transportation Planning Rule (TPR) and other statewide land use planning goals. (Note: this priority is duplicative of priority "D" forwarded by the Community Development Committee. Both priorities are brought forward here, representing the discussion of the Community Development and the Transportation policy committees.)

Turn over for more issues

- T. Ensure that transportation/land use planning requirements, especially those established to address greenhouse gas emissions and other air quality issues, are developed with certain caveats (as outlined in the full Transportation Committee recommendation).
- U. Advocate for sustainable alternatives to fuel taxes to address decreasing State Highway Fund revenues as a result of an increase in automobile efficiency and the development of new technologies.
- V. Seek funding distribution mechanisms and formulas that reflect need as determined by system demand, function and condition.
- W. Seek additional funding, efficiencies and program support for multi-modal transit and rail projects.
- X. Increase the funding allocation to Oregon's small cities for road and street development and maintenance from \$1 million to \$5 million without unfairly impacting larger cities' share of the State Highway Fund.
- Y. Enact legislation establishing a "shared road" designation allowing cities to reduce speed limits below the state-mandated minimum of 25 mph on roads that have limited capacity but are utilized by other modes.

Water/Wastewater

- Z. Support establishing statewide product stewardship programs to ensure recycling or proper disposal of toxic products at the end of their lifecycle.
- AA. Recapitalize state municipal infrastructure funds to fully meet local demand on a sustained basis and fully leverage federal matching funds for water and wastewater infrastructure.
- BB. Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands.



City of Tualatin

www.ci.tualatin.or.us

April 27, 2010

Mike McCauley
League of Oregon Cities
1201 Court Street NE
Suite 200
Salem OR 97301

RE: Proposed amendments to annexation statutes

Dear Mike,

The City of Tualatin is interested in getting a legislative fix to ORS 198.866 and 198.867 due to a recent interpretation of these statutes arising out of a ballot measure to annex the Clackamas County portion of Tualatin into the Library District of Clackamas County. We believe the issues that arose out of the following circumstances could recur in many jurisdictions that lie in more than one county or one school district and should be addressed .

The scenario is this: Tualatin is located in two counties: 3000+ residents reside in Clackamas County with the remaining 23,000+ residing in Washington County. The City went through the process to allow Tualatin's Clackamas County residents to vote on whether they wanted to be annexed into the Library District Clackamas County so that those residents would have the same multi-district borrowing privileges as are enjoyed by other residents in the Tri-County area. Only Tualatin's Clackamas County residents would be subject to the library levy if the measure passes and would be the only residents in Tualatin that would not have full library privileges if it fails. Tualatin itself would receive 50% of the tax revenues from the levy for the Tualatin Public Library if the measure passes. Washington County residents in Tualatin would not pay the tax or lose library privileges, regardless of whether the measure passes.

The statutes applicable to the annexation election are ORS 198.866 and ORS 198.867, which I am attaching for your reference. ORS 198.866 addresses whether the district is required to call an election for an annexation into a district and under what circumstances. ORS 198.867 addresses who votes and provides in relevant part:

- (1) If the electors of the city approve the annexation...
- (2) If the electors of the district approve the annexation...

The Director of Elections for the Secretary of State determined that the above language requires that a majority of Tualatin residents in the entire city must vote to approve the

Attachment C

Proposed amendments to annexation statutes
April 27, 2010
Page 2 of 2

district, even those in Washington County, and additionally, Tualatin's Clackamas County voters must also approve the annexation. Under this interpretation, Tualatin's Washington County residents could prevent Tualatin's Clackamas County residents from annexing into the district, even if all the Clackamas County residents vote in favor of annexation.

This creates a significant problem for cities that are located in two counties. The above provisions may make legal sense if a district is being proposed that would assume or replace functions that the city is providing or take away revenues from the city. In such a case, the annexation could impact city revenues or service levels that would affect the entire city so the entire city should vote. However, in a case such as this, one county is proposing to provide county services to its county residents, not to take over a city function. There is no negative effect on the city or the residents of the other county.

Tualatin wants the statutes changed so that only electors that are directly impacted would vote. In the Library District scenario presented above, that would mean Tualatin's Clackamas County voters would vote and Tualatin's Washington County voters would not. The statutes dealing with annexation generally require actions by owners of land in the territory proposed to be annexed. Emphasis added. (*See, e.g., ORS 198.855, 198.857.*) It has been very difficult to explain to Washington County voters why they should be voting on this measure at all. This requirement as interpreted seems inconsistent with the intent shown in the annexation statutes to generally allow only electors residing in the territory to petition for or oppose annexation.

I have spoken to several other local government attorneys who are also concerned with the impacts of these statutes on their cities and counties and are interested in changing the current requirement. Several have indicated a willingness to work on language to submit.

On behalf of the City of Tualatin, I am requesting LOC to consider adding this issue to its legislative agenda for next session.

Sincerely,

Brenda L. Braden
Tualatin City Attorney

BB

Enclosures: ORS 198.866 and 198.867

198.866 Annexation of city to district; approval of annexation proposal; election. (1) The governing body of a city may adopt a resolution or motion to propose annexation to a district for the purpose of receiving service from the district. Upon adoption of an annexation proposal, the governing body of the city shall certify to the district board a copy of the proposal.

(2) The district board shall approve or disapprove the city's annexation proposal. If the district board approves the proposal, the district board shall adopt an order or resolution to call an election in the district unless otherwise provided in subsection (3) of this section.

(3) The district board is not required to call an election if:

(a) The population of the city is less than 20 percent of the population of the district; or

(b) The entire boundary of the city is encompassed within the boundary of the district.

(4) Notwithstanding subsection (3) of this section, if 10 percent of the electors or 100 electors of the district, whichever is less, sign and present to the county board a petition requesting an election, the board shall call an election in the district. The petition shall be in conformity, to the greatest extent practicable, with ORS 198.750, 198.760, 198.765 and 198.770.

(5) The order or resolution of the district board shall include the applicable matters specified in ORS 198.745. In addition the order or resolution may contain a plan for zoning or subdistricting the district as enlarged by the annexation if the principal Act for the district provides for election or representation by zone or subdistrict.

(6) The district board shall certify a copy of the resolution or order to the governing body of the city.

(7) Upon receipt of the resolution or order of the district board, the governing body of the city shall call an election in the city on the date specified in the order or resolution of the district board.

(8) An election under this section shall be held on a date specified in ORS 255.345 that is not sooner than the 90th day after the date of the district order or resolution calling the election. [1983 c.142 §2 (enacted in lieu of 198.865); 1993 c.417 §1; 2003 c.219 §1]

198.867 Approval of annexation to district by electors of city and district; certification; effect of annexation. (1) If the electors of the city approve the annexation, the city governing body shall:

(a) Certify to the county board of the principal county for the district the fact of the approval by the city electors of the proposal; and

(b) Present the certificate to the district board.

(2) If the electors of the district approve the annexation, the district board shall:

(a) Certify the results of the election; and

(b) Attach the certificate to the certificate of the city and present both certificates to the county board.

(3) Upon receipt of the certificate of the city governing body and the district board, the county board shall enter an order annexing the territory included in the city to the district. When the county board enters the order, the city territory, together with any territory thereafter annexed to the city:

(a) Shall be included in the boundaries of the district; and

(b) Shall be subject to all liabilities of the district in the same manner and to the same extent as other territory included in the district. [1983 c.142 §3 (enacted in lieu of 198.865)]

198.869 Annexation contract; recordation; effect. A contract between a district and a landowner relating to extraterritorial provision of service and consent to eventual annexation of property of the landowner shall be recorded and, when recorded, shall be binding on all successors with an interest in that property. [1991 c.637 §2]

Note: 198.869 was added to and made a part of 198.705 to 198.955 by legislative action but was not added to ORS 198.510 to 198.915. See Preface to Oregon Revised Statutes for further explanation.

(Withdrawal)



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
Colin Cortes, Assistant Planner *C.C.*

DATE: July 12, 2010

SUBJECT: MEMORANDA OF UNDERSTANDING BETWEEN WASHINGTON COUNTY AND THE CITIES OF TUALATIN AND WILSONVILLE FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY EXPANSION AREA (BASALT CREEK / WEST RAILROAD PLANNING AREA)

ISSUE BEFORE THE COUNCIL:

This work session memo describes two items on tonight's Council agenda related to Memoranda of Understanding (MOU) between Washington County and the Cities of Tualatin and Wilsonville for concept planning the Urban Growth Boundary (UGB) Expansion Area (Basalt Creek / West Railroad Planning Area formerly referred to as South Tualatin) located between the two cities. One MOU focuses on concept planning and eventual determination of jurisdictional limits for both cities and amendment of Urban Planning Area Agreements (UPAAs) with Washington County, while the other focuses on the topic of transportation.

POLICY CONSIDERATIONS:

- Do the MOUs facilitate the timely initiation and completion of concept planning for the Basalt Creek / West Railroad Planning Area, formerly known as South Tualatin?

BACKGROUND:

The MOUs are a result of Council discussions during work sessions on August 24 and December 14, 2009 about concept planning the Basalt Creek / West Railroad Planning Area.

The Basalt Creek / West Railroad Area of over 900 acres, formerly referred to as South Tualatin, is located within Washington County immediately adjacent to the Tualatin south city limit, north of the Wilsonville north city limit, and west of I-5 as mapped in Attachment A. The West Railroad Area is west of the Portland & Western Railroad line in and south

of the Southwest Concept Plan (SWCP) Area. It is part of the UGB expansion by Metro in 2004. The SWCP Area is the counterpart UGB expansion area for which Tualatin is in the process of completing concept planning.

Metro imposed a condition of approval through Ordinance No. 04-1040 that concept planning in the Basalt Creek / West Railroad Area be completed "two years following the selection of the right-of-way alignment for the I-5/99W Connector, or within seven years of the effective date of Ordinance No. 04-1040, whichever occurs earlier." (The effective date was September 22, 2004).

Because the Basalt Creek / West Railroad Area lies between Tualatin and Wilsonville, the Cities will jointly conduct concept planning as established through two Memoranda of Understanding (MOUs), which staff has drafted with Wilsonville staff. Concept planning will begin on or after July 1, 2010 yet before January 1, 2011 and take approximately 1½ to 2 years (or 18 to 24 months) to complete. The concept plan does not yet exist because of the uncertainty about where within the Basalt Creek / West Railroad Area the Connector corridor would be as the Connector project went through its data and analysis phase.

Metro has allocated \$365,000 of Construction Excise Tax (CET) funding to pay for concept planning in the area, and the Cities expect to amend their existing Urban Planning Area Agreements (UPAAs) with Washington County to reflect the future city limit lines of each City when the concept plan is completed. Staff continues discussion with Wilsonville and Washington County.

GOALS:

The relevant objectives in the Strategic Management Plan (2009) are:

Goal No. 1: Enhance mobility and achieve reduction of congestion throughout Tualatin.

- Two-year Performance Objective 1 (Objective 1.1):
Complete the alternative selection process for the I5-99W connector project.

Goal No. 2: Manage development, redevelopment, and projected change that will occur within the city to maintain Tualatin's quality and what the citizens value as a community.

- Two-year Performance Objective 3 (Objective 2.3):
Develop and adopt the South Tualatin Concept Plan.

DISCUSSION:

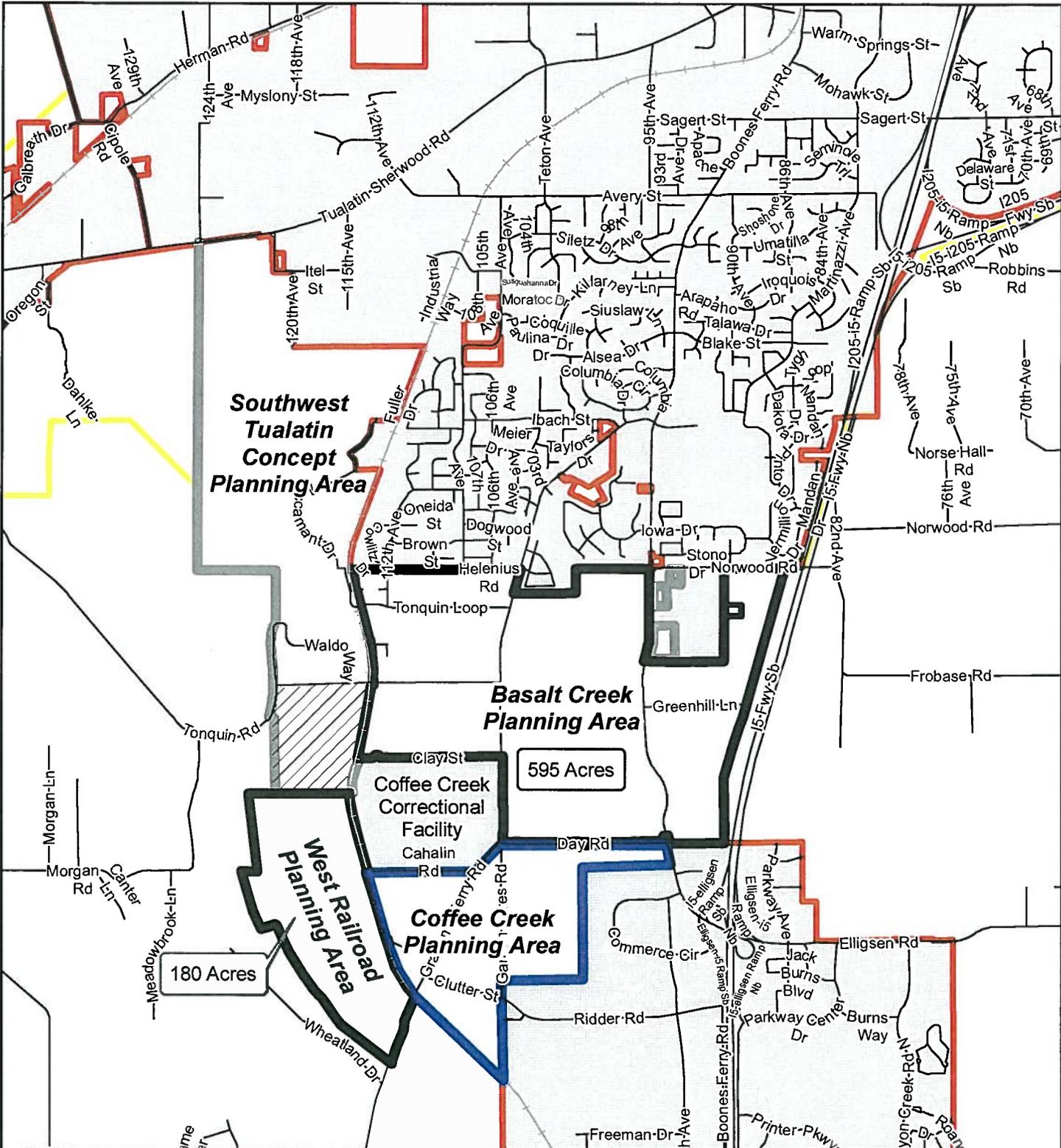
The various factors affecting the Basalt Creek / West Railroad Area fall into the two categories of governance and infrastructure. The County MOU focuses on coordination. The two Cities MOU focuses on land use, transportation, and infrastructure. Both establish the understanding that following the completion of concept planning, the Cities will amend the UPAAs the Cities have with the County to reflect jurisdictional lines.

MEMORANDUM: Basalt MOUs between Tualatin, Wilsonville, and Washington County
July 12, 2010
Page 3 of 3

RECOMMENDATION:

n/a.

Attachments: A. Map: Basalt Creek / West Railroad Planning Area
B. MOU between Tualatin and Wilsonville
C. MOU between Washington County and the Cities of Tualatin and Wilsonville



The Cities of Wilsonville and Tualatin

- Tualatin Planning Area
- Proposed Tualatin/Wilsonville Joint Planning Area
- Wilsonville Planning Area
- Added to Southwest Tualatin Concept Planning Area
- City Limit
- UGB



May 2010



**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF TUALATIN AND WILSONVILLE
FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY
EXPANSION AREA (BASALT CREEK/WEST RAILROAD PLANNING AREA)**

Whereas, in 2004 the Metro Council added an area located generally between the Cities of Tualatin and Wilsonville, to the Urban Growth Boundary (UGB) for residential and industrial uses in Metro Ordinance No. 04-1040B; and

Whereas, the two Cities have agreed to refer to the area generally as the Basalt Creek Planning Area; and

Whereas, the two Cities wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek/West Railroad Planning Area that will be of benefit to both Cities and their residents; and

Whereas, Metro conditioned that the UGB expansion undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP), and that the concept planning be completed in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, recent action by the Oregon Transportation Commission (OTC), and by the Metro Council on the Regional Transportation Plan, support a southerly extension of SW 124th Avenue from SW Tualatin-Sherwood Road and ending at SW Tonquin Road and continuing via existing streets and rights-of-way to Interstate 5, in order to provide freight access to Tualatin's industrial areas in the vicinity of SW 124th Avenue; and

Whereas, the OTC has also approved the transfer of jurisdiction over SW Boones Ferry Road between Norwood Road and Day Road from the State to Washington County, authorizing \$2 million dollars in improvements to that section of roadway; and

Whereas, street connectivity within the study area will be necessary to support a functioning transportation system; and

Whereas, the property owners within the Basalt Creek/West Railroad Planning Area have been unable to pursue the urban development of their land, in spite of the fact that it has been within the UGB for approximately six years, because no Concept Plan has been prepared for the area; and

Whereas, Metro has allocated \$365,000 of Construction Excise Tax funding to pay for Concept Planning in the area, and

Whereas, once concept planning is complete, the two Cities intend to enter into an intergovernmental agreement (IGA) that will finalize the intent and understandings set forth in this Memorandum of Understanding (MOU); and

Whereas, there exists a somewhat isolated area west of the railroad tracks (labeled the West Railroad Planning Area) which was part of the same UGB expansion as the remainder of the Basalt Creek Planning Area and for which the City of Wilsonville intends to provide planning services; and

Whereas, Tualatin and Wilsonville approach planning differently in terms of legislative decision-making, with Tualatin using a single map for both Comprehensive Plan land use designations and zoning, while Wilsonville uses a separate map for each. Also, Tualatin's City Council conducts its own legislative hearings without a Planning Commission, while Wilsonville's City Council acts after receiving the recommendation of its Planning Commission. These differences will require staffs and consultants to coordinate with one another in ways that might not typically be needed and will require the two City Councils to work together in a cooperative manner; and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this MOU is intended to indicate to private property owners in the area, Washington County, Metro, the State or Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the Cities of Tualatin and Wilsonville; and

Whereas, both the Cities of Wilsonville and Tualatin expect to amend their existing Urban Planning Area Agreements (UPAAs) with Washington County to reflect the future city limit lines of each City, when the Concept Plan has been completed.

Now, therefore, the Cities of Tualatin and Wilsonville set forth their understanding as follows:

A. Subject Land Area

1. The Basalt Creek/West Railroad concept planning area between Tualatin and Wilsonville is mapped in Exhibit 1.

B. Urban Planning Area Agreements (UPAAs)

1. Both the City of Tualatin and the City of Wilsonville have UPAAs with Washington County that will have to be amended once jurisdictional boundaries are determined in the Concept Plan work. It is recognized that Washington County adopts annual land use and transportation work

programs, and this concept planning effort will require coordination to fit within the work program of Washington County.

C. Title 11 Concept Planning

1. The Cities of Tualatin and Wilsonville acknowledge that they will fulfill the requirements of Title 11 related to future land use, affordable housing, transportation, environmental conservation, potable water, sanitary sewer, stormwater management, parks, police, fire protection, and public school siting and will address additional topics including, but not limited to, citizen involvement, fiscal analysis, intergovernmental coordination, capital improvements, economic development, natural hazards, solid waste management, and general local government services.
2. The two Cities will initiate concept planning on or after July 2, 2010 and before December 31, 2010 as long as Metro authorizes the use of \$365,000 of construction excise tax (CET) grant funds, and both Cities allocate funds through their respective budgets to conduct the Title 11 concept planning work. If for whatever reason Metro does not grant CET funds, then either party to this Memorandum of Understanding (MOU) may either revoke the MOU without obligation or penalty or the two Cities may jointly amend the MOU.
3. Tualatin will act as the fiscal agent of the Metro CET grant funds.
4. The two Cities jointly will prepare a scope of work (***note draft scope of work outline attached as Appendix 1***) in coordination with Metro to establish key milestones for deliverables by addressing:
 - a. a CET grant as the funding source
 - b. City responsibilities
 - c. RFP process
 - d. eligible expenses for a CET grant
 - e. payment procedures
 - f. project records retention
 - g. records audit and inspection
 - h. term of contract
 - i. amendment, and
 - j. relationship to other legal agreements.
5. At the conclusion of the concept planning process, the two Cities intend to enter into an IGA to delineate the ultimate municipal boundary between the two Cities.

6. Based on mutual agreement the two Cities will share equally the additional cost if the cost of concept planning exceeds the amount of the CET grant funds. The sharing may be in the form of in-kind services as well as cash.
7. The two Cities jointly will draft and issue a Request for Proposals (RFP) for consultant services to conduct the concept planning work activities and will jointly chose a consultancy.
8. The two Cities jointly will fund using Metro CET grant funds one consultancy to aid completion of concept planning.
9. The two Cities jointly will establish criteria for review of candidate consultancies.
10. The two Cities will establish through the chosen consultancy a joint set of goals and objectives as well as criteria to guide project-related decisions.
11. The two Cities acknowledge that further amendment of their UPAAAs will be necessary following completion of concept planning.

D. Comprehensive Planning

1. Each City is responsible for conducting its own Comprehensive Plan amendments.

E. City Council Coordination

1. The Cities of Tualatin and Wilsonville acknowledge that they will hold joint City Council meetings at key milestones to be determined.

F. Intergovernmental Agreement (IGA)

1. Based on the outcome of the concept planning work, the Cities of Tualatin and Wilsonville and other involved parties may as necessary establish an intergovernmental agreement (IGA).

G. Dispute Resolution

1. If a boundary dispute arises, and Tualatin and Wilsonville cannot resolve the dispute, the two Cities acknowledge that in 1997, the Oregon state legislature granted Metro authority to establish requirements for boundary

changes within its district. The Boundary Appeals Commission would arbitrate the dispute.

ENTERED into this ____ day of _____, 2010.

CITY OF TUALATIN, Oregon

CITY OF WILSONVILLE, Oregon

By _____

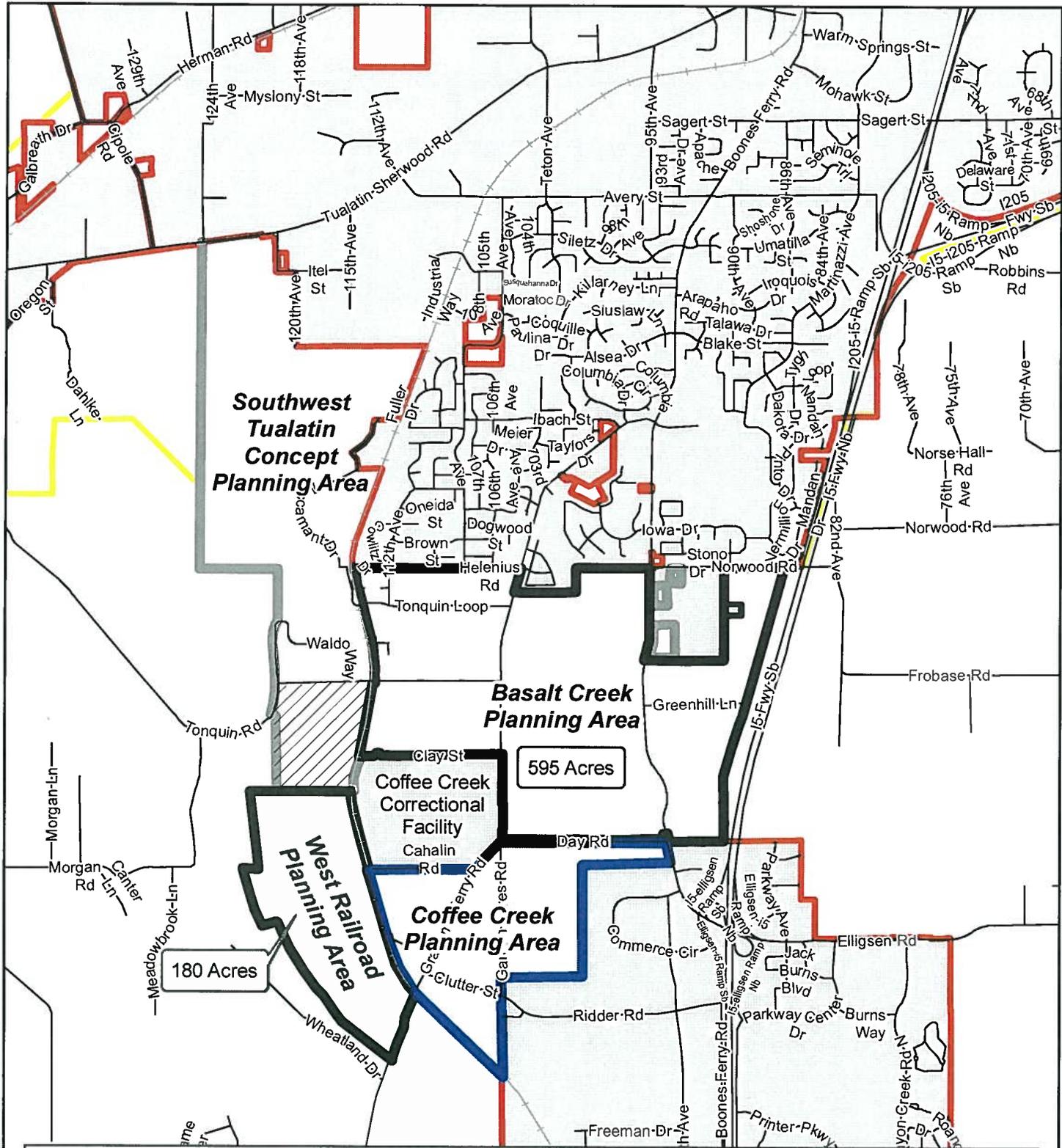
By _____

ATTEST:

ATTEST:

By _____

By _____



The Cities of Wilsonville and Tualatin

-  Tualatin Planning Area
-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  Added to Southwest Tualatin Concept Planning Area
-  City Limit
-  UGB



May 2010



Draft Scope of Work:

Project Cooperation

Key Personnel

Project Purpose

Transportation Relationships and Benefits

Description of Project Area

Background

Objectives

Expectations About Written and Graphic Deliverables

Establish Technical Advisory Committee and Complete Goal Setting

Establish Public Involvement Process

Existing Conditions, Review, Research and Report

Develop Evaluative Criteria and Conceptual Alternatives

Traffic Analysis

Annexation/Cost Impact Analysis

Alternatives Evaluation

Draft Concept Plan

Final Concept Plan, Amendments, Adoption

Project Management

Draft Concept Plan outline:

I. Introduction

Context and setting – including a description of what already exists in the planning area.

Plan summary.

II. Planning Process

What is a Concept Plan -- including an explanation of how one would use it.

A description of the Concept Plan's relationship to the Tualatin and Wilsonville Comprehensive Plans.

An explanation of how was the Concept Plan was developed.

III. Concept Plan

Land use and development plan.

Traffic analysis and circulation plan (including 124th Ave. extension).

Infrastructure needs.

Natural and cultural resources.

IV. Implementation

Provision of urban services.

Cost estimates.

Funding options.

Fiscal impact findings.

Consistency with other City plans and policies.

A list or chart showing who will do what and the date by which it will be done.

**MEMORANDUM OF UNDERSTANDING
BETWEEN WASHINGTON COUNTY AND THE CITIES OF TUALATIN AND
WILSONVILLE FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY
EXPANSION AREA (BASALT CREEK / WEST RAILROAD PLANNING AREA)**

This Memorandum of Understanding (MOU) is entered into by WASHINGTON COUNTY, a political subdivision in the State of Oregon, (the "COUNTY"), the CITY OF TUALATIN and CITY OF WILSONVILLE, incorporated municipalities of the State of Oregon, (the "CITIES").

Whereas, in 2004 the Metro Council added an area located generally between the CITIES to the Urban Growth Boundary (UGB) for residential and industrial uses, in Metro Ordinance No. 04-1040B; and

Whereas, the CITIES have agreed to refer to the area generally as the Basalt Creek Planning Area; and

Whereas, the CITIES and the COUNTY wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek Planning Area that will be of benefit to both CITIES, The COUNTY and their residents; and

Whereas, Metro conditioned that the UGB expansion undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP), and that the concept planning be in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, the property owners within the Basalt Creek / West Railroad Planning Area have been unable to pursue the urban development of their land, in spite of the fact that it has been within the UGB for approximately six years, because no Concept Plan has been prepared for the area; and

Whereas, Metro has allocated \$365,000 of Construction Excise Tax funding to pay for Concept Planning in the area, and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this MOU is intended to indicate to private property owners in the area, Metro, the State of Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the CITIES and COUNTY; and

Whereas, the CITIES expect to amend their existing Urban Planning Area Agreements (UPAAs) with the COUNTY to reflect the future city limit lines of each City, when the Concept Plan has been completed.

Now, therefore, the COUNTY and the CITIES set forth their understanding as follows:

A. Subject Land Area

1. The Basalt Creek / West Railroad concept planning area between Tualatin and Wilsonville is shown on Exhibit 1.

B. Coordination of Concept Planning

1. The CITIES shall provide the COUNTY with the appropriate opportunity to participate, review and comment on the proposed concept plan. The following procedures shall be followed by the CITIES and the COUNTY to notify and involve one another in the process to prepare the concept plan:
 - a. The CITIES shall transmit notice of all meetings related to the concept plan one week prior to the scheduled meeting. This includes any technical advisory committee meetings, open houses, Planning Commission or Planning Advisory Committee meetings, City Council meetings, etc.
 - b. The CITIES shall transmit draft concepts to the COUNTY for its review and comment before finalizing. The COUNTY shall have ten (10) days after receipt to submit comments orally or in writing. Lack of response shall be considered "no objection" to the drafts.
 - c. The CITIES shall respond to the comments made by the COUNTY either by a) revising the draft concept plan, or b) by letter to the COUNTY explaining why the comments cannot be addressed in the concept plan.
 - d. Comments from the COUNTY shall be given consideration as part of the public record on the concept plan.
2. Development Actions Requiring Individual Notice to Property Owners

The COUNTY shall provide the CITIES with development actions requiring notice within the Concept Plan area.

The following procedures shall be followed by the COUNTY to notify the CITIES of proposed development actions:

- a. The COUNTY shall send by first class mail or as an attachment to electronic mail a copy of the public hearing notice which identifies the proposed development action to the other agency, at the earliest opportunity, but no less than ten (20) days prior to the date of the scheduled public hearing. The failure of the CITIES to receive a notice shall not invalidate an action if a good faith attempt was made by the originating agency to notify the responding agency.
- b. The CITIES receiving the notice may respond at their discretion.

This MOU shall become effective upon full execution by the COUNTY and the CITIES. The effective date of this MOU shall be the last date of signature on the signature page.

CITY OF TUALATIN, Oregon

CITY OF WILSONVILLE, Oregon

By _____

Mayor

By _____

Mayor

Date: _____

Date: _____

ATTEST:

ATTEST:

By _____

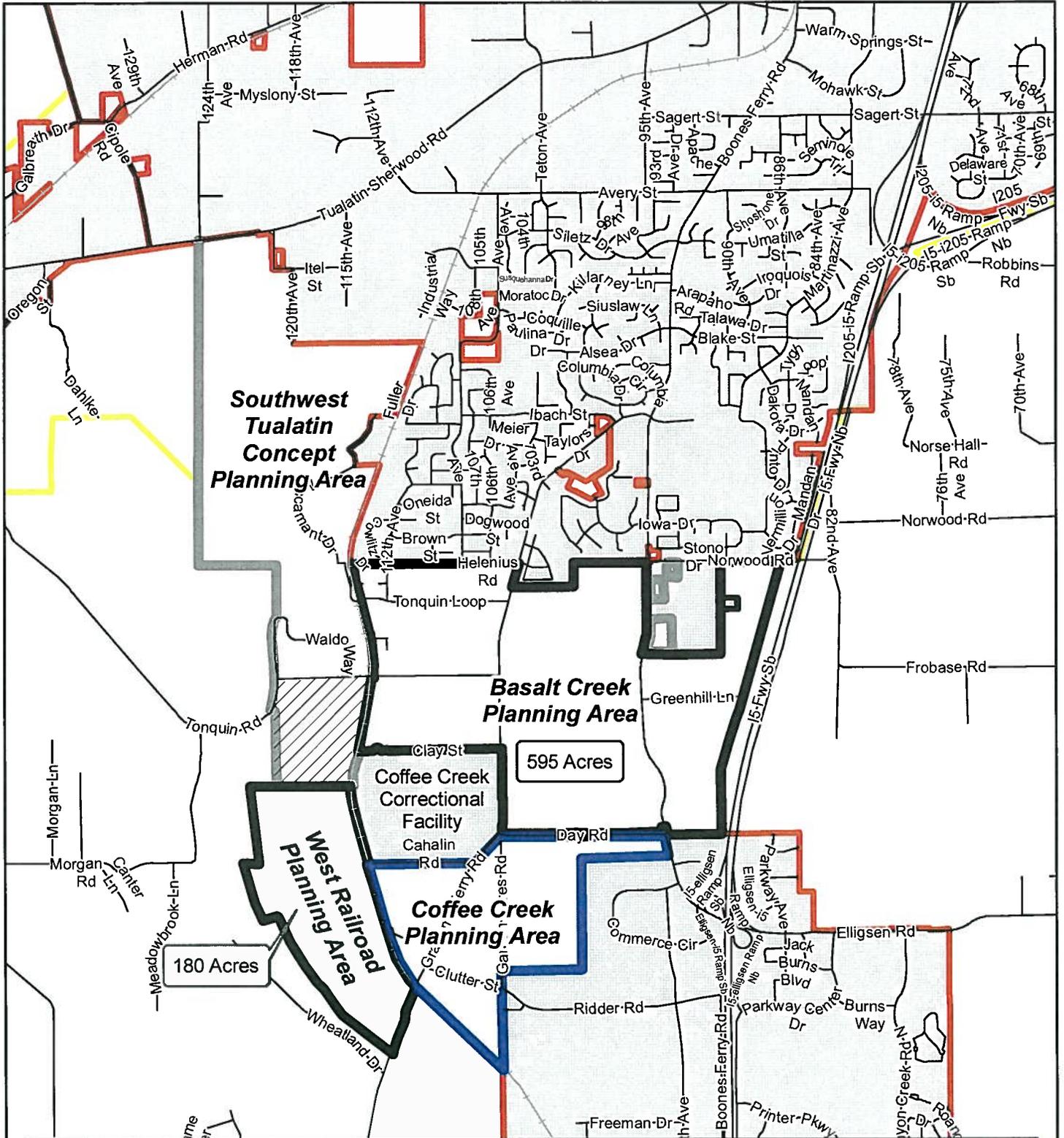
By _____

WASHINGTON COUNTY

By _____

Chair, Board of County Commissioners

Date: _____

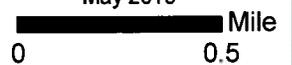


The Cities of Wilsonville and Tualatin

-  Tualatin Planning Area
-  Proposed Tualatin/Wilsonville Joint Planning Area
-  Wilsonville Planning Area
-  Added to Southwest Tualatin Concept Planning Area
-  City Limit
-  UGB



May 2010





MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Michael A. McKillip, City Engineer *MMK*
Kaaren Hofmann, Civil Engineer *Kaaren*

DATE: July 12, 2010

SUBJECT: Neighborhood Traffic Mitigation Process

ISSUE BEFORE THE COUNCIL:

Does the Council agree with the proposed process for neighborhood traffic mitigation issues?

BACKGROUND:

At the November 23, 2009 meeting, the City Council directed staff to create a formal process for citizens to request neighborhood traffic mitigation measures. These could be speed humps, stop signs, no parking zones, etc.

DISCUSSION:

We have set up a process that is similar to the process set out for speed humps. It was reviewed with Randi & Eric Johnson on June 15, 2010, who requested the installation of stop signs on SW Dogwood St at SW 106th Avenue, to obtain citizen feedback on the new process. They thought that the process that was laid out for them was a good one.

Staff has also designed a webpage for the citizen's use. The Johnsons also took the proposed website information to review. As of June 30, 2010, they have not returned any comments. We will provide a preview to the page during the presentation for comment and revision.

RECOMMENDATION:

Staff recommends that Council provide direction to staff.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager *SL*

FROM: Doug Rux, Community Development Director *DR*
William Harper, Associate Planner *WH*

DATE: July 12, 2010

SUBJECT: CONDITIONAL USE PERMITS IN RESIDENTIAL PLANNING DISTRICTS-- WORK SESSION III (PTA-09-09)

ISSUE BEFORE THE COUNCIL:

Information for the Council to consider in a third Work Session discussion of the questions: Are there conditional uses allowed in the RL (Low-Density Residential)(Single-Family) and other Residential Planning Districts that are no longer suitable or compatible with residential development? What uses should be allowed in Residential Planning Districts as permitted or conditional? What uses should be removed from Residential Planning Districts and either eliminated or designated to other Planning Districts?

POLICY CONSIDERATIONS:

1. Are there uses currently listed as conditional uses in any of the residential zones that are not suitable or desirable and should be removed? If removed, should the uses be allowed in another Planning District such as Commercial or Institutional?
2. What effects are possible when revising allowed residential uses and removing land from the Tualatin residential land inventory in respect to compliance with housing requirements in the Statewide Land Use Planning Goal 10-Housing and the Metro Urban Growth Management Functional Plan (MUGMFP) Title 1-Table 1 Dwelling Unit Capacity?
3. How best to deal with existing development that would become non-conforming in a residential district and allowed only in another Planning District? If a use is allowed in a non-residential district, should there be ways to encourage an owner of a non-conforming use property to change designation?
4. Are there uses currently listed as conditional uses in any of the residential zones that should be permitted outright rather than listed as conditional?

BACKGROUND

On October 12, 2009, the Council held a Work Session discussion of issues related to non-residential uses and development in residential areas. The Council requested the discussion in response to its concerns about the suitability and appropriateness of the conditional uses currently allowed in the RL Planning District and other residential districts and the Council's ability to address development issues in the conditional use process.

At the Work Session, Council members reviewed the list of conditional uses in Residential Planning Districts and requested Staff to provide information and evaluation of their recommendations. The recommendations ranged from:

1. Retaining the conditional use as currently listed;
2. Removing a conditional use in residential districts while retaining the use or allowing the use in another Planning District (such as Institutional, Commercial or Medical Center);
3. No longer allow the particular use.

The Council asked for better definition of or distinctions between certain uses, a review of certain uses in respect to State standards & requirements (such as nursing homes and care facilities) or the current need for or appropriateness for the use (keeping agricultural animals on designated properties, allowing "clubs" in residential areas). The Council's recommendations on Conditional Uses are listed in the Discussion section below.

No changes to the list of RL permitted uses were proposed by Council members at the October 12, 2009 Work Session.

On November 12, 2009, Staff provided the Tualatin Planning Advisory Committee (TPAC) an update of the Council's work on PTA-09-09 and the CUP questions. TPAC members had a discussion about a Country Club/Private Club use (referring to the Stafford Hills Racquet & Fitness Club development approved in CUP-09-01) and the idea that K-12 schools are integral to residential areas.

On February 8, 2010 the Council again discussed the CUP uses in residential and started down the list of uses. During this process it was determined that the issue was complicated and the Council concluded a special work session would be necessary. Minutes of that Work Session are included in Attachment A.

DISCUSSION:

In February 2010 when Council discussed the CUP list of uses in residential it became apparent that the issues were more complicated than originally envisioned. The discussion was tabled until a special work session could be scheduled. Five months have passed and no special work session has been scheduled. During this time other possible processes to do the evaluation have been articulated by several Council members. Staff is seeking direction this evening on how Council would like to proceed on this issue. What process would the Council like to engage in reviewing the list of conditional uses in residential? How would the Council like to move forward? If the direction is to continue on

the same path of evaluation started in October 2009, staff would suggest scheduling a special work session date this evening.

RECOMMENDATION:

Staff seeks direction from Council regarding the current conditional use provisions in the TDC.

Attachments: A. Council Minutes of February 8, 2010



City of Tualatin

www.ci.tualatin.or.us

Approved By Tualatin City Council

Date 2-22-10

Recording Secretary M. Smith

TUALATIN CITY COUNCIL WORK SESSION MINUTES OF FEBRUARY 8, 2010

PRESENT: Mayor Lou Ogden; Councilors Chris Barhyte, Monique Beikman, Joelle Davis, Jay Harris, Donna Maddux, and Ed Truax; Sherilyn Lombos, City Manager; Brenda Braden, City Attorney; Doug Rux, Community Development Director; Don Hudson, Finance Director; Dan Boss, Operations Director; Paul Hennon, Community Services Director; Larry Braaksma, Police Captain; Carina Christensen, Assistant to the City Manager; Eric Underwood, Development Coordinator; Stacy Crawford, Recording Secretary

ABSENT: None.

[Unless otherwise noted, MOTION CARRIED indicates all in favor.]

A. CALL TO ORDER

Mayor Ogden called the work session to order at 5:00 p.m. and recessed the work session at 5:01 p.m. to go into executive session pursuant to ORS 192.660(2)(e) to discuss real property transactions.

The Council Work Session reconvened at 6:05 p.m.

Council/Commission Meeting Agenda Review

Council reviewed the Agenda and removed Item B4 –Crime Report Update from the Council Meeting agenda.

B. PRESENTATIONS, ANNOUNCEMENTS, SPECIAL REPORTS

1. Conditional Uses in Residential Planning Districts

Associate Planner William Harper gave an update based on a previous work session where the Council went through the list of current conditional uses in Residential Planning Districts. A discussion occurred regarding the impacts and consequences of removing or leaving in an activity, particularly cemeteries, from the Residential Planning Districts. Council asked for additional information and discussed the cost of traffic impact analysis for a Plan Amendment and a Conditional Use. Councilor Barhyte suggested this topic be discussed further during a special work session.

C. CITIZEN COMMENTS – N/A

D. CONSENT AGENDA

Council reviewed the Consent Agenda at the beginning of the work session with changes made as noted above.