



MEMORANDUM CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager

DATE: June 24, 2013

SUBJECT: Work Session for June 24, 2013

5:30 p.m. (15 min) – Tualatin Tomorrow Update. The Tualatin Tomorrow Vision Plan is undergoing its first major update since it was adopted in 2007. Staff in collaboration with the Tualatin Tomorrow Advisory Committee, community partners and consultant, J. Robertson and Co. has developed a comprehensive public outreach strategy and plan for updating the Vision. Staff will present an overview of the public outreach strategy and a schedule of upcoming outreach events.

5:45 p.m. (20 min) – Tualatin Valley Water District Project Proposals. Staff will present information regarding two projects that the Tualatin Valley Water District has proposed, including the Willamette Supply System Preliminary Design project and the 124th Transmission Pipeline Design. Attached is information regarding both proposals and staff's analysis.

6:05 p.m. (20 min) – Noise Ordinance Revisions / Options. At the May 27, 2013 Council meeting, the Council heard from several residents who have experienced noise issues in their neighborhood that cannot be addressed with the current municipal code provisions. The City Attorney will present information regarding potential revisions to the code that would address the issues.

6:25 p.m. (20 min) – Washington County Vehicle Registration Fee Proposal. The Washington County Coordinating Committee will be providing a recommendation to the Washington County Board of Commissioners regarding a potential vehicle registration fee. Tualatin's input regarding this matter is desired. Attached is information regarding the issue.

6:45 p.m. (10 min) – Council Meeting Agenda Review, Communications & Roundtable. This is the opportunity for the Council to review the agenda for the June 24th City Council meeting and take the opportunity to brief the rest of the Council on any issues of mutual interest.



STAFF REPORT

CITY OF TUALATIN

City Council Work Session

Meeting Date: 06/24/2013

Subject: Tualatin Tomorrow Vision Update

Attachments

PowerPoint-Vision Plan Update



TUALATIN
TOMORROW

TUALATIN
TOMORROW
VISION AND
STRATEGIC ACTION
PLAN
UPDATE

City Council Work Session – June 24, 2013

Overview

- Vision Plan Update
- Public Outreach Strategy & Tools
- Upcoming Schedule of Outreach Opportunities
- Questions?

Vision Plan Update

- Tualatin Tomorrow describes the way citizens want their community to look, feel and function over a twenty-year horizon. The Vision “action plan” outlines specific programs and projects designed to help achieve these community goals.

Vision Plan Update Goals

- ❑ Conduct a broad and inclusive public engagement program
- ❑ Assess and report to the community all progress made to date
- ❑ Incorporate and build on goals and priorities from other recent community plans
- ❑ Foster partnerships with citizen groups and peer organizations
- ❑ Generate a focused list of new projects and programs that get implemented

Did You Know?

- ❑ 66% of the original action plan (over 200 items) is underway or complete
- ❑ 50% of Tualatin residents did not live here 5 years ago
- ❑ Our Hispanic population has grown from 11.9% in 2000 to 17.3%
- ❑ New Citizen Involvement Organizations have been formed, making it easier to communicate with neighborhoods
- ❑ In our most recent community survey, 84% of residents rated overall quality of life in Tualatin as excellent or good

Project Timeline



Step 1: Community Ideas



Outreach to Latino Community

- Bilingual volunteers to assist with “Person on the Street” interviews
- Spanish Storytime on July 18th
- Spanish Vision Focus Group on August 22nd
- Outreach opportunities through other library programs

Schedule of Summer Events

- Farmer's Market – June 28th
- Movies on the Commons – June 29th
- Spanish Storytime – July 18th
- Summer Reading on the Commons - ???
- Farmers Market – July 19th
- Concerts on the Commons – July 19th
- ArtSplash – July 27th
- National Night Out – August 6th
- Crawfish Festival – August 10th
- Spanish Vision Focus Group – August 22nd

Public Outreach Tool Kit

- Tualatin Tomorrow Advisory Committee, City Council and other volunteers will be provided with a tool kit to collect input
- All ideas will be turned into City staff to be entered into idea database to prepare for **Step 2: Action Planning**

Questions



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

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

DATE: 06/24/2013

SUBJECT: Tualatin Valley Water District Project Proposals

ISSUE BEFORE THE COUNCIL:

Should the City of Tualatin participate in one or both projects proposed by the Tualatin Valley Water District?

EXECUTIVE SUMMARY:

BACKGROUND

The City of Tualatin is a member of the Willamette River Water Coalition (WRWC). The other members are the City of Sherwood, the City of Tigard, and Tualatin Valley Water District (TVWD). The mission of the Coalition is "Maintaining the Public's Rights on the Willamette River for Local and Regional Needs." As a part of this Coalition, the City has a portion of a 130 million gallons per day (mgd) water rights permit on the Willamette River.

Hillsboro and TVWD have been updating their water supply plans over the last year. To accommodate growth and the surrounding area, Hillsboro is projecting the need for additional water supply. This spring after months of discussion and evaluation, Hillsboro and TVWD decided that the Willamette River in Wilsonville will be their next long-term water supply option.

Per the WRWC agreement, if a member has a proposed project that forwards the mission, they provide the other members an opportunity to participate. TVWD has presented two projects for possible participation. The projects are the Willamette Supply System Preliminary Design and the Transmission Pipeline Design in SW 124th Avenue. They have presented opportunities to participate to all WRWC members as well as the City of Beaverton.

PROPOSALS

There are two separate proposals on the table:

1. Willamette Supply System Preliminary Design

The Willamette Supply System Preliminary Design proposal will begin to identify the

design of the supply system from the Willamette River Water Treatment Plant (WRWTP) to the supply points into the water distribution systems, including the following components:

- a) Design guidelines for the supply system;
- b) Evaluation of the system hydraulics;
- c) Evaluation of transmission line alignment options;
- d) Evaluation of terminal storage sites;
- e) Identification and coordination with key stakeholders along the alignment;
- e) Permitting requirements; and
- f) Schedule and Cost Estimates.

The preliminary cost is expected to be \$800,000 - \$1M. The City can propose to 'buy in' for a maximum cost. Total projects costs and allocations for all participants will be determined in the coming months, as project agreements are developed. Staff will bring the project agreement back to Council, for final approval.

Staff recommends that the City participate in the Willamette Supply System Preliminary Design study for up to \$100,000. This can help inform future decisions about our water supply options. Funds are available in the Water Operating Fund and can be appropriated by the Council in a supplemental budget after the project formally begins.

2. 124th Transmission Pipeline Design

Washington County is currently in the early design stages of extending SW 124th Avenue between SW Tualatin-Sherwood Road and SW Grahams Ferry Road. After preliminary analysis TVWD determined this to be the preferred alignment for a transmission line to access the Willamette River. In order to coordinate with Washington County's project and stay on schedule, 60% design plans are needed by January 2014.

Tualatin has a project in the 2013-14 budget to begin preliminary design on the 16-inch water line that is needed in SW 124th Avenue to serve the Southwest Concept Plan area.

If the City determined at some future date that we would utilize the Willamette River as a source, the best location for a supply point for Tualatin may be south of this proposed pipeline. Therefore, staff recommends that Tualatin not participate in this project as a partner but as a technical resource as the pipeline will be within the City of Tualatin.

Attachments: A. TVWD Letter
 B. PowerPoint

Tualatin Valley Water District



Memo

To: Willamette River Water Coalition Members

From: Gregory E. DiLoreto, Chief Executive Officer 

CC: Kelly Ross, Administrator, Willamette River Water Coalition
Bryan Cosgrove, City Manager, City of Wilsonville
Kevin Hanway, Water Director, City of Hillsboro Water Department

Date: May 16, 2013

Re: Notification to the members of the Willamette River Water Coalition (WRWC) of proposed projects related to the Willamette Water Supply System.

The Tualatin Valley Water District (TVWD) is proposing two projects for consideration by the members of the Willamette River Water Coalition (WRWC). The WRWC members are being asked to indicate if they are interested in partnering on the projects. The TVWD Board of Commissioners has reviewed and authorized TVWD staff to present the information to the WRWC members.

The WRWC intergovernmental agreement provides a process whereby any WRWC member can propose a project involving the Willamette River Water Supply System. The process allows for coordination with other WRWC members and provides an opportunity for other WRWC members to indicate if they are interested in participating in a proposed project. WRWC members are provided with a brief project proposal and are then given up to 90 days to respond. TVWD is asking that the WRWC members provide a reply by August 14, 2014 or earlier.

The first proposal is to design a water transmission pipeline that will be included as part of Washington County's 124th Avenue project. The pipeline design work will include preparing the final design of a segment of the water transmission pipeline that will eventually become part of the Willamette River Water Supply System. Washington County has indicated that 60% complete design documents for this pipeline segment are needed by January 2014 in order for the pipeline work to be incorporated into the county's road project.

The second proposal is to develop a Willamette Supply System Preliminary Design. The proposed project will include preparation of a preliminary design of the Willamette water supply system from the Willamette River Water Treatment Plant to the supply points into the water distribution systems of the participating utilities. This work will include establishing design guidelines for the supply system, refining system hydraulics, establishing criteria for a terminal reservoir, identifying permitting requirements and preparing the overall schedule and cost estimates for the required improvements.

**NOTIFICATION TO THE WILLAMETTE RIVER WATER COALITION
BY THE TUALATIN VALLEY WATER DISTRICT**

**A PROPOSAL TO DESIGN A WATER TRANSMISSION PIPELINE AS PART OF
WASHINGTON COUNTY'S 124TH AVENUE PROJECT**

Distributed to WRWC membership on May 16, 2013

Response by WRWC members due no later than August 14, 2013

The Tualatin Valley Water District (TVWD) offers, for consideration by the Willamette River Water Coalition (WRWC) membership, this proposal to design a water transmission pipeline. The goal of this proposal is to coordinate with the WRWC members to gauge interest and extend an offer to partner on the design of a water transmission pipeline to be included as part of Washington County's 124th Avenue Project.

The County's proposed project would consist of a new road generally along the alignment of SW 124th from the southern portion of the City of Tualatin to SW Tonquin Road near the northern city limits of the City of Wilsonville. The project would include approximately 2.2 miles of water transmission pipeline that would eventually be connected to the Willamette River Water Supply System. Invitations to participate in an analysis of the inclusion of a water transmission pipeline within the 124th Avenue Project were provided to the WRWC members. The results of the analysis demonstrated the County's proposed alignment was as a preferred location to route a portion of the water supply transmission pipeline from the Willamette River Water Treatment Plant to the TVWD service area. The analysis also demonstrated that the inclusion of a water transmission pipeline as part of the road project will result in significant project savings.

Washington County has indicated the need for a response from TVWD regarding the District's participation by July 2013 and will need preliminary designs for the pipeline by January 2014. TVWD is prepared to proceed with giving Washington County notice of the intent to participate in the project yet realized that the design of the pipeline will be dependent on the participation of other partners. An IGA with the County will also need to be completed by July 2013.

The proposed project would include:

1. Development of an agreement with the project partners;
2. Development and distribution of a request for proposal for pipeline design;
3. Selection of a firm to complete the pipeline design; and
4. Provide draft design to Washington County by January 2014
5. Complete final design following right-of-way acquisition and permitting by Washington County.

The final scope, schedule, and budget for the project will be provided as part of the development of the request for proposal.

It is anticipated that TVWD will be the lead agency, responsible for the coordination of the Project. A project agreement will be negotiated between Project participants. Unless, otherwise agreed to by the parties participating in the Project, the participants will own the proposed improvements.

Section 5.1 of the WRWC Agreement provides a process whereby a WRWC member can propose projects and the remaining WRWC members can notify the proposer of their acceptance or rejection of the proposal by no later than 90 days following receipt of the notice. Acceptance of this proposal by a member will be considered acceptance of participation in the project by that member. Rejection of this proposal by a member or failure of a member to respond within 90 days will be considered a rejection of participation in the project by that member. Final notice of acceptance or rejection by WRWC members in less than 90 days would be especially welcome given that time is of the essence in completing the proposed project.

Given the location of the water transmission pipeline, TVWD anticipates that there might be WRWC members who are not interested in capacity in the pipeline yet would like to be included as a technical resource. An indication from WRWC members if they are interested in serving in this capacity as opposed to being a financial partner in the project would also be appreciated.

The City of Hillsboro, who is not a WRWC member, has indicated an interest in participating in the water transmission design project. It is anticipated that they would be included as a participant in a project agreement. Other participants outside of the WRWC members may also be identified.

A project agreement between participants in the Project will be adopted following the conclusion of the notice period. The project agreement will establish participation and cost shares associated with the proposed project.

**NOTIFICATION TO THE WILLAMETTE RIVER WATER COALITION
BY THE TUALATIN VALLEY WATER DISTRICT**

**A PROPOSAL TO DEVELOP A
WILLAMETTE SUPPLY SYSTEM PRELIMINARY DESIGN**

Distributed to WRWC membership on May 16, 2013

Response by WRWC members due no later than August 14, 2013

The Tualatin Valley Water District (TVWD) offers, for consideration by the Willamette River Water Coalition (WRWC) membership, this proposal to develop a Willamette Supply System Preliminary Design. The goal of this proposal is to coordinate with the WRWC members to gauge interest and extend an offer to partners who might be interested in the development of a design that will begin to identify the design of the Willamette water supply system from the Willamette River Water Treatment Plant to a terminal reservoir site.

The proposed project will result in the preparation of a preliminary design of a Willamette supply system that would include the following components:

1. Establishment of transmission system design guidelines
2. Evaluation of transmission system hydraulics including refinement of system hydraulics, pipe size, reservoir elevation, and supply points;
3. Evaluation of transmission line alignment options;
4. Evaluation of terminal storage sites;
5. Identification and coordination with key stakeholders along the transmission system alignment;
6. Identify permitting requirements; and
7. Establish overall schedule, cost and cash flow needed to connect to the Willamette River Water Treatment Plant.

The Willamette supply system preliminary design will provide information that will allow for the identification of corridors that will facilitate the development of easements, rights of way and property acquisition useful to a future project. Modifications or expansion of the existing Willamette River Water Treatment Plant are not included as part of this project. This work will be beneficial to the 124th Avenue Pipeline Project also proposed by TVWD that has also been submitted to the WRWC members for their consideration.

The proposed project would include:

1. Development of an agreement with project partners;
2. Development and distribution of a request for proposal for a Willamette supply system preliminary design;
3. Selection of a firm to complete the Willamette supply system preliminary design; and
4. Development and delivery by a firm of the Willamette supply system preliminary design.

The final scope, schedule, and budget for the project will be provided as part of the development of the request for proposal.

It is anticipated that TVWD will be the lead agency, responsible for the coordination of the Project. A project agreement will be negotiated between Project participants. Unless, otherwise agreed to by the parties participating in the Project, the participants will own the project results.

Although this project doesn't result in the construction, expansion or modification of the Willamette Water Supply System, Section 5.1 of the WRWC Agreement does provide a useful process whereby a WRWC member can propose projects and the remaining WRWC members can notify the proposer of their acceptance or rejection of the proposal by no later than 90 days following receipt of the notice. It is TVWD's intent to use this process for the Willamette supply preliminary design project. Acceptance of this proposal by a member will be considered acceptance of participation in the project by that member. Rejection of this proposal by a member or failure of a member to respond within 90 days will be considered a rejection of participation in the project by that member. Final notice of acceptance or rejection by WRWC members in less than 90 days would be especially welcome.

Given the location of the scope of the project area, TVWD anticipates that there might be WRWC members who are not interested in being a partner in the preliminary design project yet would like to be included as a technical resource. An indication from WRWC members if they are interested in serving in this capacity as opposed to being a financial partner in the project would also be appreciated.

The City of Hillsboro, who is not a WRWC member, has indicated an interest in participating in the Willamette supply preliminary design project. It is anticipated that they would be included as a participant in a project agreement. Other participants outside of the WRWC members may also be identified.

A project agreement between participants in the project will be adopted following the conclusion of the notice period. The project agreement will establish participation and cost shares associated with the proposed project.



Tualatin Valley Water District Project Proposals

Tualatin City Council
Work Session
June 24, 2013



Background & Council Discussion

Background – Hillsboro and Tualatin Valley Water District(TVWD) have selected the Willamette River for future water supply

Council Discussion – Does the City of Tualatin want to participate in:

1. Design of the transmission pipeline (in SW 124th Avenue)
2. Design of the Supply System

Supply System Preliminary Design

- Design of supply system from Willamette River Water Treatment Plant (WRWTP) to water distribution systems
- Preliminary cost is expected to be \$800,000 - \$1M
- Option to 'buy in' for a maximum cost

124th Transmission Pipeline Design

- Design of a water line in SW 124th Avenue to coincide with Washington County project
- County has asked for 60% plans by January 2014
- Staff is currently projecting the best location for a Tualatin supply point may be south of this project
- Option of being a technical resource, rather than a financial partner

Recommendations

Supply System Preliminary Design

- Participate in the Willamette Supply System Preliminary Design study for up to \$100,000
- This can help inform future decisions about our water supply options

124th Transmission Pipeline Design

- Participate as a technical resource, not as a financial partner



STAFF REPORT

CITY OF TUALATIN

City Council Work Session

Meeting Date: 06/24/2013

Subject: Noise Ordinance

Through: Sean Brady, Legal Services

Attachments

Power Point

A. Exhibit A. City of Tualatin Unnecessary Noise

B. Exhibit B. Tigard Municipal Code Prohibited Noise

C. Exhibit C. Salem Noise Ordinance



NOISE ORDINANCE WORK SESSION

June 24, 2013

Sean T. Brady
City Attorney

COMMON NOISES IN DECIBELS

□ Whisper	30 dB
□ Conversation	60-65 dB
□ City Traffic	85 dB
□ Jackhammer	90 dB
□ Power mower	107dB
□ Power saw	110 dB
□ Jet Engine	140 dB
□ Death of hearing tissue	180dB



PERCEPTIONS IN INCREASES OF DECIBEL LEVELS

□ Imperceptible Change	1 dB
□ Barely Perceptible	3 dB
□ Clearly Noticeable	5 dB
□ About Twice as Loud	10dB
□ About Four Times as Loud	20dB



CURRENT NOISE ORDINANCE

TMC 6-1-210(4)

- ❑ Keeping loud animal;
- ❑ Construction activity between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City;
- ❑ Playing, using or operating a radio, television, etc. in such a manner as to be plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day, local time:
 - ❑ from a noise-sensitive property as defined in the Tualatin Development Code; or
 - ❑ at a distance of 100 feet or more from the source of the sound.



CURRENT NOISE ORDINANCE

TMC 6-1-210(4) continued

- Using compression brakes, commonly referred to as "jake brakes", on a motor vehicle, except to avoid imminent danger to persons or property;
 - Playing outdoor sports in or near a noise-sensitive property between the hours of 10:00 p.m. and 7:00 a.m. the following day, except for school-sanctioned outdoor sports events at school facilities; and
 - Repairing motor vehicles in or near a noise-sensitive property between the hours of 10:00 p.m. and 7:00 a.m. the following day.
-
- TDC 63
 - Industrial Noise



Recent Judicial Rulings

□ Municipal Court

- Code provision for loud music only applies during the hours of 10:00 p.m. and 7:00 a.m. Does not apply during day.
- Other Courts:
 - Virginia – Reasonable Person Standard too vague/overbroad
 - Florida – Plainly audible standard vague/overbroad
 - Other courts find same language valid



Balancing Enforcement and Constitutionality

□ Reasonable Person Standard

- ▣ More subjective than those based on maximum decibel readings
- ▣ Subjective nature is the major drawback as can be constitutional suspect (free speech, due process)
 - Free speech – drafted or enforced so as to encompass communication
 - Due Process - ordinance not sufficiently detailed to place a person on notice of violations
- ▣ More easily enforced, less costly
 - Not Ex Parte
- ▣ Party Attorney
 - Ex Parte

□ Maximum Decibel Levels

- ▣ Stronger defense if attacked on due process or free speech grounds
- ▣ More Difficult to enforce



Examples

□ Most Cities

- Reasonable Person
- Specific Noises
- Decibel levels

□ Tigard

- Noise Sensitive Inside
 - 40dB between 10pm -7 am
 - 50 dB between 7am – 10pm
- Noise Sensitive at Property Line
 - 60 dB between 10pm and 7 am
 - 75 dB any other time

□ Salem

- Measure from 25 feet of building receiving property or property line near sound
- 55 – 65 dB between 10pm and 7 am
- 55-70 dB between 7:00am and 10pm



RECOMMENDATION

- ▣ Reasonable Person
- ▣ Specific Noises
- ▣ Decibel levels based upon property use



CITY OF TUALATIN NOISE ORDINANCE
6-1-210 Other Offenses as Civil Infractions.

* * *

(4) Unnecessary Noise. No person shall create, assist in creating or permit the continuance of unreasonable noise in the City of Tualatin. "Unreasonable noise" includes but is not limited to:

(a) Keeping an animal which by loud and frequent or continued noise disturbs the comfort and repose of persons in the vicinity.

(b) Construction, including excavation, demolition, alteration or repair, of a building other than between the hours of 7:00 a.m. and 6:00 p.m., except upon special permit granted by the City.

(c) Playing, using or operating a radio, tape player, compact disc player, phonograph, television set, stereo system, loudspeaker or sound-amplifying device, including those installed in a vehicle, in such a manner as to be plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day, local time:

(i) from a noise-sensitive property as defined in the Tualatin Development Code; or

(ii) at a distance of 100 feet or more from the source of the sound. However, upon application to the Council, permits may be granted to persons or organizations to broadcast programs of music, news, speeches or general entertainment.

(d) Using compression brakes, commonly referred to as "jake brakes", on a motor vehicle, except to avoid imminent danger to persons or property.

(e) Playing outdoor sports in or near a noise-sensitive property between the hours of 10:00 p.m. and 7:00 a.m. the following day, except for school-sanctioned outdoor sports events at school facilities.

(f) Repairing motor vehicles in or near a noise-sensitive property between the hours of 10:00 p.m. and 7:00 a.m. the following day.

* * *

[Ord. 706-86 §21, 9/22/86; Ord. 836-91, §§ 1 & 2, 7/8/91; Ord. 925-94, §1, 5/9/94; Ord. 1074-01 §1, 5/29/01; Ord. 1074-01, 5/29/2001; Ord. 1074-01, 3/29/2001]

TIGARD MUNICIPAL CODE

vehicle equipment or parts thereof in a state of disrepair, for more than 10 days as to any one automobile, truck, bus, trailer or piece of vehicular equipment;

C. Used or dismantled household appliances, furniture, other discards or junk, for more than five days. (Ord. 12-02 §1)

6.02.230 Scattering Rubbish

No person shall deposit upon public or private property any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench or fire hazard, detract from the cleanliness or safety of the property or would be likely to injure a person or animal or damage a vehicle traveling upon a right-of-way. (Ord. 12-02 §1)

6.02.240 Garbage and Putrescible Waste

A. All solid waste receptacles, including, but not limited to, cans, containers and drop boxes, shall be maintained in a safe and sanitary condition by the customer.

B. All putrescible solid wastes shall be removed from any premises at least once every seven days, regardless of whether or not confined in any container, compactor, drop box or other receptacle. (Ord. 12-02 §1)

6.02.250 Offensive Wastes Prohibited

No person shall have waste on property that is offensive or hazardous to the health or safety of others or which creates offensive odors or a condition of unsightliness. (Ord. 12-02 §1)

6.02.260 Unauthorized Deposits Prohibited

No person shall, without authorization and compliance with the disposal site requirements of Chapter 11.04, deposit waste on public property

or the private property of another. Streets and other public places are not authorized as places to deposit waste except as specific provisions for containers have been made. (Ord. 12-02 §1)

Article IV. Streets and Sidewalks

6.02.310 Streets and Sidewalks

A responsible party shall keep a public street and/or sidewalk abutting their property free from earth, rock and other debris and other objects that may obstruct or render the street or sidewalk unsafe for its intended use. (Ord. 12-02 §1)

6.02.320 Maintenance and Repair of Public Sidewalks

It is the duty of all persons owning lots or land which have public sidewalks abutting the same, to maintain and keep in repair the sidewalks and not permit them to become or remain in a dangerous or unsafe condition. "Maintenance" includes, but is not limited to, the removal of snow and ice. Any owner of a lot or land who neglects to promptly comply with the provisions of this section is fully liable to any person injured by such negligence. The city shall be exempt from all liability, including, but not limited to, common-law liability, that it might otherwise incur to an injured party as a result of the city's negligent failure to maintain and repair public sidewalks. (Ord. 12-02 §1)

6.02.330 Sidewalks, Curbs and Planter Strips

Maintenance of sidewalks, curbs and planter strips is the continuing obligation of the adjacent property owner. (Ord. 12-02 §1)

TIGARD MUNICIPAL CODE

6.02.440 Prohibited Noises

A. Use of exhaust brakes (jake brakes), except in an emergency or except when used by a person operating an emergency services vehicle equipped with a muffled compression braking system, is prohibited at all times within the city, regardless of noise level.

B. Except as provided in Section 6.02.450, the following acts are violations of this article if they exceed the noise limits specified in Section 6.02.430:

1. Sounding of any horn or signal device or any other device on any automobile, motorcycle, truck, bus or other vehicle while in motion, except as a danger signal;

2. Operation of sound-producing devices such as, but not limited to, musical instruments, loudspeakers, amplifying devices, public address systems, radios, tape recorders and/or tape players, compact disc players, phonographs, television sets and stereo systems, including those installed in or on vehicles;

3. Operation of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle, except during sanctioned parades;

4. Use of any automobile, motorcycle or other vehicle so out of repair or in such a manner as to create loud or unnecessary sounds, grating, grinding, rattling or other noise;

5. Keeping of any animal or bird that creates noise in excess of the levels specified in Section ~~6.07.430~~; scrivener's error; should be 6.02.430 (This error will be corrected in next code update after the March 2012 update.)

6. Operation of air conditioning or heating units, heat pumps, refrigeration units

(including those mounted on vehicles) and swimming pool or hot tub pumps;

7. Erection (including excavation), demolition, alteration or repair of any building, except as allowed under Sections 6.02.450.E and 6.02.450.F;

8. Use or creation of amplified sound in any outdoor facility;

9. Any other action that creates or allows sound in excess of the level allowed by Section 6.02.430. (Ord. 12-02 §1)

6.02.450 Exceptions to Noise Limits

The following shall not be considered violations of this article, even if the sound limit specified in Section 6.02.430 is exceeded:

A. Non-amplified sounds created by organized athletic or other group activities, when such activities are conducted on property generally used for such purposes, such as stadiums, parks, schools and athletic fields, during normal hours for such events;

B. Sounds caused by emergency work, or by the ordinary and accepted use of emergency equipment, vehicles and apparatus, regardless of whether such work is performed by a public or private agency, or upon public or private property;

C. Sounds caused by bona fide use of emergency warning devices and alarm systems;

D. Sounds regulated by federal law, including, but not limited to, sounds caused by railroads or aircraft;

E. Sounds caused by demolition activities when performed under a permit issued by appropriate governmental authorities and only between the hours of 7 a.m. and 8 p.m. seven days a week;

TIGARD MUNICIPAL CODE

F. Sounds caused by industrial, agricultural or construction activities during the hours of 7 a.m. to 8 p.m. seven days a week;

G. Sounds caused by regular vehicular traffic upon premises open to the public in compliance with state law. Regular vehicle traffic does not include a single vehicle that creates noise in excess of the standard set forth in Section 6.02.430;

H. Sounds caused by air-, electrical- or gas-driven domestic tools, including, but not limited to, lawn mowers, leaf blowers, lawn edgers, radial arm, circular and table saws, drills and/or other similar lawn or construction tools, but not including tools used for vehicle repair, during the hours of 7 a.m. to 8 p.m. seven days a week;

I. Sounds caused by chainsaws, when used for pruning, trimming or cutting of live trees between the hours of 7 a.m. and 8 p.m., and not exceeding two hours in any 24-hour period, seven days a week;

J. Sounds created by community events, such as parades, public fireworks displays, street fairs and festivals that the city manager or designee has determined in writing to be community events for the purposes of this section. The city manager's decision shall be based on the anticipated number of participants or spectators, the location of the event and other factors the city manager determines to be appropriate under the circumstances;

K. Sounds made by legal fireworks on the third of July, Fourth of July, and the Friday and Saturday during the weekend closest to the Fourth of July of each year, between the hours of 7 a.m. and 11 p.m.;

L. Sounds made between midnight and 12:30 a.m. on January 1st of each year;

M. Sounds originating from construction projects for public facilities within rights-of-way pursuant to a noise mitigation plan approved by the city manager. The city manager may approve a noise mitigation plan only if the city manager determines that the noise mitigation plan will prevent unreasonable noise impacts. The noise mitigation plan must:

1. Map the project noise impacts and explain how the impacts will be mitigated;

2. Provide special consideration and mitigation efforts for noise sensitive units;

3. Outline public notification plans;

4. Provide a 24-hour telephone contact number for information and complaints about a project.

The city manager may approve a noise mitigation plan only if the city manager determines that the noise mitigation plan will prevent unreasonable noise impacts. (Ord. 12-02 §1)

6.02.460 Maximum Noise Limit for Certain Activities

Notwithstanding Section 6.02.450, creation of noise by any activity subject to the exceptions listed in subsection E, F, H, or I of Section 6.02.450, in excess of 85 dB measured on property on which a noise sensitive use is located, for more than five minutes in any calendar day, shall be a violation. (Ord. 12-02 §1)

6.02.470 Evidence of Noise Violation

A. In any civil infraction action based on a violation of limits set forth in subsection B, C or E of Section 6.02.430, the evidence of at least two persons from different households shall be

TIGARD MUNICIPAL CODE

required to establish a violation. Any police or code enforcement officer or other city employee who witnessed the violation shall be counted as a witness for purposes of the two witness requirement.

B. The city may ask an alleged violator to enter into a voluntary compliance agreement consistent with Section 1.16.115 based on a single complaint or single witness. (Ord. 12-02 §1)

Article VI. Water Service and Meters

6.02.510 Service Connection and Maintenance

A. The city will maintain all standard service connections in good repair without expense to the customers.

B. Each customer is required to use reasonable care and diligence to protect the water meter and meter box from loss or damage by freezing, hot water, traffic hazards and other causes, in default of which, such customer shall pay to the city the full amount of any resulting damage.

C. Each customer is required to maintain a vegetation and other obstruction-free zone of a minimum of two feet around the box. Clear access to the meter shall be from the street side in a direct path to the water meter.

D. Failure to maintain the area will result in city personnel clearing the area to meet the city's meter reading and maintenance needs. Any costs incurred by the city in clearing the area will be charged to the customer.

E. The city shall have no liability for trimming or maintaining vegetation in order to read meters. (Ord. 12-02 §1) ■

51.015. Maximum Permissible Sound Levels.

(a) **General Rule.** Except as provided in paragraph (1) of this subsection, it shall be unlawful for any person who owns, controls or operates any sound source to cause or permit sound in excess of the maximum permissible sound levels set forth in Table 51-1 to be received on property other than property where the source is located without first obtaining an event sound permit issued pursuant to this Chapter.

Table 51-1: Maximum Permissible Sound Levels in dBA						
<i>Type of Source by Use</i>	<i>Type of Receiver by Use</i>					
	Noise Sensitive		Commercial		Industrial	
	Day	Night	Day	Night	Day	Night
Noise Sensitive	Not applicable		60	55	65	60
Commercial	55	50	70	65	70	65
Industrial	55	50	70	65	No maximum	

(b) No sound received on a property other than the property where the source is located shall exceed the established maximum permissible sound levels in Table 51-1 by ten dBA for a cumulative total of greater than one minute in any ten minute period.

(c) Measurement of sound levels shall be made at one of the following points, whichever is farther from the sound source:

(1) Twenty-five feet from that point on any building on the receiver property nearest the sound source, or

(2) That point on the receiver property line nearest the sound source.

51.020. Event Sound Permits; Types. Any person who owns, operates or controls a sound source that will produce sound in excess of the maximum sound levels in dBA set forth in Table 51-1 shall first obtain the applicable event sound permit as follows:

(a) **Class A Permit:** for a single event or activity that does not exceed twenty-four hours in duration and occurs outside of the Downtown Parking District.

(b) **Class B Permit:** for a single event or activity or a series of related events or activities.



MEMORANDUM

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos

FROM: Ben Bryant, Management Analyst

DATE: 06/24/2013

SUBJECT: Washington County Vehicle Registration Fee Proposal

ISSUE BEFORE THE COUNCIL:

Provide input to the Washington County Coordinating Committee (WCCC) on a proposed county-wide vehicle registration fee (VRF). Specifically, input on the following questions:

1. Should Washington County institute a vehicle registration fee?
2. If so, how much of a fee?
3. If so, should there be a phase-in period?
4. If so, should the fee be referred to the voters?

EXECUTIVE SUMMARY:

Background

Washington County road maintenance is funded primarily through state sources, including gas tax revenue. Due to the increases in fuel efficient vehicles and transit use, Washington County expects this source of revenue to remain flat into the future while maintenance costs increase.

Already, insufficient maintenance funds have led Washington County to accrue approximately \$10 million of deferred road maintenance projects. This figure is expected to double over the next 10 years without additional revenue.

Vehicle Registration Fee Proposal

In an effort to raise additional revenue for road maintenance, the Washington County Board of Directors has requested a discussion around a county-wide vehicle registration fee (VRF). At the moment, Washington County staff members have suggested the following elements for a VRF:

Amount: \$43/year (current State VRF is \$43/year)

Phase-in Period: 10 years (\$4 first year, 10% increase each year)

Distribution: 60% to Washington County; 40% to local cities

Tualatin Impact

The impact to Tualatin residents will be an increase of \$43/year for each vehicle of ownership (some vehicles are exempt, including: antique vehicles, farm vehicles, government vehicles, travel trailers, campers and motor homes). Based on Washington County analysis, at full phase-in the City of Tualatin will receive \$500,000 annually for road maintenance and construction.

Next Steps

The Washington County Board of Commissioners has asked the WCCC to make a recommendation in July on the following questions:

1. Should Washington County institute a vehicle registration fee?
2. If so, how much of a fee?
3. If so, should there be a phase-in period?
4. If so, should the fee be referred to the voters?

Attachments: Attachment A: Presentation
 Attachment B: FAQ



Department of Land Use and Transportation

Road Maintenance Funding Options

Updated: June 12, 2013

Transportation Funding Strategy

“Three Legged Stool”

Existing Safety/ Capacity Deficiencies

Property Taxes (MSTIP)

- MSTIP 1: \$27 million (1986-1989)
- MSTIP 2: \$60 million (1989-1995)
- MSTIP 3: \$265 million (1995-2004)
- MSTIP 3b: \$65 million (2004-2007)
- MSTIP 3c: \$138 million (2007-2013)
- **Total to date:** \$555 million
- MSTIP 3d: \$175 million (2013-18)
Approx. \$35 million/year



System Maintenance

Gas Tax and User Fees

- Road Fund: State and county fuel taxes, state vehicle registration fees
Approx. \$23 million/year for maintenance-related activities
Prioritization policy focuses on major transportation system first
- Urban Road Maintenance District (Property tax)
Approx. \$3.8 million/year
Unincorporated Area Local Streets

Keeping Up with Growth

- TIF/TDT: Averaged \$12.9 million/year since 1990
- North Bethany Transportation SDC and County Service District: new

County Transportation System Facts



Washington County maintains:

- Approximately 1,300 miles of roads:
 - half urban; half rural
 - 1,075 miles paved; 225 miles gravel
- Of paved roads:
 - 198 miles are arterials
 - 247 miles are collectors
- **Over 430 lane miles of county-maintained arterials and collectors are in cities**
- Pavement is just part of the system:
 - 189 bridges
 - 3,021 culverts
 - 700 miles of ditches
 - 284 signalized intersections
 - Lighting, landscaping, signs

A Common Refrain

***“Charlie Hales’ plan for Portland’s paving problems:
100 miles repaired in year”***

Oregonian, June 6, 2013

***“Portland Transportation Bureau studies
options for new revenue and savings”***

Oregonian, November 28, 2012

“Using less gas offers mixed results for state”

Salem Statesman Journal, September 29, 2012

“Why can’t Portland repave its rutted roads?”

Oregonian, February 26, 2012

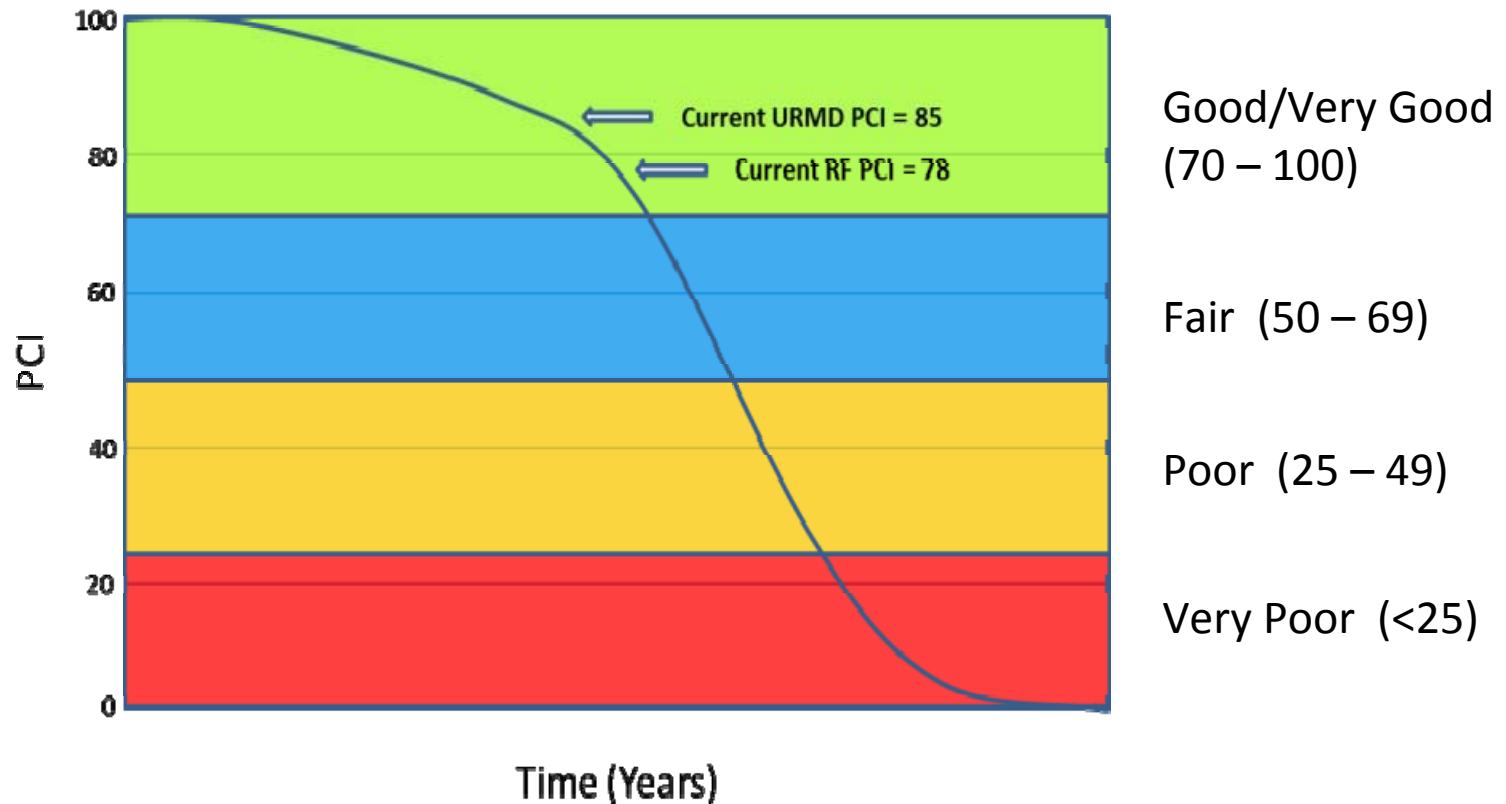
***“Clackamas County considers county gas tax, vehicle registration or
road utility fees to fund maintenance”***

Oregonian, February 5, 2012

“Once-flush ODOT now facing lean times”

Portland Daily Journal of Commerce, August 15, 2011

Pavement Maintenance Assessment



Current Washington County road network conditions (PCI)

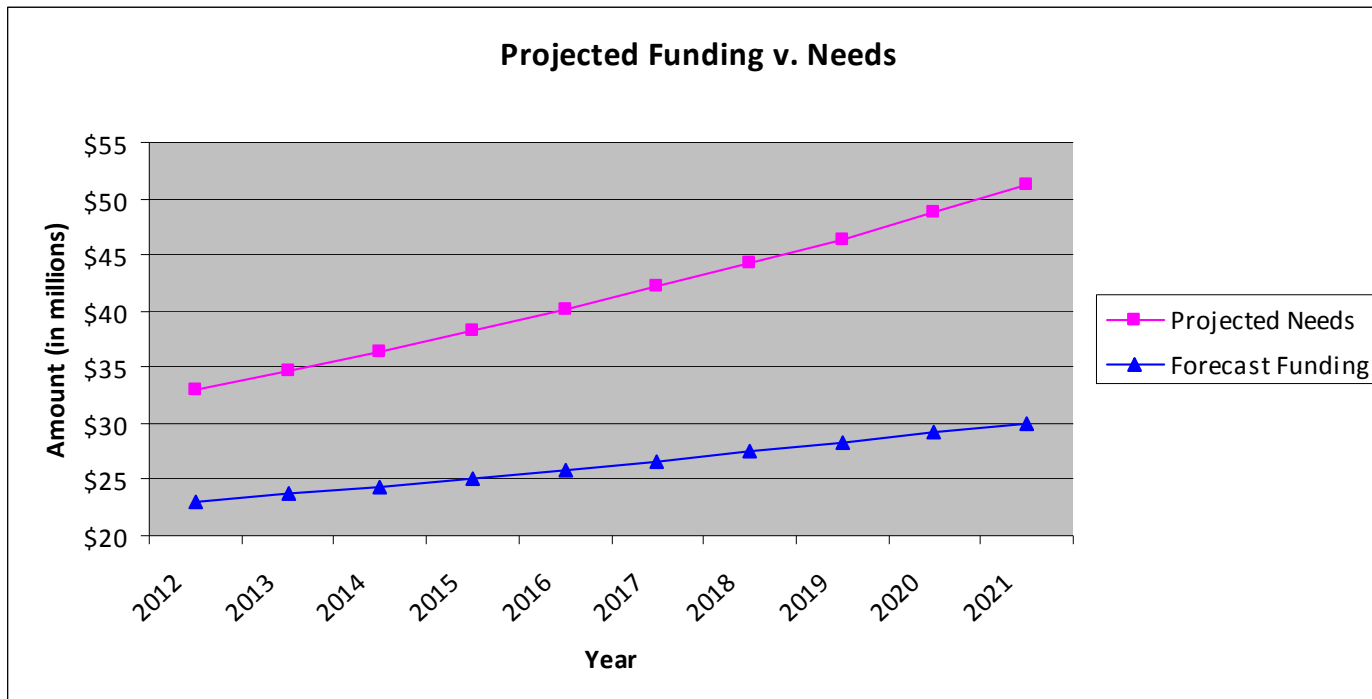
Network is in good condition, but approaching break point where more expensive treatments will be required to maintain level of service expectations.

Maintenance Funding Challenges

- State road funds not keeping up with cost increases
- Material and labor costs outpacing revenue growth
- “Mature” system
- High community expectations:
 - *Successful history of building and maintaining the system*
 - *Recent poll of county voters as part of TSP update process indicated maintenance of existing system is more important than building new roads.*
- Increasing deferred maintenance

Increasing Need

Funding gap expected to double within 10 years



2012 deferred maintenance estimate = \$10.5m

2021 deferred maintenance projected = \$22m

Forecasted Funding grows at approx. **3%** annually while **Projected Needs** grows at approx. **5%** annually

Closing the Gap

Just reducing expenditures won't get us there...

Possible funding strategies include:

- Increase state gas tax/registration fees
- Increase countywide gas tax (currently 1 cent/gallon)
 - Current 1 cent/gal. rate generates \$2m annually countywide (\$800K to County; \$1.2m to cities)
 - At 3 cents/gal. would generate \$6m annually countywide (\$2.4m to county, \$3.6m to cities)
- Countywide road maintenance fee or property tax levy
- Countywide vehicle registration fee

Guiding Principles for Funding

- Road users generate maintenance funds
- Revenue stability over time
- Ability to phase in over time
- Flexibility in use of funds
- Equitable distribution
- Simplicity and expediency:
 - Follow current state law
 - Simple to administer
 - Able to implement soon

Criteria Analysis

	Increase state gas tax and reg. fees	Increase county gas tax	Countywide road maint. fee or property tax levy	Countywide vehicle registration fee
Revenue generated by road users	+	+	-	+
Ability to phase in over time	-	-	+	+
Projected revenue stability over time	-	-	+(Fee) -(Levy)	+
Not subject to tax "compression"	+	+	+(Fee) -(Levy)	+
Simple to administer	+	+	-(Fee) +(Levy)	+

Vehicle Registration Fee Overview

- Permitted under HB 2001 (JTA) after July 1, 2013
- HB 2001 provisions:
 - Maximum fee and applicability
 - Max. \$43/yr. for all vehicle classes subject to the fee
 - Certain vehicle classes exempted from County fee—including farm vehicles, trucks over 26K lbs., campers/travel trailers, government and school vehicles and disabled vets
 - 40% of revenues to cities
- Possible to phase in over time
- Could generate up to **\$18.0 million countywide annually*** at maximum rate

** Based on max. \$43 per passenger vehicle per year; 418,265 passenger vehicles registered in Washington Co. as of December 2012 (Source: Oregon DMV) – does not include motorcycles or other vehicle classes.*

Vehicle Registration Fee Overview

- Vehicle Registration Fee revenue distribution to county and cities consistent with state highway fund apportionments:
 - State retains around 60% of total;
 - Remaining 40% is divided up:
 - 60% to counties (based on % of state vehicle registrations)
 - 40% to cities (based on % of state population)

Use of Vehicle Registration Fees

- Funds may be used for same purposes as state registration fees—for public highway, road, and street:
 - Construction, reconstruction, improvement, repair, maintenance, operation and use (including multi-modal).
 - Safety improvements.
- Other permitted uses:
 - Directly related administrative costs.
 - To retire bonds for which such revenues have been pledged.

Vehicle Registration Fee Revenue

County and Six Largest Cities

% of max. allow- able rate	Rate	Total Passenger Vehicle Revenue (in millions)	County Revenue (60%) (in millions)	Total City Revenue (40%) (in millions)	Beaverton Revenue (in millions)	Forest Grove Revenue (in millions)	Hillsboro Revenue (in millions)	Sherwood Revenue (in millions)	Tigard Revenue (in millions)	Tualatin Revenue (in millions)
100%	\$43	\$18.00	\$10.80	\$7.19	\$2.05	\$0.48	\$2.08	\$0.41	\$1.09	\$0.52
50%	\$22	\$9.00	\$5.40	\$3.60	\$1.02	\$0.24	\$1.04	\$0.21	\$0.55	\$0.26
10%	\$4	\$1.80	\$1.08	\$0.72	\$0.20	\$0.05	\$0.21	\$0.04	\$0.11	\$0.05

Notes:

- Preliminary estimates only
- Estimates based on passenger vehicles only; trucks, motorcycles, other vehicles not included
- 418,265 passenger vehicles registered in Washington County (December 2012)
- City revenue estimates based on each city's proportional share of total countywide incorporated area population, from July 2011 PSU Certified Population Estimates

Why Now?

- JTA allows County Vehicle Registration Fee to be implemented after July 1, 2013
- Recent survey indicates many county voters prioritize system maintenance over construction of new facilities
- County needs additional maintenance funding for the major countywide road system
- Need to act soon to avoid the cliff caused by ongoing widespread deferred maintenance

Next Steps/Questions

- Discuss options with WCCC (June)
 - Seek WCCC recommendation (July)
 - Stakeholder outreach (ongoing)
 - Potential ordinance later this year
-
- Appropriate phase-in period?



Potential Countywide Vehicle Registration Fee for Road Maintenance Frequently Asked Questions

Updated June 12, 2013

A history of success

Washington County has a history of being proactive on transportation funding issues. The Major Streets Transportation Improvement Program (MSTIP) and Transportation Development Tax (TDT) are two notable examples. Through these programs, taxpayers and developers have invested more than \$800 million since 1986 to improve our countywide transportation system. It is critical that we maintain that investment.

Challenges on the horizon

A recent survey indicates 65 percent of Washington County residents rank road system maintenance as a high or very high transportation priority. We are working to maximize the effectiveness of our current maintenance resources. However, our resources are not keeping up with increasing system needs and escalating costs. Therefore, the Board of County Commissioners is initiating a public discussion about raising additional revenue for road maintenance through a Vehicle Registration Fee.

What's the need?

- Our current maintenance resources are not keeping up with increasing costs and the needs of an expanding and increasingly complex road system—which includes pavement, bridges, culverts, traffic signals, lighting, signs and landscaping.
- We need to act now to avoid a maintenance crisis. The county's current deferred (unfunded) maintenance needs are about \$10 million. Based on current spending trends, this amount is projected to double within 10 years.
- If the county does not keep up preventive maintenance on its 3000 lane miles of public roadways, major rehabilitation or reconstruction will be required in the future—at 5 to 10 times the cost. Each city within the county also maintains certain roads within their boundaries. The same preventive maintenance needs also exist on the cities' road systems.
- Poor road maintenance also costs drivers extra money. The American Society of Civil Engineers' *2013 Report Card for America's Infrastructure* found that driving on roads in need of repair costs Oregon motorists \$495 million a year in extra vehicle repairs and operating costs – \$173 per motorist.

Why a Registration Fee?

- The Board of County Commissioners considered several potential funding sources. A countywide vehicle registration fee is the preferred option for four reasons:
 - ♦ Funds are generated by road users.
 - ♦ Vehicle registrations are relatively stable over time. Gas taxes fluctuate significantly, and are anticipated to decline as more fuel efficient vehicles are introduced.
 - ♦ Revenues would be shared between the county (60%) and cities (40%); and
 - ♦ It is relatively simple to implement and administer.

Potential Countywide Vehicle Registration Fee for Road Maintenance
Frequently Asked Questions
Updated June 12, 2013

How much would it cost?

- At this time, no decision has been made about the potential fee amount.
- Current state law allows the *maximum* county registration fee to equal the current state registration fee of \$43 per year for passenger vehicles and light-duty trucks. It is possible to set the county fee amount lower. It may be possible to phase the fee in over time.
- Certain vehicles are exempt under state law from the county fee, including farm vehicles, antique vehicles, campers and travel trailers, trucks weighing over 26,000 pounds, government and school vehicles, and those owned by disabled veterans.

How much would the fee generate?

- It will depend on the fee amount. Based on 2012 passenger vehicle registration data, the fee could generate up to \$18 million each year if implemented at the maximum rate of \$43 a year. If implemented at a lower rate, revenues would be reduced accordingly. It may be possible to phase the fee in over time.
- Revenues would be shared by the county and cities. If implemented at the maximum rate, approximately \$10.8 million would go to the county and \$7.2 million to cities based on population. The six largest cities and projected revenues at the maximum rate are: Hillsboro and Beaverton (about \$2 million each); Tigard (about \$1 million); and Tualatin, Forest Grove, and Sherwood (about \$500,000 each).

How would the funds be used?

- Oregon's Constitution requires taxes on motor vehicle fuel and use, including vehicle registration fees, to be used exclusively for the construction, reconstruction, improvement, repair, maintenance and operation or use of public highways, roads, streets and roadside rest areas in this state.
- If adopted, the County would allocate its share of this fee primarily to maintenance of its road system—including pavement, bridges, culverts, signals, signs, landscaping, and other elements of the road system.

When would the fee take effect?

- At this time, the Board of Commissioners is seeking public discussion about the idea.
- State law allows the Board to adopt the fee on or after July 1, 2013. If adopted, the fee would take effect no sooner than January 1, 2014.

How would it work?

- Oregon DMV would collect the county fee along with state registration renewal fees—typically once every two years for most vehicles.
- DMV would distribute funds to the county monthly. The county would distribute funds to the cities.

Questions?

For more information on the potential vehicle registration fee, please contact Stephen Roberts, Communications Coordinator in the Department of Land Use and Transportation, at 503-846-4963 or stephen_roberts@co.washington.or.us