



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager 

DATE: August 17, 2009

SUBJECT: Work Session for August 24, 2009

Work Session will begin at 5:00 p.m.
There WILL BE an executive session – 192.660(2)(h)

5:00 p.m. (5 min) – Council / Commission Meeting Agenda Review.

Action requested: Council review the agenda for the August 24th City Council and Development Commission meetings.

5:05 p.m. (30 min) – Tualatin / Durham Services. During the 09/10 budget deliberations, the Police services contract with Durham was raised and questions were asked about the services provided, the amount of the contract, other models, etc. Tonight's discussion is designed to provide additional information to the Council about those questions. Attached is a powerpoint presentation that Kent will use to help facilitate this discussion.

Action requested: Direction from the City Council regarding providing services to the city of Durham.

5:35 p.m. (40 min) – South / SW Tualatin Concept Plan Areas. Council has been discussing both of these areas for several years, most recently in the context of transportation improvements to 124th, Tonquin, Grahams Ferry, Boones Ferry, Day Road, etc. At a work session several months ago, you asked staff to bring back an analysis of both of these areas. Attached is a memo from Doug and Colin that gives a significant amount of context along with some possible strategic action steps.

Action requested: Direction from the Council regarding strategic actions steps in the South and Southwest Tualatin concept plan areas.

6:15 p.m. (30 min) – Phase III Review of Tree Regulations. Phase I led to a revision of the code to clarify tree preservation standards; Phase II was recently adopted by Council and requires replacement of any street trees that are taken out; Phase III includes the concepts of replacing holes where street trees were and amending the scope of exemptions from tree removal regulations. Attached is a memo from Doug and Colin with additional information.

Action requested: Direction from the City Council on concepts to include in this next phase of tree regulations.

6:45 p.m. (10 min) – Council Communications & Roundtable. This time is the Council's opportunity to brief the rest of the Council on committee meetings, follow-up on items, and any other general Council information that needs to be discussed.

Action requested: This is an open Council discussion.

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.



City of Tualatin
&
City of Durham
Services Contract

City of Tualatin
Council Work Session
August 10, 2009



Resolution 220-89

Contract Signed June 21, 1989

- Provide Police Services to include:
 - Public Safety
 - Criminal Enforcement
 - Traffic Enforcement
- Officers to be Certified, properly supervised, and minimum of 1-year experience
- Provide labor, supervision, equipment & supplies
- Respond to Calls for Service
- Respond to specific Problems identified by Durham
- Provide general Police Patrol
- Provide Necessary Court time as result of cites/arrests



Resolution 220-89

- **13 Hours per month @ \$41.00 per hour = \$6,396 annual**
- **Citations were issued into Tigard Municipal Court and revenue was split evenly with Tualatin/Durham**
- **Contract to automatically renew each year**
- **Written agreement each year as hourly rate may modify**



1989 - 2003

1989

13 Hours per month

\$41.00 per hour

\$533 per month

\$6,396 annual

2003

27 Hours per month

\$94.97 per hour

\$2,564.16 per month

\$30,770 annual



Meeting - October 20, 2003

City Manager Steve Wheeler – Tualatin

City Administrator Roel Lundquist – Durham

Chief of Police Kent Barker - Tualatin

Points Made:

- **Recognize Durham is buying limited service**
- **5% of Police Calls come from Durham**
- **Students get benefit of Tualatin School Resource Officers**

Support functions that should be factored into the cost:

Vehicle Maintenance, building overhead, utilities, large increases in health insurance, PERS, etc.



Meeting - October 20, 2003

Agreement made for a Five Year Plan of 4% Annual increase

Agreement did not take into consideration # Hours Worked

	<u>2003 Agreement</u>	<u>Actual Paid</u>
2004-05	\$34,205	\$33,919
2005-06	\$35,573	\$35,459
2006-07	\$36,996	\$36,877
2007-08	\$38,476	\$38,690
2008-09	\$40,015	\$40,011
2009-10	\$41,616	\$42,000 (budgeted)



City Police Comparisons

City	Population	Sworn Officers.	Budget
Turner	1700	3	\$ 366,000
Pilot Rock	1500	3	\$ 303,352
Amity	1486	2	\$ 230,000
Rockaway	1360	3	\$ 250,000
Port Orford	1275	3	\$ 296,975
Coburg	1075	3	\$ 300,000
Aurora	970	2	\$ 274,582
Merrill	950	1	\$ 125,000
Average	1290	2.5	\$ 268,238
Durham	1400	**	\$ 42,000
Dundee	3,300	3	\$384,465



What's Reasonable?

2009-10 Budget	\$ 42,000
Comparable Cities	\$ 268,238
Newberg-Dundee Model	\$ 282,796

General Fund Property Taxes	
City of Tualatin	\$2.2665 per \$1,000
City of Durham	\$0.4927 per \$1,000

“Durham’s permanent tax rate of \$0.4927 per \$1,000 assessed valuation is among the lowest municipal rates in the state”

Durham Budget Message FY09-10



Police Officer Salary/Benefits

	Entry Level	Senior Officer
Salary	\$ 49,900	\$ 78,008
Health Insurance	\$ 18,116	\$ 18,116
Sick Leave	\$ 2,303	\$ 3,600
Retirement	\$ 11,926	\$ 18,644
Total	\$ 82,245	\$ 118,368

Does Not include Overtime, Equipment, Uniforms,
Vehicle, Training, Supervision, Supplies, etc.



Cost Considerations

- **Patrol Coverage (24/7 or specific hours)**
- **Training Time (Basic, In-Service, Maintenance, Mandatory)**
- **Supervision**
- **Report Writing Time**
- **Court Appearances**
- **Vehicles, Equipment, Uniforms, Misc. Supplies**
- **COLA, Health Insurance, Retirement**
- **Follow-up Investigations**
- **School Resource Officers**
- **Special Events (National Night Out)**
- **Administration (Reports, Records, Alarms, Court)**



What if we stop police services?

Durham Police Options:

- Implement their own Police Department
- Washington County Sheriff's Office
- Tigard Police Department
- Lake Oswego Police Department

Tualatin Police Department would be dispatched to Priority One Calls for Service (per Closest Available Unit).

Priority One Calls require two or more officers to respond

Contain Scene until Police Contract Agency arrives

Provide Backup assistance



Next Steps

What does the Council want to do next?

Options:

- **Withdraw from Police Services Contract**
- **Enter into Negotiations for more “realistic” costs**
- **Continue current course**



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
Colin Cortes, Assistant Planner

DATE: August 24, 2009

SUBJECT: STRATEGIC ACTIONS FOR THE SOUTH AND SOUTHWEST
TUALATIN CONCEPT PLAN AREAS

BACKGROUND:

This memo describes the South and Southwest Tualatin Concept Plan areas, including their origin and status, and the multifarious factors affecting their future and possible strategies for future urbanization of the areas themselves. Attachment A is a map illustrating the areas the plans would cover.

This section summarizes the major topics related to the concept plans and introduces a bulleted section where each topic is described in detail.

What are these plans and why would they exist?

Metro conditions that any UGB expansion must undergo planning prior to urban development. Metro expanded the UGB in 2002 and 2004, including the areas now known as Southwest (SW) Tualatin (about 400 acres) and South Tualatin (about 950 acres). As part of its analysis leading to expansion, Metro conducted fiscal analysis of urban development of expansion lands including South Tualatin. It found that urban development of South Tualatin would be fiscally feasible.

In 2005, the City drafted the Southwest Tualatin Concept Plan (SW Concept Plan), which remains in draft form. When Metro expanded the UGB, the I-5 to 99W Connector project was on-going, so Metro allowed for completion of the South Tualatin concept plan to occur within "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 [the ordinance], whichever occurs earlier." In 2007, the City and the City of Sherwood created a Memorandum of Understanding (MOU) establishing among other things that a southward

extension of SW 124th Avenue will be the boundary between the two cities, with the right-of-way being wholly within Tualatin. The MOU sets the parameters for governance of SW Tualatin and lands to the east the City of Sherwood is developing a concept plan for. (Refer to Attachment C.)

The governance of SW and South Tualatin involve the Council's desire about where and when to develop. Most recently the City and Washington County have engaged in amending the Urban Planning Area Agreement (UPAA) for the SW Tualatin area. Discussions have not commenced on a UPAA amendment or SB 122 agreement for the South Tualatin area. There has been considerable discussion though on transportation infrastructure, primarily the I-5 to 99W Connector project which has involved surrounding cities, Washington and Clackamas Counties, ODOT, Metro and the Federal Highway Administration.

DISCUSSION:

The various factors affecting the concept plans fall into two categories, Governance and Infrastructure. Subtopics for each category are bulleted below and described:

Governance

- Urban Growth Boundary (UGB) Expansions (Metro UGMFP, Title 11)
- Completing the SW Concept Plan and implementing regulations
- South Tualatin Concept Plan
- Urban Planning Area Agreement (UPAA) with Washington County
- Oregon Senate Bill (SB) 122
- Annexation
- Fiscal analysis
- Metro urban and rural reserves initiative
- Local aspirations for South and SW Tualatin
- Sherwood local aspirations
- Wilsonville local aspirations and 20-year growth plan
- Wilsonville Coffee Creek Master Plan
- Jurisdictional transfer of roads (from ODOT)
- Appeals to Metro over boundary disputes

Infrastructure

- I-5 to 99W Connector
- Infrastructure needs and funding
 - Metro construction excise tax (CET)
 - System development charges (SDCs)
 - Local Improvement District (LID)
 - Urban Renewal District
 - Special Assessments
 - Statewide Transportation Improvement Program (STIP)

- Metropolitan Transportation Improvement Program (MTIP)
- Oregon Transportation Investment Act (OTIA)
- Washington County Major Streets Transportation Improvement Program (MSTIP)
- Concurrency (or Adequate Public Facilities)

The Governance section below introduces policy considerations, discusses governance-related factors in more depth, provides historical context and presents possible strategic actions that can be taken. The second section of the memorandum outlines infrastructure issues. The focus for the August 24 discussion will be on governance and a separate work session will be held on infrastructure at a later date.

Governance

Policy Consideration:

- What lands should Tualatin govern and what is the best way to arrive at governance?
- Where and when should jurisdictional lines be drawn?
- How do you establish governance of land but not allow development to occur until infrastructure is in place?

Urban Growth Boundary (UGB) Expansions (Metro UGMFP, Title 11)

When Metro expands the urban growth boundary (UGB), the regional government collaborates with local governments to plan how they will direct development of the additional land and provide urban services. In 2002, the Metro voted to expand the UGB by 18,638 acres. In 2004 and 2005, Metro expanded the UGB by an additional 2,500 acres for industrial use and in part termed "Regionally Significant Industrial Areas" (RSIA) for some of these industrial lands, and imposed the requirement that concept plans exist prior to urban development.

Title 11 within Metro's Urban Growth Management Functional Plan (UGMFP), Metro Code 3.07.1105, directs concept planning. Title 11 first requires that local governments place interim measures on the new urban land to protect it from urbanization before a plan is completed and adopted. For the areas of discussion Washington County fulfilled this requirement with a FD-20 designation. A concept plan must also address the other Title 11 provisions, which relate to the topics of natural resources, minimum residential density, housing types, transportation systems, and public schools. A concept plan is generally understood to cover a small-scale portion of a given jurisdiction. Taking for example the concepts of land use and transportation, the plan is conceptual in that it can indicate land uses in bubble diagram form and sketch broadly delineated transportation corridors without having to zone specific districts or delineate rights-of-way (ROW). A completed concept plan serves as the reference for drafting and applying land use regulations relating to zoning and site development.

As part of the UGB expansion process fiscal analyses of the SW and South areas show that urbanization is feasible. A 2003 analysis performed by the City of Tualatin concluded that annexation and development of South Tualatin, then known as Study Area 47, would not reduce the City of Tualatin's general fund given the proposed development plan. This year, Metro drafted a preliminary cost analysis of providing urban infrastructure in various areas within the UGB including SW Tualatin ("Public Infrastructure Costs: Case Studies"). This study built on the fiscal analysis work conducted by the City in 2005 for the SW Tualatin area. Metro estimates the total cost to provide infrastructure to be approximately \$60,628,000 or approximately \$10,525 per job given 5,760 jobs assumed. About \$41,168,000 or 68% of the infrastructure cost is transportation.

Based on projected 20-year population and employment needs, Metro in 2002 and 2004 designated the lands to the southwest and south of Tualatin for industrial and residential uses respectively through Ordinances 02-969B, 02-990A, and 04-1040B in compliance with Oregon law. In the years since, Tualatin completed a draft Southwest Tualatin Concept Plan (SW Concept Plan), which covers approximately 400 net developable acres. The South Tualatin Concept Plan (South Concept Plan) does not yet exist because of the uncertainty posed by the I-5 to 99W Connector Project as well as uncertainty over the ultimate boundary between Tualatin and Wilsonville. It covers approximately 950 acres.

When Metro adopted the 2004 UGB expansion via Ordinance No. 04-1040B, Exhibit F, it included conditions that pertain only to the UGB expansion area north of Day Road (South Tualatin) as shown in Attachment B. Those conditions require the area to have a complete concept plan per Title 11 within two years following the selection of the right-of-way (ROW) alignment for the I-5 to 99W Connector or within seven years of the effective date of the ordinance, whichever occurs earlier. Also, conditions indicate that concept planning can occur as long as it incorporates the general location (alignment) of the Connector and the Tonquin Trail per the Metro 2004 Regional Transportation Plan (RTP).

Metro is currently working on a RTP update. In discussions with Metro staff the two-year trigger stated above would take effect after the RTP update is adopted. This could place the concept planning work to be completed by spring of 2012. This coincides roughly with the seven-year provision, which places the concept planning work to be completed by or around July-December 2012.

Tualatin drafted the SW Concept Plan in 2005, but is not yet finalized. For the above reasons, the City has yet to begin the South Concept Plan. The ultimate outcome of these plans and the development they intend are influenced also by local aspirations, including those prompted by the urban and rural reserves initiative.

Completing the SW Concept Plan and implementing regulations

Consultants CH2M HILL, Kittelson and Associates, and Otak, Inc. created the most recent draft of the SW Concept Plan in August 2005. Partial funding came from the Oregon Department of Land Conservation and Development (DLCD) and ODOT through a Transportation Growth Management program grant. The SW Concept Plan guides industrial development of approximately 431 acres southwest of present city limits and follows Metro UGB expansions in December 2002 and June 2004. Metro designated part of the SW Tualatin area as Regionally Significant Industrial Area (RSIA). Metro defines a concept plan in the Urban Growth Management Functional Plan (UGMFP) as a guide to the use of land newly added to the UGB, the provision of urban services, and how to relate new development to existing urban development. The relevant required components included an annexation plan, provisions for commercial and industrial land suited to the area, conceptual transportation network, natural resource protection and restoration plan, public facilities plan, overall urban growth diagram, and coordination among city, county, school districts, and other districts. The plan examines land use, transportation, potable water, sanitary sewer, stormwater management, and natural resources.

To be implemented, the concept plan needs incorporation into the Tualatin Development Code (TDC) because the TDC integrates the Tualatin Community Plan, the City's comprehensive plan. Staff expects to revisit and incorporate the SW Concept Plan by spring 2010 using funding from Metro's Construction Excise Tax program.

As a corollary to the planning process Tualatin has a memorandum of understanding (MOU) with Sherwood that it adopted via Resolution No. 4729-07 on 10/22/2007. The MOU establishes that a southward extension of SW 124th Avenue will be the boundary between the two cities, with the right-of-way being wholly within Tualatin in exchange for Sherwood governing land on the south side of SW Tualatin-Sherwood Road from SW 124th Avenue west to SW Oregon Street for industrial development. The Cities agreed to jointly fund improvements to 124th through an Intergovernmental Agreement (IGA) to be drafted after completion of the SW Concept Plan.

South Tualatin Concept Plan

In 2008, the City established an intergovernmental agreement (IGA) with Metro regarding concept planning, funded through the construction excise tax (CET). Metro apportioned 365,000 for the South Tualatin Concept Plan as a joint effort among the City, Wilsonville, and Washington County. The first \$100,000 for the South Concept Plan comes upon the first deliverable from the consultant. The anticipated total cost to complete concept planning is between \$450,000 and \$500,000, so additional money is needed. Given that the "selection of the right-of-way alignment for the I-5/99W Connector" per the Metro ordinance is coming

closer in time as discussed under the Connector bullet and may be the earlier of two possible time limits to complete concept planning, finding additional funds and creating the South Tualatin Concept Plan take on added importance. It also necessitates discussion of governance of the area.

Urban Planning Area Agreement (UPAA) with Washington County

Washington County and Tualatin have an existing Urban Planning Area Agreement (UPAA) concerning planning district designations in unincorporated areas and annexation. It also illustrates the Washington County portion of the planning area boundary that appears on TDC Map 9-1, the Community Plan Map.

Amendment of the UPAA to reflect the County's desire to have urbanization occur within the jurisdiction of a city and to include the SW Concept Plan area is scheduled to go before the County Planning Commission on 9/16/2009 and before the County Commission on 10/20/2009. The desire springs from two issues. The first is the on going "urbanization forum" the County has with the cities within the county in order to reach agreement on implementation. The City Council approved Resolution No. 4906-09 "Approving Washington County Urbanization Forum Actions" on June 22, 2009. Second is the City of Sherwood request to Washington County to amend their UPAA as part of their Tonquin Industrial Area concept planning exercise, located to the west of the SW Concept Plan area, which is underway? Washington County contacted Tualatin to see if we wanted to amend our UPAA at the same time for consistency purposes.

Area of Interest 2 as part of the Urban/Rural reserve program is a portion of land at the boundary of the SW and South Tualatin areas that lies just beyond the present UGB. Because of this it remains with the jurisdiction of Washington County and cannot be incorporated into either a concept plan or the UPAA. However, through the urban and rural reserves initiative, the area is a candidate urban reserve. If designated as an urban reserve, Metro would permit urbanization at some time in the future through a UGB expansion, and the City and the County would amend again the existing UPAA to include the area. The City's local aspirations booklet illustrates the SW and South areas and Area of Interest 2.

The most relevant aspects of this factor are that the City has agreed that urban development may take place only within incorporated areas of Washington County and that the amended UPAA would allow for expedited annexation of land in the SW Concept Plan area and designation of planning districts for annexed lands as is now allowed in the area covered by the present UPAA. The UPAA does not address South Tualatin, which lies wholly within both Washington County and the UGB and is eligible for inclusion within the UPAA.

The basic point of the UPAA is to streamline governance. It will soon apply to SW Tualatin and may be applied to South Tualatin and Area of Interest 2. It is important to note that UPAA's can be appealed to the Land Use Board of Appeals (LUBA). Compared with two other tools of governance applicable to the concept

plan areas, annexations and urban service agreements (discussed below), this would be the easiest of the three to accomplish and takes advantage of a tool with which the City is familiar.

Oregon Senate Bill (SB) 122

Oregon Senate Bill (SB) 122 amended Oregon Revised Statutes (ORS) 190.003 to require that units of local government that provide an urban service within a UGB shall enter into urban services agreements that specify the units of government that will deliver the service, set forth the functional role of each service provider, determine the future service area, and assign responsibilities for planning and coordination of services. The City does not currently have a SB 122 agreement with Washington County. Development of this agreement has been discussed with the County and will be done at a future date.

An urban service agreement would be the most difficult to accomplish compared to a UPAA or annexation because it would be a more involved planning process. It generally takes about one year to prepare an agreement, involves all of the service providers for an area along with involvement of surrounding cities. If a participant chooses to not sign the agreement the issues could end up in front of LUBA or before Metro as a mediator on the disputed element of the agreement. A UPAA is a familiar tool that would accomplish more easily the same end as either an urban services agreement or annexation.

Annexation

The City has a Draft SW Concept Plan and the UPAA with Washington County is being amended to reflect the City would provide governance of this area in the future and allow expedited annexation of lands with the planning area boundary. South Tualatin is not at this same stage because of no concept plan or proposed UPAA amendment. A question that might arise is whether annexation may occur before the completion of the South Concept Plan.

Annexation would in itself signal that Tualatin is to be the urban service provider in the annexed area, but is not a predictable process and would involve Washington County, the City of Wilsonville, and South Tualatin property owners as potential objectors. Annexation also would invoke several more applicable annexation state statutes and Metro regulations than usual and the notification and election procedures therein.

Any annexation of South Tualatin would require meeting Metro Code and be facilitated by amendment of the UPAA. If annexation is to occur in the absence of an amended UPAA and is to be expedited, all property owners in the subject area and at least half of all voters residing in that area must consent. If not expedited, at least half of property owners in the subject area must consent – and this would meet both ORS 222 and Metro Code. In comparison, the UPAA automatically

designates an annexed property within the planning area boundary with a planning district. Annexed land not within the planning area boundary defined in the UPAA would default to land uses most similar to those that had been allowed by the County's land use regulations (land uses would remain rural), or be designated by the Council through adoption by ordinance.

In this context, it is important to stress the Metro conditions on the South Tualatin area, reproduced from Attachment B:

Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within 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.

(Ord. No. 04-1040B, Exhibit F "Conditions on Addition of Land to the UGB," Section II(C))

The Tualatin Community Plan (TCP), the City's comprehensive plan, would need amendments to reflect how the City would provide public facilities and services within the annexed area, and this information helps to satisfy one of the Metro criteria. Incidentally, inclusion in the plan also would allow for easier administration of system development charges (SDCs) and guide the City's planning of capital improvement projects.

To comply with ORS 222.111 (authority and procedure for annexation) and to take heed of an Oregon Court of Appeals decision (*DLCD v. City of St. Helens*, 1995) the City cannot attempt a "cherry stem" annexation because the court ruled such annexation unreasonable and in violation of statute. This informal term describes annexation of property noncontiguous to a city (the cherry) and joined only by an annexed strip of public ROW (the stem).

Fiscal analysis

Development can generate tax revenue, but it can also impose costs on the public purse. Fiscal analysis, sometimes referred to as fiscal impact analysis, refers to analysis that ascertains the quantitative costs of development by class of infrastructure or service, often prime ones such as potable water, sanitary sewer, transportation, and public schools.

A fiscal analysis of the South Tualatin area is dated August 2003 when Metro was still examining possible expansion of the UGB. The area was then referred to as Study Area 47. The purpose of the report was to understand:

- estimates of revenues that would accrue from the area if it is annexed and developed, including property taxes, franchise fees, and all other revenue sources.

- The resulting fiscal impact to the City if the area is annexed, taking into account the costs and revenues as well as the degree of development at several different points in time.
- The operations and maintenance costs of providing city services to the area if it is annexed, specifically the fiscal impacts of General Fund Government Services.
- An analysis of the maintenance costs associated with sewer, storm sewer, water, and streets and whether existing rate structures are adequate to cover the additional burden on these systems if the study area is annexed and developed.

The report concluded that annexation and development of Study Area 47 would not reduce the City of Tualatin's general fund given the proposed development plan. In short, the City can afford urban development in the South Tualatin area.

This year, Metro drafted a preliminary cost analysis of providing urban infrastructure in various areas within the UGB including SW Tualatin ("Public Infrastructure Costs: Case Studies," June 2009 draft). Metro estimates the total cost to provide infrastructure to be approximately \$60,628,000 or approximately \$10,525 per job given 5,760 jobs assumed. The cost breakdown by class of infrastructure is:

<i>Infrastructure Class</i>	<i>Total Cost</i>	<i>Percentage</i>	<i>Per Job</i>	<i>Per Net Acre*</i>
Transportation	\$ 41,168,000	67.9%	\$ 7,147	\$102,920
Sanitary Sewer	\$ 9,674,000	16.0%	\$ 1,680	\$ 24,185
Potable Water	\$ 9,224,000	15.2%	\$ 1,601	\$ 23,060
Stormwater Management	\$ 562,000	0.9%	\$ 98	\$ 1,405
Total	\$ 60,628,000	100.0%	\$10,525	\$151,570

*The SW Concept Plan area has approximately 400 net developable acres.

Metro urban and rural reserves initiative

SB 1011 (2007) enabled Metro and the three metro area counties to designate "Urban and Rural Reserves" to determine where urban growth boundaries in the Portland Metro region will and will not be in order to expand to accommodate population and employment growth over the next 40 to 50 years. DLCD codified related rules in OAR 660, Division 27 and amended Divisions 4, 11, 21 and 25.

The Reserves Steering Committee guides the study of candidate reserves representing local cities, various business sectors, agricultural interests, environmentalists, and social and economic equity organizations. Ultimately, Metro and the three counties would agree upon what reserves are urban or rural prior to designation; this is anticipated to occur by the end of 2009. To facilitate agreement, Metro and the Counties requested that the cities in the region express

their opinions about what areas should remain rural or urban, what Metro terms “local aspirations,” and what city wants control over what lands (“governance”).

Tualatin expresses its “local aspirations” as termed by Metro in the April 2009 booklet “City of Tualatin’s Local Aspirations: Urban & Rural Reserves.” The document in turn references Tualatin Tomorrow Community Vision and Strategic Action Plan and focuses on these areas: the town center, commercial land outside the town center, industrial land, residential land, and the Stafford Basin (a.k.a. Area of Interest 1) and Area of Interest 2. Of concern is Area of Interest 2 as it is immediately south and southwest of the SW Tualatin and South Tualatin areas. Area of Interest 2 has been identified as necessary for transportation infrastructure (SW 124th Avenue and SW Tonquin Road). The decision timeline for the Urban/Rural reserve program is December 2009 with final IGA’s between Metro and the Counties in early spring 2010.

Metro construction excise tax (CET)

Authorized by SB 1036 (2007) and created by Metro in 2006 via Ordinance 06-1115, CET funds are limited to concept planning for the areas annexed into the UGB in 2002, 2004, and 2005 as specified in Metro Code 7.04.220. Intended to sunset after either 3 years or the collection of approximately \$6.3 million – the approximate amount to fund all local governments in need – Metro began in June 2009 to consider extending the time horizon of the CET and finding other programs on which to spend the funds.

In 2008, the City established an intergovernmental agreement (IGA) with Metro regarding concept planning for the SW Tualatin area. Metro apportioned \$31,000 for the SW Tualatin Concept Plan. No IGA has been done for the South Tualatin area and Metro and is holding \$365,000 for the South Tualatin Concept Plan. The anticipated total cost to complete concept planning for South Tualatin is between \$450,000 and \$500,000, so additional money is needed. The transportation improvement dollar figures in the SW Concept Plan need review and confirmation

Local aspirations for South and SW Tualatin

As part of the Urban and Rural Reserves initiative, Metro asked cities to identify how much population, housing, and employment they wanted within the next 20 to 50 years. Metro would take these, termed “local aspirations,” and use them to guide the location and size of designated urban and rural reserves.

The City Council met five times since October 2008 to discuss local aspirations. The City’s aspirations for SW and South Tualatin are documented in the “City of Tualatin’s Local Aspirations – Urban & Rural Reserves – April 2009” brochure.

Regarding the South Tualatin area, the Council has expressed a desire for 20-year residential development to take the form of low-density single-family housing that

matches the Low Density Residential (RL) Planning District range of 1 to 6.4 dwelling units (DUs) per acre, translating to an approximate range of 823 to 5,261 residents. The Council considered allowing a commercial node in South Tualatin to serve the area, and some existing industrial land in the western part can remain as is.

Oregon Administrative Rules (OAR) 660-007-0035(2), the Metropolitan Housing Rule, requires that Tualatin build a minimum of 8 DUs per net buildable acre. Metro has a separate requirement that Tualatin build a minimum of 10 DUs per acre. Local aspirations for South Tualatin conflict with state and metro requirements.

Related to local aspirations, the Strategic Management Plan (2009) of the City establishes these goals:

- Goal No. 1: Enhance mobility and achieve reduction of congestion throughout Tualatin.
 - Two-year Performance Objective 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 Objectives:
 - 2. Complete and adopt the Southwest Concept Plan.
 - 3. Develop and adopt the South Tualatin Concept Plan.

- Goal No. 3: Achieve economic vitality in all sectors of the community and ensure a sustainable economic and revenue base for the City.
 - Two-year Performance Objective 6: Analyze a Southwest Urban Renewal plan.

Sherwood local aspirations

Sherwood issued its urban and rural reserves local aspirations in March 2009 and desires in the long term more industrial and commercial land to obtain better jobs/housing balance and through the year 2050 to manage the growth of the city limits so that, once a better jobs/housing balance has been achieved, growth maintains that balance. Sherwood identifies neither a particular place on Metro's "activity spectrum" (such as being an "18-hour" community) nor urban form. Sherwood is examining needed infrastructure and financing as part of periodic review, starting this year. (Area 48 "Tonquin Employment Area" is the counterpart to the SW Tualatin area. Sherwood is a quarter through its work plan to complete its concept plan.)

While the Sherwood City Council has had no public process discussing aspirations for increasing intensity of development within the City, councilors have discussed in work session possibilities for consideration. The aforementioned MOU that the City has with Sherwood acts to provide parameters for specifying local aspirations.

Wilsonville local aspirations and 20-year growth plan

Wilsonville issued its local aspirations in February 2009 and states that the majority are found in existing master plans, though additional general policies include:

- Protect important agricultural lands surrounding Wilsonville, particularly those south of the Willamette River in French Prairie, through rural reserve designation.
- Strong preference for utilizing existing vacant and redevelopable residential, commercial and industrial land efficiently so as to reduce sprawl.
- Preference to transition from suburban to more urban form, with taller multi-story, mixed-use buildings.
- Desire to utilize infrastructure efficiently and maintain concurrency (adequate public facilities) for all classes of infrastructure, particularly transportation.
- Provide additional housing in a wide variety of housing types, to balance the jobs to housing imbalance of 2.1 to 1, projected to be more out of balance over time. Increasing pressure to provide more industrial land further exacerbates the imbalance, and commercial land is projected as sufficient for 20 years.
- Accommodate additional industrial development previously committed to and provide over 1,500 permanent jobs in the 226-acre Coffee Creek Industrial Area.
- Protect the existing stock of affordable housing and increase the amount of affordable opportunities, particularly for seniors.
- To grow most logically and efficiently, target land to the east around future school sites to meet the 20 and 50 year residential need and take advantage of infrastructure projects (sanitary sewer) that are needed to serve adjacent areas within the city's UGB and the school sites
- Continue to work with regional partners to master plan the regional trail system, including the Tonquin Trail and develop segments within Wilsonville.
- Expand commuter rail to Sherwood and Salem and continue to support the benefits of High Capacity Transit (HCT) to Wilsonville and beyond.
- Consistent with the City's policy to provide infrastructure capacity for planned development, over the next 5 years begin some of the most significant infrastructure projects in Wilsonville history.

Wilsonville Coffee Creek Master Plan

Wilsonville created a detailed transportation and land use plan for the area located near northwest Wilsonville in unincorporated Washington and Clackamas Counties. The Coffee Creek Industrial Area was to be planned in two parts, including a master plan with a detailed strategy for urbanizing the area South of Day Road, and a separate Concept Plan north of Day Road for long-range planning; the latter did not occur.

In 1998 Otak, Inc. prepared an Urban Reserve Plan as a Concept Plan for the area south of Day Road. Metro followed up with a 2002 decision to include Area 49 into the Metro Urban Growth Boundary (UGB) to allow urban services to extend to the Coffee Creek Correctional Facility, and set the stage for additional industrial development south of Day Road.

In 2004, Metro added land to the Metro UGB north of Day Road and east of the Portland and Western Railroad, but conditioned future annexation north of Day Road on the decision regarding a preferred location for the future I-5/Highway 99W Connector route. Metro adopted the 2004 UGB expansion via Ordinance No. #04-104B, Exhibit F, with conditions that pertain only to the UGB expansion area north of Day Road. Those conditions require the area north of Day Road to complete Metro Title 11 planning within 2 years from decision of a connector ROW location. Also, those conditions indicate that Title 11 planning can occur north of Day Road as long as it incorporates the general location of the Connector and the Tonquin Trail per the Metro 2004 RTP. The SW Concept Plan does not include the area north of Day Road.

Jurisdictional transfer of roads (from or to ODOT)

The major reason for transferring a state highway to a local jurisdiction is that the road serves primarily local interests and is not needed to serve state interests. ODOT publishes *Transferring Roads: A Handbook for Making Jurisdictional Transfers* to guide this and other scenarios. It quotes the 1999 Oregon Highway Plan of which Policy 2C says that the state should "consider, in cooperation with local jurisdictions, jurisdictional transfers that:

- Rationalize and simplify the management responsibilities along a particular roadway segment or corridor;
- Reflect the appropriate functional classification of a particular roadway segment or corridor; and/or
- Lead to increased efficiencies in the operation and maintenance of a particular roadway segment or corridor (p. 89).

The handbook lists possible reasons for jurisdictional transfer including:

- A new state highway bypasses a city, and the route through the city is no longer needed as part of the state system.
- Having only one government making land use and access management decisions on a District Highway might result in greater efficiency and community responsiveness.
- The local government wants to make improvements, permit accesses or maintain the District Highway or Local Interest Road in a way that ODOT cannot do or is not willing to do. The local government may want to apply higher standards or apply a service level that ODOT would not address because the state places a low priority on that road.

Jurisdictional transfer among ODOT, Washington County, and Tualatin is a possible tool if the City wants to have greater control over urbanization in South Tualatin. The relevant roads and their present jurisdictions are:

<i>Road</i>	<i>Jurisdiction</i>
SW 124 th Ave	Tualatin
SW Boones Ferry Rd	ODOT
Day Rd	Wilsonville
SW Grahams Ferry Rd	Washington County
SW Tonquin Rd	Washington County

Appeals to Metro over boundary disputes

Previously, cities disputing jurisdictional boundaries appealed to the Metro Boundary Commission until the Oregon Legislature passed SB 615 (2007) that disbanded the Commission because the Land Use Board of Appeals (LUBA) had determined that it reviewed boundary disputes even if the Commission had made a determination. This made the Commission's existence redundant. Previously, Metro successfully mediated boundary disputes between Damascus and Happy Valley and between Beaverton and Portland. In order to accomplish regional coordination of planning activities as required by Oregon Revised Statutes (ORS) 195.025, Metro can still on a case-by-case basis facilitate resolution of boundary disputes.

Given the above governance factors, the optimum factor to govern the subject lands is amendment of the UPAA. There is risk in that another local government could appeal the amendment to LUBA. However, when paired with completion of the concept plans, an amended UPAA would allow for annexation to be less difficult. Other factors such as an urban services agreement per SB 122 would involve agreement among several local governments and service providers and if appealed would lead to court or to arbitration by Metro. With this in mind, the strategic steps are below.

Possible Strategic Steps:

The following steps are outlined sequentially on governance:

1. Amend the Urban Planning Area Agreement (UPAA) to include:
 - a. SW Concept Plan area (within two months)
 - b. South Tualatin (within a year)
 - c. Area of Interest 2 (Knife River/TVF&R) as part of the Urban Reserves program (within a year and half)

The UPAA amendment process for the SW Concept Plan is already underway with City Council review and approval of the document scheduled on September 28 and the Washington County Board of Commissioners review and action on October 20, 2009.

The UPAA amendment process for the South Tualatin area is envisioned to start soon and be completed within 1-year. A key question to be able to move forward on the South Tualatin area is defining how much of the area should be governed by Tualatin?

The Area of Interest 2 UPAA is envisioned to be completed in FY 10/11 after the area is designated an Urban Reserve. The City Council has forwarded a recommendation to the Washington County Reserves Coordinating Committee that this area be designated an Urban Reserve. This UPAA amendment is also consistent with the Urbanization Forum resolution that lands added be governed and urbanized by a city. As a reminder this area is be added as an Urban Reserve for transportation purposes.

The UPAA process is strategically a better approach than a SB 122 agreement process. This is based on the UPAA is between the City and County and only needs to be coordinated with surrounding cities and service providers. A UPAA can be appealed to LUBA. A SB 122 agreement process would take more time (1 year or more) and requires approval by the service providers and surrounding cities. If an entity chooses to not sign the agreement options would be litigation, LUBA, or mediation conducted by Metro.

2. Finalize the SW Concept Plan and implementing regulations by May 2010.

This is already a work program of the Planning Division. The program calls for the work product to be completed in May 2010.

3. Start the South Tualatin Concept Plan by July 2010 using CET funds and complete the plan within two years.

Funds are being held by Metro in the amount of \$365,000 to conduct the concept planning work. Estimates are additional funding would be required of approximately \$100,000. This work program envisions Tualatin taking the lead

and coordinating all surrounding cities, County, Metro and interested parties. The work is envisioned to take approximately 2-years. The area to be concept planned would follow the area identified in the UPAA to be completed by July 2010.

4. Annexation

Annexation could occur at different times based on the affected area. For the SW Concept Plan area annexation could occur as early as November 2009, but is more likely to occur after June 2010 upon completion of the SW Concept Plan. If an urban renewal district is envisioned for this area annexation will need to occur to align with formation of an urban renewal district. It is estimated the formation of an urban renewal district would take approximately 1-year, with part of that work program overlapping the SW Concept Plan work program.

For the South Tualatin area there are options outlined in this memorandum that need to be considered for the appropriate timing to annex. Annexation could occur with 1-year, after July 2012 or later depending on the circumstances.

5. Jurisdictional Transfer of Roadways

This can occur at various times between now and 2-5 years into the future. It in part is based on what roads would be transferred to whom based on the areas covered by the UPAA. If roadways went from ODOT (SW Boones Ferry Road) to the County that could occur anytime, with the actual timeframe depending on negotiations. For any roadways to be transferred to the City they would need to first be annexed onto the City, so the annexation opportunities and timing above come into play.

Infrastructure

The Infrastructure section below introduces policy considerations, provides historical context and outlines possible funding options.

Policy Considerations:

- What necessary actions allow the creation of urban infrastructure and transportation in the Southwest (SW) and South Tualatin areas?
- How to provide transportation in the Tualatin area for industrial and pass-through traffic? For example, is extending SW 124th Avenue south-southeast to I-5 the best way to do so?
- What sequence and timing of jurisdiction over major roadways in the SW and South Tualatin best benefits the City?

I-5 to 99W Connector

Of the factors affecting the concept plan areas, it is fitting to begin with the I-5 to 99W Connector Project.

The I-5 to 99W Connector Project was an effort by ODOT, Metro, Clackamas and Washington Counties, and the Cities of Sherwood, Tualatin, and Wilsonville to reduce congestion and improve vehicle access to and between I-5 and U.S. 99W (SW Pacific Highway). Until February 25, 2009, it remained uncertain which of six alternatives – ranging from doing nothing to improving state and local roads to building a limited-access highway – would satisfy the majority of the Project Steering Committee (PSC). On that date the PSC voted 6-2 to choose what is called “Alternative 7” or the “Three Arterial Corridors Alternative,” an additional alternative that is a synthesis of some of the six. Following the vote, Washington County forwarded Alternative 7 to Metro for inclusion into the Regional Transportation Plan (RTP) in early 2010. The attached map and list of capital projects (Attachments D and E) outline the improvements that constitute Alternative 7, and discussion continues about the scope and phasing of these improvements.

The most relevant part of the Connector to the SW and South Tualatin areas is that Alternative 7 includes as possible improvements the extension of SW 124th Avenue south to SW Tonquin Road. Attachment E describes the improvements and groups them into the four categories of Northern, Central, or Southern Arterial or Other Alternative 7 Elements.

Infrastructure needs and funding

Possible sources of revenue for infrastructure in the South and SW areas include:

- System Development Charges (SDCs)

Also referred to as “impact fees,” these are meant to have developers pay their fair share to reduce impacts of development. SDCs are limited to capital improvements necessitated by development, such as transportation facilities (often in the form of roadway improvements), sanitary sewer, and potable water and parks. In theory, any class of infrastructure has a level of service (LOS), roadways being the prime example. If a local government’s goal for a particular area is to have vehicular LOS D, for example, and new development is projected to lower it to E, the locality could charge SDCs to developers in order to maintain the LOS at D. Physically, the same logic applies for other kinds of public goods such as public parks, though the measure of LOS is different (acres per person).

An important limitation to remember is that a local government cannot apply SDCs to maintenance or operations, and any infrastructure a local government builds with SDCs must be maintained with funds other than SDCs. Prudent use of funds includes that a local government spend SDCs

within a set period of time following collection and that SDCs be charged for infrastructure and specific projects identified in the locality's comprehensive plan and capital improvement program (CIP).

- Local Improvement District (LID)

A Local Improvement District (LID) is a method through which a group of property owners can share in the cost of transportation infrastructure improvements. This tool can be used for SW and South Tualatin to generate needed funds, especially given that approximately two-thirds of estimated infrastructure costs are for transportation. Owners agree to assessment for infrastructure on a schedule such as a 5, 10, or 20-year payment plan or payment in full.

- Urban Renewal District

By creating an urban renewal district through a process analogous to that for the Leveton Tax Increment District (LTID), the City Council as the governing body could use tax increment financing (TIF) to redevelop existing properties, provide public infrastructure, and signal to private developers when and where to invest within the district. As with LTID, urban renewal requires its own agency and adopted plan as well as finding that "blight," exists, a term that can be and has been interpreted to include a lack of adequate infrastructure. TIF generates tax revenues through the increase in assessed values within a district and the spending of these revenues only within the district until the district expires.

Utilization of this financing tool for the SW Tualatin area on its face seems highly probable given the nature of the land and uses (quarries) within its boundaries and future use as industrial. For the South Tualatin area urban renewal could be more challenging given the residential nature of future development. Washington County evaluated this infrastructure-financing tool for the unincorporated Bethany area and met substantial opposition from the overlapping taxing districts on Greenfield develop for residential uses and the forgiving of tax dollars with an increase in demand to provide services. The same type of opposition could arise if this tool was used for South Tualatin.

- Special Assessments

Special assessments could be levied on property owners to fund capital improvements. A similar kind of assessment, though it covers operational and not capital costs, is the Road Utility Fee that the City established in 1990 originally to provide funding for the City's Pavement Management Plan to keep the streets in good condition and to pay a portion of the energy costs to operate the street lights and now also to maintain sidewalks, street trees, and landscaping. Unlike taxes, assessments can be more palatable

to an electorate because they are linked to specific improvements often desired by a plurality of the electorate rather than simply merging with the general fund.

- **Statewide Transportation Improvement Program (STIP)**

The Statewide Transportation Improvement Program (STIP) is Oregon's four-year transportation capital improvement program (CIP) led by ODOT. It is the document that identifies the funding for, and scheduling of, transportation projects and programs. It includes projects on the federal, state, city, and county transportation systems, multimodal projects (highway, passenger rail, freight, public transit, bicycle and pedestrian), and projects in National Parks and Forests and Native American tribal lands. Each successive STIP covers 3 years and overlaps the fourth year of the past one. The present 2008-2011 STIP will be followed by the 2010-2013 STIP.

- **Metropolitan Transportation Improvement Program (MTIP)**

The Metropolitan Transportation Improvement Program (MTIP) is the federally required documentation of transportation investments scheduled for the Portland metro region during a four-year cycle. The MTIP comprises projects and programs administered by Metro, ODOT, TriMet, and SMART. (SMART is South Metro Area Rapid Transit, a transit provider for Wilsonville and outlying areas such as Canby, Salem and the south end of Portland.) Metro is required to prepare the MTIP document every two years and includes projects selected by Metro to receive regional flexible funds. The MTIP is incorporated without change into the STIP.

The information available in the MTIP report includes the years in which projects have been programmed to receive funds, the phases funded, and revenue sources. Programming is determined by the availability of fund revenues from the many federal funding programs and matches them to the funding needs and schedules of selected projects. Most projects receive federal funds over the course of several years for different phases of development: project definition and development, final design and engineering, ROW acquisition, and construction.

- **Oregon Transportation Investment Act (OTIA)**

Oregon House Bill (HB) 2142 (2001), the "Oregon Transportation Investment Act I" (OTIA I) increased several Driver and Motor Vehicle fees to secure \$400 million in bonds to increase lane capacity and improve interchanges (\$200 million), repair and replace bridges (\$130 million), and preserve road pavement (\$70 million).

Favorable bond rates resulted in the passage of the second phase of the OTIA program during the first legislative session in 2002. OTIA II added

\$50 million for projects to increase lane capacity and improve highway interchanges, \$45 million for additional bridge projects, and \$5 million to preserve road pavement.

ODOT matched the \$500 million in bonds from OTIA I and II with funds from local governments, allowing ODOT and local governments to implement transportation projects across Oregon worth a total of \$672 million.

Following the success of OTIA I and II, the 2003 Legislature authorized OTIA III to repair aging bridges using existing ODOT funds and federal advance construction money, as well as increases in title, registration, and other Driver and Motor Vehicle fees, to bond a total of \$2.46 billion. The bonded funds are being spent as follows:

- \$1.3 billion to repair or replace more than 300 ODOT bridges;
- \$300 million to repair or replace about 140 local bridges;
- \$361 million for city and county road maintenance and preservation; and
- \$500 million for modernization (these funds are not new revenue; about \$25 million per year for about 20 years, from ODOT's annual modernization budget of about \$56 million).

The latter two are most applicable to the SW and South Tualatin areas. Study of and planning for roadway improvements related to SW 124th Avenue, SW Tonquin Road, SW Boones Ferry Road, SW Grahams Ferry Road, and Day Road might be eligible for OTIA funds.

- Washington County Major Streets Transportation Improvement Program (MSTIP)

The Washington County Major Streets Transportation Improvement Program (MSTIP) uses local property taxes to fund the majority of county-funded road improvement projects. The dedicate portion of tax money goes to the County to design and manage projects, and back to private sector planning, engineering and construction firms on a competitive bid basis to build projects under the county's supervision. The MSTIP began as a series of voter-approved levies (1986, 1989, and 1995); voters rolled it into the county's fixed tax rate in the late 1990s. Funding amounts are decided upon annually by the County Commission. The commissioners anticipate providing approximately \$26 million annually for County transportation projects through 2012.

MSTIP development is a joint effort of the County and the cities within the county. Elected officials from each of these jurisdictions meet regularly as the Washington County Coordinating Committee (WCCC) to address local and regional transportation issues. Historically projects have had to meet certain criteria to be eligible for MSTIP funding; project must:

- Improve safety

- Remove bottlenecks
- Be major roadways used by many residents
- Rank as high local government priorities
- Address multi-modal demands (vehicles, bikes, pedestrians, transit, freight trucks)
- Be geographically balanced, providing benefit to residents all around the county.

Study of and planning for roadway improvements related to SW 124th Avenue, SW Tonquin Road, SW Boones Ferry Road, SW Grahams Ferry Road, and Day Road could be eligible for MSTIP funds.

Concurrency (or Adequate Public Facilities)

Clackamas and Wilsonville have adopted concurrency management systems to ensure the provision of adequate public facilities. (Often known as “adequate public facilities,” the term “concurrency” derives from the concept of public facilities being “concurrent” with the development they serve.) Though not required of local governments by present Oregon law, the concept is widely adopted throughout the country, especially in fast-growing places seeking to maintain control over infrastructure needs. Tualatin could consider implementing simple concurrency requirements to better identify, plan for, and obtain needed infrastructure in a clear and predictable way for developers and the public. The issue will be tying projects to private development projects and the timing of concurrency.

In closing, many factors affect the SW and South Tualatin Concept Plan areas and will require the City to begin work to complete them within the coming months. A major concern is the governance of South Tualatin and which path to take. A complementing major concern for both areas is planning and funding infrastructure, including project elements and costs associated with the Connector that affect transportation within the areas and how this infrastructure can be done concurrently or before development is allowed to occur.

- Attachments:**
- A. Map “Local Aspirations”
 - B. Metro Ord. No. 04-1040B, Exhibit F
“Conditions on Addition of Land to the UGB”
 - C. Res. No. 4729-07 (Sherwood MOU)
 - D. I-5 to 99W Connector Project: Alternative 7
 - E. Table 1. Alternative 7 Project Elements

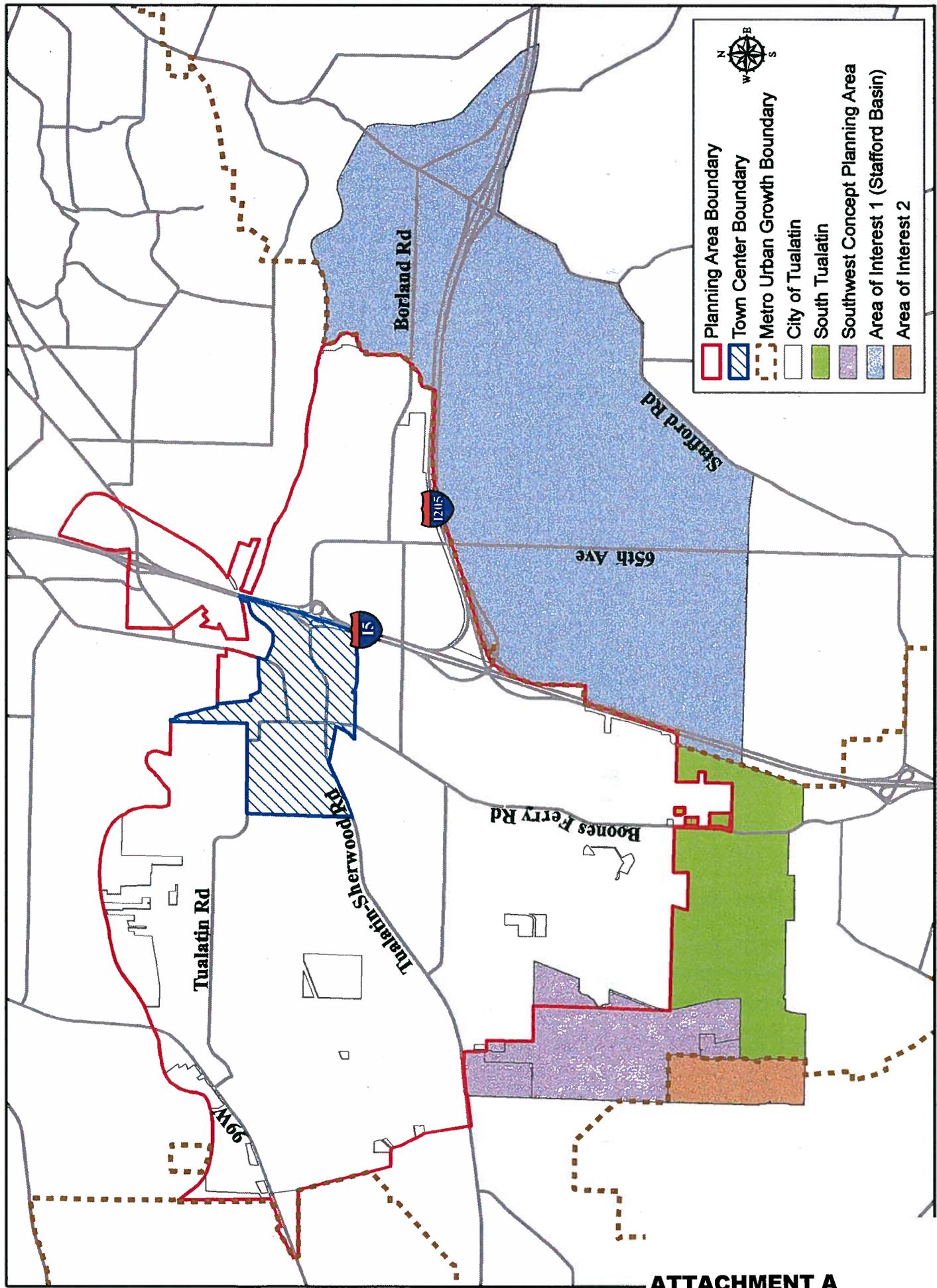


Exhibit F to Ordinance No. 04-1040B
Conditions on Addition of Land to the UGB

I. GENERAL CONDITIONS APPLICABLE TO ALL LANDS ADDED TO THE UGB

A. The city or county with land use planning responsibility for a study area included in the UGB shall complete the planning required by Metro Code Title 11, Urban Growth Management Functional Plan (“UGMFP”), section 3.07.1120 (“Title 11 planning”) for the area. Unless otherwise stated in specific conditions below, the city or county shall complete Title 11 planning within two years after the effective date of this ordinance. Specific conditions below identify the city or county responsible for each study area.

B. The city or county with land use planning responsibility for a study area included in the UGB, as specified below, shall apply the 2040 Growth Concept design types shown on Exhibit E of this ordinance to the planning required by Title 11 for the study area.

C. The city or county with land use planning responsibility for a study area included in the UGB shall apply interim protection standards in Metro Code Title 11, UGMFP, section 3.07.1110, to the study area until the effective date of the comprehensive plan provisions and land use regulations adopted to implement Title 11.

D. In Title 11 planning, each city or county with land use planning responsibility for a study area included in the UGB shall recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves pursuant to 660 Oregon Administrative Rules Division 21.

E. Each city or county with land use planning responsibility for an area included in the UGB by this ordinance shall adopt provisions – such as setbacks, buffers and designated lanes for movement of slow-moving farm machinery – in its land use regulations to enhance compatibility between urban uses in the UGB and agricultural practices on adjacent land outside the UGB zoned for farm or forest use.

F. Each city or county with land use planning responsibility for a study area included in the UGB shall apply Title 4 of the UGMFP to those portions of the study area designated Regionally Significant Industrial Area (“RSIA”), Industrial Area or Employment Area on the 2040 Growth Concept Map (Exhibit C). If the Council places a specific condition on a RSIA below, the city or county shall apply the more restrictive condition.

G. In the application of statewide planning Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) to Title 11 planning, each city and county with land use responsibility for a study area included in the UGB shall comply with those provisions of Title 3 of the UGMFP acknowledged by the Land Conservation and Development Commission (“LCDC”) to comply with Goal 5. If LCDC has not acknowledged those provisions of Title 3 intended to comply with Goal 5 by the deadline for completion of Title 11 planning, the city or county shall consider, in the city or county’s application of Goal 5 to its Title 11 planning, any inventory of regionally significant Goal 5 resources and any preliminary decisions to allow, limit or prohibit conflicting uses of those resources that is adopted by resolution of the Metro Council.

H. Each city and county shall apply the Transportation Planning Rule (OAR 660 Div 012) in the planning required by subsections F (transportation plan) and J (urban growth diagram) of Title 11.

II. SPECIFIC CONDITIONS FOR PARTICULAR AREAS

A. Damascus Area

1. Clackamas County and Metro shall complete Title 11 planning requirements through the incorporation of this area into the greater Damascus/Boring Concept Plan planning effort currently underway. This planning shall be completed within the same time frame as specified in Ordinance No. 02-969B.
2. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.
3. In the planning required by Title 11, subsections (A) and (F) of section 3.07.1120, Clackamas County or any future governing body responsible for the area shall provide for annexation of those portions of the area whose planned capacity is sufficient to support transit to the Tri-met District.

B. Beavercreek Area

1. Clackamas County or, upon annexation to Oregon City, the city and county, with Metro, shall complete Title 11 planning for the area.
2. This area shall be planned in conjunction with the adjoining tax lot added to the UGB in 2002, under Ordinance No. 02-969B.

~~C. Borland Area North of I 205~~

- ~~1. Clackamas County or, upon annexation to the City of Tualatin, the city and county, in coordination with the Cities of Lake Oswego, Tualatin, and West Linn and Metro, shall complete Title 11 planning within four years following the effective date of Ordinance No. 04-1040. The county and city, in conjunction with Lake Oswego and West Linn and Metro shall recommend long range boundaries in the Stafford Basin and general use designations for consideration by the Council in future expansions of the UGB.~~
- ~~2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~DC. Tualatin Area~~

- ~~1. Washington County or, upon annexation to the Cities of Tualatin or Wilsonville, the cities, in conjunction with Metro, shall complete Title 11 planning within ~~four~~ 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.~~

2. Title 11 planning shall incorporate the general location of the projected right of way ~~location alignment~~ for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan. If the selected right-of-way for the connector follows the approximate course of the "South Alignment," as shown on the Region 2040 Growth Concept Map, as amended by Ordinance No. 03-1014, October 15, 2003, the portion of the Tualatin Area that lies north of the right-of-way shall be designated "Inner/Outer Neighborhood" on the Growth Concept Map; the portion that lies south shall be designated "Industrial."
3. The governments responsible for Title 11 planning shall consider using the I-5/99W connector as a boundary between the city limits of the City of Tualatin and the City of Wilsonville in this area.

ED. Quarry Area

1. Washington County or, upon annexation to the cities of Tualatin or Sherwood, the cities, and Metro shall complete Title 11 planning for the area.
2. Title 11 planning shall, if possible, be coordinated with the adjoining area that was included in the UGB in 2002 under Ordinance No. 02-969B.
3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.
4. Title 11 planning shall incorporate the general location of the projected right-of-way for the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

FE. Coffee Creek Area

1. Washington and Clackamas Counties or, upon annexation of the area to the ~~City~~ cities of Tualatin or Wilsonville, the city, and in conjunction with Metro, shall complete the Title 11 planning for the area ~~within four~~ 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. 04-1040B, whichever occurs earlier.
2. ~~The concept-~~ Title 11 planning shall incorporate the general location of the projected right of way location for the I-5/99W connector and the Tonquin Trail as shown on the 2004 Regional Transportation Plan.

~~G. Wilsonville East Area~~

- ~~1. Clackamas County or, upon annexation of the area to the City of Wilsonville, the city, and Metro shall complete the Title 11 planning for the area within two years of the effective date of Ordinance No. 04-1040.~~
- ~~2. In the planning required by Title 11 a buffer shall be incorporated to mitigate any adverse effects of locating industrial uses adjacent to residential uses located southwest of the area.~~

- ~~3. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.~~

~~HF.~~ Cornelius Area

1. Washington County, or, upon annexation of the area to the City of Cornelius, the city and Metro shall complete the Title 11 planning for the area.

~~IG.~~ Helvetia Area

1. Washington County, or upon annexation of the area to the City of Hillsboro, the city, and Metro shall complete the Title 11 planning for the area.
2. Until the effective date of new regulations adopted pursuant to Title 11, the city or county with land use planning responsibility for the area shall not allow the division of a lot or parcel that is 50 acres or larger into lots or parcels smaller than 50 acres.

RESOLUTION NO. 4729-07

FILE COPY

RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITIES OF TUALATIN AND SHERWOOD FOR URBAN GROWTH BOUNDARY QUARRY AREA EXPANSION AREA LOCATED BETWEEN THE TWO CITIES

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

Section 1. The City of Tualatin hereby authorizes the Mayor to sign the Memorandum of Understanding (Exhibit 1).

INTRODUCED AND ADOPTED THIS 22nd day of October 2007.

~~THE CITY OF TUALATIN, Oregon~~

BY _____
Mayor

ATTEST:

BY *[Signature]*
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF TUALATIN AND SHERWOOD
FOR URBAN GROWTH BOUNDARY QUARRY EXPANSION AREA
LOCATED BETWEEN THE TWO CITIES**

Whereas, in 2004 the Metro Council added an area located between the Cities of Tualatin and Sherwood (the Cities), referred to as the Quarry Area (see attached map), to the Urban Growth Boundary for industrial uses; and

Whereas, the Cities share a boundary along Cipole Road to the north, but are separated by an area of unincorporated Washington County south of SW Tualatin-Sherwood Road and east of SW Oregon Street (the "Quarry Area"), and wish to enter into this agreement, in part, to establish the boundary between the Cities; and

Whereas, Title 11 of Metro's Urban Growth Management Functional Plan requires that local governments complete a "concept plan" prior to urbanization; and

Whereas, the Cities wish to work together to do the Title 11 concept planning for this area to assure carefully planned development in the Quarry Area that will be of benefit to the Cities and their residents and to minimize negative traffic impacts on SW Tualatin-Sherwood Road; and

Whereas, once the concept planning for the area is complete, the Cities intend to enter into an Intergovernmental Agreement under the authority of ORS 190.110(1) and ORS 195.020 to 195.085 that will reflect and contain provisions representing the intent and understandings set forth in this Memorandum.

Now, therefore, the Cities set forth their understanding as follows:

1. The boundary between Tualatin and Sherwood shall be the future SW 124th Avenue extension south of SW Tualatin-Sherwood Road, with the entirety of SW 124th Avenue located in the City of Tualatin.
2. Tualatin shall generally control access onto the future SW 124th Avenue, keeping driveway and street accesses to a minimum, to assure better flow of traffic from Pacific Highway 99W to SW Tonquin Road or the I-5/99W Connector consistent with existing street improvement and spacing standards or adopted as part of the concept planning process.
3. The concept planning for the Quarry Area shall include transportation concepts that provide access restrictions onto SW Tualatin-Sherwood Road and the future extension of SW 124th Avenue south of SW Tualatin-Sherwood Road

while ensuring all properties can develop in accordance with the law and the zoning adopted with the concept plan implementation.

4. In exchange for being allowed to control access onto SW 124th, Tualatin agrees to allow the area south of SW Tualatin-Sherwood Road between the future SW 124th extension and SW Oregon Street to be added to the City of Sherwood so that Sherwood may acquire needed industrial land to improve its long-term economic sustainability.

5. The Cities agree the newly added area will generally be considered for industrial type zoning consistent with the UGB expansion ordinance (Ord 02-969B); the specific details and allocation of which will be determined through the concept planning process. The Cities further agree that the scope of the concept plan shall consider the traffic impacts, whether restrictions are needed to limit access or uses (for example warehouse/distribution and commercial) further based on the outcomes of the concept planning process and funding mechanisms for SW 124th as well as other infrastructure needs identified through the process so that traffic impacts on the area will be minimized.

6. The Cities agree to participate in funding improvements to SW 124th Avenue, the details of which will be specified in an Intergovernmental Agreement upon completion of the concept plan.

7. The Cities acknowledge that they have already submitted a joint grant application to Metro for grant funds to concept plan the area. Once the concept planning is complete, the Cities agree to enter into an Intergovernmental Agreement to memorialize these understandings and the outcomes of the concept planning.

ENTERED into this 7th day of NOVEMBER 2007.

CITY OF SHERWOOD, Oregon

By *Ross E. Skuttz*

ATTEST:

By *John Murphy*

CITY OF TUALATIN, Oregon

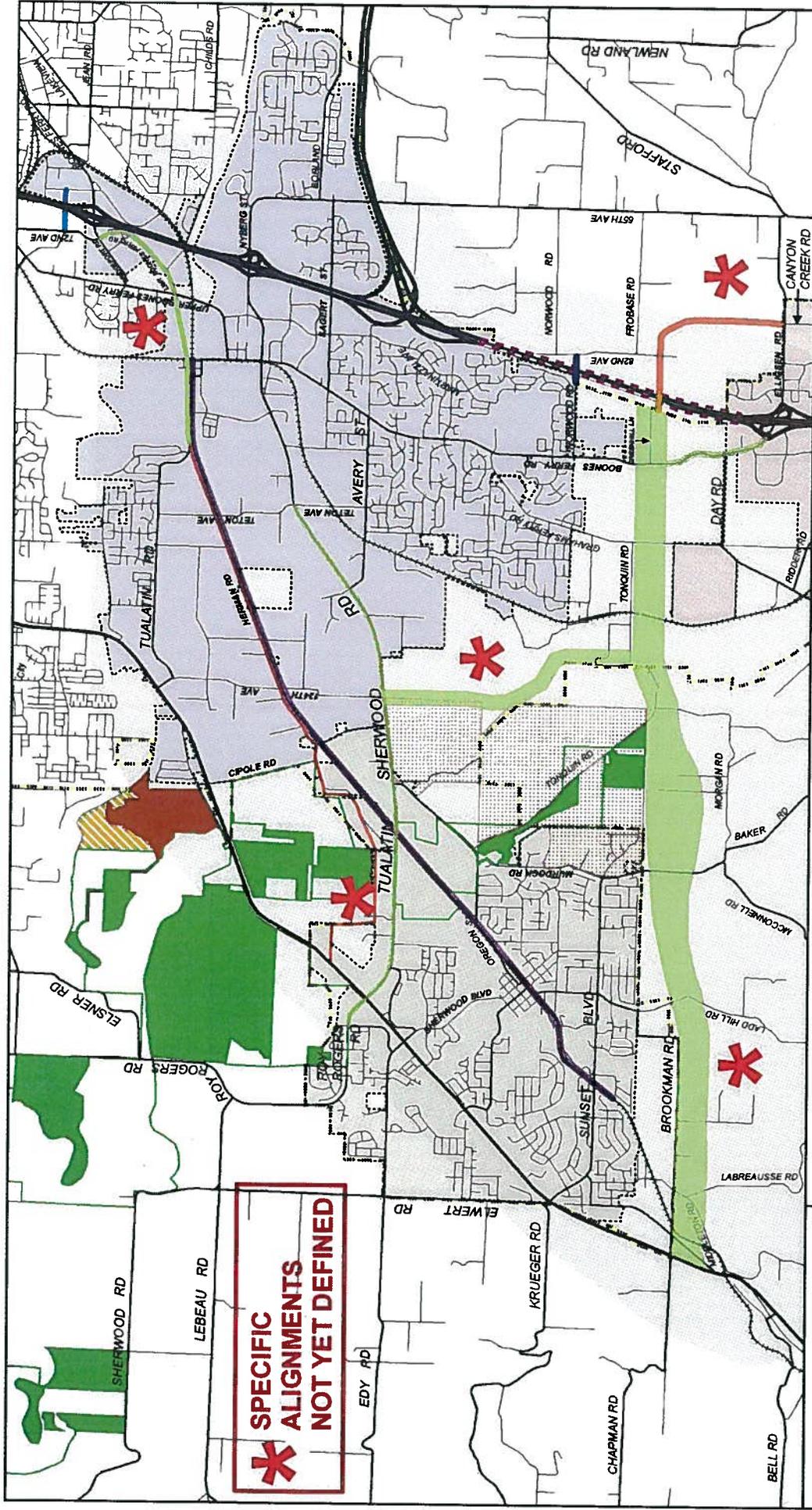
By *[Signature]*
Mayor

ATTEST:

By *[Signature]*
City Recorder

APPROVED AS TO LEGAL FORM

Brenda L. Brader
CITY ATTORNEY



SPECIFIC ALIGNMENTS NOT YET DEFINED

Legend:

- Tonquin Scablands
- UGB
- Wildlife Refuge
 - Acquisition Boundary
 - Refuge (Owned by USFWS)
 - Metro Property
 - Metro Property (Managed by USFV)

1 inch equals 3,000 feet

0 1,500 3,000 6,000 Feet

Source Info:
GIS data from Metro - Portland, Oregon, 2005-08.

Alternative 7 Corridors

- 2-3-Lane Arterial
- 4-5-Lane Arterial
- I-5 Auxiliary Lanes
- Commuter Rail

Wildlife Refuge

- Acquisition Boundary
- Refuge (Owned by USFWS)
- Metro Property
- Metro Property (Managed by USFV)

Alternative 7 Crossings

- New Bridge Over I-5
- Replacement Bridge Over I-5
- New Crossing of I-5

I-5 TO 99W Connector Project

Alternative 7

January 9, 2009

Table 1. Alternative 7 Project Elements with Planning-Level Cost Estimates

Road	Location and General Description of Action	Conceptual Costs in \$ millions (2008 dollars)
Northern Arterial Project Elements		
Tualatin Road/Lower Boones Ferry Road	Extend Tualatin Rd. as 5-lane arterial east across the Tualatin River from Herman Rd. to Lower Boones Ferry Rd. (LBFR). Widen LBFR to 5 lanes from extension to 72nd Ave.	\$95
SW Herman Road	Construct 3-lane extension of Herman Rd. between Tualatin Rd. and OR 99W	\$30
SW Bradbury Court	Construct new east-west connection across I-5 to 72nd Ave. on Bradbury Ct. alignment	\$20
Central Arterial Project Elements		
Tualatin-Sherwood and Roy Rogers Road	• Widen Tualatin-Sherwood Rd. (TSR) to 5 lanes from OR 99W to SW 124th Ave.	\$25
	• Widen Roy Rogers Rd. between Borchers Rd. and OR 99W to 5-lanes	\$5
Tualatin-Sherwood Road	Widen TSR to 5 lanes from SW 124th Ave. to Teton Ave.	\$20
Southern Arterial		
Southern Arterial/Interstate 5 interface	Complete either a tight split diamond N. Wilsonville Interchange or a new I-5 over-crossing with 2-lane road connecting southern arterial to Elligsen Rd. east of I-5 and associated connection improvements	\$50
Boones Ferry Road	• Widen Boones Ferry Rd. to 5-lanes between new southern arterial and Day Rd.	\$5
Southern Arterial	• Purchase ROW for 5-lane arterial (OR 99W to I-5)	\$100
	• Construct a new 2-3 lane arterial (OR 99W to I-5)	\$120
	• Widen arterial to 5-lanes (OR 99W to I-5)	\$70
	• Improve Commerce Circle/95th Ave. and Boones Ferry Rd. intersection	\$5
Other Alternative 7 Elements		
TSM / TDM	Regional Trail System, Bike Lanes, Sidewalks & Bus Stops	\$30
Commuter Rail	Commuter rail extension to Sherwood	\$40
Interstate 5	Add auxilliary lanes to I-5 between I-205 and Elligsen Interchange (assumes Norwood over-crossing replacement)	\$30
SW 124th Avenue	• Purchase ROW for 5-lane arterial (TSR to southern arterial)	\$5
	• Extend 124th Avenue as a 2-3 lane roadway between TSR and Tonquin Road	\$45
	• Widen and extend 124th Avenue as a 4-5 lane roadway between TSR and the southern arterial	\$20
Total Costs		\$715



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager 

FROM: Doug Rux, Community Development Director 
Colin Cortes, Assistant Planner 

DATE: August 24, 2009

SUBJECT: PHASE III REVIEW OF TREE REGULATION

POLICY CONSIDERATIONS:

- To consider and come to consensus on assumptions, consider questions with seemingly obvious answers: Why protect trees? How is protection a public good? Who among the public benefits most and how?
- Is protection about trees themselves or the landscape that frames them?
- Does the City want to treat all trees (or landscapes) equally or identify certain trees or groves meriting action beyond simple preservation, such as incorporation into future public spaces such as community gardens, greens, greenways, interpretive spaces, malls (promenades), parks, and squares?
- Does the City conceive of tree protection at a project or site scale triggered by private development, or as citywide and involving proactive designation of certain trees, groves, or sites to be protected with tools including dedication of easements, land acquisition, and transfer of development rights (TDR)?
- What could, should, and would the physical result of tree preservation look like? What would be considered "success?"
- Are there particular trees, groves, or landscapes in the city (or that might come within the City's jurisdiction) that merit special attention?
- How might the City balance a desire to protect as yet undeveloped lands with a desire to increase tree canopy within the developed city?
- What would be the purpose and objectives informing tree preservation regulations?
- How would the City through its organizational structure implement tree preservation? How would the City deal with funding needs, if any? What organizations or persons could the City turn to for guidance or funding or technical assistance about tree preservation?

BACKGROUND:

The City has regulated tree removal since 1987 when the City began to require developers to plant street trees. Council direction regarding review of tree regulation began with Phase I, which led to Plan Text Amendment PTA-06-01 of the Tualatin Community Plan to clarify both the City's comprehensive plan goal related to tree preservation and the planning district tree preservation standards. Phase II focused on street trees and culminated in PTA-08-04, which the Council approved on 3/23/2009 to strengthen regulations protecting street trees. This satisfied Objective 2.5 of the Strategic Management Plan (2009).

Phase III is taking a wider scope of ideas about tree preservation and includes these previously stated Council objectives:

1. Recognizing and protecting groves (stands) through flexible regulations
2. Raising more funds for tree preservation
3. Replacing past lost street trees
4. Amending the nature, number, and scope of exemptions from tree removal regulations pertaining to private property

All phases improve management of the urban forest, which the Oregon Department of Forestry (ODF) describes as the mosaic of the planted landscape and the remnant native forests left behind as cities have developed.

DISCUSSION:

I. *Tualatin Strategic Management Plan (2009):*

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

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 6 (Objective 2.6).

Adopt phase III of the tree program (new development – protecting stands of groves and trees, cutting restrictions, heritage tree program). May have some overlap with 5.5.

Goal No. 5.

Preserve Tualatin's unique and important natural features and resources.

Two-year Performance Objective 5 (Objective 5.5).

Review the development code to ensure preservation of green spaces and trees in development and redevelopment areas (suggest possible amendments to City Codes).

Goal No. 7.

Seek marked achievements and maintain established green sustainability standards and criteria.

Two-year Performance Objectives:

2 (Objective 7.2). Define what environmental sustainability means and is in the City's operations.

3 (Objective 7.3). Review the city's codes for opportunities to insert sustainability.

5 (Objective 7.5). Take advantage of what other groups and programs are doing relative to environmental sustainability issues.

II. *Tualatin Tomorrow Community Vision & Strategic Action Plan (June 2007):*

Strategy PRN 6: Open Space Protection.

Promote open space protection in Tualatin through inventory, preservation and management activities, and through strict legal protection for identified open spaces. Participate in inter-city agreements to preserve open space.

Strategy PRN 9: City of Trees.

Promote continued and ongoing recognition of Tualatin as a "City of Trees" through active preservation activities and expansion of its tree canopy.

Strategy PRN 10: Natural and Cultural History Preservation.

Preserve and celebrate Tualatin's natural history through public awareness activities, events and community facilities.

Strategy GLC 10: Community Information.

Work to maximize community resources to keep community members informed through regular, consistent, dedicated sources of information.

III. *Urban Forestry in Tualatin*

A. *Train of Thought for Urban Forestry Management*

The International Society of Arboriculture (ISA) recommends the approach below to decision makers for improving urban forest management. It may help the Council apply strategies from the Strategic Management Plan, Tualatin Tomorrow, and the Urban Forestry Management Plan:

I. What do you have?

Step A. Assess the tree resource

Step B. Review tree management practices

II. What do you want?

Step C. Identify needs

Step D. Establish goals

III. How do you get what you want?

Step E. Select tools and formulate the management strategy

Step F. Implement the management strategy

IV. Are you getting what you want?

Step G. Evaluate and revise.

B. *The Urban Forestry Management Plan (2001)*

From 1998 to 2001 the City prepared the Urban Forestry Management Plan (UFMP) with a grant from ODF. Preparation included a street tree inventory, fulfilling in part Step A above. The City removed nuisance fruit trees and trees damaging sidewalks, initiated a sidewalk repair and replacement program, and corrected and expanded the list of tree species and minimum planter strip widths (Schedule A) to solve the first two problems. The City also increased by \$1.50 the road utility fee to fund sidewalk repair. These actions constituted Steps B through F. These actions continue and are in keeping with Step G.

Given the wider scope of tree review, the Council objectives listed in the Background section above provide additional needs and goals for Steps C and D. Verification and elaboration of these needs and goals allows for smoother transition to Steps E and F. With this outline and past progress in mind, below is a review of the tree preservation objectives:

1. *Recognizing and protecting groves (stands) through flexible regulations*

Questions to guide definition and implementation:

- What is a grove or stand and what makes a grove significant enough to merit preservation? Possible criteria are:
 - Mature trees of about even age
 - Trees of a single species, especially specimen (special) trees
 - Good health
 - Trees serve another natural resource or are aesthetically/visually part of another natural resource
 - Trees are visually prominent, particularly from a distance and from public property or right-of-way (ROW), and absence would be immediately visible
- Who would identify groves and what criteria would rank them?
- Does it matter to differentiate natural and human-shaped groves or to designate "heritage" groves?
- What would protection accomplish? How would the public benefit from protected groves?
- How does grove preservation relate to citywide canopy preservation?
- How would the City implement grove protection? How would protection of groves be explained to developers and the public?
- Attachment A illustrates within the planning area boundary remaining grove-like areas based on satellite imagery from summer 2008.

The City could simply mandate preservation or also incentivize it. For example, the City could allow a developer to include the land area of a preserved grove when calculating the maximum developable density of residential development. The development that would have occupied the grove would occupy the rest of a given site. This implies smaller average lot size for clustered single-family (SF) development and the clustering of multi-family development. The Council expressed through Plan Text Amendment

PTA-08-05 a desire to allow for larger SF lot sizes in Tualatin. Depending on the objective of larger lots, clustered development that preserves trees might or might not be a conflicting objective. It would conflict if the purpose of larger lots is facilitate a perception of spaciousness around each house, while it would not conflict if the purpose is to promote the perception of expansive vegetation. In other words, clustered development would decrease open space on individually owned lots, but would preserve existing mature vegetation including trees on common open space in tracts dedicated to homeowners' associations (HOAs) or the City. Clustering aside, the City could go further for residential development and provide for an outright density bonus to incentivize grove preservation.

Rural land south of the City limits is planned for residential development and generally sloped more steeply than the existing land of Tualatin. Some cities such as Gresham use slope protections as a means to save trees, including prohibiting all tree removal that would result in clear cutting on slopes above 15%.

For planning districts where density is not relevant, namely commercial and industrial, the City could allow developers to count preserved groves as part of the minimum site percentage of landscaping. Presently, little undeveloped land remains within these planning districts and so this allowance would have little effect in the near future.

If the City wanted to review tree preservation on a site with more discretion, the City could institute planned [unit] development (PD or PUD) zoning. Such zoning begins with a minimum of clear and objective standards and is set up for negotiation between a local government and a developer over site development plans and conditions of approval. Rezoning to PD or PUD happens at the request of a developer. A PD or PUD ordinance could expressly allow for accommodations to a developer such as reduced minimum parking requirements or unconventional alignment of on-site vehicle circulation to preserve individual trees or groves. As tree preservation is presently codified, proposed site improvements are a valid reason to remove trees. Because developers propose where to place site improvements, they do not necessarily do so to maximize tree preservation. In place of PD or PUD zoning, the existing tree preservation ordinance could be amended to establish the boundaries of staff discretion about site design.

2. Raising more funds for tree preservation

How much funding is needed for the kind of tree protection the City wants? How would the City raise funds for specific objectives? Attachment B is the funding excerpt from the UFMP that describes existing and possible funding mechanisms. In addition to those listed in the UFMP, other funding options include:

- A fee system for tree removal through architectural review (AR) to fund tree planting citywide, based on one or more of the following:
 - number of trees removed
 - percentage of on-site trees removed
 - diameter at breast height (DBH) or caliper of trees
 - presence of specimen (special) trees

- whether trees stand individually or in groves
- whether tree replacement is an option in lieu of fee payment
- whether a tree replacement fee counts or excludes landscape trees that would be required anyway (excluding required landscape trees would raise more money)
- costs incidental to trees such as City time and effort for planting, inspection, enforcement, and the like
- Raise fees for tree removal permits (unrelated to AR applications)
- Creation of a dedicated trust fund, also known as a tree bank, for monies related to tree planting. This fund could receive tree removal fees and any tree-related grants from other public agencies, charitable foundations, or businesses.

3. *Replacing past lost trees*

The base inventory of street trees dates from 1995 and was conducted through volunteers by the Operations Department, then under the Community Services Department. The Operations Department has a sense of the areas of the city that most lack street trees, mostly those developed before 1987. SW Boones Ferry Road from SW Tualatin-Sherwood Road south to SW Ibach Street is one major thoroughfare lacking street trees except where more recent development or redevelopment happened. Bob Martin, Parks Maintenance Supervisor, identifies 36 subdivisions that have the most empty spots to plant street trees. Attachment C lists these subdivisions.

Would tree replacement focus on public roads and streets (street trees) or the city overall (canopy)? Regarding past lost trees, what would be the criteria for priority (re)planting areas? The City could target areas along major roads and streets, by planning district, by subdivision, by areas most at risk to lose trees soon, or some other measure. What would be the timeframe? What would a successful program achieve? How would the City track progress?

4. *Amending the nature, number, and scope of exemptions from tree removal regulations pertaining to private property*

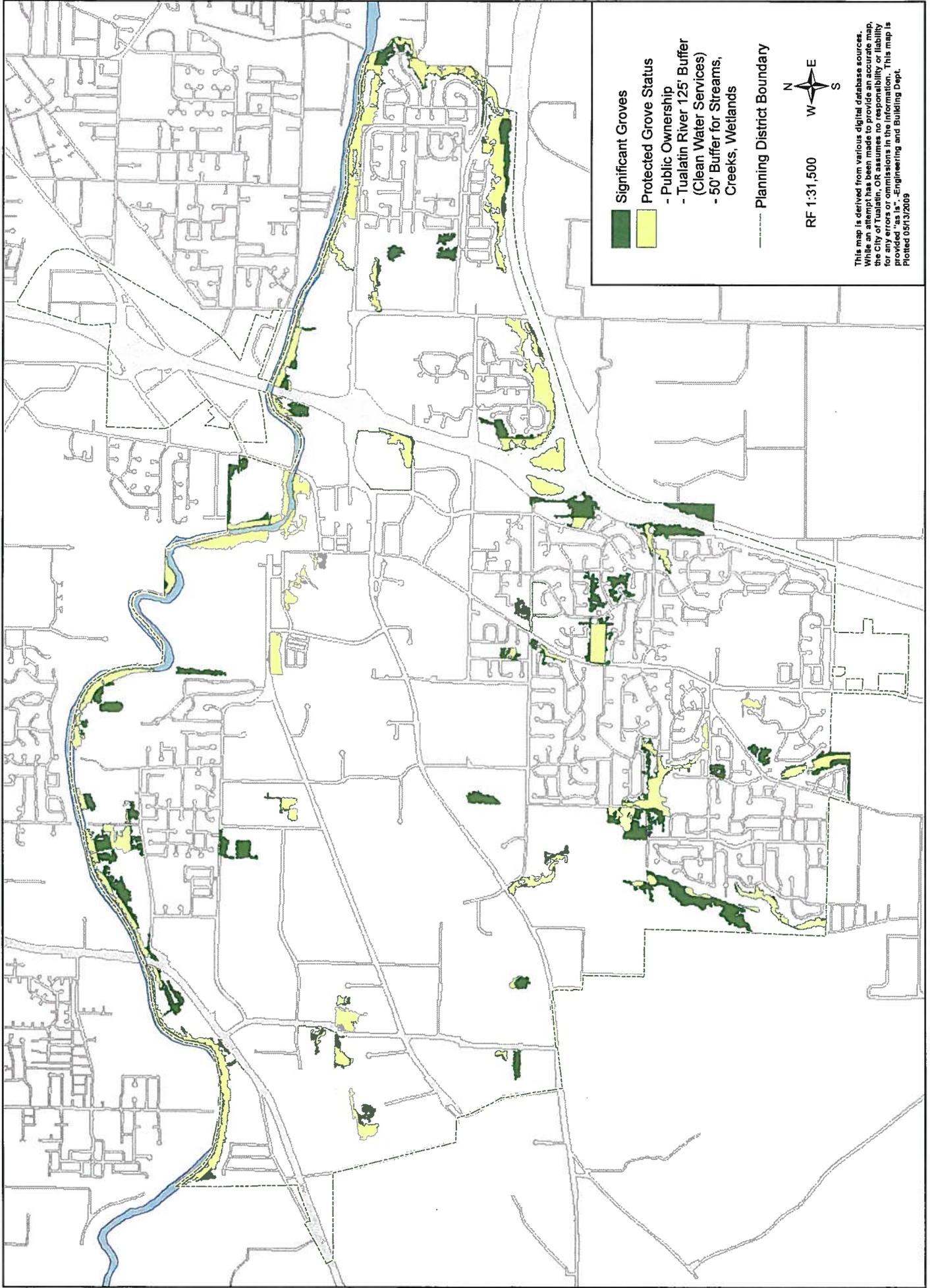
If the City lessens exemptions from tree removal from private property – presently up to 4 trees of 8 inches or more DBH per property per year – what is a proper amended level of exemption?

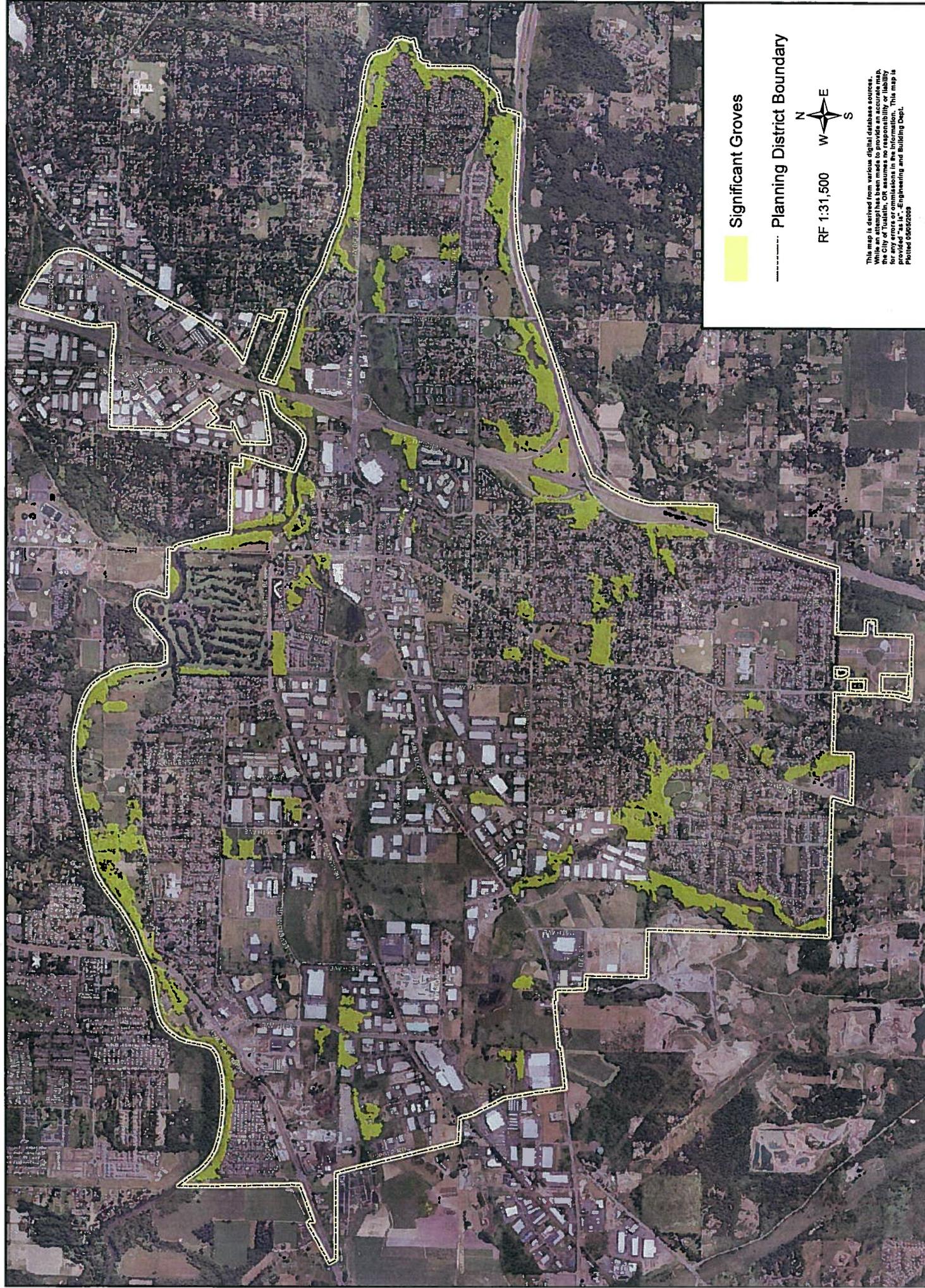
OUTCOMES:

Upon Council direction, staff will prepare a plan text amendment (PTA) application with proposed language for review and recommendation by the Tualatin Planning Advisory Committee (TPAC) and Tualatin Parks Advisory Committee (TPARK) and a future Council public hearing.

MEMORANDUM: Phase III review of tree regulation
August 24, 2009
Page 7

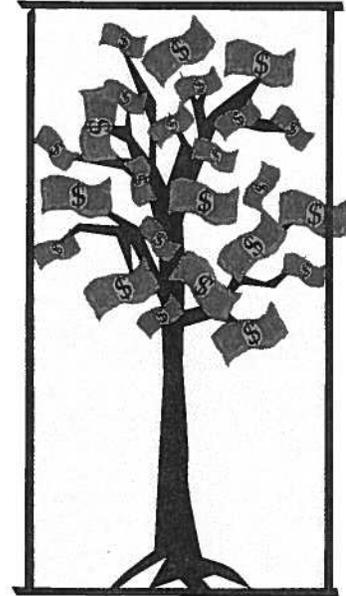
- Attachments:**
- A. Maps: Significant Groves in Tualatin
 - B. Urban Forestry Management Plan (2001), Ch. 3
 - C. Subdivision List





Chapter Three: Urban Forestry Program Funding

Providing a quality urban forestry program is an effort that requires a commitment not only in policies and programs, but funding. The cost of an urban forestry program can be traced to activities such as pruning, planting, removal, fertilizing, repair work, storm damage response, monitoring, nursery maintenance, equipment purchase, training, and administration. Proper funding also allows the development of programs like the Heritage Tree program, Famous and Historic Tree plantings, and Arbor Week.



Tualatin's urban forestry program is currently supported by several separate revenue sources. These include:

- Tree for a Fee Program
- Developer Fees for Street Trees
- Gas Tax Revenues through the Road Fund
- Park Maintenance Budget

The Urban Forestry Management Plan proposes and recommends a set of programs and policies for the future of the urban forestry program in Tualatin. These recommendations will come at a cost. However, it is abundantly clear that the benefits will substantially outweigh that investment. The following are examples of urban forestry funding mechanisms.

General Fund – These funds could theoretically be used for any aspect of an urban forestry program. However there are competing interests for this funding within a City. Typically essential services such as fire and police, will be a priority over urban forestry.

“Round Up” Program - A “Round Up” program is where residents of a jurisdiction round their monthly utility bill up to the next highest dollar figure, with the extra amount going to a tree fund. For example, if your utility bill is \$14.20, you could round up to \$15.00 and the extra \$0.80 would go towards a tree fund. This program is heavily based on full participation with outstanding marketing and support.

Urban Forestry “Curb Fee”- Already used in Cincinnati, Ohio, a fee could be generated based on the amount of curb frontage on a particular property. A rate would be set that would be multiplied by the linear feet of curb in front of a particular property. These fees could then be used to help finance urban forestry activities. This option would require a certain amount of up front study and preparation.

Volunteers (Non-monetary Support) – (NeighborWoods – Eugene, Oregon and Olympia, Washington currently have programs in operation) – Urban forestry programs can benefit from contributions of labor, materials, supplies, and equipment that can offset budgeted expenses. Volunteers can be extremely valuable to an urban forestry

program. “Hands on” public participation in community forestry activities can help create public support and increase citizen commitment to the urban forest. A good example is the reforestation project that took place at Tualatin’s Little Woodrose Nature Park.

Grants – Federal and State Grants are available from a variety of sources, including, Community and Urban Forestry Grants, ISTEAs, NUCFAC (National Urban and Community Forestry Advisory Council), and The National Tree Trust.

Road Utility Fee – A road utility fee program currently exists in the City of Tualatin. This program charges a fee to both single-family residents and businesses to help pay for maintenance activities within city right-of-ways.

Table 2. Urban Forestry Funding Tools

Funding Mechanism	Urban Forestry Programs				
	Inventory and Planning	Program Administration	Sidewalk Remediation	Tree Removal and Planting	Street Tree Maintenance
General Fund	x	x	X	x	x
Gas Tax	x	x	X	x	x
Road Utility Fee	x	x	X	x	x
“Round Up” Program	x	x	X	x	x
Municipal Bonds			X	x	
Property Tax	x	x	X	x	x
Assessment Districts	x	x	X	x	x
HUD Grants			X	x	
Development Assessment			X	x	
Permit Fees		x		x	
Fines	x	x	X	x	x
Heritage Trees		x		x	
Volunteers	x	x	X	x	x
Tree for a Fee		x		x	x
Memorial Tree				x	x
Grant Programs	x		X	x	x

The results of the street tree and sidewalk inventory are the basis for the funding recommendations in this Plan. The inventory indicates a certain level of sidewalk damage exists in the City in one of four main categories. Associated with each incident of sidewalk damage is an amount of tree maintenance or removal that will be needed. Undertaking the repair and replacement of sidewalks and care of associated trees is a recommendation of this Plan.

Another key recommendation of this Plan is the removal and replacement of nuisance plum trees, at the request of property owners. In Tualatin there are over 2,000 of these trees, and it is estimated that half of those could be requested to be removed.

Each of these actions has an associated cost. The estimated amount of cost for each task is as follows:

A. Sidewalk Repair and Replacement:	\$636,950
B. Plum Tree Removal and Replacement:	\$145,000
C. Replanting of Damaging Trees with new variety of tree:	\$103,025
	<u>\$884,975</u>

For this work to be completed, an adequate funding source is needed. The road utility fee is the recommended approach for securing funds for the program. The recommended increase would be a flat \$1.50 for all rate-payers in the City. This would be an overall cost of \$18.00 per year to the individual rate-payer.

Under this scenario, it would take approximately 10 years for all work to be completed. To help complete the work in a shorter timeframe, it is recommended that the road utility fee contingency be used to front the cost of work on a three-year timeline. The \$1.50 increase would be used to pay the fund back over ten years, and sunset subsequent to that payback.

Recommendations:

1. Funding for the activities proposed in this plan should be secured through a \$1.50 increase to the City Road Utility Fee.

ATTACHMENT C

Subdivision List

The following 36 subdivisions have the most empty spots to plant street trees:

Apache Bluff (Nos. 1 - 13)
Arapaho Ridge
Arikara
Autumnwoods
Autumnwoods No. 2
Cayuse Hills
Cherokee Ridge
Cheyenne Meadows
Chieftain
Chieftain No. 2
Columbia
Columbia No. 2
Comanche Woods
Comanche Woods No. 2
Dakota Hills No. 1
Firebrand Crest
Hi West Estates
Hi West Estates No. 2
Indian Meadows
Indian Woods
Kwakiutl Ridge
Navajo Hills
Navajo Hills II
Nestucca Hills
Redfern
Sandhurst No. 2
Sandlewood Park
Sandlewood Park No. 2
Santiam
Shalico Woods
Shaniko
Shaniko No. 2
Shaniko No. 3
Spruce Meadows
Stoneridge
Toke-Ti Terrace