



TUALATIN CITY COUNCIL

Monday, JUNE 26, 2017

JUANITA POHL CENTER

8513 SW Tualatin Road

Tualatin, OR 97062

WORK SESSION begins at 6:30 p.m.
BUSINESS MEETING begins at 7:00 p.m.

Mayor Lou Ogden

Council President Joelle Davis

Councilor Robert Kellogg

Councilor Paul Morrison

Councilor Jeff DeHaan

Councilor Frank Bubenik

Councilor Nancy Grimes

Welcome! By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified a time for your comments on its agenda, following Announcements, at which time citizens may address the Council concerning any item not on the agenda or to request to have an item removed from the consent agenda. If you wish to speak on a item already on the agenda, comment will be taken during that item. Please fill out a Speaker Request Form and submit it to the Recording Secretary. You will be called forward during the appropriate time; each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council.

Copies of staff reports or other written documentation relating to each item of business referred to on this agenda are available for review on the City website and on file in the Office of the City Manager for public inspection. Any person with a question concerning any agenda item may call Administration at 503.691.3011 to make an inquiry concerning the nature of the item described on the agenda.

In compliance with the Americans With Disabilities Act, if you need special assistance to participate in this meeting, you should contact Administration at 503.691.3011. Notification thirty-six (36) hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

Council meetings are televised *live* the day of the meeting through Washington County Cable Access Channel 28. The replay schedule for Council meetings can be found at www.tvctv.org. Council meetings can also be viewed by live *streaming video* on the day of the meeting at www.tualatinoregon.gov/meetings.

Your City government welcomes your interest and hopes you will attend the City of Tualatin Council meetings often.

PROCESS FOR LEGISLATIVE PUBLIC HEARINGS

A **legislative** public hearing is typically held on matters which affect the general welfare of the entire City rather than a specific piece of property.

1. Mayor opens the public hearing and identifies the subject.
2. A staff member presents the staff report.
3. Public testimony is taken.
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When the Council has finished questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *deny*, or *continue* the public hearing.

PROCESS FOR QUASI-JUDICIAL PUBLIC HEARINGS

A **quasi-judicial** public hearing is typically held for annexations, planning district changes, conditional use permits, comprehensive plan changes, and appeals from subdivisions, partitions and architectural review.

1. Mayor opens the public hearing and identifies the case to be considered.
2. A staff member presents the staff report.
3. Public testimony is taken:
 - a) In support of the application
 - b) In opposition or neutral
4. Council then asks questions of staff, the applicant, or any member of the public who testified.
5. When Council has finished its questions, the Mayor closes the public hearing.
6. When the public hearing is closed, Council will then deliberate to a decision and a motion will be made to either *approve*, *approve with conditions*, or *deny the application*, or *continue* the public hearing.

TIME LIMITS FOR PUBLIC HEARINGS

The purpose of time limits on public hearing testimony is to provide all interested persons with an adequate opportunity to present and respond to testimony. All persons providing testimony **shall be limited to 3 minutes**, subject to the right of the Mayor to amend or waive the time limits.

EXECUTIVE SESSION INFORMATION

An Executive Session is a meeting of the City Council that is closed to the public to allow the City Council to discuss certain confidential matters. An Executive Session may be conducted as a separate meeting or as a portion of the regular Council meeting. No final decisions or actions may be made in Executive Session. In many, but not all, circumstances, members of the news media may attend an Executive Session.

The City Council may go into Executive Session for certain reasons specified by Oregon law. These reasons include, but are not limited to: ORS 192.660(2)(a) employment of personnel; ORS 192.660(2)(b) dismissal or discipline of personnel; ORS 192.660(2)(d) labor relations; ORS 192.660(2)(e) real property transactions; ORS 192.660(2)(f) information or records exempt by law from public inspection; ORS 192.660(2)(h) current litigation or litigation likely to be filed; and ORS 192.660(2)(i) employee performance of chief executive officer.



OFFICIAL AGENDA OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 26, 2017

A. CALL TO ORDER

Pledge of Allegiance

B. ANNOUNCEMENTS

1. Proclamation Declaring the Tualatin Overture, composed by Arthur Breur, as the Official Overture of the City of Tualatin
2. Proclamation Declaring July 2017 as National Park and Recreation Month

C. CITIZEN COMMENTS

This section of the agenda allows anyone to address the Council regarding any issue not on the agenda, or to request to have an item removed from the consent agenda. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

1. Consideration of Approval of the Minutes for the Work Session and Regular Meeting of June 12, 2017
2. Consideration of **Resolution No. 5329-17** Authorizing the City Manager to Execute an Amendment of a Professional Services Contract with CH2M Hill Engineers, Inc. for Additional Services Associated with the C1/C2 Water Reservoirs
3. Consideration of **Resolution No. 5324-17** Amending Water, Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolution 5283-16
4. Consideration of **Resolution No. 5323-17** Authorizing Changes to the Adopted 2016-2017 Budget
5. Consideration of **Resolution No. 5332-17** Authorizing Salary Schedule Update for Temporary Employees for FY 2017/18
6. Consideration of **Resolution No. 5331-17** Approving and Authorizing Provision of Workers Compensation Insurance Coverage to Volunteers of the City of Tualatin

E. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Resolution No. 5326-17** Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2017, Making Appropriations, Levying Ad-Valorem Taxes, and Categorizing the Levies

F. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of **Ordinance No. 1400-17** Amending Plan Map 9-1 to Change the Planning District Designations of Two Tax Lots Located at 6645 SW Nyberg Lane from General Commercial (CG) To High Density Residential (RH) (PMA-16-0001)
2. Consideration of **Ordinance No. 1402-17**, Adopting Changes to TMC 3-4, Road Utility Fee Ordinance of the City of Tualatin
3. Consideration of **Resolution No. 5333-17** Authorizing a Professional Services Agreement for Consulting Services to Assist in Completing the Parks and Recreation Master Plan Update
4. Consideration of **Resolution No. 5325-17** Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5301-16

G. ITEMS REMOVED FROM CONSENT AGENDA

Items removed from the Consent Agenda will be discussed individually at this time. The Mayor may impose a time limit on speakers addressing these issues.

H. COMMUNICATIONS FROM COUNCILORS

I. ADJOURNMENT

City Council Meeting

Meeting Date: 06/26/2017

ANNOUNCEMENTS: Proclamation Declaring the Tualatin Overture, composed by Arthur Breur, as the Official Overture of the City of Tualatin

ANNOUNCEMENTS

Proclamation Declaring the Tualatin Overture, composed by Arthur Breur, as the Official Overture of the City of Tualatin

Proclamation

Proclamation

Declaring the Tualatin Overture, composed by Arthur Breur, as the Official Overture of the City of Tualatin

WHEREAS the Tualatin Overture was composed by Arthur Breur and premiered by the Tualatin Valley Symphony on May 21, 2017 as a celebration of the City of Tualatin, past, present, and future; and

WHEREAS the Tualatin Overture includes musical references to key points about the history of Tualatin and its region (prominent names, recent history, pioneers, the Atfalati, mastodons and megafauna, Missoula Floods); and

WHEREAS the Tualatin Overture was composed using the letters of "Tualatin" to create many of the work's melodies; and

WHEREAS a symphonic work provides a unique and as yet unused channel to promote the City of Tualatin throughout the world.

NOW, THEREFORE, BE IT PROCLAIMED BY THE CITY COUNCIL OF THE CITY OF TUALATIN, Oregon that: The Tualatin Overture, composed by Arthur Breur, be proclaimed the Official Overture of the City of Tualatin.

INTRODUCED AND ADOPTED this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

City Council Meeting

Meeting Date: 06/26/2017

ANNOUNCEMENTS: Proclamation Declaring July 2017 as National Park and Recreation Month

ANNOUNCEMENTS

Proclamation Declaring July 2017 as National Park and Recreation Month

National Park and Recreation Month Proclamation

Proclamation

Proclamation Declaring the Month of July 2017 as "National Park and Recreation Month" in the City of Tualatin

WHEREAS, parks and recreation programs are an integral part of communities throughout this country, including Tualatin; and

WHEREAS, our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS parks, trails and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation areas are fundamental to the environmental well-being of our community by improving water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS Tualatin recognizes the benefits derived from parks and recreation resources and are dedicated and enthusiastic parks and recreation program users.

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

All citizens are urged to celebrate and use community parks and recreation facilities and programs to increase joy and happiness, health and fitness and social connections.

The City of Tualatin celebrates the fifteenth year of Park and Recreation Month and supports the enduring importance of parks and recreation by proclaiming the month of July as Parks and Recreation Month in Tualatin.

INTRODUCED AND ADOPTED this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: 06/26/2017

SUBJECT: Consideration of Approval of the Minutes for the Work Session and Regular Meeting of June 12, 2017

ISSUE BEFORE THE COUNCIL:

The issue before the Council is to approve the minutes for the Work Session and Regular Meeting of June 12, 2017.

RECOMMENDATION:

Staff respectfully recommends that the Council adopt the attached minutes.

Attachments: [City Council Work Session Minutes of June 12, 2016](#)
[City Council Regular Meeting Minutes of June 12, 2016](#)



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

Absent: Councilor Nancy Grimes

Staff City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele;
Present: Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Management Analyst II Zoe Monahan; Associate Planner Erin Engman; City Engineer Jeff Fuchs; Senior Planner Karen Fox

CALL TO ORDER

Mayor Ogden called the meeting to order at 5:00 p.m.

1. ***Metro Update with Councilor Craig Dirksen.***

Metro Councilor Craig Dirksen presented an update on projects and initiatives Metro is working on. He shared an updated Regional Snapshot on Transportation with the Council. Councilor Dirksen stated the SW Corridor project is moving forward with the draft environmental impact statement for the light rail portion of the project. It will be completed and the environmental design phase will begin mid 2019. He spoke to Regional Flexible funds stating the final package will be approved this spring. The \$33 million in funding will help to complete 13 projects, one of those projects being the Herman Road project in Tualatin. Next steps for transportation are to focus on the transportation package presented during the legislative session. The package identified increases in gas taxes and vehicle registrations. The increases would raise \$500 million statewide.

Councilor Dirksen stated the Stafford Area has reached a five party agreement on the area. The land can now move forward and planning can begin. The 2040 Planning and Development grants are now open and close on June 30. Councilor Dirksen provided an update on regional parks. He noted \$1.8 million in grants was awarded in December 2016 and helped areas such as Orenco Woods, Chehalem Ridge, and the Farmington Paddle Launch. A update on the Willamette Falls Legacy Project was given.

Councilor Dirksen spoke to equity in the greater Portland area. He stated a strategic plan was put in place to advance racial equity, diversity and inclusion in the area through the Construction Career Pathways Project. The Convention Center Hotel design has been approved and construction on the site will begin mid- 2017. The grand opening is scheduled for late 2019. Councilor Dirksen spoke to the economic impact of Metro's venues stating they hosted 10,000 jobs and generated \$960 million in economic activity. An update on actives at the Oregon Zoo was given.

2. *Tualatin Development Code Improvement Project Update.*

Assistant City Manager Alice Cannon, Planning Manager Aquilla Hurd-Ravich, and Senior Planner Karen Fox presented an update on the Tualatin Development Code Improvement Project. Manager Hurd-Ravich recapped the broad goals for the project noting overall staff is looking for a more efficient tool that is reflective of current laws and practices. The new code will look and feel like other codes used in the region and will use model code from the state. The audit and sample chapter phases have been completed and staff is currently in the code clean-up phase. Chapters 31-80 will have changes that address findings from the audit. Substantive changes will include improved organization, standardized uses, streamlined planning district chapters, language clean-up, consolidating procedures, and reformatting. Manager Hurd-Ravich presented examples of before and after illustrations of policy neutral chapters. Items of note included removal of duplication, focused overall intent, improved clarity and readability, and the use of tables. These types of revisions are currently being made and once completed the review and adoption phase will begin.

Council President Davis thanked staff for all their efforts on the project.

Mayor Ogden clarified the code clean-up does not change policy or the vision for Tualatin, it is simply reorganizing those ideas and thoughts in a thoughtful and clear way. Manager Cannon stated phase two will identify changes from the community for updates in the code. That phase is set to begin in the spring of 2018.

Councilor DeHaan asked how policy changes would affect current projects. Manager Hurd-Ravich stated all changes currently are policy neutral and will not affect the outcome of current projects.

3. *Regional Transportation Plan Update.*

Assistant City Manager Alice Cannon and Management Analyst Zoe Monahan presented an update on the Regional Transportation Plan (RTP). Manager Cannon stated the RTP is updated by Metro every four years as required by the federal government. The RTP establishes our local priorities for federal, state and regional funding opportunities. It does not allocate or guarantee funds but instead puts the City on the list to qualify for funding. Manager Cannon spoke to the project timeline, noting the group is currently in phase four which is where the plan is built. She briefly spoke to the region's shared vision and evaluation framework for the plan. The draft constrained forecast for the project is projected at \$19.76 billion. Manager Cannon spoke to the funding sources and how the forecast was reached.

Mayor Ogden asked if the funding sources are known sources. Analyst Monahan stated the numbers used for projections are known sources. Manager Cannon added the numbers are expected projection.

Manager Cannon reviewed the sub-regional funding targets. Washington County's constrained target is \$2.14 billion.

Mayor Ogden asked why Washington County's number was the second highest. Manager Cannon stated the county gets more TDT funds, as it is one of the faster

growing areas.

Manager Cannon spoke to changes in projects from the 2014 RTP to the 2018 RTP. She highlighted priority projects for the City including Teton to Langer Farms Parkway, Myslony Street, Herman Road, the Garden Corner Curves, and Blake Street.

Councilor Morrison asked about the Graham's Ferry project and the improvements in that area. Manager Cannon stated they will be completing sidewalks and bike lanes in the area.

Councilor Kellogg asked if the proposed projects had to be on a City plan to make the list. Manager Cannon stated the primary document staff uses to pull projects from is the Transportation System Plan, but they can be on any plan to make the list.

Councilor DeHaan asked if new technology is considered as a factor when creating these plans with projections out to 2040. Manager Cannon stated Metro is having conversations regarding new technology and the region is looking into the future with different options.

4. *Discussion of a Request to Join Transportation for America (T4A).*

Mayor Ogden spoke to a request from Transportation for America (T4A) to have the City join as a member. Mayor Ogden noted Washington County is a member of T4A so all cities have access to seminars and other materials through them. He briefly summarized T4A's membership benefits and advocacy strategies. The membership fee is \$1,250.

Councilor Bubenik asked what the additional benefit for the City joining would be when the resources can already be accessed. Mayor Ogden stated T4A works towards funding for light rail projects through the federal government, noting they are one of the national advocates for these types of projects.

Councilor DeHaan asked why the City has not joined in the past. Mayor Ogden stated the ask had not been made of the City before. Councilor DeHaan stated he is in favor of joining.

Councilor Morrison asked if this would bring more resources to a local level. Mayor Ogden stated they look at transit on a broad scale. Councilor Morrison stated he is in favor of joining.

Councilor Kellogg stated he is worried about the precedent this would create by joining this type of organization. He added that he is comfortable with using the resources from them Washington County is able to offer.

Council President Davis stated T4A is national level lobbying group and doesn't feel they will be able to help provide direct funding for Tualatin. She stated she is not in favor of joining.

Councilor Bubenik stated he was not in favor of joining.

Council consensus was reached to not join T4A.

5. Council Advance Follow-up Part II.

Assistant to the City Manager Tanya Williams presented a debrief from the City Council Advance. She briefly reviewed items discussed during the previous debrief including project successes and hot topics. The Council Vision 2030 topics were highlighted and they included: a diverse community, a connected and engaged community, an expanded tax base, a gathering place, a funded transportation system, a livable and affordable community, and accessible and vibrant parks. The Council placemats were updated with the new vision and council credimus. Next steps for items from the Council Advance include staff developing work plans for priority areas and periodic reports back to Council on the progress.

6. Request for Proclamation.

Council consensus was reached to approve the request. The proclamation will be placed on June 26 Council meeting agenda.

7. Council Meeting Agenda Review, Communications & Roundtable.

Councilor Kellogg stated the subcommittee on council rules has met four time. The subcommittee will have a workable draft available oh June 26 for review and will be discussed on July 10.

ADJOURNMENT

The work session adjourned at 6:40 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR JUNE 12, 2017

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

Absent: Councilor Nancy Grimes

Staff Present: City Manager Sherilyn Lombos; City Attorney Sean Brady; Police Chief Bill Steele; Community Services Director Paul Hennon; Planning Manager Aquilla Hurd-Ravich; Deputy City Recorder Nicole Morris; Assistant to the City Manager Tanya Williams; Assistant City Manager Alice Cannon; Associate Planner Erin Engman; City Engineer Jeff Fuchs; Finance Director Don Hudson; Maintenance Services Manager Clay Reynolds

A. CALL TO ORDER

Pledge of Allegiance

Mayor Ogden called the meeting to order at 7:02 p.m.

B. ANNOUNCEMENTS

1. 2016-17 Annual Report for the Tualatin Youth Advisory Council

Members of the Tualatin Youth Advisory Council (YAC) presented their Annual Report. The YAC goal is to advise the Tualatin City Council on issues affecting youth through advocacy, activities, and education. They present monthly updates to the City Council. Over the past year, the YAC participated in many community events including: Movies on the Commons, Starry Night and Holiday Lights, Snow Ball Dance, and the Tualatin Blender Dash. YAC hosted events this year including: the Haunted House, Park After Dark, and Project FRIENDS. Five YAC senior members attended the National League of Cities Congressional City Conference in Washington DC. The YAC contributed 1,400 hours of service this year.

Mayor Ogden presented the members of YAC with certificates of appreciation.

2. 2017 Tualatin Science & Technology Scholarship Winner

Council President Davis announced Javier Mitchell as the 2017 Tualatin Science and Technology Scholarship winner. Javier was selected as the winner by the scholarship committee comprised of City Council representative Joelle Davis, School Board representative Dr. Barry Albertson, and Chamber of Commerce representative Denise Macriganis. Javier's accomplishments were noted.

C. CITIZEN COMMENTS

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Tualatin Chamber of Commerce Director Linda Moholt addressed the infrastructure crisis in the area with housing being the main issue. She also added congestion in the area is causing people to not take jobs in Tualatin.

Ms. Moholt presented a check on behalf of the Trail Trekker 5k event in the amount of \$1,867.25 to be donated to the local parks. Community Services Director Paul Hennon accepted the check on the City's behalf.

D. CONSENT AGENDA

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda. The matters removed from the Consent Agenda will be considered individually at the end of this Agenda under, Items Removed from the Consent Agenda. The entire Consent Agenda, with the exception of items removed from the Consent Agenda to be discussed, is then voted upon by roll call under one motion.

MOTION by Council President Joelle Davis, SECONDED by Councilor Frank Bubenik to adopt the consent agenda.

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

1. Consideration of Approval of the Minutes for the Regular Meeting of May 8, 2017 and Work Session and Regular Meeting of May 22, 2017
2. Consideration of **Resolution No. 5321-17** Certifying City of Tualatin Municipal Services
3. Consideration of **Resolution No. 5328-17** authorizing the City Manager to execute an Intergovernmental Agreement to participate in the Emergency Management Cooperative with Washington County
4. Consideration of **Resolution No. 5317-17** Authorizing the City Manager to Execute an Amendment to an Intergovernmental Agreement (IGA) Between the City of Tualatin and Clean Water Services

E. SPECIAL REPORTS

1. Update on Summer Programs and Activities Offered by the City of Tualatin and Partners

Teen Program Specialist Julie Ludeman and Public Services Supervisor Sarah Jesudason presented the City of Tualatin 2017 Summer Programs. Programs include: the Summer Reading Program, Youth Summer Camps, Concerts and Movies on the Commons, Art Splash, Teen Volunteer Programs, National Night Out, and the Gang Resistance Education and Training (GREAT) Summer Program. There will also be many ongoing activities at the Juanita Pohl Center. Specialist Ludeman thanked all the summer recreation partners including: the Tualatin Crawfish Festival, Tualatin Heritage Center, Browns Ferry Park rentals, Willowbrook Arts Camp, Tigard-Tualatin Summer Lunch program, the YMCA, Skyhawks, and the Code to the Future Camps.

2. Family Justice Center Update

Hillsboro Police Chief Lee Dobrowolski, Board President, and Judy Willey, Board Member, of the Family Justice Center (FJC) of Washington presented an update on the formation of the center. Chief Dobrowolski stated the vision of the center is to provide a safe and welcoming place for victims of domestic violence. He provided data on domestic violence in Washington County. The goal is to open the center December 1, 2017. They have found a location centrally located in the county. Currently the FJC is working to execute their comprehensive communications plan and raise funds from local partners.

Mayor Ogden asked for more detail regarding funding. Chief Dobrowolski stated funding is currently coming from the Domestic Violence Resource Center in addition the County has provided a part-time project manager.

Mrs. Willey stated the FJC is asking for a three year commitment for funding from each of the cities in the county.

Councilor DeHaan asked how this type of service is being provided across the nation. Police Chief Dobrowolski stated it depends on the location and the population being served.

Councilor DeHaan asked how Clackamas County receives funding for their center. Chief Dobrowolski stated it is funded by Clackamas County Woman Services.

Mayor Ogden stated the remaining \$5,000 from the Outside Agency Grant funding may be an option as a starting point for a city contribution.

Council President Davis asked if the Domestic Violence Resource Center will be partnering with the FJC. Chief Dobrowolski stated their plan is to move their entire operation into the FJC building.

Councilor Morrison stated he would like to see the City program \$10,000 into the City budget outside of the agency grant funding.

MOTION by Council President Joelle Davis, SECONDED by Councilor Paul Morrison to allocate \$5,000 from the Outside Agency Funds to the Family Justice Center.

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

F. PUBLIC HEARINGS – Legislative or Other

1. Consideration of **Resolution No. 5322-17** Declaring the City's Election to Receive State Revenue Sharing Funds During Fiscal Year 2017-18

Finance Director Don Hudson presented a resolution declaring the city's election to receive state revenue sharing funds during fiscal year 2017-18. He explained the City receives money from the Oregon Liquor Commission for liquor tax revenues. In order to receive this funding the City must have levied property taxes in the prior fiscal year, passed a resolution approving participation in the program, and hold two public hearings on the use of state revenue sharing. The City is set to receive \$365,900 in funding. He noted the revenues are not restricted by the State and are used as a general fund revenue source.

PUBLIC COMMENT

None.

COUNCIL QUESTIONS/ DELIBERATIONS

None.

MOTION by Councilor Robert Kellogg, SECONDED by Councilor Jeff DeHaan to adopt Resolution No. 5322-17 declaring the City's election to receive state revenue sharing funds during Fiscal Year 2017-18.

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

G. PUBLIC HEARINGS – Quasi-Judicial

1. Plan Map Amendment 16-0001 to Change the Designation of 0.64 acres from General Commercial to High Density Residential Located at 6645 SW Nyberg Lane (former RV Park of Portland)

Planning Manager Aquilla Hurd-Ravich and Assistant Planner Erin Engman presented Plan Map Amendment (PMA) 16-0001, to change the designation of two tax lots totaling 0.64 acres from General Commercial to High Density Residential located at 6645 SW Nyberg Lane. Planner Engman stated staff reviewed the application and found the proposed PMA is consistent with the Tualatin Community Plan, State Goals, and Metro Urban Growth Functional Plan. Background on the current land configuration, land acquisition, and flood plain constraints were

reviewed. She noted the applicant contends the land is undevelopable due to the size, shape, and configuration. Planner Engman stated the proposal is consistent with the development code and existing development patterns in the area.

Mayor Ogden read from the City of Tualatin Land Use Book, ORS 197.763 and 197.796 Development Code.

The applicants representative Andrew Stamp and Campbell Clarey made themselves available to answer questions.

PUBLIC COMMENT

Linda Moholt spoke in support of the application.

COUNCIL QUESTIONS

Councilor Kellogg asked if the intent of the change is to place more housing on the property. Mr. Stamp stated the current plan is to use the land as the entrance into the development.

MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg to approve Plan Map Amendment 16-0001 to change the designation of 0.64 acres from General Commercial to High Density Residential located at 6645 SW Nyberg Lane (former RV Park of Portland).

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

H. GENERAL BUSINESS

If you wish to speak on a general business item please fill out a Speaker Request Form and you will be called forward during the appropriate item. The duration for each individual speaking is limited to 3 minutes. Matters requiring further investigation or detailed answers will be referred to City staff for follow-up and report at a future meeting.

1. Consideration of Ordinance No. 1401-17 Establishing a Core Area Parking District (CAPD) Tax Rate of \$155.34 for Fiscal Year 2017-18

Information Services Director Bates Russell and Maintenance Services Division Manager Clay Reynolds presented an ordinance to establish the Core Area Parking District (CAPD) tax rate for fiscal year 2017-18. Manager Reynolds stated the CAPD board has requested to keep the tax rate the same this year and re-evaluate the fees next year by looking at different funding mechanisms. He added that current tax rate generates enough revenue currently to maintain and operate the district.

Councilor Bubenik stated he understands the concerns presented by the board but he does not want to see the district fall behind financially.

Councilor Kellogg stated he attended the CAPD board meeting were they

extensively reviewed the budget. He stated the district can get by this year at the current tax rate but will have to re-evaluate next year.

Manager Reynolds added the district is still working through the ADA costs and staff will be looking at different funding mechanisms for the future.

MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg for first reading by title only.

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Frank Bubenik for second reading by title only.

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

MOTION by Council President Joelle Davis, SECONDED by Councilor Robert Kellogg to adopt Ordinance No. 1401-17 establishing a Core Area Parking District (CAPD) tax rate of \$155.34 for fiscal year 2017-18.

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

Other: Councilor Nancy Grimes (Absent)

MOTION CARRIED

I. COMMUNICATIONS FROM COUNCILORS

None.

J. ADJOURNMENT

Mayor Ogden adjourned the meeting at 8:47 p.m.

Sherilyn Lombos, City Manager

_____ / Nicole Morris, Recording Secretary

_____ / Lou Ogden, Mayor



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

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

DATE: 06/26/2017

SUBJECT: Consideration of **Resolution No. 5329-17** Authorizing the City Manager to Execute an Amendment of a Professional Services Contract with CH2M Hill Engineers, Inc. for Additional Services Associated with the C1/C2 Water Reservoirs

ISSUE BEFORE THE COUNCIL:

Contract amendment to include additional scope and update cost.

RECOMMENDATION:

Staff recommends that Council approve the resolution to allow the City Manager to amend CH2M Hill's contract.

EXECUTIVE SUMMARY:

The City entered into a contract with CH2M Hill for design services for the construction of C2 Reservoir and rehabilitation of C1 Reservoir in March 2014. C2 Reservoir construction is complete. The original plan for the C1 reservoir was to repaint the interior and exterior surfaces, install a handrail on the roof, and update sampling and mixing. When the reservoir was taken out of service to begin the project, a significant amount of corrosion of the roof beam was identified. Based on this condition, the work associated with the C1 Reservoir was stopped. Now it is time to amend the contract with CH2M Hill Engineers, Inc. to address the newly identified corrosion damage to the C1 Reservoir and design the repairs.

Due to the dollar amount of the requested amendment (over 10% of the original contract amount), City Council authorization is required to amend the contract.

FINANCIAL IMPLICATIONS:

Funds for this amendment of \$158,824 are available in the Water Operating Fund.

Attachments: Resolution 5329-17 Authorizing City Manager to Amend Contract
Updated Project Scope

RESOLUTION NO. 5329-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT OF A PROFESSIONAL SERVICES CONTRACT WITH CH2M HILL ENGINEERS, INC. FOR ADDITIONAL SERVICES.

WHEREAS, the City signed an agreement with CH2M Hill Engineers, Inc. for engineering design services for the C2/C1 Water Reservoir projects in March of 2014; and

WHEREAS, during preparation to begin work on C1 Reservoir, significant damage to the roof was discovered and work was suspended; and

WHEREAS, the Parties wish to enter into an amendment to the agreement to expand the scope of work to account for additional work needed to repair the roof and complete the coating project of C1; and

WHEREAS, funds are available for this project in the Water Operating Fund;

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

Section 1. The City Manager is authorized to execute an amendment to the existing agreement with CH2M Hill Engineers, Inc. in the amount of \$158,824.

Section 2. The City Manager or designee is authorized to execute Change Orders totaling up to 10% of the amended agreement price.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 26th Day of June, 2017.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder



CH2M HILL
2020 SW 4th Ave
3rd Floor
Portland, OR
97201
Tel 503.235.5000
Fax 503.736.2000

June 1, 2017

City of Tualatin
Mr. Jeff Fuchs, City Engineer
18880 SW Martinazzi Avenue
Tualatin, OR 97062

Subject: City of Tualatin C-2 Reservoir, Engineering Services Contract Amendment #1

Per your request, as the result of additional costs resulting from the delayed completion of the C-2 Reservoir, and for the changes necessary on the C-1 Reservoir once interior inspection was conducted, CH2M Hill Engineers, Inc. formally requests an adjustment to the contract fee for the Tualatin C-2 Reservoir, Engineering Services amount by adding on a billing rate basis with a Not-to-Exceed amount of \$158,824, resulting in a revised total contract amount of \$550,418. \$391,594 is original fee. This request is Amendment No. 1 to the existing Steel Tank C-2 Reservoir: Permitting Assistance, Design and Construction Services for the City of Tualatin Personal Services Agreement dated March 20, 2014.

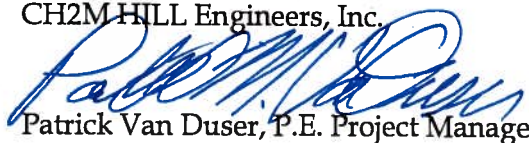
This request for additional funds relates to the additional professional services to support the City; associated with the construction oversight of the C-2 project and the contractor's late completion of the project. In addition, following the interior inspection of the C-1 reservoir relating to the corrosion and safety concerns, more extensive corrosion of the steel roof framing system requires additional engineering to be conducted for the design and construction solicitation for a new roof for the C-1 Reservoir.


In addition to the requested fee adjustment, we ask that the contract end date be extended from August 31, 2015 to June 30, 2018. This revision in contract end date allows us to assist the City through reconstruction of the roof on the C-1 reservoir.

Details concerning the work activities and fee request are included in the following pages. This detail provides identification of the work to be accomplished under this amendment, and the resulting fee limitation for these services.

We look forward toward your approval of the proposed Amendment No. 1 and should you have any questions concerning the information provided herein, please contact me at your earliest convenience.

Sincerely,
CH2M HILL Engineers, Inc.


Patrick Van Duser, P.E. Project Manager


Dave Simmons, Project Delivery Manager

Attachments - Amendment No. 1 Details

AMENDMENT NO. 1

Details

Requested Funding Activities Conducted Under Task 1 through Task 4

- None

Requested funding for Task 5 - Services During Construction

- Part Time Construction Manager
The construction schedule for the C-2 Reservoir project has extended beyond the duration anticipated. The City has requested CH2M to continue and maintain the part time Construction Manager services that have been provided. To continue these services through the end of the existing construction phase of the project (December 2016), additional funding is needed as identified in the table below. No changes to the original scope at this time, only additional funds to cover the extended construction schedule. The budget to perform Task 5 activities is \$37,949.

New Task 6 – C-1 Reservoir Preliminary Assessment

- C-1 Reservoir Preliminary Assessment
Task 6 is a new task related to corrosion concerns identified upon removal of the center roof vent of the C-1 Reservoir following commissioning of the C-2 Reservoir; allowing for the first full observation of the C-1 reservoir interior. The work to be performed includes a site visit to inspect the rafter connection to the center column and photo document the condition, development of a memo to document the findings of the site visit and outline options for a path forward for the repair of the C-1 Reservoir. This budget includes one meeting with the City to present the findings and discuss the possible options. The budget to perform Task 6 activities is \$6,300.

New Task 7 – Budgetary Cost Estimate for the repairs associated with the C-1 Reservoir

- C-1 Reservoir Repair Costs Estimate
Task 7 is a new task for the development of a preliminary construction cost estimate for the replacement of the roof system of the C-1 reservoir. The construction costs estimate will be a

Class 4 (AACE) Feasibility level cost estimate. In addition to the replacement of the roof, the replacement of the top ring of the reservoir will be included in the repairs to provide the City with a worst case budgetary number. The accuracy of a Class 4 estimate at this level is -30% to +50%. The budget to perform Task 7 is \$6,005.

New Task 8 – C-1 Reservoir Roof Replacement

- C-1 Reservoir Roof Replacement Design

Task 8 is a new task for the development of Contract Documents suitable for advertising the C-1 Reservoir Roof Replacement project for bid and services during construction. The contract documents will include demolition and replacement of the roof system on the C-1 reservoir, including the replacement of the rafters. An overall schedule of 10 months is assumed from condition assessment through construction final completion.

The first phase of this project is the development of the condition assessment memorandum. As part of this assessment, CH2M will utilize an ultrasonic thickness device to confirm the wall and roof thickness as well as the column and interior piping. Measurements will be taken in areas that are safely accessible, floor, roof and interior and exterior ladders. A recommendation on repairs will be included in the memorandum.

The second phase of this project is the development of plans and specs. The roof replacement design will be performance specified, allowing for contractors to develop their specific design for construction. All other repairs and improvements identified as part of the condition assessment will be designed by CH2M. The other repairs and improvements designed are the original improvements planned as part of the initial project: mixer installation, sample lines, and roof hand rail installation. In addition to these elements, a revision to the ladder security door will be included to make the exterior ladder access security cover match what was included on the C-2 reservoir. This revision will allow the existing concrete ring wall to function as the platform for the ladder.

Our formal but flexible phased design process will include a single deliverable document considered pre-final (90%). Due to the nature of the work, we believe a single deliverable will allow the City the opportunity to provide input and allow our quality assurance review input to the design and final bid documents. We propose to meet with City to obtain your review comments. We will provide updated construction cost estimates with our design deliverable.

CH2M will prepare construction documents suitable for public bidding. Construction documents will include design plans, City of Tualatin front ends, standard specifications, City of Tualatin Technical Specifications and special provisions, and CH2M specialty technical specifications. CH2M will also prepare specifications for the entire code-required "Statement of Special Inspection, Testing and Observation Plan" specific to steel tanks.

CH2M will assist the City of Tualatin in bidding the project. This will include preparation of bid documents in electronic form to allow the City to advertise and distribute the documents to bidders, facilitate a pre-bid meeting, and responding to questions, preparing up to one addenda and making recommendation for award. The City will be responsible for bid

advertisement, document distribution, obtaining a venue for the pre-bid meeting, notice of award, and contracting with the successful construction contractor.

CH2M will provide a construction manager to coordinate construction activities at a 25% full time equivalent allocation for the duration of active construction, which is expected to take 24 weeks, including repairs and recoating.

Per the International Building Code (IBC) a Structural engineer will be required to make observations at key elements of the project, ensure the project is constructed in accordance with the design intent. This is included in the scope of services.

Our office engineering will include reviewing and approving shop drawings, responding to contractor information requests (RFIs), preparing record drawings from contractor redlines, and assisting with project closeout.

The City will review, approve, and pay the construction contractor's monthly invoices. Special or materials inspection services required by the IBC will be contracted directly by the City of Tualatin.

The budget to perform Task 8 activities is: \$108,570.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/26/2017

SUBJECT: Consideration of **Resolution No. 5324-17** Amending Water, Sewer and Surface Water Management Rates Inside the City of Tualatin and Rescinding Resolution 5283-16

ISSUE BEFORE THE COUNCIL:

The City Council will consider setting water, sewer and surface water management rates for service performed after June 30, 2017. The FY 17/18 Budget was prepared assuming the rates for service would be set as proposed, including the split between a Regional Rate, set by Clean Water Services (CWS), and a Local Rate, set by the City of Tualatin for sewer and surface water rates.

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

EXECUTIVE SUMMARY:

Water rates are increasing as determined in the adopted Water Master Plan, with the consumption rate increasing from \$2.71 per 100 cubic ft. (CCF) to \$2.83 per CCF, the service charge increasing from \$3.85 per month to \$4.01 per month, and the facilities charge increasing per the schedule in Section 5 of the attached resolution.

The monthly regional base sewer rate would increase from \$22.94 per Dwelling Unit (DU) to \$23.67/DU and the monthly regional use charge would increase from \$1.52 per Hundred Cubic Feet (CCF) to \$1.56/CCF. The local base rate and use charge would increase from \$5.35/DU to \$5.51/DU and from \$0.3640/CCF to \$0.3750/CCF, respectively. The Sewer System Development Charge would increase from \$5,300 per Dwelling Unit (DU) or Equivalent Dwelling Unit (EDU) to \$5,500/DU or EDU.

The monthly regional surface water management rate would increase from \$1.94 per Equivalent Service Unit (ESU) to \$2.06/ESU and the local rate would increase from \$6.21/ESU to \$6.59/ESU. The Surface Water Management System Development Charge would increase from \$510 per Equivalent Service Unit (ESU) to \$530/ESU.

OUTCOMES OF DECISION:

Adoption of the attached resolution sets new rates effective July 1, 2017.

FINANCIAL IMPLICATIONS:

With the new rates, the average monthly Tualatin residential water, sewer and surface water management bill will increase from \$80.84 to \$83.89, an increase of \$3.05/month.

Attachments: Reso 17-18 Water, Sewer, Storm Rates

RESOLUTION NO. 5324-17

A RESOLUTION AMENDING WATER, SEWER AND SURFACE WATER
MANAGEMENT RATES INSIDE THE CITY OF TUALATIN AND
RESCINDING RESOLUTION 5283-16

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

Section 1. System Development Charges.

(a) The schedule for the Water System Development Charges as of February 1, 2017 is as follows:

Meter Size	Meter Unit Equivalent	System Development Charge*
5/8" x 3/4"	1	\$ 3,837
1"	2.5	\$ 9,590
1 1/2"	5	\$ 19,178
2"	8	\$ 30,506
3"	15	\$ 61,367
4"	25	\$ 95,887
6"	50	\$ 191,768
8"	80	\$ 306,832
* The SDC payment for a single-family residence will be based on the meter size required for domestic water service and irrigation service. If a larger meter is required only for residential fire sprinkler service, the higher fee will not be charged.		

(b) On February 1st of each year, the Water SDC fees shall automatically increase. The amount of increase shall be the change in Engineering News Record (ENR) Construction Cost Index (CCI) for Seattle, WA. This increase will not require further action by the City Council.

(c) The schedule for the Sewer System Development Charges, per Equivalent Dwelling Unit (EDU), as of July 1, 2017 is as follows:

	System Development Charge
Regional Rate	\$ 5,280.94
Local Rate	\$ 219.06

(d) The Surface Water Management System Development Charge will be increased to \$530 per Equivalent Service Unit (ESU).

Section 2. In Lieu Tax Payments. Where the City provides water service to properties outside of the City, which are not subject to bond taxes levied by the City for water system improvements, properties served by the City shall pay in lieu tax payment to the City as follows:

Annually within ninety (90) days after the true cash values are fixed by the tax assessing authority for those properties located outside of the City that are served by City water, the City will compute the "In Lieu Tax Payment" applying the City's tax rate for water system improvements for that year to the taxable value furnished to the City. Payment of the obligation of the "In Lieu Tax Payment" will be made to the City within thirty (30) days of the bill being presented from the City to the property receiving City water service.

Section 3. Service Line Installation Charges.

- (a) Prior to installation of the requested service line, the customer will make a deposit to the City based on an estimate of the actual costs plus 15%.
- (b) When the installation is completed, the customer will pay the balance or be refunded the amount of the deposit not used.

Section 4. Meter Installation Charges.

- (a) Deposits for installation of new water meters are as follows:

METER METHOD	
Meter Size (in inches)	Installation Charge
5/8 x 3/4, Drop-in meter	\$140
1, Drop-in meter	\$300
1½, Drop-in meter	\$540
2, Drop-in meter	\$790
3, drop-in meter	Cost plus 15%
4, drop-in meter	Cost plus 15%
6, drop-in meter	Cost plus 15%
8, drop-in meter	Cost plus 15%
10, drop-in meter	Cost plus 15%
12, drop-in meter	Cost plus 15%

- (b) Prior to the installation of the requested meter, the customer will make a deposit to the City based on an estimate of the actual cost. When

the installation is completed the customer will pay the balance, or be given a refund of the amount of deposit not used.

- (c) For Meters requiring a new or larger service line, please reference Section 3. (Service Line Installation) above.

Section 5. Monthly Rates.

- (a) The schedule of monthly water rates is amended as follows:

METER SIZE	FACILITIES CHARGE		SERVICE CHARGE	WATER CHARGE PER 100 CUBIC FT
	CLASS 1	CLASS 2		
5/8" x 3/4"	\$ 3.96	\$ 3.96	\$ 4.01	\$2.83
1"	\$ 9.96	\$ 9.96	\$ 4.01	\$2.83
1 1/2"	\$ 19.86	\$ 19.86	\$ 4.01	\$2.83
2"	\$ 31.74	\$ 31.74	\$ 4.01	\$2.83
3"	---	\$ 43.47	\$ 4.01	\$2.83
4"	---	\$ 74.43	\$ 4.01	\$2.83
6"	---	\$ 161.27	\$ 4.01	\$2.83
8"	---	\$ 310.20	\$ 4.01	\$2.83

The customer classes are:

Class 1: All single-residential dwellings, duplexes and triplexes; and

Class 2: All other services not included in Class 1.

- (b) The schedule of monthly sewer rates is amended as follows:

	BASE CHARGE (per Dwelling Unit, or EDU)	USE CHARGE Per CCF (hundred cubic feet), winter average
Regional Rate	\$ 23.67	\$ 1.5600
Local Rate	\$ 5.51	\$ 0.3750

- (c) The schedule of monthly surface water management rates is amended as follows, per ESU:

	BASE CHARGE
Regional Rate	\$ 2.06
Local Rate	\$ 6.59

Section 6. Water Wheeling Agreements. The Council may enter into water wheeling agreements with other jurisdictions. These agreements will contain specific water rates and charges for each individual agreement.

Section 7. Charges for Fire Protection Service. The monthly charges for standby fire protection service are as follows:

Service Size	Rate
4"	\$14.10
6"	\$30.50
8"	\$58.65
10"	\$93.85

Section 8. Miscellaneous Charges. The following charges are imposed for service restoration, service termination and for account delinquencies:

(1) Restoration Charge.

(a) Where service has been terminated for delinquent bills or other violations, the charge for restoration of service shall be \$30.00.

(b) Water shall only be restored between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

(2) Emergency Shut-Off or Turn-On. When requested by a customer, the City will perform emergency shut-off or turn-on service for the following fee:

(a) Between 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays - \$5.00.

(b) At any other time (subject to the availability of personnel) - \$10.00.

(3) Delinquency Notification Charge:

Whenever a utility account remains delinquent ten (10) days after the date of the mailed delinquent notice, a charge of \$10.00 may be assessed to the account to cover the costs of handling the delinquent account.

(4) Charge for restoring a meter that was removed by the City due to a violation of TMC 3-3-200:

When the City finds that one or more provisions of TMC 3-3-200 have been violated, the City may remove the meter and assess to the account a restoration charge of \$50.

Section 9. Hydrant and Bulk Water Usage Charges.

(a) The charge for the temporary use of hydrant meters, hydrant wrenches and valves, and temporary or bulk water is as follows:

ITEM	CHARGE
3" hydrant meter, wrench and valve deposit	\$1,400.00
¾" hydrant meter, wrench and valve deposit	\$1,000.00
Hydrant wrench and valve deposit permit fee	\$45.00
Bulk water permit fee	\$50.00 + water usage
Daily usage fee 3" hydrant meter	\$5.00
Daily usage fee ¾" hydrant meter	\$2.00
Water used (water charge per 100 cubic feet)	Current rate

(b) Water use from hydrant meters shall be for use within the city limits of Tualatin only.

(c) The bulk water permit will expire at the end of six months and the permit holder will be billed for the water used at the current rate per 100 cubic feet.

Section 10. Resolution 5283-16 is rescinded effective July 1, 2017.

Section 11. Effective Date. The effective date of this resolution is July 1, 2017, for service after June 30, 2017.

INTRODUCED AND ADOPTED this 26th day of June 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM:

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/26/2017

SUBJECT: Consideration of Resolution No. 5323-17 Authorizing Changes to the Adopted 2016-2017 Budget

ISSUE BEFORE THE COUNCIL:

Whether or not to approve changes to the adopted 2016–2017 budget.

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

EXECUTIVE SUMMARY:

Occasionally, it becomes necessary after the budget is adopted to make changes for occurrences unforeseen when the budget was adopted. Oregon Revised Statutes (ORS) 294.471 dictates the process for a supplemental budget when an occurrence or condition which had not been ascertained at the time of the preparation of the current budget requires a change in financial planning.

During FY 2016-2017, there were instances that were not anticipated when the budget was adopted in June 2016. The first requires an appropriation transfer, allowed under ORS 294.463, for the Road Operating Fund Personnel Services category. During the winter of 2016/2017, Tualatin experienced multiple snow and ice events, requiring the street crew to work a number of additional overtime hours to keep the streets plowed. There are sufficient contingency dollars available in the Road Operating Fund to allow for the appropriation transfer from contingency to cover the additional overtime expenditures.

Second, we received higher than projected Sewer System Development Charges (SDC) revenue during the fiscal year, which requires 96% of the SDC revenue be passed through to Clean Water Services (CWS). Also, due to the timing of when we receive the SDC revenue and when we forward it to CWS, we began the year with a higher beginning fund balance than we projected (a large amount of revenue was received in June, but not passed through to CWS until July). Also, in the Sewer Operating Fund, we received higher than budgeted revenue for the regional sewer base and usage rates that are also passed through to CWS. These additional revenues require an increase in our revenue budget, as well as an expenditure increase in the line item used to pay CWS. Appropriation of pass-through

revenues is authorized under ORS 294.466 and allows for increases to the budget by Council Resolution.

The last two adjustments found in Exhibit A are for expenditures related to the Mobile Makerspace project in the Library. At the time the budget was adopted, staff was still working with the ABC Team to determine how the project was to proceed. The Library has incurred additional expenditures for this project; we have received reimbursement from the ABC grant award from the Tualatin Chamber of Commerce and they are using an additional unanticipated allotment from the Washington County Cooperative Library System to purchase materials and equipment to help continue the program into the future. The increased expenditures are offset by the additional revenues received.

All proposed changes to the adopted budget are included in Exhibit A, attached to the Resolution that follows.

FINANCIAL IMPLICATIONS:

The net effect in each fund is zero, as the resolution transfers existing appropriations from one account to another or are self-funded with off-setting increases in revenue.

Attachments: Resolution No. 5323-17

RESOLUTION NO. 5323-17

RESOLUTION AUTHORIZING CHANGES TO THE ADOPTED 2016 - 2017
BUDGET

WHEREAS after the budget process for the 2016-2017 fiscal year was completed, an occurrence or condition arose which had not been ascertained at the time of the budget preparation; and

WHEREAS in order to lawfully comply with the requirements of Local Budget Law, increases in budgeted resources and requirements are necessary; and

WHEREAS Oregon Revised Statutes (ORS) 294.471 allows for the preparation and adoption of a supplemental budget.

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

Section 1. The City Council wishes to comply with Local Budget Law, and authorize spending of additional resources; and

Section 2. Increased resources and requirements should be made as detailed in Exhibit A to this Resolution.

INTRODUCED AND ADOPTED this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM:

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

**City of Tualatin
Fiscal Year 2016 - 2017
Budget Changes, June 2017**

Existing Appropriation Transfer:

<u>To</u>		<u>Amount</u>	<u>From</u>		<u>Amount</u>	<u>Notes</u>
Road Operating Fund Overtime	217-50-55-51004	\$ 4,000	Contingency	217-50-55-61000	\$ 4,000	Snow and Ice Events - Winter 2016/2017

Appropriation of Increased Revenues:

<u>Increase - Revenue</u>		<u>Amount</u>	<u>Increase - Expenditure</u>		<u>Amount</u>	<u>Notes</u>
Sewer Development Fund						
Beginning Fund Balance	533-00-00-40000	\$ 96,850	System Development Charges - CWS	533-50-54-54502	\$ 381,870	Pass Through Portion to CWS
System Development Charges	533-00-00-44430	\$ 285,020				
Sewer Operating Fund						
User Charge - CWS Base	513-00-00-44440	\$ 92,400	User Charges - CWS	513-50-54-54504	\$ 132,000	Pass Through Portion to CWS
User Charge - CWS Usage	513-00-00-44441	\$ 39,600				
General Fund						
Misc Grants - Library	100-00-00-43114	\$ 53,100	Temporary Salaries	100-40-41-51003	\$ 24,050	Increased Costs for Mobile Makerspace
Library Revenue - Washington County	100-00-00-43801	\$ 17,250	Office Supplies	100-40-41-53001	\$ 6,000	
			Office Equip/Furniture	100-40-41-54104	\$ 950	
			Library Tech - Public	100-40-41-54108	\$ 21,000	
			Special Programs	100-40-41-54652	\$ 17,250	
			Administrative Expenses	100-40-41-55208	\$ 1,100	



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder
Stacy Ruthrauff, Human Resources Director

DATE: 06/26/2017

SUBJECT: Consideration of **Resolution No. 5332-17** Authorizing Salary Schedule Update for Temporary Employees for FY 2017/18

ISSUE BEFORE THE COUNCIL:

Enacted by the 2016 Oregon Legislature, Senate Bill 1532 establishes a series of annual minimum wage rate increases beginning July 1, 2016 through July 1, 2022. See the chart below for applicable rates for the City of Tualatin. Beginning July 1, 2023, the minimum wage rate will be indexed to inflation based on the Consumer Price Index (CPI), a figure published by the United States Bureau of Labor Statistics. In order for the City of Tualatin to comply with these increases, we must adjust the salary for a couple of classification on the Temporary Employees Schedule B salary schedule (Attached).

Date	Portland Metro
January 1, 2016	\$9.25
July 1, 2016	\$9.75
July 1, 2017	\$11.25
July 1, 2018	\$12.00
July 1, 2019	\$12.50
July 1, 2020	\$13.25
July 1, 2021	\$14.00
July 1, 2022	\$14.75
July 1, 2023	\$1.25 over the standard minimum wage

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

Attachments: Temp Schedule B
Resolution

**TEMPORARY EMPLOYEES - SCHEDULE B
 FY 2017/18 SALARY SCHEDULE
 EFFECTIVE 7/01/2017**

Grade	TITLE	RATE	REGULAR WAGE FY 17/18
U1	TEMP LIBRARY PAGE	Hourly	11.25
U5	TEMP RECREATION LEADER I TEMP RECREATION AIDE	Hourly	11.40
U9	TEMP HOMEWORK LEADER TEMP LIBRARY SENIOR PAGE TEMP FILE CLERK TEMP OPS MAINT WORKER	Hourly	13.44
U10	TEMP INTERN TEMP PARK RANGER TEMP RECREATION LEADER II	Hourly	14.14
U12	TEMP YOUTH LEADER	Hourly	15.73
U14	TEMP SR YOUTH LEADER	Hourly	16.90
U16	TEMP TECHNOLOGY SPEC	Hourly	19.38
U30	TEMP REC. COUNSELOR I	Hourly	33.65
J1	JUDGE	Hourly	100.00

RESOLUTION NO. 5332-17

A RESOLUTION AUTHORIZING A SALARY SCHEDULE UPDATE FOR TEMPORARY EMPLOYEES THAT ARE BELOW THE SET MINIMUM WAGE FOR FISCAL YEAR 2017-18.

WHEREAS, the Oregon Legislature, Senate Bill 1532 established a series of annual minimum wage rate increases; and

WHEREAS, the City of Tualatin is located within the urban growth boundary and needs to comply with the standard set forth for the Portland Metro Area; and

WHEREAS, the Council of the City of Tualatin is the authority in setting the compensation and benefits for City employees; and

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

Effective July 1, 2017, the Salary Schedules for Temporary employees shall be updated as provided in the attached Salary Schedule for Temporary Employees – Schedule B.

Adopted by the City Council this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder
Stacy Ruthrauff, Human Resources Director

DATE: 06/26/2017

SUBJECT: Consideration of **Resolution No. 5331-17** Approving and Authorizing Provision of Workers Compensation Insurance Coverage to Volunteers of the City of Tualatin

ISSUE BEFORE THE COUNCIL:

RECOMMENDATION:

Staff recommends adopting the attached Resolution.

Attachments: Addendum A - CIS WC Resolution Form
Resolution Volunteer WC 2017-18



City of Tualatin Volunteer Resolution

Resolution No.: 5331-17

Effective Date: 07/01/2017

A resolution extending workers' compensation coverage to volunteers of the City of Tualatin in which the City of Tualatin elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteers listed in this resolution, noted on CIS payroll schedule, and verified at audit:

1. Public Safety Volunteers

Applicable X Non-applicable _____

An assumed monthly wage of **\$800 per month** will be used for public safety volunteers in the following volunteer positions (check all that apply):

- Police reserve
- Search and rescue
- Firefighter
- Emergency medical personnel
- Ambulance drivers
- Other *[List specifically by title]*

2. Volunteer boards, commissions, and councils for the performance of administrative duties.

Applicable X Non-applicable _____

a. An aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission, or council for the performance of administrative duties. The covered bodies are (list each body):

- a. Tualatin City Council
- b. Tualatin Planning Commission
- c. Tualatin Budget Advisory Committee
- d. Tualatin Urban Renewal Advisory Committee
- e. Tualatin Architectural Review Board
- f. Tualatin Library Advisory Committee



- g. Tualatin Parks Advisory Committee
- h. Tualatin Arts Advisory Committee
- i. Tualatin Tomorrow Advisory Committee
- j. Juanita Pohl Center Advisory Committee

3. Manual labor by elected officials.

Applicable _____ **Non-applicable** _____

An assumed monthly wage of \$800 per month will be used for public officials for the performance of non-administrative duties other than those covered in paragraph 2 above

List duties *[appropriate classification code will be applied by underwriting]*

4. Non-public safety volunteers

Applicable X **Non-applicable** _____

All non-public safety volunteers listed below will track their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code according to the type of volunteer work being performed. (List specific non-public safety volunteers below)

- X Parks and recreation
- X Senior center
- X Public works
- X Library
- X Juanita Pohl Center
- X Operations
- X Police
- X Community Development
- X Finance
- X Administration
- X Legal
- X Information Services

5. Public Events

Applicable X **Non-applicable** _____

Volunteers at the following public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation: (List specific events)

- a. MLK Make it a Day On
- b. Arbor Week

- c. Blender Dash
- d. Art Splash
- e. West Coast Giant Pumpkin Regatta
- f. Tualatin Youth Advisory Council Haunted House
- g. Starry Nights and Holiday Lights

6. Community Service Volunteers/Inmates

Applicable _____ Non-applicable X

Pursuant to ORS 656.041, workers' compensation coverage will be provided to community service volunteers commuting their sentences by performing work authorized by [ENTITY NAME].

Oregon minimum wage tracked hourly will be used for both premium and benefit calculations, verifiable by providing a copy of the roster and/or sentencing agreement from the court.

7. Other Volunteers

Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that the City of Tualatin:

- a. Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage
- b. CIS approves the coverage and date of coverage
- c. CIS provides written confirmation of coverage

The City of Tualatin agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service, and hours of service and make them available at the time of a claim or audit to verify coverage.

Now, therefore, be it resolved by the City Council of the City of Tualatin, Oregon to provide workers' compensation coverage as indicated above.

Adopted by the **City of Tualatin and the City Council** this 26 day of June, 2017.

Signature of Authorized Representative	Printed Name	Title
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Attest by _____ this _____ day of _____, 20____.
Printed Name

Signature	Title
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RESOLUTION NO. 5331-17

RESOLUTION APPROVING AND AUTHORIZING THE PROVISION
OF WORKERS' COMPENSATION INSURANCE COVERAGE TO
VOLUNTEERS OF THE CITY OF TUALATIN AND REPEALING
RESOLUTION NO. 5279-16

WHEREAS an assumed monthly wage of \$800 per month will be used for public safety volunteers; and

WHEREAS an aggregate assumed annual wage of \$2,500 will be used per volunteer board, commission and/or council for the performance of administrative duties; and

WHEREAS an assumed monthly wage of \$800 per month will be used for public officials for the performance of volunteer non-administrative, manual labor duties other than those covered under the administrative duties above; and

WHEREAS non-public safety volunteers will track their hours and the Oregon minimum wage will serve as the assumed wage for both premium and worker's compensation benefit calculations. Citycounty Insurance Services (CIS) will assign the appropriate classification code according to the type of volunteer work being performed; and

WHEREAS volunteers at public events will be covered under workers' compensation coverage using verified hourly Oregon minimum wage as basis for premium and/or benefit calculation; and

WHEREAS Volunteer exposures not addressed here will have workers' compensation coverage if, prior to the onset of the work provided that the City of Tualatin a) Provides at least two weeks' advance written notice to CIS underwriting requesting the coverage, b) CIS approves the coverage and date of coverage, and c) CIS provides written confirmation of coverage; and

WHEREAS the City of Tualatin agrees to maintain verifiable rosters for all volunteers including volunteer name, date of service and hours of service and make them available at the time of a claim or audit to verify coverage.

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

Section 1. Pursuant to ORS 656.031, the City of Tualatin will provide workers' compensation coverage for the Policy Year 2017-2018 to the classes of volunteer

workers listed in this resolution and in Addendum A listing volunteer assignments, noted on CIS payroll schedule and verified at audit, which is attached and incorporated herein.

Section 2. This resolution is effective upon adoption and repeals Resolution No. 5279-16, dated June 27, 2016.

INTRODUCED AND ADOPTED this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/26/2017

SUBJECT: Consideration of **Resolution No. 5326-17** Adopting the City of Tualatin Budget for the Fiscal Year Commencing July 1, 2017, Making Appropriations, Levying Ad-Valorem Taxes, and Categorizing the Levies

ISSUE BEFORE THE COUNCIL:

Adoption of the Fiscal Year 2017–2018 Budget, after conducting a public hearing to consider public input on the Fiscal Year 2017–2018 Budget. The City of Tualatin Budget Advisory Committee approved the proposed budget on May 30, 2017. The total of the Fiscal Year 2017-2018 Budget is \$92,126,740 as approved by the Budget Advisory Committee and amended by the City Council.

The tax rate for general government would be approved at \$2.2665 per \$1,000 taxable assessed value, with \$978,950 to be levied for bonded debt. The bond levy is excluded from limitation for local government operations.

Oregon State law requires the City Council adopt a budget prior to July 1, 2017.

RECOMMENDATION:

Staff recommends adoption of the attached resolution, which includes the Budget Committee Approved Fiscal Year 2017-2018 Budget.

EXECUTIVE SUMMARY:

The City of Tualatin budget is made up of 16 funds, divided among five different categories: General Fund, Special Revenue Funds, Debt Service Funds, Capital Projects Funds and Enterprise Funds. Urban Renewal Funds are presented in the Tualatin Development Commission budget, which will be heard in a separate public hearing later this evening.

The General Fund is the primary operating fund of the City and supports general government services. Special Revenue Funds account for the proceeds of specific revenue sources that are legally restricted to expenditure for specific purposes, including the Building Fund, street funds, as well as miscellaneous funds such as Core Area Parking and the Tualatin Science and Technology Scholarship Fund. Debt Service Funds record revenues and expenditures for our general obligation bond debt, water system bonded debt and a loan for the Operations

Warehouse Facility. Capital Project Funds record capital projects that are funded from restricted funds, such as system development charges funds. The Enterprise Funds include all funds related to the following systems: Water, Sewer and Storm Drain. These funds account for the infrastructure systems covering water, sewer and storm drain and their revenues are derived from sources that are specifically earmarked, or restricted for these specific purposes.

The City is once again presenting a fiscally prudent budget. City staff continues to provide the services our residents desire, at the levels they have come to enjoy and expect from the City, in a financially responsible way. The City budget is seeing an increase in operating costs due to increases in PERS, as well as existing contractual obligations, though the City departments did an outstanding job holding their budgets tight while addressing the increases that were out of the City's control. While maintaining quality service levels, the fiscal year 2017-2018 budget includes funding for technology replacements, pavement maintenance, increased street sweeping and catch basin cleaning, as well as capital projects identified in the City's Capital Improvement Plan and utility master plans. Other additions to the budget are continued programming for the Mobile Makerspace program in the Library, an additional Police Officer and a Community Engagement Coordinator to assist with outreach, diversity and inclusion efforts. These new positions are primarily funded through savings identified in the Police Department and from savings due to the elimination of the printed City newsletter. Overall, the City's expenditure budget is once again a financially stable budget.

The City's total revenues for Fiscal Year 2017-2018 continue to be stable, with increases in our property tax revenues due to development that has occurred throughout the City over the past two years. Continued development will provide for projected assessed value growth for the coming fiscal year. Given the economic environment of the past few years, the City is pleased with a stable revenue stream that continues to allow for prudent financial management.

In addition to the budget approved by the budget committee, the City Council has the ability to change the approved budget in each fund by no more than 10% of the total budget. Typical changes that the Council may make are related to unanticipated lags in completion of projects, or delays in receiving budgeted products or services, that necessitate adjustments to future year budget(s). The proposed changes to the 2017-2018 budget approved by the Budget Advisory Committee are related to projects in the General Fund and Water Operating and Development Funds that were not completed during FY 2016-2017, as originally planned. In the General Fund, the Library Technology Replacement project was delayed due to a need to redesign the servers and additional training is needed prior to the redesign. The remaining \$13,520 in the project budget is being carried over into FY 2017-2018. Also in the General Fund, the Tualatin Visual Chronicles program was not completed in Community Services and some space modifications in the Library were unable to be completed by the end of the FY 16/17 fiscal year. \$4,000 was added to the Community Services Approved Budget and \$12,800 in the Library. In the Water Operating and Development Funds, staff recently received the scope and fee for amending the design of planned repairs to the C1 and C2 Reservoirs. Since the amendment to the contract won't be completed until after July 1st, a portion of the project costs that were originally planned to be spent when the budget was developed, will now need to be carried forward into the next fiscal year. In addition, the estimates for this work have increased. Therefore, we are proposing an increase in the Water Operating Fund Capital Outlay category of \$160,000. Since a portion of the C2 Reservoir project is SDC-eligible, an additional \$18,000 is proposed to be transferred from the Water Development Fund to the Water Operating Fund. Lastly, after the last Budget Committee meeting, we were officially notified of a grant award from the Metro Area Communications Commission for a fiber project, in the amount of \$39,950. This amount has been added to the Information Services budget.

The last set of changes proposed are increases to the Contingency line items in the General Fund, Water Operating Fund, Building Fund, Storm Drain Operating Fund, Road Operating Fund and the Core Area Parking District Fund. The offset to these increases are in the reserve accounts in each fund. This action is to set the contingency amounts at the appropriate levels, per our contingency policy, due to the increased expenditures approved by the Budget Committee on May 30th, as well as the changes proposed this evening.

For more detailed information, the City's Proposed 2017-2018 Budget can be found at <http://www.tualatinoregon.gov/finance/proposed-fy-20172018-budget>. The final adopted budget document will be posted to the website in early July.

OUTCOMES OF DECISION:

By adopting the budget before July 1st, the City will be able to operate, expend money and incur liabilities for fiscal year 2017-2018.

Attachments: [Resolution No. 5326-17](#)

RESOLUTION NO. 5326-17

A RESOLUTION ADOPTING THE CITY OF TUALATIN'S BUDGET FOR THE FISCAL YEAR COMMENCING JULY 1, 2017, MAKING APPROPRIATIONS, LEVYING AD VALOREM TAXES, AND CATEGORIZING THE LEVIES

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

Section 1. The City Council of the City of Tualatin hereby adopts the Budget as approved by the Budget Committee and adjusted by the Council. The total sum of the budget is \$92,126,740 (including \$17,664,790 of unappropriated fund balance and reserves) and is now on file at the City Offices.

Section 2. The amounts for the fiscal year beginning July 1, 2017, and for the purposes shown below, are hereby appropriated as follows:

GENERAL FUND

City Council	\$	138,435	
Administration	\$	1,133,410	
Finance	\$	1,070,735	
Legal Services	\$	332,810	
Municipal Court	\$	410,855	
Planning	\$	811,795	
Engineering	\$	1,270,465	
Information Systems	\$	1,536,290	
Police	\$	7,739,710	
Public Works Administration	\$	517,995	
Fleet	\$	476,680	
Building Maintenance	\$	979,735	
Parks Maintenance	\$	1,492,920	
Community Services	\$	1,202,760	
Library	\$	2,241,875	
Non-Departmental	\$	1,022,555	
Contingency	\$	<u>3,356,850</u>	
Total GENERAL FUND Appropriations			\$ 25,735,875
Reserves	\$	2,571,700	
Unappropriated	\$	<u>3,679,425</u>	
Total GENERAL FUND			<u><u>\$ 31,987,000</u></u>

BUILDING FUND

Personal Services	\$	769,970	
Material & Services	\$	119,500	
Capital Outlay	\$	33,000	
Transfers	\$	373,740	
Contingency	\$	194,430	
		<hr/>	
Total BUILDING FUND Appropriations			\$ 1,490,640
Reserves	\$	1,553,710	
		<hr/>	
Total BUILDING FUND			<u>\$ 3,044,350</u>

WATER FUND

Personal Services	\$	636,675	
Material & Services	\$	3,208,735	
Capital Outlay	\$	2,506,250	
Transfers	\$	2,183,730	
Contingency	\$	1,280,310	
		<hr/>	
Total WATER FUND Appropriations			\$ 9,815,700
Reserves	\$	4,167,065	
		<hr/>	
Total WATER FUND			<u>\$ 13,982,765</u>

SEWER FUND

Personal Services	\$	343,365	
Material & Services	\$	6,468,770	
Capital Outlay	\$	200,000	
Transfers	\$	1,066,655	
Contingency	\$	1,211,820	
		<hr/>	
Total SEWER FUND Appropriations			\$ 9,290,610
Reserves	\$	1,824,350	
		<hr/>	
Total SEWER FUND			<u>\$ 11,114,960</u>

STORM DRAIN FUND

Material & Services	\$	1,317,590	
Capital Outlay	\$	240,000	
Transfers	\$	856,690	
Contingency	\$	<u>362,140</u>	
Total STORM DRAIN FUND Appropriations			\$ 2,776,420
Reserves	\$	<u>2,733,130</u>	
Total STORM DRAIN FUND			<u>\$ 5,509,550</u>

ROAD UTILITY FEE FUND

Material & Services	\$	1,220,330	
Transfers	\$	298,060	
Contingency	\$	<u>-</u>	
Total ROAD UTILITY FEE FUND Appropriations			\$ 1,518,390
Reserves	\$	<u>5,780</u>	
Total ROAD UTILITY FEE FUND			<u>\$ 1,524,170</u>

ROAD OPERATING FUND

Personal Services	\$	288,380	
Material & Services	\$	879,870	
Capital Outlay	\$	2,148,000	
Transfers	\$	684,450	
Contingency	\$	<u>600,110</u>	
Total ROAD OPERATING FUND Appropriations			\$ 4,600,810
Reserves	\$	<u>425,940</u>	
Total ROAD OPERATING FUND			<u>\$ 5,026,750</u>

CORE AREA PARKING DISTRICT FUND

Material & Services	\$	25,700	
Capital Outlay	\$	37,000	
Transfers	\$	29,330	
Contingency	\$	<u>13,800</u>	
Total CORE AREA PKG DIST FUND Appropriations			\$ 105,830
Reserves	\$	<u>109,525</u>	
Total CORE AREA PARKING DISTRICT FUND			<u>\$ 215,355</u>

TUALATIN SCIENCE AND TECHNOLOGY SCHOLARSHIP FUND

Material & Services	\$	<u>500</u>	
Total TUALATIN SCHOLARSHIP FUND Appropriations			\$ 500
Reserves	\$	<u>50,825</u>	
Total TUALATIN SCHOLARSHIP FUND			<u>\$ 51,325</u>

GENERAL OBLIGATION BOND FUND

Debt Service	\$	<u>963,410</u>	
Total GO BOND DEBT FUND Appropriations			\$ 963,410
Reserves	\$	<u>53,090</u>	
Total GO BOND DEBT FUND			<u>\$ 1,016,500</u>

ENTERPRISE BOND FUND

Material & Services	\$	750	
Debt Service	\$	<u>637,515</u>	
Total ENTERPRISE BOND FUND Appropriations			\$ 638,265
Reserves	\$	<u>490,250</u>	
Total ENTERPRISE BOND FUND			<u>\$ 1,128,515</u>

WATER DEVELOPMENT FUND

Capital Outlay	\$	-	
Transfers	\$	480,040	
Contingency	\$	722,560	
		<hr/>	
Total WATER DEV FUND Appropriations			<u>\$ 1,202,600</u>

SEWER DEVELOPMENT FUND

Material & Services	\$	576,000	
Capital Outlay	\$	50,000	
Transfers	\$	13,170	
Contingency	\$	3,871,810	
		<hr/>	
Total SEWER DEV FUND Appropriations			<u>\$ 4,510,980</u>

STORM DRAIN DEVELOPMENT FUND

Capital Outlay	\$	275,000	
Transfers	\$	8,550	
Contingency	\$	351,370	
		<hr/>	
Total STORM DRAIN DEV FUND Appropriations			<u>\$ 634,920</u>

PARK DEVELOPMENT FUND

Material & Services	\$	32,000	
Capital Outlay	\$	3,136,300	
Transfers	\$	42,200	
		<hr/>	
Total PARK DEV FUND Appropriations			<u>\$ 3,210,500</u>

TRANSPORTATION DEVELOPMENT TAX FUND

Transfers	\$	890,000	
Contingency	\$	7,076,500	
		<hr/>	
Total TRANSPORT DEV TAX FUND Appropriations			<u>\$ 7,966,500</u>

TOTAL APPROPRIATED ALL FUNDS \$ 74,461,950

TOTAL RESERVES \$ 13,985,365

TOTAL UNAPPROPRIATED ALL FUNDS \$ 3,679,425

TOTAL BUDGET \$ 92,126,740

Section 3. The City Council of the City of Tualatin hereby imposes the taxes provided for in the adopted budget at the rate of \$2.2665 per \$1,000 assessed value for operations and in the amount of \$978,950 for bonds; and that these taxes are hereby imposed and categorized for tax year 2017-18 upon the assessed value of all taxable property within the district.

General Government Limitation
General Fund...\$2.2665/\$1,000

Excluded from Limitation
Debt Service Fund...\$978,950

Section 4. The Finance Director shall certify to the County Assessors of Washington County and Clackamas County, Oregon, the tax levy made by this resolution; and file with the County Clerks a true copy of the Budget as finally adopted.

INTRODUCED AND ADOPTED this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM:

ATTEST:

BY _____
City Attorney

BY _____
City Recorder



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Sean Brady, City Attorney

DATE: 06/26/2017

SUBJECT: Consideration of **Ordinance No. 1400-17** Amending Plan Map 9-1 to Change the Planning District Designations of Two Tax Lots Located at 6645 SW Nyberg Lane from General Commercial (CG) To High Density Residential (RH) (PMA-16-0001)

ISSUE BEFORE THE COUNCIL:

Consideration of Ordinance No. 1400-17 Amending Plan Map 9-1 to Change the Planning District Designations of Two Tax Lots Located at 6645 SW Nyberg Lane from General Commercial (CG) To High Density Residential (RH) (PMA-16-0001).

RECOMMENDATION:

Staff recommends Council consider Ordinance No. 1400-17.

EXECUTIVE SUMMARY:

On June 12, 2017, the City Council held a quasi-judicial public hearing to consider a Plan Map Amendment (PMA-16-0001) for two tax lots located at 6645 SW Nyberg Lane. The applicant proposed to change the planning district designations for these tax lots from General Commercial (CG) to High Density Residential (RH). The Council considered the information and evidence presented by the applicant, City staff, and those appearing at the hearing. At the conclusion of the hearing, Council voted unanimously to approve PMA-16-0001 and directed staff to return with an ordinance to implement Plan Map Amendment (PMA-16-0001). Ordinance 1400-17 amends Tualatin Plan Map 9-1 to implement the Plan Map Amendment (PMA-16-0001).

Attachments: Ord 1400-17-Amend Plan Map RH
Ex 1 - Map Ord 1400-17
Ex 2 - Findings Ord 1400-17

ORDINANCE NO. 1400-17

AN ORDINANCE AMENDING PLAN MAP 9-1 TO CHANGE THE PLANNING DISTRICT DESIGNATIONS OF TWO TAX LOTS LOCATED AT 6645 SW NYBERG LANE FROM GENERAL COMMERCIAL (CG) TO HIGH DENSITY RESIDENTIAL (RH) (PMA-16-0001)

WHEREAS, Nyberg Road Property, LLC filed an application for a Plan Map Amendment to amend Tualatin Plan Map 9-1 to change the planning district designations of two tax lots located at 6645 SW Nyberg Lane from General Commercial (GC) to High Density Residential (RH); and

WHEREAS, the City provided notice of PMA-16-0001 to the Oregon Department of Land Conservation and Development as provided under ORS 197.610; and

WHEREAS, notice of public hearing was given as required by Tualatin Development Code 1.031; and

WHEREAS, a public hearing was held before the Council on May 18, 2017, and the Council heard and considered the testimony and evidence presented by the applicant, City staff, and those appearing at the public hearing; and

WHEREAS, after the conclusion of the public hearing, the Council voted to approve the Plan Map Amendment.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Community Plan Map 9-1 is amended as set forth in Exhibit 1, which is attached and incorporated by reference, to change the planning district designations of two tax lots located at 6645 SW Nyberg Lane from General Commercial (CG) to High Density Residential (RH).

Section 2. The Council adopts as its findings the Analysis and Findings set forth in Exhibit 2, which is attached and incorporated by reference.

Section 3. Severability. Each section of this ordinance, and any part thereof is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

Adopted by the City Council this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST

BY _____
City Attorney

BY _____
City Recorder

Proposed Planning Districts

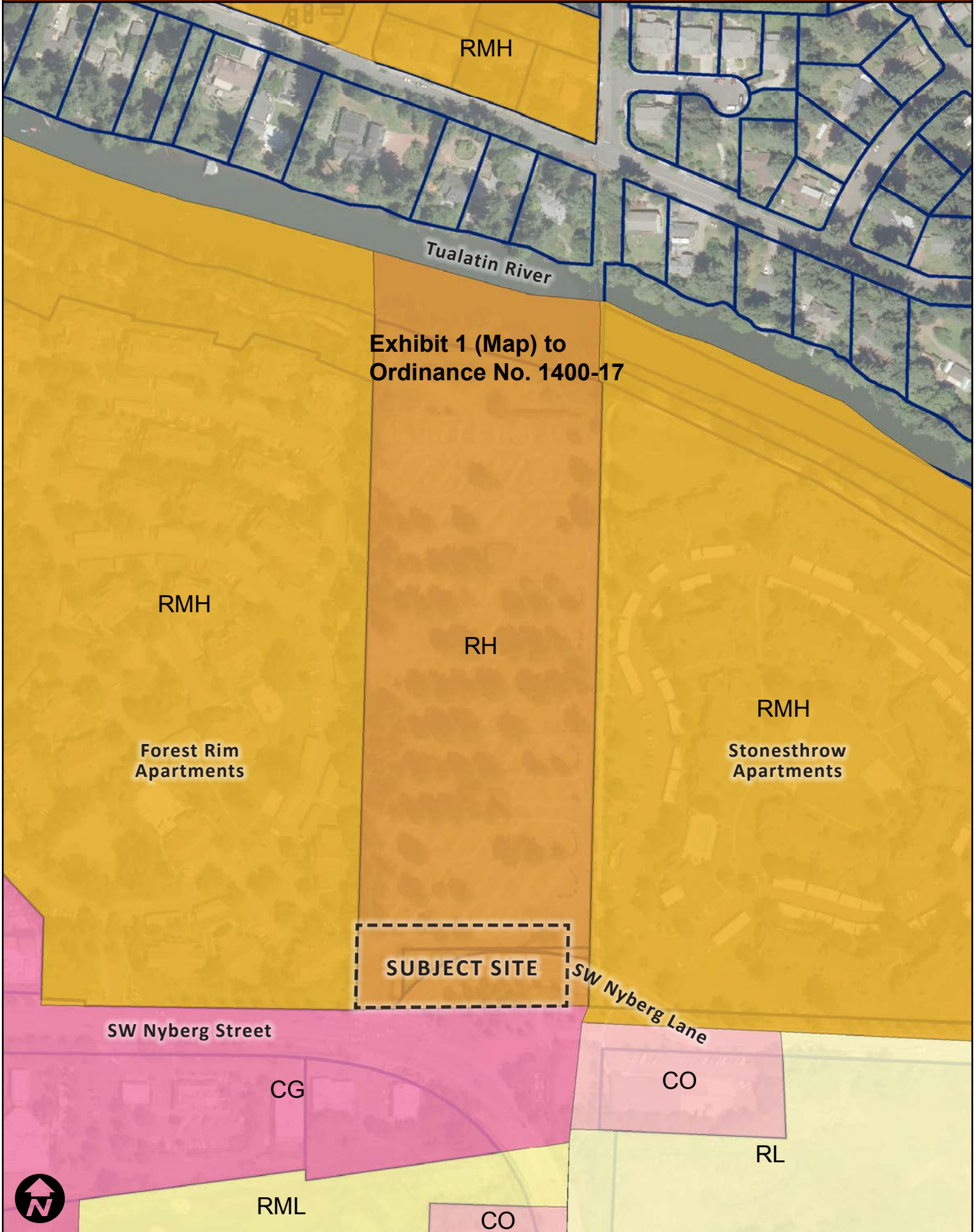


EXHIBIT 2

Ordinance No. 1400-17

PMA 16-0001 Attachment 102: ANALYSIS AND FINDINGS

Proposal

The City has received an application requesting a Plan Map Amendment changing the planning designation of tax lot 2S1 24A 2600 and a portion of tax lot 2601 from General Commercial (CG) to High Density Residential (RH). Tax lot 2600 is approximately 0.1 acres and tax lot 2601 is approximately 10.85 acres. Together tax lots 2600 and 2601 form one legal lot under single ownership with an area of 10.95 acres. The majority of this property is zoned Residential High Density (RH) (10.31 acres or 94%) and the southernmost 50 ft (eastern boundary) to 137.95 ft (western boundary) is zoned General Commercial (CG) (0.64 acres or 6%). This current configuration was established through PMA-94-04.

The subject site has been historically used as an RV park, but the business closed in 2012. The property has set vacant since that time. The current owner of the site is proposing to construct high-density residential housing in a future and separate land use application.

The approval criteria of the Tualatin Development Code (TDC), Section 1.032, must be met if the proposed PMA is to be granted. The plan amendment criteria are addressed below:

1. Granting the amendment is in the public interest.

Applicant Response: Please see Attachment 103 for full response.

In this case, the public interest standard is met. When the land was originally zoned General Commercial, it was part of a larger tract of land that enjoyed frontage on a busy street. The original intent was to allow a commercial business to take advantage of the busy street. The original intent was to allow a commercial business to take advantage of the high visibility offered by this street frontage. Examples of this development pattern can be seen on the southern frontage of SW Nyberg Street, which features a diverse group of mostly auto-oriented businesses, such as fast food restaurants, a 7-11, a car wash, gas stations, an oil change business, and commercial businesses such as a furniture store, dog rescue shelter animal hospital, and strip mall. However when the City determined that a portion of the subject property was need for traffic safety improvements, it took a portion of the commercially-zoned land for public use, presumably using its power of eminent domain. At the time, there was apparently no consideration given to the continued viability of the remainder portion of the property. Of course, at the time the intersection improvements were made, the commercially-zoned portion of the property was used for boat and vehicle storage which was accessory to a RV Park. For this reason, it was likely not considered a pressing concern. However, now that the RV Park is no longer operational, the continued viability of the remainder of the commercially-zoned portion of TL 2600 and 2601 is a critical use.

Certainly, there is an insufficient amount of commercially-zoned land remaining to support any viable stand-alone commercial enterprise, particularly an auto-oriented use that would benefit from its proximity to a high-visibility street. In fact, the land's size, shape, and close proximity to this busy intersection makes it unsuitable for supporting a stand-alone auto-oriented commercial use due to site circulation issues and limitations on access. Furthermore, since the vast majority of TL 2601 is zoned Residential High Density (RH), the highest and best use of this small sliver of commercial land is to use it in conjunction with the residentially-zoned land to the South, similar to the lands directly to the east and west of the subject property.

Staff Response: The general purpose of the Tualatin Community Plan (TDC Section 2.020) is to guide the physical development of the City so as to preserve the natural beauty of the area while accommodating economic growth. Specifically, the Plan is intended to define locations for both private and public land uses and to arrange these uses in a manner that reduces conflicts and provides convenient movement between individual land uses. The Plan is also intended to provide for diverse living and working environments of the highest quality. Staff considers the purpose of the Plan an appropriate measure in protecting the public interest.

It is additionally in the public interest to respond to an applicant's proposal for a Plan Map Amendment that will lead to subsequent land use actions to permit new development and redevelopment of property that is currently vacant and underutilized. Two tax lots (2600 and 2601) which total 10.95 acres are the subject of this amendment and currently stand vacant and underutilized. The applicant is requesting that 0.64 acres of General Commercial (CG) district land be amended to High Density Residential (RH), making the subject site entirely RH land. The applicant ultimately seeks to develop this property for a multifamily residential use, which is complimentary to uses described in Plan Map Area 5 (TDC Section 9.035) "Located east of the Interstate 5 Freeway, this area is primarily designated for low density residential uses, but contains substantial multi-family and commercial use north of Sagert Street and west of SW 65th Avenue."

The currently planning district configuration was established through PMA94-04 and Ordinance No. 918-94. The PMA94-04 application was submitted by Mr. Robert Johnson of Great Northwest Management Company to change TL 2601 and 2600 from Medium High Density Residential (RMH) to High Density Residential (RH), Medium High Density Residential (RMH) to General Commercial (CG), and General Commercial (CG) to High Density Residential (RH). It appears that tax lots were not amended to reflect the planning district change.

The applicant additionally mentions the Nyberg Street / SW 65th Avenue, and Nyberg Lane intersection improvement project and its impact to the subject CG land. This project was identified in the City of Tualatin's 2001 Transportation System Plan. In 2003, the City of Tualatin acquired a portion of tax lot 2600 for the Nyberg Lane improvement by Dedication Easement #2003-88103. This project was constructed in 2004 with SDC funds to improve the safety and operations of the existing intersection and included the completion of a sidewalk system along Nyberg Street. City Council, staff, and/or the property owner did not initiate a plan map amendment update as part of road improvement in 2004; therefore the planning district configuration was not changed.

The applicant states that the subject land in General Commercial district is constrained by "size, shape, and close proximity to a busy intersection making it unsuitable for supporting a stand-alone auto-oriented commercial use due to site circulation issues and limitations to access." The applicant further states that access from Nyberg Road to the subject site has a queue length of approximately 110 ft or five or six cars, making it unsuitable for an auto-oriented commercial use. They also note that convenience store, gas station, fast food, and coffee shop uses already exist in close proximity to the site. For this reason, they would like to amend the Plan Map to recognize the entirety of the legal lot as High Density Residential.

Staff finds that the General Commercial planning district (CG) is described in TDC Section 6.040(5) as providing "areas suitable for a full range of commercial uses, including those uses that are inappropriate for neighborhood, office or central commercial areas. This district is particularly suitable for automobile/service-oriented businesses, located along the freeway and major arterials. This District is suitable for mixed commercial and residential uses through the Mixed Use Commercial Overlay District on the Durham Quarry Site and in the Durham Quarry Area."

The subject site is located adjacent to neighborhood developments to the east and west and a Minor Collector to the south. Additionally the site is not located in a Mixed Use Commercial Overlay district. For these reasons, staff finds that the subject CG district land is not maximized to uses described in the Tualatin Community Plan. Further the request to amend 0.64 acres to RH land would increase residential development opportunities up to 11 dwelling units. It is in the public's interest to grant the amendment so that the site may better align with the Tualatin Community Plan, with the future potential to be developed with high density housing options.

Granting the amendment is in the public interest. Criterion "1" is met.

2. The public interest is best protected by granting the amendment at this time.

Applicant Response: Please see Attachment 103 for full response.

There is no reason to retain a commercial zoning designation on a sliver of land that cannot reasonably support any viable commercial land use activities. In most cases where the timing of a plan amendment is an issue, the timing issue relates to the inability of the local government to provide adequate levels of urban services to the property. In this case, there is no reason to believe that this change, which would facilitate infill development, should not occur at this time due to a lack of available public facilities or services. The change will have a *de minimis* impact, if any, on existing public facilities and services.

In addition, the proposed change facilitates redevelopment of the existing CG zoned portion of the overall 10.95 acre tract. The proposed change to Residential High Density is consistent with the 10.34 acre portion of the overall tract and is compatible with the adjacent RM zoning to the west and east. *(Staff finds that this sentence should state "The proposed change to Residential High Density is consistent with the 10.34 acre portion of the overall lot and is compatible with the adjacent RMH zoning to the west and east." Tracts are defined as non buildable units of land in the TDC.)*

Rezoning this land will increase the likelihood that the site will not remain vacant. Once residential units are built on the property, the property will generate more property tax revenue for the City. Multi-family residential development requires the payment of a Parks SDC, which is not required for commercial development.

Staff Response: *Staff finds that this amendment is timely, because a future proposal to develop this site is unlikely under current conditions. The applicant states that the 0.64 CG land is severely constrained and not suitable to commercial development. The applicant believes the one-way access into and out of the site is a primary deterrent to commercial, particularly retail, development. Adding additional dwelling units to this area is seen as viable, due to existing development patterns, transportation capabilities, public recreation opportunities, and proximity to commercial development.*

Staff additionally finds that there are sufficient public facilities to serve this site, and the amendment of 0.64 acres to RH district land.

The public interest is best protected by granting the amendment at this time. Criterion "2" is met.

3. The proposed amendment is in conformity with the applicable objectives of the Tualatin Community Plan.

Applicant Response: Please see Attachment 103 for full response.

Staff has paraphrased the findings below for brevity.

Chapter 4 Community Growth Section 4.040 General Growth Assumptions:

To begin the composition of a planning map, certain assumptions must be made, based on available data. The following are the general growth assumptions used to develop this Plan, based on the data generated in the Phase I - Technical Memoranda:

(1) The approximate proportion of residential land to commercial and industrial land should be 60 percent residential and 40 percent commercial and industrial.

Staff Response: Staff finds that there is currently 49 percent residential land to 51 percent commercial and industrial land. The amendment of 0.64 acres of land from CG to RH will support the residential percentage.

Chapter 4 Community Growth Section 4.050 Objectives:

(4) Provide a plan that will create an environment for the orderly and efficient transition from rural to urban land uses.

Applicant Response: The majority of the subject tract is zoned RH.

Staff Response: Staff finds that the proposal matches the Neighborhood Planning Area No. 5 approach outlined for the area in Section 9.035 of the Tualatin Community Plan. As described in the plan "this area contains substantial multi-family use north of Sagert Street and west of SW 65th Avenue." By expanding the RH designation to the southern end of the subject site, the proposed plan change will maintain the transition to urban land uses and higher density housing will be maintained.

(6) Arrange the various land uses so as to minimize land use conflicts and maximize the use of public facilities as growth occurs.

Applicant Response: As noted above, the proposed RH zoning is compatible with surrounding land uses. These include adjacent lands with the RMH residential zoning designations, as well as the nearby commercial land that includes retail establishments that will benefit from additional nearby residential customers. The eventual development on the subject property will also be compatible with the adjacent Tualatin River to the north by virtue of the vegetated corridor that be required by the Tualatin Development Code and Clean Water Services, which preserves open space along the river and a buffer between development and the river.

(9) Prepare a plan providing a variety of living and working environments.

(15) Arrange the various land uses in a manner that is energy efficient.

Applicant Response: The commercially-zoned portion of the property presents an impediment to the functional development of the site. The proposal will allow the applicant to better integrate the property for an appealing living environment that is close to employment, transportation, and retail. The development of multi-family in areas so close to potential destinations is an energy efficient arrangement of development. The proximity of the property to transit services also encourages transportation alternatives to the automobile. The proposed residential environment will also be unique to its location along the Tualatin River. Multi-family residential development along the river will increase the number of people who can enjoy this community asset while buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that any development of the site does not affect the ecological health of the river.

Chapter 5 Residential Planning Growth Section 5.030 General Objectives:

- (1) Provide for the housing needs of existing and future City residents.**
- (2) Provide housing opportunities for residents with varied income levels and tastes that are esthetically and functionally compatible with the existing community housing stock.**

Applicant Response: The proposal will create additional residential land in an appealing area ideal for multi-family residential development. This addition will serve existing and future City residents. The multi-family residential development of this property will provide opportunities for individuals and families to live in a high quality area with the river as a positive amenity all while being in close proximity to the employment, services, and transportation. Such residential development will provide housing opportunity for a broad spectrum of income levels, particularly as an alternative to home ownership in a traditional, single-family residential setting (e.g. a residential subdivision).

- (4) Locate higher density development where it is convenient to the City's commercial core, near schools, adjacent to arterial and collector streets and, as much as possible, in areas with existing multi-family housing and provide residential opportunities in selected commercial areas through the Mixed Use Commercial Overlay District.**

Applicant Response: The proposed additional RH land is adjacent to an arterial street which is close to transit service (Tri-Met Route 96 is 1/5 of a mile away). *Staff notes that this sentence should state "The proposed additional RH land has access to an arterial street and is located 0.2 miles away from [transit service](#) (TriMet Route 76 Stop ID 3867)." It is adjacent to land designated RMH, is near to existing multifamily housing, and has immediate access to commercial areas. It is served by the Bridgeport Elementary School, Hazelbrook Middle School, and Tualatin High School. All of these factors make the property ideal for higher density residential development. This conclusion is consistent with Section 9.035 of the Tualatin Community Plan that states that Area No. 5 "contains substantial multi-family and commercial use north of Sagert Street and west of SW 65th Avenue."*

Chapter 10 Community Design Section 10.020 Design Objectives:

- (1) Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.**
- (3) Promote the City's natural beauty and visual character and charm by insuring that structures and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the esthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures and other improvements.**

Applicant Response: Any development of the property will be required to go through the City's design review process (Architectural Review) to ensure appealing and functional development of the site. Additionally, buffer areas required by the Tualatin Development Code will ensure that any development of the site does not affect the ecological health of the river and will ensure that the design of the site will leverage and enhance this unique community asset.

Chapter 11 Transportation Section 11.610 Goals and Objectives:

- (2)(b) Provide efficient and quick travel between points A and B.**
- (2)(c) Provide connectivity within the City between popular destinations and residential areas.**
- (2)(e) Reduce trip length and potential travel times for motor vehicles, freight, transit, bicycles, and pedestrians.**
- (2)(f) Improve comfort and convenience of travel for all modes including bicycles, pedestrians, and transit users.**
- (2)(g) Increase access to key destinations for all modes.**

Applicant Response: The property has excellent access to transportation resources and is in close proximity to employment and services. This makes the subject property ideal for multi-family residential development by making short travel times and trip lengths between destinations. Such proximity also creates more favorable conditions for the use of nearby transit service (located 0.2 miles southbound) and other alternative modes of transportation. Development of the subject property will also facilitate construction of an important link in the City's pedestrian path along the Tualatin River.

Chapter 15 Parks and Recreation Section 15.020 Objectives

(5) Preserve the scenic value of the Tualatin River by creating a greenway along the entire bank of the River within the City.

Applicant Response: The change in the plan designation will not affect the preservation of the greenway along the Tualatin River. Buffer areas required by the Tualatin Development Code and Clean Water Services will ensure that a greenway is maintained.

Staff finds that the proposed amendment conforms with the objectives of the Tualatin Community Plan. Criterion "3" is met.

4. The following factors were consciously considered:

Applicant Response: Please see Attachment A for full response to each criterion below.

Staff has paraphrased the findings below for brevity.

The various characteristics of the areas in the City:

Applicant Response: The area immediately adjacent to the subject site consists of medium-density residential (apartments) and general commercial uses. As previously noted, the vast majority of the subject site is zoned high density residential, which is consistent and compatible with the adjacent properties. Due to the realignment process of SW Nyberg Lane, the commercial zoned remnant portion of the subject site is no longer developable as commercial use.

Overall the proposed RH plan designation will match well with the adjacent residential uses in the area and will offer the benefit of new customers and employees to the businesses in the area.

Staff Response: Staff finds that the applicant is referring to medium-high density residential district land that is located to the east and west of the site. General commercial uses are located on SW Nyberg Road, south of the subject site. The Tualatin River is located to the north.

The suitability of the areas for particular land uses and improvements in the areas:

Applicant Response: Rezoning the land in question for multi-family residential development is fully compatible and consistent with the existing adjacent multifamily and commercial uses.

Staff Response: Section 9.035 of the Tualatin Community Plan states that "this area contains substantial multi-family use north of Sagert Street and west of SW 65th Avenue." Staff finds that amending the plan designation from CG to RH is fully compatible and consistent with adjacent multifamily developments. The majority of the subject site (94%) is currently designated RH. The land also has good access to employment centers via the I-5 corridor (0.4 mile away).

Trends in land improvement and development:

Applicant Response: The demand for additional multifamily housing units within Tualatin and the entire tri-county area is very high. A future application proposing multifamily development would

help address a market demand for housing.

Property values:

Applicant Response: The proposed redevelopment of the previously existing RV Park of Portland to multi-family housing will allow additional investment in the area which will increase property values of the subject property as well as its neighbors. As previously described, the RH designation is compatible with the zoning and development pattern in the area. Additionally, the development will provide customers for nearby retail and a more significant employee base for area office and manufacturing businesses. This will increase the value of these nearby commercial uses, and will enhance adjacent property values and will be an asset to the community.

Staff Response: *Staff finds that the subject property has remained vacant since 2012. The requested change will enable significant investment in Neighborhood Planning Area 5.*

The needs of economic enterprises and the future development of the area:

Applicant Response: The proposed multifamily housing will enhance the local economic demographic and will bring additional residents and revenue into the local economy and adjacent existing and future businesses. The additional residents will enhance the overall local economic community. Concentrations of residents are a pre-requisite to successful economic development in most areas of a city. The vitality and spending from residents on the subject property will have a greater, positive impact on local economy than the subject property's continued vacancy under its current commercial planning designations.

Needed right-of-way and access for and to particular sites in the area:

Applicant Response: The existing SW Nyberg Street, SW Nyberg Lane, and SW 65th Avenues were redeveloped in 2004 to provide better access to the local area. The proposed plan map amendment from the General Commercial to High Density Residential will reduce the overall trip generation and is effectively a "down zone" which will result in fewer daily trips. The existing right-of-way and proposed access to the subject site were adequate for high-density residential development.

Staff Response: *Staff notes that the Technical Memorandum provided by Lancaster Engineering, dated August 15, 2016 [Attachment 103] summarizes that the change in planning district will result in a net decrease of site trips and will not result in the need for additional traffic mitigation.*

Natural resources of the City and the protection and conservation of said resources; and Prospective requirements for the development of natural resources in the City:

Applicant Response: The portion of the overall site subject to the proposed plan map amendment does not contain any recognized natural areas and therefore this factor is not applicable.

Staff Response: *Staff notes that the overall property is adjacent to the Tualatin River which is an important community resource. The change in the plan designation will not affect the preservation of the Tualatin River. An architectural review of the multi-family residential development will analyze and address the river corridor.*

The public need for healthful, safe, aesthetic surroundings and conditions.

Applicant Response: The proposed plan change will allow the development of the currently vacant site into a vibrant residential development. A portion of the site will remain undeveloped and

enhanced due to the Tualatin River buffering requirements. This will create a pleasant experience for residents and the public who will have the benefit of the natural area along the river as well as excellent access to nearby employment, retail, and services.

Proof of change in a neighborhood or area; and Mistake in the Plan Text or Plan Map.

Applicant Response: The proposed plan map amendment is not motivated by any perceived change but is more appropriately characterized as a “mapping error” resulting from the roadway realignments.

Staff Response: *The current planning district configuration was established through PMA94-04 and Ordinance No. 918-94. The PMA94-04 application was submitted by Mr. Robert Johnson of Great Northwest Management Company to change TL 2601 and 2600 from Medium High Density Residential (RMH) to High Density Residential (RH), Medium High Density Residential (RMH) to General Commercial (CG), and General Commercial (CG) to High Density Residential (RH). It appears that tax lots were not amended to reflect the planning district change, resulting in remnants of General Commercial on a portion of a tax lot.*

The applicant additionally mentions the Nyberg Street / SW 65th Avenue, and Nyberg Lane intersection improvement project and its impact to the subject CG land. This project was identified in the City of Tualatin’s 2001 Transportation System Plan. In 2003, the City of Tualatin acquired a portion of tax lot 2600 for the Nyberg Lane improvement by Dedication Easement #2003-88103. This project was constructed in 2004 with SDC funds to improve the safety and operations of the existing intersection and included the completion of a sidewalk system along Nyberg Street. City Council, staff, and/or the property owner did not initiate a plan map amendment update as part of road improvement in 2004; therefore the planning district configuration was not changed.

Staff recognizes that the CG site is constrained and that a residential designation would be a more appropriate designation for the residential neighborhood area.

Staff notes that the applicant sufficiently addressed the factors in this Criterion. Criterion “4” is met.

5. The criteria in the Tigard-Tualatin School District Facility Plan for school facility capacity have been considered when evaluating applications for a comprehensive plan amendment or for a residential land use regulation amendment.

Applicant Response: In this case, there is no need to resort to the formula set forth above. Converting 0.64 acres of land from CG to RH would not have a measurable impact on school capacity.

Staff Response: *Staff has notified the Tigard-Tualatin School District about the proposal and has requested their comments. The school district map indicates that the property is located within the Bridgeport Elementary, Hazelbrook Middle, and Tualatin High School boundaries. The School District has indicated that sufficient capacity is available in their memo included as Attachment 107.*

Criterion “5” is met.

6. Granting the amendment is consistent with the applicable State of Oregon Planning Goals and applicable Oregon Administrative Rules, including compliance with the Transportation Planning Rule TPR (OAR 660-012-0060).

The applicant has provided a response to Goals 1-14 and determined that Goals 15-19 are not applicable. Staff concurs with the applicant determination.

Goal 1 Citizen Involvement

Applicant Response: The intent of Goal 1 is to ensure that citizens have meaningful opportunities to participate in land use planning decisions. Citizen involvement is always applicable to both quasi-judicial and legislative land use applications. The City's Development Code includes citizen involvement procedures with which the review of this application will comply. This process allows for citizens to communicate their input into application review conducted by the City at public hearings or by submitting written comments. This process has been acknowledged as being in compliance with Goal 1.

The applicant held a neighborhood meeting. The site has been posted with the neighborhood information and notices were mailed to all affected neighbors within 1,000 ft of the subject site. This application will be reviewed by staff, the Planning Commission, and the City Council. At least two public hearings will be conducted with the notice and opportunity to be heard presented, as required by the TDC.

Staff Response: *This request is following all citizen involvement requirements of the plan amendment process. This includes the holding of a neighborhood meeting and sending notices to neighbors.*

The Tualatin Planning Commission reviews all Plan Amendments and makes recommendations to the City Council regarding adoption. Tualatin Municipal Code 11-1-060 (4) states that the Tualatin Planning Commission "[s]erves as the City of Tualatin Commission for Citizen Involvement" in accordance with Goal 1 Citizen Involvement.

Goal 2 Land Use Planning

Applicant Response: Goal 2 requires all incorporated cities to establish and maintain comprehensive land use plans and implementing ordinances. It also requires cities to coordinate with other affected government entities in legislative land use processes. The purpose of Goal 2 is "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

The Tualatin Development Code is acknowledged to be in compliance with the Statewide Planning Goals and associated guidelines. Goal 2's coordination obligation will be met because the applicant and city shall seek public comment from any affected unit of government, including METRO and any special district whose boundaries overlap with the site.

Goal 3 Agricultural Lands

Applicant Response: Goal 3 is no longer applicable once land is included in an Urban Growth Boundary: OAR 660-024-0020(b). The land under review is within the City's jurisdictional limits, is anticipated to be redeveloped at an urban scale, and no identified agricultural lands are listed on site.

Goal 4 Forest Lands

Applicant Response: The subject property does not contain forest land; therefore Goal 4 does not apply to this land. The Goal is also not applicable since the land is anticipated to be redeveloped at an urban scale.

Staff Response: *Staff notes that Goal 4 is no longer applicable once land is included in an Urban Growth Boundary: OAR 660-024-0020(b). Buffer areas are also required by the Tualatin Development Code which will ensure that any development of the property will not affect the*

forest.

Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces

Applicant Response: There are no identified Goal 5 resources on or near the portion of site which is proposed for rezoning from CG to RH. The northern portion of the tract is located within the Tualatin River Greenway. The portion of the subject property at issue is not designated as an open space, scenic, or historic area and has no Goal 5 natural resources to protect. There are no natural resources located on the subject property at issue.

Staff Response: Staff notes that the overall site is adjacent to the Tualatin River which is an important natural, scenic, and open space resource. The City has identified the greenway adjacent to the river as a significant forest resource. The change in the plan designation will not affect the preservation of the River or the forest resource adjacent to the river. Buffer areas are required by the Tualatin Development Code which will ensure that any development of the property will not affect the ecological or aesthetic value of the River or the forest. There are also no historic areas on the subject property.

Goal 6 Air, Water and Land Resources Quality

Applicant Response: The site is currently zoned for commercial use and is proposed to be zoned for residential use. Residential uses are generally considered to have less impact on air, water and land resources than commercial uses. Any development applications submitted in the future will create additional impervious surfaces which will increase storm water effluent unless those impacts are mitigated. However, it is reasonable and likely that engineering solutions exist which can successfully mitigate those impacts, and therefore, compliance with this goal can be deferred to future development proposals.

Staff Response: Staff notes the change in the plan designation will have no effect on air, water, and land resources quality or federal, state and, city regulations. Future land use applications will be reviewed to federal, state, and city standards.

Goal 7 Areas Subject to Natural Hazards

Applicant Response: The portion of the subject tract at issue is basically flat and devoid of natural hazards. There are no identified landslide areas on the subject property. The northern portion of the subject property has been identified by FEMA as being a Special Flood Hazard Area (i.e. is within the 100-year floodplain).

Staff Response: Staff notes that a portion of the subject property is located in the 100 year floodplain. Development of these areas is subject to existing rules and regulations that will not be modified by the proposed plan designation change.



Goal 8 Recreational Needs

Applicant Response: Goal 8 requires government organizations with responsibilities for providing recreational facilities plan for meeting the recreational needs of the community. The City of Tualatin has adopted a Parks and Recreation Master Plan (1983) that implements this Goal.

The site is presently zoned CG and is proposed to be zoned RH. The site has not been planned for recreational use. The requested plan map amendment will not result in a reduction of land planned or reserved for recreational use.

Staff Response: Staff notes that the change in plan designation will enable development of the site and will provide a greater connection with and utilization of Tualatin River. Buffer areas are required by the Tualatin Development Code which will ensure that the greenway along the river and the river itself will be maintained as a recreational resource.

Goal 9 Economic Development

Applicant Response: The Goal is applicable to commercial and industrial lands. In this case, the commercial land was rendered unusable when a portion was taken for public right-of-way use. The remainder is of an insufficient size to support commercial activities. Any effect on the City's supply of commercial land is *deminimus*.

Staff Response: The subject property is 0.64 acres in size and has remained vacant for five years. This portion of land was bisected by an improvement project that was identified in the City of Tualatin's 2001 Transportation System Plan as the Nyberg Street / SW 65th Avenue, and Nyberg Lane intersection improvement. In 2003, the City of Tualatin acquired a portion of tax lot 2600 for the Nyberg Lane improvement by Dedication Easement #2003-88103.

The Plan Map Amendment would have a negligible impact on the City's commercial land resources. The requested change will enable significant investment north of SW Nyberg. Additionally, the development will provide customers for nearby retail and a more significant employee base for nearby office and manufacturing businesses.

Goal 10 Housing

Applicant Response: The site is currently zoned CG. The proposed zoning map amendment to RH would create small amount of additional buildable land for needed housing.

Staff Response: The Metropolitan Housing rule, OAR 660-007 is intended to establish residential density and mix standards to measure Goal 10 Housing compliance for cities and counties. Per OAR

660-007-0030 the City is to designate buildable land to provide an opportunity for at least 50 percent of new residential units as attached single family housing or multiple family housing. Staff has referred to 2015 Census data on housing estimates to establish total housing units provided in the table below. The total built housing estimate provides an indication of the City's current housing make-up. The amendment would add 0.45 acres of buildable land to the RH zoning district. Right of way and floodplain land were deducted from the 0.64 gross acreage of the subject site to make this determination. TDC 43.015 permits a maximum of 25 dwelling units per net acre; therefore subject site has the potential to add 11 multifamily units. This would result in a positive increase in multifamily units and would support the housing mix standard.

2015 Tualatin Total Housing Unit Estimate		
Type	Estimate	Percentage
Attached Single-Family/ Multifamily	5,011	44.9%
Detached Single-Family	6,155	55.1%

Per OAR 660-007-0035(2) the City of Tualatin is required to provide a net density of eight dwelling units per acre (8 du/ac). The City is currently in the draft stage of identifying its buildable land inventory. As part of the effort, the City is in the process of drafting language to define Net Buildable Acres. The analysis below represents gross acreage of land designated residential minus: present and future right-of-ways, restricted resource protection areas, slopes greater than 25%, public institutions, cemeteries, and restricted hazard areas. As shown, the proposed Plan Map Amendment would provide opportunities to provide a density of up to 8.4 dwelling units per net buildable acre.

DRAFT 2017 Buildable Land Inventory						
	RL	RML	RMH	RH	RH/HR	Total
Gross Acreage	2213.4	277.24	190.91	165.89	17.8	2865.24
Buildable Acreage	1195.23	188.33	118.04	78.42	0.6	1580.62
<i>PMA 16-01 Buildable Acreage</i>				0.45		0.45
Total Net Buildable Acres	1195.23	188.33	118.04	78.87	0.6	1581.07
<i>Maximum Density Allowed</i>	6.4	10	15	25	30	
Total Dwelling Units Allowed	7649.47	1883.3	1770.6	1971.75	18	13293.1
<i>Dwelling Units / Acre</i>						8.4

Goal 11 Public Facilities and Services

Applicant Response: The subject property is inside the City of Tualatin Urban Growth Boundary and has access to nearby public facilities and services. The applicant has met with City and Clean Water Services staff, and as reviewed below all relevant service providers have indicated that sufficient capacity exists to serve the site with the proposed plan designation.

Sanitary Sewer – The site is located within the Clean Water Services (CWS) Service Boundary. There is an existing 8-inch sanitary sewer main located in an easement located on the east property line. *Staff notes that this line traverses the north end of the site, as well.*

Storm Drainage (surface water management) – The site is located within the CWS Service Boundary. Storm drainage improvements required for development of the subject property will include the installation of a new outfall to the Tualatin River. Storm water quality treatment will be provided in accordance with CWS standards and potentially consist of water quality swales, low impact development approaches (LIDA), mechanical treatment, or a combination thereof. Storm water detention is not required due to the site proximity to the Tualatin River.

Staff notes that there is a 12” storm main with 10” lateral located on the SW corner of the site, near SW Nyberg Lane.

Potable Water – There is an existing City of Tualatin 8-inch potable water main in Nyberg Lane along the site frontage. Potable water service is available to the site by connecting to the existing main.

Staff Response: A Memorandum from the Engineering Division dated March 31, 2017 [Attachment 106] provides an analysis of Transportation Facility, Sanitary Sewer, Stormwater, and Water. The analysis is also included below.

Sanitary Sewer, Stormwater, & Water

Downstream sizing for all public utilities will need to be evaluated by the developer for the change from current zoning compared to the RH zoning with any associated future proposed redevelopment within an Architectural Review land use application. Any upsizing will be a requirement in the Architectural Review land use decision.

Public sanitary sewer lines exist within the development area to the west and north. Stormwater would need to be treated and released to the Tualatin River or to City lines within SW Nyberg Lane. Water laterals exist to the development at the southwest and southeast. The applicant will need to determine the location of water treatment, detention, and connections to the public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

Goal 12 Transportation

Applicant Response: This Goal requires the City to prepare and implement a Transportation System Plan (TSP). The City of Tualatin completed a TSP update in 2013 and assumed that this site would be developed under the City’s current CG zoning designation. The proposal to change the subject property from CG to RH is not expected to have a significant effect on the local transportation facilities. The proposal will not change the functional classifications of the adjacent roadways. No development is proposed concurrent with this zone change request.

Staff Response: Staff notes that the City of Tualatin TSP was updated in February of 2014. Traffic impacts to the City’s transportation system will be reduced through the proposed amendment to RH. See enclosed Memorandum from Lancaster engineering, dated August 15, 2016 [Attachment 103].

A Memorandum from the Engineering Division dated March 31, 2017 [Attachment 106] provides an analysis of Transportation and addresses OAR 660-012-0060 the State’s Transportation Planning Rule. The analysis is also included below.

As demonstrated by the analyses and findings presented in the study, the proposed land use action is not expected to “significantly affect” any existing or planned transportation facility and is, therefore, expected to be in compliance with the State’s Transportation Planning Rule.

The scenarios generate the following traffic:

<u>Scenario</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Total</u>
Existing Zoning <i>Fast Food Restaurant Analysis</i>	81	56	868
Proposed Zoning <i>Apartments Analysis(12 units)</i>	6	7	80
Change	-75	-49	-788

This plan map amendment will reduce the AM and PM Peak traffic from the currently allowed uses, which would not increase the Level-of-Service at nearby intersections.

ODOT responded on March 27, 2017 that they have no issues with the zone change.

Goal 13 Energy Conservation

Applicant Response: LUBA and the Courts have never given any regulatory effects to this Goal. Despite this, the rezoning of land from CG to RH will result in more efficient urban form, which should have at least a marginal effect on energy efficiency. The site is located immediately adjacent to other residential land. The proposed zoning map amendment would permit development in accordance with the Comprehensive Plan, with the potential to create an energy efficient land use pattern within the City limits of Tualatin.

Staff Response: Staff notes that a map amendment will lead to subsequent land use actions to permit new development and redevelopment of property that is currently vacant and underutilized. The amendment will additionally permit increased densities in an area with access to a high capacity transportation corridor (Nyberg Street, I-5). As such, the proposed plan change should result in more efficient energy usage.

Goal 14 Urbanization

Applicant Response: The subject property is already located within the City limits, and has been planned for urban land use. Goal 14 does not apply.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

Staff notes that none of these goals apply, as the subject site is not in any of these planning areas.

Criterion “6” is met

7. Granting the amendment is consistent with the Metropolitan Service District’s Urban Growth Management Functional Plan.

Applicant Response: The applicant reviewed the provisions of Metro’s Urban Growth Management Functional Plan (“UGMFP”) and identified the following provisions in Title 4 that may be mandatory approval standards to a zone change seeking to convert commercial land to residential land use designations.

Staff notes that the applicant has only responded to Title 4 of the UGMFP.

Title 4 (Metro Code Sections 3.07.410 – 3.07.450) – Industrial or Other Employment Area

Map 9-4 in the Tualatin Community Plan shows the location of the Metropolitan Services District’s Growth Concept Design Types. The subject site has a designation of “Employment Area.”



Staff Response: Staff finds that the amendment meets the criteria of UGMFP 3.07.450(c) to amend the zoning regulation from CG to RH. The subject site designated as Employment Area is under 40

acres; is not surrounded by land designated Industrial Area or Regionally Significant Industrial Area; is currently vacant and therefore the proposed amendment will not reduce employment capacity.

Title 1 (Metro Code Sections 3.07.110 – 3.07.120) – Housing Capacity

The Regional Framework Plan calls for a compact urban form and a "fair share" approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring the city or county to maintain or increase its housing capacity except as provided in section 3.07.120.

Staff Response: *The Plan Map Amendment would change the planning designation of 0.64 acres of land from CG to RH. The request to amend 0.64 acres to RH land would increase residential development opportunities by up to 11 multifamily dwelling units. This change will increase the City of Tualatin's housing capacity thus meeting the requirements of Title 1.*

Title 3 (Metro Code Sections 3.07.310 – 3.07.360) – Water Quality and Flood Management

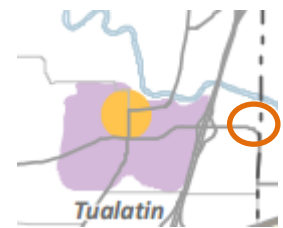
The intent of Title 3 is to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

Staff Response: *Title 3 is the Metro response to Statewide Planning Goal 5, which calls for flood management and protection water and riparian resources. The subject site will conform to these standards through review of a future Architectural Review application.*

Title 6 (Metro Code Sections 3.07.610 – 3.07.650) – Centers, Corridors, Station Communities and Main Streets

The Regional Framework Plan identifies Centers, Corridors Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro's approval.

Staff Response: *The subject site is located outside of the Tualatin designated town center. This title does not apply.*



Title 7 (Metro Code Sections 3.07.710 – 3.07.750) – Housing Choice

The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments and assistance from local governments on reports on progress toward increasing the supply of affordable housing. It is the intent of Title 7 to implement these policies of the Regional Framework Plan.

Staff Response: *The housing developed in this project will be available at market rates for higher density housing helping to increase the supply of this needed housing type. Table 3.07-7 of the UGMFP calls for 120 needed units to serve households earning less than 30% of the median household income and 69 needed units to serve households earning 30-50% of median household income in the City of Tualatin.*

Title 12 (Metro Code Sections 3.07.1210 – 3.07.1240) – Protection of Residential Neighborhoods

The purpose of this title is to protect the region's existing residential neighborhoods from air and water pollution, noise and crime, and to provide adequate levels of public services.

Staff Response: Title 12 is not directly applicable. However, development of the subject property, which has been vacant and underdeveloped for several years, helps protect the surrounding uses from potential crime.

Title 13 (Metro Code Sections 3.07.1310 – 3.07.1370) – Nature in Neighborhoods

The purpose of this title is to conserve, protect and restore a continuous ecologically viable streamside corridor system that is integrated with upland wildlife habitat and the surrounding urban landscape.

Staff Response: Title 13 establishes a regional ethic of preservation of important wildlife habitat and natural areas. A portion of the subject property will be set aside as permanent open space in order to provide a natural corridor along the river which will be important for the preservation of riparian habitat.

Criterion "7" is met.

8. Granting the amendment is consistent with Level of Service F for the p.m. peak hour and E for the one-half hour before and after the p.m. peak hour for the Town Center 2040 Design Type (TDC Map 9-4), and E/E for the rest of the 2040 Design Types in the City's planning area.

Applicant response: The applicant's TIA prepared by Lancaster Engineering demonstrates that the proposed zone change will reduce the trip generation allowed on the site.

Staff Response: The applicant provided a memorandum from their traffic engineer which is included in Attachment 103. As discussed in the memo the proposed plan designation change would reduce the potential number of trips that could be produced by a development on the property. As such, the change is consistent with the level of service standards set by the City.

Refer to the earlier analysis relating to Statewide Planning Goal 12 and the Engineering Division Memorandum dated March 31, 2017 [Attachment 106].

Criterion "8" is met.

9. Granting the amendment is consistent with the objectives and policies regarding potable water, sanitary sewer, and surface water management pursuant to TDC 12.020, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.

Applicant response: Because any development resulting from this zone change would be in the nature of "in-fill" development, it does not trigger any of the concerns that the TDC 12.020 is intended to address. Sufficient water capacity presently exists to serve the uses proposed by future development. Water mains of sufficient size and capacity are already stubbed out to the subject property. All adjacent properties are already being served with water. Issues such as looping water systems and providing adequate fire flows can be addressed during any subsequent development applications.

Staff Response: Refer to the earlier analysis related to Statewide Planning Goal 11 Public Facilities and Services and the Engineering Division Memorandum dated March 31, 2017.

Sanitary Sewer, Stormwater, & Water

Downstream sizing for all public utilities will need to be evaluated by the developer for the change from current zoning compared to the RH zoning with any associated future proposed redevelopment within an Architectural Review. Any upsizing will be a requirement in the Architectural Review decision.

Public sanitary sewer lines exist within the development area to the west and north. Stormwater would need to be treated and released to the Tualatin River or to City lines within SW Nyberg Lane. Water laterals exist to the development at the southwest and southeast. The applicant will need to determine the location of water treatment, detention, and connections to the public lines prior to obtaining a Water Quality and Public Works Permit associated with the development of the future Architectural Review.

Criterion "9" is met.

10. The applicant has entered into a development agreement.

(a) This criterion shall apply only to an amendment specific to property within the Urban Planning Area (UPA), also known as the Planning Area Boundary (PAB), as defined in both the Urban Growth Management Agreement (UGMA) with Clackamas County and the Urban Planning Area Agreement (UPAA) with Washington County. TDC Map 9-1 illustrates this area.

(b) This criterion is applicable to any issues about meeting the criterion within 1.032(9).

Staff Response: Staff notes that the subject property is located within the City of Tualatin boundaries. This criterion does not apply to the proposal.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director
Sean Brady, City Attorney

DATE: 06/26/2017

SUBJECT: Consideration of **Ordinance No. 1402-17**, Adopting Changes to TMC 3-4, Road Utility Fee Ordinance of the City of Tualatin

ISSUE BEFORE THE COUNCIL:

Consideration of an ordinance making changes to the Road Utility Fee Ordinance of the City of Tualatin.

RECOMMENDATION:

Staff recommends that the City Council adopt the attached ordinance (Attachment A).

EXECUTIVE SUMMARY:

The Road Utility Fee Ordinance, Tualatin Municipal Code (TMC) Chapter 3-4, was adopted in April 1990, creating the Road Utility Fee. During the last few months, staff has been reviewing the road utility fee rates and took the opportunity to review and update the ordinance language.

The administration of the Road Utility Fee does not change when comparing the current code to the Ordinance under consideration. However, the proposed Ordinance reorganizes many sections of TMC 3-4.

There are two main changes occurring with the proposed Ordinance. First, when Council previously approved the addition of an annual index for the road utility fee, staff recommended a rolling twelve month average change in the Engineering News Record Construction Cost Index for Seattle, Washington. Staff felt this was the most appropriate index to use at that time. During the past year, staff met with Washington County regarding policies related to the County's Transportation Development Tax (TDT). In that meeting, it was learned that the County uses a rolling five-year average of three different inflationary indices to index the TDT for inflation. Staff determined that this method would be more accurate to the costs of pavement maintenance, so we are recommending the change to the County's methodology. The inflationary indices are contained in the TMC 3-4-110(2) of the proposed Ordinance.

The second main change concerns future rate modifications. Currently, the Road Utility Fee

rates have been embedded in the Ordinance, while the majority of rates, including other utility rates, are set by resolution. The proposed Ordinance would remove the rates from the Municipal Code, and provide that the Council establishes the rates by separate resolution. The rate-setting by resolution would begin with the proposed rates for this year. A separate Staff Report and Resolution will be proposed, if this Ordinance is adopted by the Council.

In addition, there are several other minor changes in the proposed Ordinance. One change involves deleting all references to all city officers, except the City Manager. The current code divides the various duties between four different persons: (1) the City Engineer; (2) the Finance Director; (3) the Operations Director; and (4) the City Manager. This can create confusion in administering the code, especially as job titles change over time. Instead, the proposed Ordinance places administrative responsibility for the Road Utility Fee Chapter with the City Manager. The City Manager can then delegate to other city officers, as appropriate, to accomplish the results of the Chapter.

Another change involves combining several related sections that were previously interspersed throughout the code. The proposed Ordinance combines all of the administrative provisions into one section. Additionally, the proposed Ordinance deletes definitions that were not used in the code and adds definitions that were previously defined elsewhere in the code, outside of the definitions section.

In addition to these organizational changes, some clarifications were also added to the appeal procedure. The current code outlines a "request for interpretation" process by the City Engineer followed by an appeal to Council, with some additional responsibility on the Finance Director. The proposed Ordinance changes this process to create a Request for Review process to be decided by the City Manager and subsequently, an appeal to Council. The proposed Ordinance also makes some legal clarifications. For instance, it clarifies that the City cannot enter private property without legal justification, including use of an administrative warrant.

For reference, Attached as Attachment A is a "Clean" version of the proposed Ordinance with comments. In addition, below is an outline of the organizational changes by section:

- 3-4-020
 - Updated to the 7th Edition of the ITE Manual
- 3-4-030
 - Subsections (2), (3), and (4) were moved from former TMC 3-4-06
- 3-4-040
 - Added the definition of "City Manager"
 - Moved the definition of "Improvement" from the last sentence after the definition of "Developed Property" in former TMC 3-4-040(3) and made it its own definition section.
 - Moved the definition of "ITE Manual" from the last sentence in the definition of "trip generation" in former TCM 3-4-040(11) and made it its own definition section
 - Moved the definition of "Mixed Uses" in former TMC 3-4-140(2)(a) to the definition section
 - Moved the definition of "Related Properties" in former TMC 3-4-140(2)(b) to the definition section
 - Added the term "weekday" to the trip generation definition because of the language in former TMC 3-4-150(1)(g) ("Use Categories within the ITE Manual shall be determined by reference to weekday average trip generation rates.")
 - Added the definition of "Vacant" from the definition of "vacancy" in former TMC

- 3-4-110(4)
- 3-4-050
 - Subsection (3) modified former TMC 3-4-120 (Administrative Interpretation)
- 3-4-100
 - Subsection (1) modified former TMC 3-4-080(2) and contains all of the same groups
 - Subsection (2) is a new provision on indexing that is the same as Washington County's TDT indexing
- 3-4-120
 - This entire Section is a new section and modifies former TMC 3-4-080(2) and (3)
 - Subsection (3) is from former TMC 3-4-080(2) and (3)
 - Subsection (5) is taken from the definition of "Gross Floor Area" in the ITE Manual. This is also consistent with the City's calculation of square feet, as set forth in former TMC 3-4-150(1)(i) ("Building area shall be multiplied by the number of stories, designed for development.")
 - Subsection (6) is from former TMC 3-4-150(1)(h)
- 3-4-140
 - This is from former TMC 3-4-140(1)
- 3-4-150
 - This is from former TMC 3-4-140(1)(l) and made its own Section
- 3-4-210
 - This is from former TMC 3-4-100
- 3-4-220
 - This is from former TMC 3-4-110
- 3-4-300
 - This modified former TMC 3-4-120. Changed the title and process from a request for interpretation to a Request for Review. The timelines did not change.
- 3-4-310
 - This modified former TMC 3-4-130 to better explain the appeal process. The timelines and amount of the filing fee were not changed.
- 3-4-320
 - This modified former TMC 3-4-160 to clarify that the City cannot enter private property without consent from the person in charge or with an administrative warrant
- 3-4-400
 - This modified former TMC 3-4-400 to clarify that if a civil penalty is issued that the civil infraction procedures in TMC 7-1 apply
- 3-4-500
 - This renumbered former TMC 3-4-180

OUTCOMES OF DECISION:

Adoption of the proposed Ordinance makes language changes, including the change in annual indexing methodology and removing the rates from being embedded in the code, and provides for Road Utility Fee rates to be adopted by separate Resolution.

FINANCIAL IMPLICATIONS:

There are no financial impacts if the Ordinance is adopted. Rate changes would be approved by passage of a separate resolution.

ORDINANCE NO. 1402-17

AN ORDINANCE RELATING TO THE ROAD UTILITY AND AMENDING TUALATIN MUNICIPAL CODE CHAPTER 3-4.

WHEREAS, the City of Tualatin has a road utility dedicated to street maintenance , sidewalks, right-of way landscaping, street tree replacement, and street lighting;

WHEREAS, the Council wishes to update the Road Utility to adopt the 7th Edition of the Trip Generation Manual, published by the Institute of Transportation Engineers, to modify the inflationary index, and provide other organizational changes; and

WHEREAS, the City finds it is in the public interest to enact the changes to the TMC as set forth in this Ordinance.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

Section 1. Tualatin Municipal Code Chapter 3-4 is amended to read as follows:

3-4-010 Title.

This ordinance Chapter shall be known as the Road Utility Fee Ordinance of the City of Tualatin.

3-4-020 Legislative Findings.

(1) In 1987/88 the City developed a pavement management plan for purposes of determining the costs of maintaining City streets and thereby preventing their further deterioration. This plan resulted in City Council adoption of the "City of Tualatin Pavement Management Plan," (the "Plan") which concluded in part that over the following 11 years the average annual cost of street maintenance would be \$300,000.

(2) As documented in the Plan, a substantial percentage of streets under City jurisdiction are less than 20 years old, and, therefore, have not deteriorated to the point where reconstruction has become necessary. However, unless funds are allocated for periodic, regular and, where necessary, aggressive maintenance activities on such roads, then deterioration of such roads will ultimately require extensive reconstruction for substantially greater cost.

(3) Historically the City has devoted its road fund revenues to new street and intersection construction and minor maintenance. Since the greatest percentage of roads under City jurisdiction are relatively new, historically revenues have not been budgeted for aggressive road maintenance, as proposed by the Plan. Therefore, although the City considers the maintenance of its streets to be a proprietary function,

the expenditures required for aggressive road maintenance are different than those historically budgeted from General Fund revenues.

(4) The cost of road reconstruction far exceeds the cumulative cost of aggressive road maintenance. Current revenue sources available to the City, such as the Systems Development Charges and the City's share of fuel and weight/mile taxes are addressing the need for expansion of capacity, elimination of certain hazard locations and minor maintenance. No revenue source exists however to adequately fund maintenance of the City's streets. According to the Plan, there exists an average revenue shortfall of \$300,000 annually within the Road Fund for pavement management.

(5) Like road maintenance expenditures, the City has no identified, regular source of funds to cover the cost of electricity and maintenance for its street lights. With a current cost of \$108,000 annually, the City's Road Fund shows an average revenue shortfall of \$50,000 annually for street lighting.

(6) In 1989 the City Council commissioned a study by CH2M Hill to examine the various funding options available to the City for road maintenance, identified in the Plan, and for street lighting, and to analyze the advantages and disadvantages of each. The CH2M Hill report, dated December 1989, and entitled, "City of Tualatin Road Maintenance and Street Lighting Funding Study," ("Study,") recommended the City establish a utility based revenue source so as to best address citizen desires for equity, revenue stability and flexibility. Such a system is deemed most appropriate for apportioning the cost of local road maintenance in relation to the impact of a particular use of property served by the local road system. The benefit obtained by a property from regular local road maintenance is closely related to the use that the property makes of City streets as measured by trip generation of developed properties.

(7) It is anticipated that each City street will receive routine maintenance services every year. In addition, many City streets will receive major maintenance service, such as a chip seal or overlay, within the next eleven years. Unless these activities are funded, budgeted and appropriated, thereby properly maintaining City streets; the public health, safety and welfare will be seriously jeopardized.

(8) The Council finds the following source documents to be generally accepted and reliable for use in implementing the terms of this ordinance.

(a) Trip Generation, 4~~th~~ 7th Edition, published by the Institute of Transportation Engineers, ("ITE Manual,") and

(b) The City of Tualatin Pavement Management Plan, dated September 28, 1988, as updated.

(9) Since the Pavement Management Plan identifies a need to generate \$300,000 per year over the next 11 years and the next largest unfunded expense within the Road Fund is the cost of street lighting, the Council determined that the unfunded needs of these two programs would be \$350,000. It was further assumed that these costs would rise gradually as the City street system grows and the City builds and accepts more streets and street lights. The City Council established a goal of funding the entire average annual projected cost of street maintenance, according to the Pavement Management Plan, as well as \$50,000 or approximately one-half of the current cost of street lighting. The ratio of one to seven should be used in the future as a benchmark for allocating revenues from the Road Utility Fee collected under this ordinance to the expenditures for road maintenance and street lighting.

(10) Funds received under this ordinance shall be placed in the City's Road Fund and dedicated and used exclusively for street maintenance, including sidewalk repair, landscape enhancements along the rights-of-way, street tree replacement, and street lighting and for no other purpose, as more specifically out-lined in TMC ~~3-4-060~~ 3-4-100.

(11) The adoption of this ordinance and the levying of charges and fees hereunder are adopted pursuant to the authority contained in the Oregon Constitution, Article XI, Section 2 and the City of Tualatin Charter of 1967, Section 4.

3-4-030 Creation of Road Utility and Dedication of Revenue to Road Fund.

(1) A road utility within the Road Fund is created for the purpose of maintenance of City streets, which includes repairing sidewalks under a sidewalk maintenance program, landscape enhancements along the rights-of-way, street tree replacement, and for paying the operating cost of street lights, ~~as defined in this ordinance.~~

(2) All funds collected pursuant to this Chapter must be allocated to the City's Road Fund. The portion of the Road Fund that represents the fees collected under this chapter during a given year, fees carried over from prior years and investment earnings from the fees shall be used to operate and administer the City's street maintenance program, which includes repairing sidewalks under a sidewalk maintenance program, landscape enhancements along the rights-of-way, replacing street trees, and to pay the cost of lighting City streets. The fees paid and collected must be reasonably related to the cost of providing street maintenance and street lighting, and generate revenues that are required to provide those services pursuant to the Plan. To the extent that road utility fees collected are insufficient to properly maintain local streets, the cost may be paid from such other non-dedicated City funds as may be allocated by the City Council, but the City Council may direct the reimbursement to such fund if additional fees are collected. All amounts on hand in the Road Fund, including those collected pursuant to

this Chapter may be invested by the Finance Director in accordance with State law. Earnings from such investments shall also be dedicated to the Road Fund.

(3) It is not necessary that the operations, administration and maintenance expenditures from the Road Fund for street maintenance and lighting purposes specifically relate to any particular property from which the fees for such purposes were collected. The fees shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's accounting, management and other governing costs, incident to operation of the street maintenance program and the lighting of City streets. Otherwise the fees and charges shall be used solely to pay for the cost of operation, administration, maintenance, repair, improvement, renewal, replacement and reconstruction of City streets and related facilities and the actual costs of electricity and maintenance of City street lights.

(4) Revenues collected under this ordinance will be budgeted within the City Road Fund between expenditures for street maintenance and the operation and maintenance of City street lighting on the basis of approximately 6/7ths for street maintenance and 1/7th for street lighting. Revenues received for future years maintenance under the Plan will be reserved.

3-4-040 Definitions.

As used in this ordinance Chapter, the following means:

(1) ~~"City Engineer." The person appointed by the City Manager to perform the functions of City Engineer or the City Engineer's designee acting under his or her direction.~~

"City Manager" means the City Manager, or the City Manager's designee.

(2) ~~"City Street" or "Street." means A a public road or right-of-way within the City, which is under the jurisdiction or control of the City.~~

(3) ~~"Developed property" or "developed use." A means a lot or parcel, or legal a portion of a lot or parcel, or other real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.~~

(4) ~~"Finance Director." The person appointed by the City Manager to perform the functions of Finance Director.~~

(5) ~~"Gross square footage." The calculation of the area of all structures, located on a site, measured along the exterior walls of such structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.~~

(4) "Improvement" means the development of property, or a portion thereof, and includes, but is not limited to, buildings, parking lots, landscaping, and outside storage.

(5) "ITE Manual" means the manual entitled Trip Generation, published by the Institute of Transportation Engineers, 7th Edition.

(6) "Mixed uses" means a single lot or parcel or property with more than one distinct use, and where, if located on separate lots or parcels without any shared amenities, such as walkways, driveways or parking areas, the uses would be assigned to distinct Use Categories. Mixed uses may include retail shopping centers with more than one tenant in either shared or separate leasable spaces and shared or common areas such as walkways, on site traffic areas, and parking. Mixed uses will generally contain a single water meter and sewer utility service.

~~(6)~~ (7) "Multi-family Residential Property:" means residential Residential property consisting of more than three separate living units or spaces.

~~(7)~~ (8) "Non-residential." A use of property which is primarily not for personal, domestic accommodation. The term non-residential includes, including but is not limited to, industrial and commercial uses of property.

~~(8)~~ (9) "Operations Director." The person appointed by the City Manager to perform the functions of Operations Director. "Related Properties" means more than one lot or parcel or property with at least one common boundary, where the uses on such properties would be assigned to distinct Use Categories if the uses did not share common driveways, walkways or parking areas, and whose orientation is designed to reduce the number of trip destinations. Related properties may have more than a single water meter and sewer utility service.

~~(9)~~ (10) "Residential Property:" A means a use of property which is primarily for personal, domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

~~(10)~~ (11) "Single family residential:" means residential property consisting of single family detached dwellings, duplexes, and triplexes.

~~(11)~~ (12) "Trip generation:" means the The "average rate" number of weekday vehicle trips, as determined by reference to the ITE Manual, entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE) 4th Edition 7th Edition, ("ITE Manual")

~~(12)~~ (13) "Use Category or Category of Use:" The means the Code number and resulting trip generation estimate determined with reference to the ITE Manual, and applicable to a particular developed or improved property.

(14) "Vacant" means that an entire building or billing unit has become vacant or continuously unoccupied for at least 30 days, not that a portion of a developed property without separate water meters has become vacant or unoccupied.

3-4-050 Administration ~~Officers designated.~~

~~(1) Except as provided in subsections (2) and (3) of this section, the The City Engineer City Manager shall be is responsible for the administration of this ordinance Chapter. The City Engineer shall be responsible including for developing administrative procedures, and for the ordinance, administration the for collecting the fees established by Council, and consideration and assignment of categories of use, subject to appeal to the City Council.~~

~~(2) The Operations Director City Manager is shall be responsible for developing and maintaining street maintenance programs for the maintenance of City streets and, subject to City Budget Committee review and City Council approval, allocation and expenditure of budget resources for street maintenance and street lighting in accordance with this ordinance Chapter.~~

~~(3) The Finance Director shall be responsible for the collection of fees under this ordinance. The City Manager is authorized and responsible to interpret all terms, provisions, and requirements of this Chapter, to adopt administrative policies, and to determine the appropriate fees, consistent with this Chapter and the Council fee resolution. The City Manager is also authorized and directed to review the operation of this Chapter and where appropriate recommend changes to Council.~~

~~3-4-060 Road Utility Fees Allocated to Road Fund.~~

~~(1) All funds collected pursuant to this ordinance shall be allocated to the City's Road Fund. The portion of the Road Fund that represents the fees collected under this chapter during a given year, fees carried over from prior years and investment earnings from the fees shall be used to operate and administer the City's street maintenance program, which includes repairing sidewalks under a sidewalk maintenance program, landscape enhancements along the rights-of-way, replacing street trees, and to pay the cost of lighting City streets. The fees paid and collected shall be reasonably related to the cost of providing street maintenance and street lighting, and shall generate revenues that are required to provide those services pursuant to the Plan. To the extent that road utility fees collected are insufficient to properly maintain local streets, the cost may be paid from such other non-dedicated City funds as may be allocated by the City Council, but the City Council may direct the reimbursement to such fund if additional fees are collected. All amounts on hand in the Road Fund, including those collected~~

~~pursuant to this ordinance may be invested by the Finance Director in accordance with State law. Earnings from such investments shall also be dedicated to the Road Fund.~~

~~(2) It shall not be necessary that the operations, administration and maintenance expenditures from the Road Fund for street maintenance and lighting purposes specifically relate to any particular property from which the fees for such purposes were collected. The fees shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's accounting, management and other governing costs, incident to operation of the street maintenance program and the lighting of City streets. Otherwise the fees and charges shall be used solely to pay for the cost of operation, administration, maintenance, repair, improvement, renewal, replacement and reconstruction of City streets and related facilities and the actual costs of electricity and maintenance of City street lights.~~

~~(3) Revenues collected under this ordinance shall be budgeted within the City Road Fund between expenditures for street maintenance and the operation and maintenance of City street lighting on the basis of approximately 6/7ths for street maintenance and 1/7th for street lighting. Revenues received for future years maintenance under the Plan shall be reserved.~~

~~3-4-070~~ 3-4-100 Road Utility Fee Established.

(1) A Road Utility Fee is imposed and levied upon the owner, tenant, agent, or other authorized representative responsible for occupancy of an improved or of all developed property within the City.

(2) The Road Utility Fee will be established annually by resolution of the Council. The fee shall be based on the benefit that an owner, occupant, tenant, agent, or other authorized representative responsible for occupancy of a property receives from the direct and indirect use of or benefit derived from the use of public streets, sidewalk maintenance, street tree replacement, landscape enhancements along the rights-of-way, street lights and related facilities, generated by the developed property, as set forth in this Chapter.

(3) ~~The Road Utility Fee imposed under subsection (1) of this section may be paid by the owner, occupant, tenant, agent, or other authorized representative responsible for occupancy of a property, or anyone designated by the owner or occupant however if the Road Utility Fee is not paid promptly, when due, the City shall collect such Fee from the property owner or the property itself.~~

3-4-080 3-4-110 Determination of Road Utility Fee Rates.

(1) The Road Utility Fee shall rates established annually by resolution of the Council based on the following factors: will be based upon the trip generation impacts and the base rate maintenance cost for each Customer Group. The Customer Groups are:

(a) Single Family Residential Customer Group;

(b) Multi-Family Residential Customer Group; and

(c) Non-Residential Customer Group. The Non-Residential Customer Group Consists of multiple subgroups based upon vehicle trips generated by the property's uses, as determined by the ITE Manual. The Non-Residential Customer Groups are, as follows:

(i) Group 1: 7 or fewer average daily vehicle trips per thousand square feet of developed area;

(ii) Group 2: more than 7 but less than 21 average daily vehicle trips per thousand square feet of developed area;

(iii) Group 3: 21 or more but less than 53 average daily vehicle trips per thousand square feet of developed area;

(iv) Group 4: 53 or more but less than 151 average daily vehicle trips per thousand square feet of developed area;

(v) Group 5: 151 or more but less than 400 average daily vehicle trips per thousand square feet of developed area;

(vi) Group 6: 400 or more average daily vehicle trips per thousand square feet of developed area; and

(vii) Group 7: specially assigned trip generation figures.

(2) On or before July 1, 2018, and each July 1 thereafter, the Council will adjust the Road Utility Fee based upon the rolling five-year average of the following inflationary indices:

(a) the National Highway Construction Cost Index reflecting the cost of materials, weighted at 50%;

(b) The U.S. Bureau of Labor Statistics Employment Cost Index for Private Industry Workers, By Occupational Group and Industry, Construction Group reflecting the cost of labor, weighted at 30%; and

(c) The average annual change in total real market value of Washington County real property as estimated from data published by the Washington County Department of Assessment and Taxation reflecting the cost of right-of-way, weighted at 20%.

~~(a) The developed use of the property which includes the amount of vehicular traffic generated by the property, as determined by the City Engineer Manager.~~

~~(b) For nonresidential uses the developed square footage on the property or parcel.~~

~~(c) The traffic generation factor for each use category of developed property.~~

~~(d) The base rate maintenance cost for each Customer Group, based on use category of the developed property.~~

~~(2) The City Engineer shall determine the category of use from the ITE Manual that shall apply to each developed lot or parcel within the City. In the absence of a specific use category from within the ITE Manual for a particular developed use, the City Engineer shall determine the appropriate category by interpreting the ITE Manual and assigning the category which most accurately reflects the traffic generated by the particular developed use. After determining the appropriate use category for a developed parcel, the City Engineer shall use the estimated vehicle trip generation figures for the assigned use category from the ITE Manual and designate the developed property to a particular Customer Group. For nonresidential developed uses the applicable Road Utility fee shall be based on the area of developed use measured in thousands of square feet or fractions of thousand square feet. The Customer Groups are as follows:~~

~~(a) Single family residential;~~

~~(b) Multi-family residential; and~~

~~(c) Non-residential uses. Trip generation rates per thousand square feet of developed area shall be assigned to one of the following four non-residential groups:~~

~~(i) Group 1 with 7 or fewer average daily vehicle trips per thousand square feet of developed area;~~

~~(ii) Group 2 with more than 7 but less than 21 average daily vehicle trips per thousand square feet of developed area;~~

- ~~(iii) Group 3 with 21 or more but less than 53 average daily vehicle trips per thousand square feet of developed area;~~
- ~~(iv) Group 4 with 53 or more but less than 151 average daily vehicle trips per thousand square feet of developed area;~~
- ~~(v) Group 5 with 151 or more but less than 400 average daily vehicle trips per thousand square feet of developed area;~~
- ~~(vi) Group 6 with 400 or more average daily vehicle trips per thousand square feet of developed area; and~~
- ~~(vii) Group 7 for specially assigned trip generation figures.~~

~~(3) For purposes of examining uses not explicitly listed in the ITE manual and thereby determining the appropriate Category of Use, the City Engineer shall consider at least the following factors as well as any other relevant information:~~

- ~~(a) the size of the site and the building;~~
- ~~(b) the number of employees;~~
- ~~(c) other developed sites operated by the same or an affiliated owner for a use generating comparable amounts of traffic;~~
- ~~(d) other developed sites operated by a different owner for a use generating comparable amounts of traffic;~~
- ~~(e) the number of work shifts;~~
- ~~(f) the number of hours of operation; and~~
- ~~(g) the planning district designation.~~

~~The City Engineer Manager may require and consider the results of a traffic study, provided such study shall be conducted in conformance with the methodology outlined in the ITE Manual, and provided further such study shall include on site traffic counts not less than twice nor more than four times during the year immediately following the beginning of operation on site. In furtherance of this rule the City Engineer Manager may assign a Use Category and Customer Group on an interim basis, provided it is not less than the lowest Customer Group among available residential or nonresidential groups. The determination of Use Category shall not be considered a land use decision as that term is defined in ORS 197.015.~~

~~(4) The monthly fee for each customer group is as follows:~~

- ~~(a) Single family residential, \$3.99 per unit;~~
- ~~(b) Multifamily residential, \$3.40 per unit;~~
- ~~(c) Non-residential Group 1, \$0.79 per thousand square feet; plus an additional \$2.50 flat fee;~~
- ~~(d) Non-residential Group 2, \$1.74 per thousand square feet; plus an additional \$2.50 flat fee;~~
- ~~(e) Non-residential Group 3, \$4.60 per thousand square feet; plus an additional \$2.50 flat fee;~~
- ~~(f) Non-residential Group 4, \$11.61 per thousand square feet; plus an additional \$2.50 flat fee;~~
- ~~(g) Non-residential Group 5, \$30.93 per thousand square feet; plus an additional \$2.50 flat fee;~~
- ~~(h) Non-residential Group 6, \$76.24 per thousand square feet; plus an additional \$2.50 flat fee; and~~
- ~~(i) Non-residential Group 7, \$6.84 per thousand square feet, plus an additional \$2.50 flat fee.~~

~~(5) Beginning on July 1, 2017 and each July 1 thereafter, the monthly fee for each customer group identified in subsection 4 of this Section will automatically increase by the most recently available rolling twelve month average change in the Engineering News Record Construction Cost Index for Seattle, Washington.~~

~~(6) (3) Notwithstanding subsection (2), the Council may revise the monthly fee Road Utility Fee to reflect actual revenues, anticipated maintenance and lighting requirements, improvements in the methods of calculating revenues or requirements and changes in conditions which the Council finds should be taken into consideration in rates.~~

TMC 3-4-120 Determination and Application of Rates.

(1) To determine the Road Utility Fee for each owner, occupant, tenant, agent, or other authorized representative responsible for occupancy of a property, the City Manager must determine the appropriate Customer Group, use category, number of trips generated, and Gross Floor Area for each property and apply the rates set by Council.

(2) The City Manager must determine the appropriate Customer Group based on the use of the property and the trips generated per thousand square feet of development with reference to the ITE Manual.

(3) The City manager must determine the appropriate use category of each developed property as follows:

(a) Apply the use category from the ITE Manual that best represents the use of the property.

(b) In the absence of a specific use category from within the ITE Manual for a particular developed use, the City Manager must determine the appropriate category by interpreting the ITE Manual and assigning the category which most accurately reflects the use of the particular property based upon the following factors:

(i) the size of the site and the building;

(ii) the number of employees;

(iii) other developed sites operated by the same or an affiliated owner for a use generating comparable amounts of traffic;

(iv) other developed sites operated by a different owner for a use generating comparable amounts of traffic;

(v) the number of work shifts;

(vi) the number of hours of operation; and

(vii) the planning district designation.

(c) In lieu of, or in addition to, the factors in subsection (b) for determining the use category, the City Manager may require and consider the results of a traffic study conducted in accordance with the methodology outlined in the ITE Manual, and provided the study includes on site traffic counts not less than twice nor more than four times during the year immediately following the beginning of operation on site.

(d) In furtherance of this rule, the City Manager may assign a use category on an interim basis, provided it is not less than the lowest use category among available residential or nonresidential groups.

(e) The determination of use category is not a land use decision as that term is defined in ORS 197.015.

(4) For Non-Residential Customer Groups, after determining the appropriate use category for a developed property, the City Manager must use the estimated vehicle trip generation figures for the assigned use category from the ITE Manual and designate the developed property to a particular Customer Group based on the estimated number of vehicle trips in the ITE Manual for that use category.

(5) For each Non-Residential Customer Group, the City Manager must determine the Gross Floor Area measured in thousands of square feet or fractions of thousand square feet as follows:

(a) the sum in square feet of the area of each floor level in the building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use.

(b) If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this Gross Floor Area is considered part of the overall square footage of the building.

(c) Unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, are excluded from the Gross Floor Area calculations.

(d) Parking garages within the building are excluded from the Gross Floor Area calculations.

(6) For the Non-Residential Customer Group, when uses of property under the ITE Manual are analyzed according to acreage rather than square footage, the City Manager must convert the ITE Manual trip generation rates to a square footage calculation and calculate the Road Utility Fee based on the square footage calculation. If conversion to a square footage calculation is not practical, then the City Manager may assign a special trip generation rate for an individual parcel.

3-4-140 3-4-130 Mixed Uses and Related Properties.

~~(1) The purpose of this section is to provide standards for determining the appropriate Use Category, and Customer Group in cases where distinct uses share or utilize common facilities, such as walkways, driveways or parking areas and thereby reduce the number of trip destinations for traffic which is generated, and apportioning road utility bills. Except as provided in this section, no road utility bill will be apportioned among mixed uses or related properties or combinations of mixed uses and related~~

~~properties. Mixed uses within a single building and Related Properties shall are not be entitled to apportionment of the Road Utility Fee bill, ~~except where and to the extent the building or buildings unless the separate uses contain separate water meters and sewer services for the separate uses. Although these standards will generally apply to nonresidential uses, they may be used to determine the appropriate Use Category or Customer Group for mixed uses which consist of residential and nonresidential uses.~~~~

~~(2) The following definitions apply to this section:~~

~~(a) "Mixed uses" means a single parcel or property with more than one distinct use, and where, if located on separate parcels without any shared amenities, such as walkways, driveways or parking areas the uses would be assigned to distinct Use Categories. Mixed uses will generally consist of retail shopping centers with more than one tenant in either shared or separate leasable spaces and shared or common areas such as walkways, on-site traffic areas and parking. Mixed uses will generally contain a single water meter and sewer utility service.~~

~~(b) "Related Properties" means more than one parcel or property with at least one common boundary, where the uses on such properties would be assigned to distinct Use Categories if the uses did not share common driveways, walkways or parking areas, and whose orientation is designed to reduce the number of trip destinations. Related properties may have more than a single water meter and sewer utility service.~~

~~(3) The method of apportioning a Road Utility Fee bill for mixed uses and related properties shall be determined as follows:~~

~~(a) The total area of all buildings, measured at exterior walls will first be calculated.~~

~~(b) Based on the total area calculation, the appropriate Use Category or trip generation rate shall then be determined.~~

~~(c) The Customer Group and Road Utility Fee will then be determined based on the total area.~~

~~(d) The total area of each building, measured at exterior walls shall be calculated.~~

~~(e) Each building will be assigned a percentage rate based on the size of such building relative to the total area of all buildings.~~

~~(f) The percentage rate calculation determined in paragraph (e) of this subsection will then be multiplied by the total Road Utility Fee determined under paragraph (c) of this sub-section.~~

(2) For each separate use, the City Manager will determine the appropriate Customer Group, use category, number of trips generated, and Gross Floor Area, as set forth in TMC 3-4-120 (Determination and Application of Rates).

(3) The City Manager will then apply the rates set by Council, as appropriate for each separate use. The Road Utility Fee for each separate use will then be billed with the water and sewer services account related to the separate use.

(4) Although these standards will generally apply to nonresidential uses, they may be used to determine the appropriate Use Category or Customer Group for mixed uses which consist of residential and nonresidential uses.

3-4-150 3-4-140 Administrative Policies Application of Road Utility Fee to Certain Properties.

(4) The application of the Road Utility Fee under of this Chapter to certain properties is as follows:

~~(a)~~ (1) City-owned parking lots, which are not associated with public services other than parking, ~~shall~~ are not be subject to the Road Utility Fee as they do not generate traffic in and of themselves.

~~(b)~~ (2) Parking lots owned and operated by Tri-Met for mass transit passengers, such as "Park and Ride", ~~shall~~ are not be subject to the Road Utility Fee as they serve a purpose of reducing overall trip generation through the use of public transportation.

~~(c)~~ (3) Publicly owned Park land, Open spaces and Greenways ~~shall~~ are not be subject to the Road Utility Fee unless public off-street parking designed to accommodate the use of such areas is provided.

~~(d)~~ (4) Areas used for commercial farming or forestry operations ~~shall~~ will be billed according to the predominant use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the Road Utility Fee. Where there is more than one developed use on the site, the Use Category shall be determined by examining the predominant use which shall be the use which is made on the property for the longest portion of the year. Where more than one use is made of a farming or forestry site and two or more uses predominate, then each use ~~shall~~ must be examined separately, as set forth in TMC 3-4-130 (Mixed Uses and Related Properties), and a combination of use categories ~~shall~~ will be used to determine the Road Utility Fee.

~~(e) (5) Areas encompassing railroad and public right-of-way shall are not be subject to the Road Utility Fee.~~

~~(f) (6) Railroad property containing structures, such as maintenance areas, non-rolling storage areas, and areas used for the transfer of rail transported goods to non-rail transport shall be are subject to Road Utility Fees.~~

~~(g) Use Categories within the ITE Manual shall be determined by reference to weekday average trip generation rates.~~

~~(h) For nonresidential developed uses of property which the ITE Manual analyzes according to acreage rather than square footage, the City Engineer shall convert the ITE Manual trip generation rates to a square footage calculation and assign the appropriate Customer Group and road utility fee. If conversion to a square footage calculation is not practical, then the City Engineer may assign a special trip generation rate for an individual parcel.~~

~~(i) Building area shall be multiplied by the number of stories, designed for developed use.~~

~~(j) (7) Road Utility Fees imposed under this ordinance Chapter shall apply to all developed property, including developed property owned by local, state, federal governments as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.~~

~~(k) (8) The fees imposed under this ordinance Chapter shall become due and payable from and after the date when the developed property is connected to the public sanitary sewer system and is receiving service therefore.~~

~~(l) Except as provided in TMC 3-4-110, a developed property which undergoes a change in use shall continue to be responsible for fees imposed by this ordinance. Upon learning of the change in use and determining that a different use category and customer group applies to the developed property, the City Engineer shall will determine and assign the appropriate use category and customer group and advise the Finance Director, who shall thereafter charge and collect the road utility fee in accordance with such revised designation. Nothing contained herein shall be construed as a waiver of the City's right and responsibility to charge and collect the road utility fee in accordance with correct information concerning the developed property.~~

~~(2) The City Engineer is authorized and directed to review the operation of this ordinance and where appropriate recommend changes thereto in the form of administrative policies for adoption by the City Council by resolution. Administrative~~

~~policies are intended to provide guidance to property owners, subject to this ordinance, as to its meaning or operation, consistent with policies expressed herein. Policies adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this ordinance shall apply uniformly throughout the City.~~

3-4-150 Change in Use of Property. ~~Except as provided in TMC 3-4-220 (Vacant Property), a developed property which undergoes a change in use will continue to be responsible for fees imposed by this Chapter. Upon learning of the change in use and determining that a different Customer Group, use category, number of trips generated, or Gross Floor Area applies to the developed property, the City Manager shall will determine and assign the appropriate Customer Group, use category, number of trips generated, or Gross Floor Area, and modify the Road Utility Fee accordingly. Nothing contained herein shall be construed as a waiver of the City's right and responsibility to charge and collect the road utility fee in accordance with correct information concerning the developed property.~~

3-4-090 3-4-200 Billing and Collection of fee the Road Utility Fee.

(1) ~~The road utility fee shall be billed and collected with and as part of the monthly water and sewer bill for those lots or parcels utilizing City water and sewer, and billed and collected separately for those lots or parcels not utilizing City water and sewer. In cases where a developed property is subject to water and sewer utility charges, the Road Utility Fee bill shall be directed to the same person as the bill for water and sewer charges, whether that be the owner, tenant, agent, or other authorized representative responsible for occupancy the developed property. In the case of those lots or parcels which are not occupied by the owner, the fee shall be billed with the monthly water and sewer bill, if any, which is billed to the resident of the property, unless the owner of the property requests that the combined utility bill be sent to another address. If a tenant in possession of any premises pays such fee, such payment shall relieve the owner from such obligation and lien, but the City shall not be required to look to any person other than the owner for the payment of such fees. All such bills shall be rendered monthly by the Finance Director City Manager and shall become due and payable upon receipt.~~

(2) ~~In the event funds received from City utility billings, as described in subsection (1) of this section, are inadequate to satisfy in full all of the water, sanitary sewer, storm sewer and road utility fees, credit shall be given first to the road utility fee, second to the sanitary and storm sewer service charges and third to the charges for water service.~~

3-4-100 3-4-210 Delinquent Accounts.

~~When a person's account is delinquent, the person will be provided a notice of delinquency. If payment is not received, the City may discontinue City utility services~~

and may collect the charges through any means authorized by law. [Ord. 1395-16, 6/27/16]

3-4-110 3-4-220 Waiver of Fees in Case of Vacancy Vacant Property.

(1) Except as provided in subsection (2) of this section, when any premises within the City become vacant, totally unoccupied, or unused, but water service remains, and upon written application of the owner or the owner's authorized agent, and approval by the ~~Finance Director~~ City Manager, the Road Utility Fee shall thereafter be billed at the lowest rate within either the residential or nonresidential Customer Group, as appropriate.

(2) When any premises within the City become vacant, totally unoccupied, or unused, and water service is discontinued, and upon written application of the owner or the owner's authorized agent, payment of all outstanding water, sanitary sewer, storm sewer and road utility charges, and approval by the ~~Finance Director~~ City Manager, the road utility fee shall thereafter not be billed and shall not be a charge to the owner of ~~of all the property.~~ ~~against the property~~

(3) The ~~Finance Director~~ City Manager is authorized to cause an investigation of any property for which a fee reduction or waiver application is submitted under this section to verify any of the information contained in the application. ~~The Finance Director~~ City Manager ~~is further authorized to develop and use a standard form of application for fee reduction or waiver under this section, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.~~

(4) Fees may be reduced or waived in accordance with this section only while the property remains vacant. ~~For purposes of this section, "vacancy" shall mean that an entire building or billing unit has become vacant or continuously unoccupied for at least 30 days, not that a portion of a developed property without separate water meters has become vacant or unoccupied.~~

(5) ~~Fees shall be reduced or waived in accordance with this section only while the property remains vacant.~~ The person signing the application for waiver or reduction of fees shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether water service is restored. The City may charge any ~~property person~~ person with the appropriate Road Utility Fee, including charges for prior billing periods, upon determining by whatever means that the property did not qualify ~~for waiver or reduction of charges as vacant~~ during such time.

(6) ~~The decision of the~~ City Manager ~~Finance Director~~ under subsections (1) and (2) shall be this section is final.

3-4-120 3-4-300 Administrative Interpretation Request for Review of Determination of Rate.

~~(1) The City Engineer has the initial authority and responsibility to interpret all terms, provisions and requirements of this ordinance and to determine the appropriate charges thereunder. Unless accompanied by an application for partial or complete waiver of fees due to vacancy reviewed by the Finance Director, a property owner or their agent desiring interpretation or other examination of the property owner's Road Utility Fee shall submit a written application to the City Engineer. The application shall be submitted in sufficient detail to enable the City Engineer to render an interpretation. The City Engineer may require additional information, including an engineering study prepared by a licensed professional engineer in conformance with the methodology outlined in the ITE Manual to be submitted by the applicant before an interpretation is given.~~

(1) A property owner, tenant, agent, or other authorized representative responsible for payment of the Road Utility Fee wishing to challenge the City Manager's determination of the Customer Group, use category, number of trips generated, or Gross Floor Area applicable to determine the Road Utility Fee must file a Request for Review with the City Manager.

(2) The Request for Review must contain a statement and supported by evidence setting forth the reason(s) that the Customer Group, use category, number of trips generated, or Gross Floor Area is invalid, otherwise improper, or why it should be modified.

~~(2) (3) Within 30 days of the submission of an application for interpretation the Request for Review, together with the required information, the City Engineer City Manager shall must issue a cause a final decision to be made on the application. The decision shall must be written and shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. A copy of the decision shall must be mailed to the person submitting the request. The City Engineer City Manager shall must maintain a collection of such decisions. Decisions of the City Engineer Manager which affect the amount of fee to be charged to a property shall be forwarded to the Finance Director. Except as provided under subsection (3) of this section, the decision of the City Engineer is final.~~

~~(3) (4) If the City Manager agrees in whole or in part with the Request for Review, the City Manager will decision of the City Engineer affects the Category of Use and the Customer Group of the property owner requesting the interpretation, the City Engineer shall either assign a new Use Category or Customer Group, or determine the current~~

~~Use Category or Customer Group is proper. If a change in Use Category or Customer Group is assigned, the Finance Director shall be notified so that appropriate change may be made in the applicable fee modify the Road Utility Fee to be charged in the future. No back charges or refunds shall ~~be~~ are allowed.~~

~~(5) The decision of the City Engineer City Manager under this subsection (3) only, may be appealed to the City Council in accordance with ~~TMC 3-4-120~~ TMC 3-4-310 (Appeal to Council).~~

~~3-4-130~~ 3-4-310 Administrative Appeal to Council.

~~(1) Any owner, tenant, agent, or other authorized representative responsible for payment of the Road Utility Fee wishing to challenge the City Manager's determination on their Request for Review may appeal the City Manager's determination to the Council by filing a Notice of Appeal. Any owner who disputes any interpretation given by the City Engineer as to the Use Category or Customer Group assigned to such owner's property pursuant to this ordinance may appeal such interpretation, but only in accordance with this section. The dispute must first be presented to the City Engineer pursuant to ~~TMC 3-4-120~~ and thereafter may be appealed to the City Council in accordance with this section. Failure to appeal an interpretation made under this ordinance within the time and in the manner provided shall be sufficient cause to deny the relief requested. Except in cases of hardship as determined by the Council, disputes which result in changes in the Road Utility Fee charged under this ordinance shall become effective with the next billing cycle.~~

~~(2) The Notice of Appeal must contain a statement and supported by evidence setting forth the reason(s) that the City Manager's decision is invalid, otherwise improper, or why it should be modified. An owner who disputes an interpretation made by the City Engineer as to the assigned Category of Use or Customer Group under this ordinance, shall submit a The Notice of Appeal must be filed with the City Manager within written appeal to the City Manager within 10 days from the date of the City Engineer's City Manager's decision, together with a filing fee in the amount of \$300. The application for appeal shall specify the reasons therefore and Notice of Appeal must also include an engineering study prepared by a licensed professional engineer in conformance with the methodology outlined in the ITE Manual. Appeals shall be limited to the issue of whether the appropriate Use Category or Customer Group has been assigned to the particular property.~~

~~(3) Upon receipt of a Notice of Appeal within the timelines established in subsection (2), the ~~The~~ City Manager shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The Council shall will conduct a hearing during a public meeting and determine whether there is~~

substantial evidence in the record to support the interpretation given by the ~~City Engineer~~ City Manager. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council ~~shall~~ will make a tentative oral decision and ~~shall~~ must adopt a final written decision together with appropriate findings in support. The failure to appeal an interpretation made under this Chapter within the time and in the manner provided is sufficient cause to deny the relief requested. ~~The decision of the Council with respect to the Use Category shall be limited to whether the appellant has been assigned to the appropriate Use Category. If the Council should determine that a different Use Category and Customer Group should be assigned, it shall so order, provided no refund of prior Road Utility Fees shall be given. Only where the Council decision results in a change in Use Category and Customer Group will the filing fee on the appeal be refunded. The Council decision shall be final.~~

(4) If the Council agrees in whole or in part with the Notice of Appeal, the Council will modify the Road Utility Fee to be charged that account in the future. No back charges or refunds are allowed. Except in cases of hardship as determined by the Council, disputes which result in changes in the Road Utility Fee charged under this Chapter become effective with the next billing cycle.

(5) The Council's decision on the matter is final.

~~3-4-160~~ 3-4-320 Inspection of Premises.

The ~~City Engineer~~ City Manager is authorized, through consent of a person in charge of private property, or otherwise by administrative warrant, to enter upon private property for purposes of conducting any studies or collecting information bearing upon the determination of the appropriate ~~Use Category or Transportation Utility Fee~~ Customer Group, use category, number of trips generated, or Gross Floor Area applicable to determine the Road Utility Fee in accordance with this ~~ordinance~~ Chapter.

~~3-4-170~~ 3-4-400 Civil Penalty.

(1) In addition to any other remedy provided in this Chapter, violation of this ordinance is punishable by a fine not to exceed \$500. Each day after an account subject to Road Utility Fees remains delinquent in payment of such fees constitutes a separate violation.

(2) The civil infraction procedures in TMC 7-1 apply to the prosecution of any violation that results in a civil penalty under this Chapter.

~~3-4-180~~ 3-4-500 Special Assessments.

Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

Section 2. Severability. Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance remains in full force and effect.

ADOPTED by the City Council this 26th day of June, 2017.

CITY OF TUALATIN OREGON

BY _____
Mayor

APPROVED AS TO LEGAL FORM

BY _____
City Attorney

ATTEST

BY _____
City Recorder

Attachment A

Clean Version of Proposed Ordinance

3-4-010 Title.

This Chapter shall be known as the Road Utility Fee of the City of Tualatin.

3-4-020 Legislative Findings.¹

(1) In 1987/88 the City developed a pavement management plan for purposes of determining the costs of maintaining City streets and thereby preventing their further deterioration. This plan resulted in City Council adoption of the "City of Tualatin Pavement Management Plan," (the "Plan") which concluded in part that over the following 11 years the average annual cost of street maintenance would be \$300,000.

(2) As documented in the Plan, a substantial percentage of streets under City jurisdiction are less than 20 years old, and, therefore, have not deteriorated to the point where reconstruction has become necessary. However, unless funds are allocated for periodic, regular and, where necessary, aggressive maintenance activities on such roads, then deterioration of such roads will ultimately require extensive reconstruction for substantially greater cost.

(3) Historically the City has devoted its road fund revenues to new street and intersection construction and minor maintenance. Since the greatest percentage of roads under City jurisdiction are relatively new, historically revenues have not been budgeted for aggressive road maintenance, as proposed by the Plan. Therefore, although the City considers the maintenance of its streets to be a proprietary function, the expenditures required for aggressive road maintenance are different than those historically budgeted from General Fund revenues.

(4) The cost of road reconstruction far exceeds the cumulative cost of aggressive road maintenance. Current revenue sources available to the City, such as the Systems Development Charges and the City's share of fuel and weight/mile taxes are addressing the need for expansion of capacity, elimination of certain hazard locations and minor maintenance. No revenue source exists however to adequately fund maintenance of the City's streets. According to the Plan, there exists an average revenue shortfall of \$300,000 annually within the Road Fund for pavement management.

(5) Like road maintenance expenditures, the City has no identified, regular source of funds to cover the cost of electricity and maintenance for its street lights. With a current cost of \$108,000 annually, the City's Road Fund shows an average revenue shortfall of \$50,000 annually for street lighting.

¹ Subsection (8) - Updated to the 7th Edition of the ITE.

(6) In 1989 the City Council commissioned a study by CH2M Hill to examine the various funding options available to the City for road maintenance, identified in the Plan, and for street lighting, and to analyze the advantages and disadvantages of each. The CH2M Hill report, dated December 1989, and entitled, "City of Tualatin Road Maintenance and Street Lighting Funding Study," ("Study,") recommended the City establish a utility based revenue source so as to best address citizen desires for equity, revenue stability and flexibility. Such a system is deemed most appropriate for apportioning the cost of local road maintenance in relation to the impact of a particular use of property served by the local road system. The benefit obtained by a property from regular local road maintenance is closely related to the use that the property makes of City streets as measured by trip generation of developed properties.

(7) It is anticipated that each City street will receive routine maintenance services every year. In addition, many City streets will receive major maintenance service, such as a chip seal or overlay, within the next eleven years. Unless these activities are funded, budgeted and appropriated, thereby properly maintaining City streets; the public health, safety and welfare will be seriously jeopardized.

(8) The Council finds the following source documents to be generally accepted and reliable for use in implementing the terms of this ordinance.

(a) Trip Generation, 7th Edition, published by the Institute of Transportation Engineers, ("ITE Manual,") and

(b) The City of Tualatin Pavement Management Plan, dated September 28, 1988, as updated.

(9) Since the Pavement Management Plan identifies a need to generate \$300,000 per year over the next 11 years and the next largest unfunded expense within the Road Fund is the cost of street lighting, the Council determined that the unfunded needs of these two programs would be \$350,000. It was further assumed that these costs would rise gradually as the City street system grows and the City builds and accepts more streets and street lights. The City Council established a goal of funding the entire average annual projected cost of street maintenance, according to the Pavement Management Plan, as well as \$50,000 or approximately one-half of the current cost of street lighting. The ratio of one to seven should be used in the future as a benchmark for allocating revenues from the Road Utility Fee collected under this ordinance to the expenditures for road maintenance and street lighting.

(10) Funds received under this ordinance shall be placed in the City's Road Fund and dedicated and used exclusively for street maintenance, including sidewalk repair, landscape enhancements along the rights-of-way, street tree replacement, and street lighting and for no other purpose, as more specifically out-lined in TMC 3-4-100.

(11) The adoption of this ordinance and the levying of charges and fees hereunder are adopted pursuant to the authority contained in the Oregon Constitution, Article XI, Section 2 and the City of Tualatin Charter of 1967, Section 4.

3-4-030 Creation of Road Utility and Dedication of Revenue to Road Fund.²

(1) A road utility within the Road Fund is created for the purpose of maintenance of City streets, which includes repairing sidewalks under a sidewalk maintenance program, landscape enhancements along the rights-of-way, street tree replacement, and for paying the operating cost of street lights.

(2) All funds collected pursuant to this Chapter must be allocated to the City's Road Fund. The portion of the Road Fund that represents the fees collected under this chapter during a given year, fees carried over from prior years and investment earnings from the fees shall be used to operate and administer the City's street maintenance program, which includes repairing sidewalks under a sidewalk maintenance program, landscape enhancements along the rights-of-way, replacing street trees, and to pay the cost of lighting City streets. The fees paid and collected must be reasonably related to the cost of providing street maintenance and street lighting, and generate revenues that are required to provide those services pursuant to the Plan. To the extent that road utility fees collected are insufficient to properly maintain local streets, the cost may be paid from such other non-dedicated City funds as may be allocated by the City Council, but the City Council may direct the reimbursement to such fund if additional fees are collected. All amounts on hand in the Road Fund, including those collected pursuant to this Chapter may be invested by the Finance Director in accordance with State law. Earnings from such investments shall also be dedicated to the Road Fund.

(3) It is not necessary that the operations, administration and maintenance expenditures from the Road Fund for street maintenance and lighting purposes specifically relate to any particular property from which the fees for such purposes were collected. The fees shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's accounting, management and other governing costs, incident to operation of the street maintenance program and the lighting of City streets. Otherwise the fees and charges shall be used solely to pay for the cost of operation, administration, maintenance, repair, improvement, renewal, replacement and reconstruction of City streets and related facilities and the actual costs of electricity and maintenance of City street lights.

(4) Revenues collected under this ordinance will be budgeted within the City Road Fund between expenditures for street maintenance and the operation and maintenance of City street lighting on the basis of approximately 6/7ths for street maintenance and 1/7th for street lighting. Revenues received for future years maintenance under the Plan will be reserved.

² Subsections (2); (3); and (4) were moved from former TMC 3-4-060.

3-4-040 Definitions.

As used in this Chapter, the following means:

- (1) "City Manager" means the City Manager, or the City Manager's designee.³
- (2) "City Street" or "Street" means a public road or right-of-way, which is under the jurisdiction or control of the City.
- (3) "Developed property" or "developed use" means a lot or parcel, or legal portion of a lot or parcel, or other real property, on which an improvement exists or has been constructed.
- (4) "Improvement" means the development of property, or a portion thereof, and includes, but is not limited to, buildings, parking lots, landscaping, and outside storage.⁴
- (5) "ITE Manual" means the manual entitled Trip Generation, published by the Institute of Transportation Engineers, 7th Edition.⁵
- (6) "Mixed uses" means a single lot or parcel or property with more than one distinct use, and where, if located on separate lots or parcels without any shared amenities, such as walkways, driveways or parking areas, the uses would be assigned to distinct Use Categories. Mixed uses may include retail shopping centers with more than one tenant in either shared or separate leasable spaces and shared or common areas such as walkways, on site traffic areas, and parking. Mixed uses will generally contain a single water meter and sewer utility service.⁶
- (7) "Multi-family Residential Property" means residential property consisting of more than three separate living units or spaces.
- (8) "Non-residential." A use of property which is primarily not for personal, domestic accommodation. The term non-residential includes, but is not limited to, industrial and commercial uses of property.
- (9) "Related Properties" means more than one lot or parcel or property with at least one common boundary, where the uses on such properties would be assigned to distinct Use Categories if the uses did not share common driveways, walkways or parking

³ Added City Manager to definitions.

⁴ Moved the definition of "Improvement" from the last sentence after the definition of "Developed Property" in former TMC 3-4-040(3) and made it its own definition section

⁵ Moved the definition of the "ITE Manual" from the last sentence in the definition of "trip generation" in former TMC 3-4-040(11) and made it its own definition section.

⁶ Moved the definition of "Mixed Uses" was in TMC 3-4-140(2)(a) to the definition section.

areas, and whose orientation is designed to reduce the number of trip destinations. Related properties may have more than a single water meter and sewer utility service.⁷

(10) "Residential Property." A use of property which is primarily for personal, domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

(11) "Single family residential" means residential property consisting of single family detached dwellings, duplexes, and triplexes.

(12) "Trip generation" means the "average rate" of weekday vehicle trips, as determined by reference to the ITE Manual.⁸

(13) "Use Category or Category of Use" means the Code number and resulting trip generation estimate determined with reference to the ITE Manual, and applicable to a particular developed or improved property.

(14) "Vacant" means that an entire building or billing unit has become vacant or continuously unoccupied for at least 30 days, not that a portion of a developed property without separate water meters has become vacant or unoccupied.⁹

3-4-050 Administration.

(1) The City Manager is responsible for the administration of this Chapter, including for developing administrative procedures, and for collecting the fees established by Council.

(2) The City Manager is responsible for developing and maintaining street maintenance programs for the maintenance of City streets and, subject to City Budget Committee review and City Council approval, allocation and expenditure of budget resources for street maintenance and street lighting in accordance with this Chapter.

(3) The City Manager is authorized and responsible to interpret all terms, provisions, and requirements of this Chapter, to adopt administrative policies, and to determine the appropriate fees, consistent with this Chapter and the Council fee resolution. The City Manager is also authorized and directed to review the operation of this Chapter and where appropriate recommend changes to Council.¹⁰

⁷ Moved the definition of "Related Properties" in former TMC 3-4-140(2)(b) and moved to the definition section.

⁸ Added the term weekday to the "trip generation" definition because of the language in former TMC 3-4-150(1)(g) ("Use Categories within the ITE Manual shall be determined by reference to weekday average trip generation rates.")

⁹ Added the definition of "Vacant" from the definition of "vacancy" in former TMC 3-4-110(4).

¹⁰ Subsection (3) modified former TMC 3-4-120(1) (Administrative Interpretation).

3-4-100 Road Utility Fee Established.

(1) A Road Utility Fee is imposed and levied upon the owner, tenant, agent, or other authorized representative responsible for occupancy of an improved or developed property within the City.

(2) The Road Utility Fee will be established annually by resolution of the Council. The fee shall be based on the benefit that an owner, occupant, tenant, agent, or other authorized representative responsible for occupancy of a property receives from the direct and indirect use of or benefit derived from the use of public streets, sidewalk maintenance, street tree replacement, landscape enhancements along the rights-of-way, street lights and related facilities, as set forth in this Chapter.

(3) The Road Utility Fee imposed may be paid by the owner, occupant, tenant, agent, or other authorized representative responsible for occupancy of a property.

3-4-110 Road Utility Fee Rates.

(1) The Road Utility Fee rates established annually by resolution of the Council will be based upon the trip generation impacts and the base rate maintenance cost for each Customer Group. The Customer Groups are:¹¹

(a) Single Family Residential Customer Group;

(b) Multi-Family Residential Customer Group; and

(c) Non-Residential Customer Group. The Non-Residential Customer Group Consists of multiple subgroups based upon vehicle trips generated by the property's uses, as determined by the ITE Manual. The Non-Residential Customer Groups are, as follows:

(i) Group 1: 7 or fewer average daily vehicle trips per thousand square feet of developed area;

(ii) Group 2: more than 7 but less than 21 average daily vehicle trips per thousand square feet of developed area;

(iii) Group 3: 21 or more but less than 53 average daily vehicle trips per thousand square feet of developed area;

(iv) Group 4: 53 or more but less than 151 average daily vehicle trips per thousand square feet of developed area;

¹¹ Subsection (1) modified former TMC 3-4-080(2) and contains all of the same groups.

(v) Group 5: 151 or more but less than 400 average daily vehicle trips per thousand square feet of developed area;

(vi) Group 6: 400 or more average daily vehicle trips per thousand square feet of developed area; and

(vii) Group 7: specially assigned trip generation figures.

(2) On or before July 1, 2018, and each July 1 thereafter, the Council will adjust the Road Utility Fee based upon the rolling five-year average of the following inflationary indices:¹²

(a) the National Highway Construction Cost Index reflecting the cost of materials, weighted at 50%;

(b) The U.S. Bureau of Labor Statistics Employment Cost Index for Private Industry Workers, By Occupational Group and Industry, Construction Group reflecting the cost of labor, weighted at 30%; and

(c) The average annual change in total real market value of Washington County real property as estimated from data published by the Washington County Department of Assessment and Taxation reflecting the cost of right-of-way, weighted at 20%.

(3) Notwithstanding subsection (2), the Council may revise the Road Utility Fee to reflect actual revenues, anticipated maintenance and lighting requirements, improvements in the methods of calculating revenues or requirements and changes in conditions which the Council finds should be taken into consideration in rates.

TMC 3-4-120 Determination and Application of Rates.¹³

(1) To determine the Road Utility Fee for each owner, occupant, tenant, agent, or other authorized representative responsible for occupancy of a property, the City Manager must determine the appropriate Customer Group, use category, number of trips generated, and Gross Floor Area for each property and apply the rates set by Council.

(2) The City Manager must determine the appropriate Customer Group based on the use of the property and the trips generated per thousand square feet of development with reference to the ITE Manual.

(3) The City manager must determine the appropriate use category of each developed property as follows:¹⁴

¹² Subsection (2) is a new provision on indexing and is the same as what Washington County uses for the TDT.

¹³ This is a new section and modifies former TMC 3-4-080(2) and (3).

(a) Apply the use category from the ITE Manual that best represents the use of the property.

(b) In the absence of a specific use category from within the ITE Manual for a particular developed use, the City Manager must determine the appropriate category by interpreting the ITE Manual and assigning the category which most accurately reflects the use of the particular property based upon the following factors:

- (i) the size of the site and the building;
- (ii) the number of employees;
- (iii) other developed sites operated by the same or an affiliated owner for a use generating comparable amounts of traffic;
- (iv) other developed sites operated by a different owner for a use generating comparable amounts of traffic;
- (v) the number of work shifts;
- (vi) the number of hours of operation; and
- (vii) the planning district designation.

(c) In lieu of, or in addition to, the factors in subsection (b) for determining the use category, the City Manager may require and consider the results of a traffic study conducted in accordance with the methodology outlined in the ITE Manual, and provided the study includes on site traffic counts not less than twice nor more than four times during the year immediately following the beginning of operation on site.

(d) In furtherance of this rule, the City Manager may assign a use category on an interim basis, provided it is not less than the lowest use category among available residential or nonresidential groups.

(e) The determination of use category is not a land use decision as that term is defined in ORS 197.015.

(4) For Non-Residential Customer Groups, after determining the appropriate use category for a developed property, the City Manager must use the estimated vehicle trip generation figures for the assigned use category from the ITE Manual and designate the developed property to a particular Customer Group based on the estimated number of vehicle trips in the ITE Manual for that use category.

¹⁴ Subsection (3) is from former TMC 3-4-080(2) and (3)

(5) For each Non-Residential Customer Group, the City Manager must determine the Gross Floor Area measured in thousands of square feet or fractions of thousand square feet as follows:¹⁵

(a) the sum in square feet of the area of each floor level in the building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (6 feet, 6 inches minimum) regardless of their use.

(b) If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this Gross Floor Area is considered part of the overall square footage of the building.

(c) Unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, are excluded from the Gross Floor Area calculations.

(d) Parking garages within the building are excluded from the Gross Floor Area calculations.

(6) For the Non-Residential Customer Group, when uses of property under the ITE Manual are analyzed according to acreage rather than square footage, the City Manager must convert the ITE Manual trip generation rates to a square footage calculation and calculate the Road Utility Fee based on the square footage calculation. If conversion to a square footage calculation is not practical, then the City Manager may assign a special trip generation rate for an individual parcel.¹⁶

3-4-140 3-4-130 Mixed Uses and Related Properties.

(1) Mixed uses within a single building and Related Properties are not entitled to apportionment of the Road Utility Fee bill, unless the separate uses contain separate water meters and sewer services.

(2) For each separate use, the City Manager will determine the appropriate Customer Group, use category, number of trips generated, and Gross Floor Area, as set forth in TMC 3-4-120 (Determination and Application of Rates).

¹⁵ Subsection (5) is taken directly from the definition of Gross Floor Area definition in the ITE Manual. This is also consistent with the City's calculation of square feet, as set forth in former TMC 3-4-150(1)(i) ("Building area shall be multiplied by the number of stories, designed for development.")

¹⁶ Subsection (6) is from former TMC 3-4-150(1)(h) and moved here.

(3) The City Manager will then apply the rates set by Council, as appropriate for each separate use. The Road Utility Fee for each separate use will then be billed with the water and sewer services account related to the separate use.

(4) Although these standards will generally apply to nonresidential uses, they may be used to determine the appropriate Use Category or Customer Group for mixed uses which consist of residential and nonresidential uses.

3-4-140 Application of Road Utility Fee to Certain Properties.¹⁷ The application of the Road Utility Fee under of this Chapter to certain properties is as follows:

(1) City-owned parking lots, which are not associated with public services other than parking, are not subject to the Road Utility Fee as they do not generate traffic in and of themselves.

(2) Parking lots owned and operated by Tri-Met for mass transit passengers, such as "Park and Ride" are not subject to the Road Utility Fee as they serve a purpose of reducing overall trip generation through the use of public transportation.

(3) Publicly owned Park land, Open spaces and Greenways are not be subject to the Road Utility Fee unless public off-street parking designed to accommodate the use of such areas is provided.

(4) Areas used for commercial farming or forestry operations will be billed according to the predominant use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the Road Utility Fee. Where there is more than one developed use on the site, the Use Category shall be determined by examining the predominant use which shall be the use which is made on the property for the longest portion of the year. Where more than one use is made of a farming or forestry site and two or more uses predominate, then each use must be examined separately, as set forth in TMC 3-4-130 (Mixed Uses and Related Properties), and a combination of use categories will be used to determine the Road Utility Fee.

(5) Areas encompassing railroad and public right-of-way are not subject to the Road Utility Fee.

(6) Railroad property containing structures, such as maintenance areas, non-rolling storage areas, and areas used for the transfer of rail transported goods to non-rail transport are subject to Road Utility Fees.

(7) Road Utility Fees imposed under this Chapter apply to all developed property, including developed property owned by local, state, federal governments as well as

¹⁷ This is from former TMC 3-4-140(1) and moved here.

property which may be entitled to exemption from or deferral of ad valorem property taxation.

(8) The fees imposed under this Chapter become due and payable from and after the date when the developed property is connected to the public sanitary sewer system and is receiving service therefore.

3-4-150 Change in Use of Property.¹⁸ Except as provided in TMC 3-4-220 (Vacant Property), a developed property which undergoes a change in use will continue to be responsible for fees imposed by this Chapter. Upon learning of the change in use and determining that a different Customer Group, use category, number of trips generated, or Gross Floor Area applies to the developed property, the City Manager will determine and assign the appropriate Customer Group, use category, number of trips generated, or Gross Floor Area, and modify the Road Utility Fee accordingly. Nothing contained herein shall be construed as a waiver of the City's right and responsibility to charge and collect the road utility fee in accordance with correct information concerning the developed property.

3-4-200 Billing and Collection of fee-the-Road Utility Fee.

(1) The road utility fee shall be billed and collected with and as part of the monthly water and sewer bill for those lots or parcels utilizing City water and sewer, and billed and collected separately for those lots or parcels not utilizing City water and sewer. In cases where a developed property is subject to water and sewer utility charges, the Road Utility Fee bill shall be directed to the same person as the bill for water and sewer charges, whether that be the owner, tenant, agent, or other authorized representative responsible for occupancy the developed property. All such bills shall be rendered monthly by the City Manager and shall become due and payable upon receipt.

(2) In the event funds received from City utility billings, as described in subsection (1) of this section, are inadequate to satisfy in full all of the water, sanitary sewer, storm sewer and road utility fees, credit shall be given first to the road utility fee, second to the sanitary and storm sewer service charges and third to the charges for water service.

3-4-210 Delinquent Accounts.¹⁹

When a person's account is delinquent, the person will be provided a notice of delinquency. If payment is not received, the City may discontinue City utility services and may collect the charges through any means authorized by law.

¹⁸ This is from former TMC 3-4-140(1)(l) and made its own Section.

¹⁹ This is from former TMC 3-4-100.

3-4-220 Vacant Property.²⁰

(1) Except as provided in subsection (2) of this section, when any premises within the City become vacant, totally unoccupied, or unused, but water service remains, and upon written application of the owner or the owner's authorized agent, and approval by the City Manager, the Road Utility Fee shall thereafter be billed at the lowest rate within either the residential or nonresidential Customer Group, as appropriate.

(2) When any premises within the City become vacant, totally unoccupied, or unused, and water service is discontinued, and upon written application of the owner or the owner's authorized agent, payment of all outstanding water, sanitary sewer, storm sewer and road utility charges, and approval by the City Manager, the road utility fee shall thereafter not be billed and shall not be a charge to the owner of the property.

(3) The City Manager is authorized to cause an investigation of any property for which a fee reduction or waiver application is submitted under this section to verify any of the information contained in the application.

(4) Fees may be reduced or waived in accordance with this section only while the property remains vacant.

(5) The person signing the application for waiver or reduction of fees shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether water service is restored. The City may charge any person the appropriate Road Utility Fee, including charges for prior billing periods, upon determining by whatever means that the property did not qualify as vacant during such time.

(6) The decision of the City Manager under this section is final.

3-4-300 Request for Review of Determination of Rate.²¹

(1) A property owner, tenant, agent, or other authorized representative responsible for payment of the Road Utility Fee wishing to challenge the City Manager's determination of the Customer Group, use category, number of trips generated, or Gross Floor Area applicable to determine the Road Utility Fee must file a Request for Review with the City Manager.

(2) The Request for Review must contain a statement and supported by evidence setting forth the reason(s) that the Customer Group, use category, number of trips generated, or Gross Floor Area is invalid, otherwise improper, or why it should be modified.

²⁰ This is from former TMC 3-4-110.

²¹ This modified former TMC 3-4-120. Changed title and process from request for interpretation to a Request for Review. The timelines for filing did not change.

(3) Within 30 days of the submission of the Request for Review, the City Manager must issue a decision. The decision must be written and include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria. A copy of the decision must be mailed to the person submitting the request. The City Manager must maintain a collection of such decisions.

(4) If the City Manager agrees in whole or in part with the Request for Review, the City Manager will modify the Road Utility Fee to be charged in the future. No back charges or refunds are allowed.

(5) The decision of the City Manager may be appealed to the City Council in accordance with TMC 3-4-310 (Appeal to Council).

3-4-310 Appeal to Council.²²

(1) Any owner, tenant, agent, or other authorized representative responsible for payment of the Road Utility Fee wishing to challenge the City Manager's determination on their Request for Review may appeal the City Manager's determination to the Council by filing a Notice of Appeal.

(2) The Notice of Appeal must contain a statement and supported by evidence setting forth the reason(s) that the City Manager's decision is invalid, otherwise improper, or why it should be modified. The Notice of Appeal must be filed with the City Manager within 10 days from the date of the City Manager's decision, together with a filing fee in the amount of \$300. The Notice of Appeal must also include an engineering study prepared by a licensed professional engineer in conformance with the methodology outlined in the ITE Manual.

(3) Upon receipt of a Notice of Appeal within the timelines established in subsection (2), the City Manager shall schedule the matter for City Council review and notify the appellant not less than 10 days prior to the date of such Council review. The Council will conduct a hearing during a public meeting and determine whether there is substantial evidence in the record to support the interpretation given by the City Manager. The Council may continue the hearing for purposes of gathering additional information bearing on the issue. The Council will make a tentative oral decision and must adopt a final written decision together with appropriate findings in support. The failure to appeal an interpretation made under this Chapter within the time and in the manner provided is sufficient cause to deny the relief requested.

(4) If the Council agrees in whole or in part with the Notice of Appeal, the Council will modify the Road Utility Fee to be charged that account in the future. No back charges or refunds are allowed. Except in cases of hardship as determined by the Council,

²² This modified former TMC 3-4-130 to better explain the appeal process. The timelines and amount of the filing fee were not changed.

disputes which result in changes in the Road Utility Fee charged under this Chapter become effective with the next billing cycle.

(5) The Council's decision on the matter is final.

3-4-320 Inspection of Premises.²³ The City Manager is authorized, through consent of a person in charge of private property, or otherwise by administrative warrant, to enter upon private property for purposes of conducting any studies or collecting information bearing upon the determination of the appropriate Customer Group, use category, number of trips generated, or Gross Floor Area applicable to determine the Road Utility Fee in accordance with this Chapter.

3-4-400 Civil Penalty.²⁴

(1) In addition to any other remedy provided in this Chapter, violation of this ordinance is punishable by a fine not to exceed \$500. Each day after an account subject to Road Utility Fees remains delinquent in payment of such fees constitutes a separate violation.

(2) The civil infraction procedures in TMC 7-1 apply to the prosecution of any violation that results in a civil penalty under this Chapter.

3-4-500 Special Assessments.²⁵ Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable

²³ This modified former TMC 3-4-160 to clarify that the City cannot enter private property without either consent of the person in charge or by administrative warrant.

²⁴ This modified former TMC 3-4-400 to clarify that if a Civil Penalty is issued that the civil infraction procedures in TMC 7-1 apply.

²⁵ This was renumbered from former TMC 3-4-180.



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

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

DATE: 06/26/2017

SUBJECT: Consideration of **Resolution No. 5333-17** Authorizing a Professional Services Agreement for Consulting Services to Assist in Completing the Parks and Recreation Master Plan Update

ISSUE BEFORE THE COUNCIL:

Council will consider a resolution authorizing a professional services agreement with MIG, Inc. for consulting services to complete the Parks and Recreation Master Plan Update.

RECOMMENDATION:

Staff recommends Council adopt the attached resolution authorizing the City Manager to execute the attached professional services agreement with MIG, Inc. for consulting services to complete the Parks and Recreation Master Plan Update.

EXECUTIVE SUMMARY:

This project will update the 1983 Parks and Recreation Master Plan and define the community's vision, goals, standards, and financing alternatives to guide the future of Tualatin's parks and recreation system. A consulting team is required to complete this work.

Requests for Proposals were advertised and three proposals were received. The proposals were evaluated by a staff committee consisting of the Parks and Recreation Manager, Planning Manager, Park Maintenance Manager, Management Analyst, and Community Services Director. MIG, Inc. was selected as the preferred consulting team based on their work plan and approach, experience related to the project, and qualifications of the firm and personnel.

Staff negotiated the attached professional services agreement covering the scope, schedule, and budget to complete the Parks and Recreation Master Plan Update Project (See Exhibit 1 to the Professional Services Agreement in the attached resolution).

As an element of the Parks and Recreation Master Plan Update Project, MIG will complete an ADA Self-Evaluation and Transition Plan for Tualatin's outdoor park facilities. MIG has also been employed by the City under another agreement to complete the ADA Self-Evaluation and

Transition Plan for the city's buildings and right-of-ways. The scope of work and schedules for both projects will be combined in a single report with recommendations for consideration by the ADA Task Force and Council.

With approval of the attached agreement, it is anticipated that the project will be completed by the end of 2018 (See Attachment A, Project Schedule). A refined project schedule will be developed following approval of the agreement.

FORMATION OF A PROJECT ADVISORY COMMITTEE

A Project Advisory Committee is being formed and staff will review applications and recommend appointments for Council approval on July 10, 2017. Staff requests Council select two council members to sit on the Project Advisory Committee to serve as liaisons.

The purpose of the Project Advisory Committee is to provide staff and consultants with a diversity of perspectives, advice, and recommendations on all matters pertaining to the project, and to review documents to ensure accuracy and consistency with community and city needs. The Project Advisory Committee will make a final recommendation on plan acceptance to the Council.

An invitation to serve on the Project Advisory Committee has been broadly advertised through the city's web site and Facebook page, all the Citizen Involvement Organizations (CIOs), all standing advisory committees, local news media, and community-serving organizations. More than 2,000 email invitations have been sent and online applications are being received.

The Project Advisory Committee will serve through the duration of the project between July 2017 and Fall 2018. A final schedule has not been set yet. It is anticipated that the Project Advisory Committee will meet 6 to 8 times.

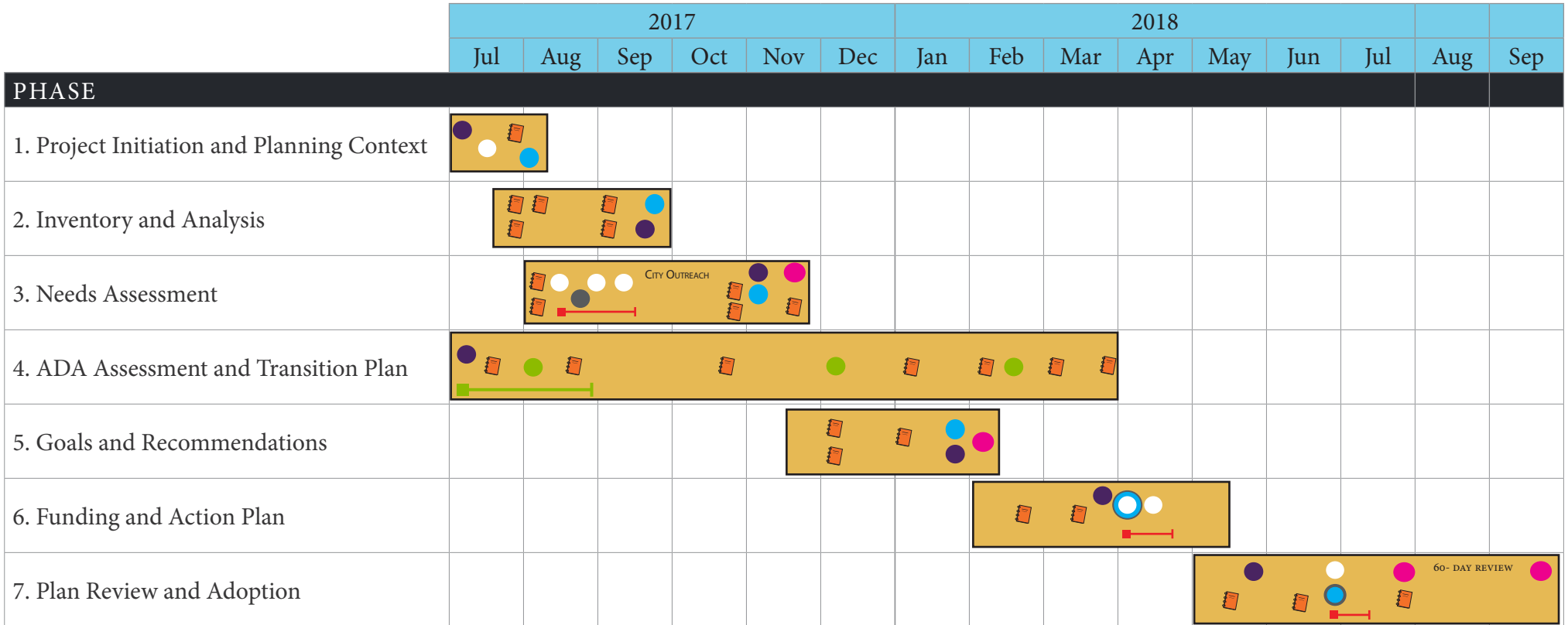
FINANCIAL IMPLICATIONS:

The fee for this project is \$228,000 and is budgeted in the Park Development Fund in FY 16/17 and FY 17/18.

Attachments: [A - Project Schedule](#)
 [Reso 5333-17 - Prof Serv Agree Parks MP](#)



Tualatin Parks & Recreation Master Plan Update Project Schedule



- Project Advisory Committee (PAC) Meetings
- Project Management Team (PMT) Meetings
- Council Updates
- ADA Meetings
- Art Advisory Committee Meeting (TAAC)

- Public Engagement/ Meetings/Activities
- | Online Questionnaire

- 📄 Major Deliverable
- | ADA Surveying

RESOLUTION NO. 5333-17

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH MIG, INC. TO UPDATE THE PARKS AND RECREATION MASTER PLAN

WHEREAS, consultant services are required to update the 1983 Parks and Recreation Master Plan to define the community's vision, goals, standards, and financing alternatives to guide the future of Tualatin's parks and recreation system; and

WHEREAS, three proposal were received on May 19, 2017, and were subsequently evaluated on a qualifications basis; and

WHEREAS, a Notice of Intent to Award was issued to MIG, Inc. on May 25, 2017; and

WHEREAS, City staff entered into and completed negotiations with MIG, Inc. on the scope of work and fee for a time and materials contract; and

WHEREAS, the procurement complies with the City's public contracting requirements; and

WHEREAS, this project is identified in the Capital Improvement Program; and

WHEREAS, adequate funds have been budgeted for this project in the FY16/17 and FY17/18 Park Development Fund.

BE IT RESOLVED BY THE TUALATIN CITY COUNCIL, that:

Section 1. The City Manager is authorized to execute a Professional Services Agreement with MIG, Inc. in the amount of \$228,000.

Section 2. The City Manager is authorized to execute changes to the agreement and price.

Section 3. This resolution is effective upon adoption.

INTRODUCED AND ADOPTED this 26th day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

CITY OF TUALATIN PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT is entered into as of the date first indicated on the signature page by and between the City of Tualatin, a municipal corporation of the State of Oregon ("City"), and MIG ("Contractor").

Section 1. Contract Documents. The Contract Documents, which together form the complete Agreement between the parties, consists of the following documents in descending order of precedence: (i) this Agreement; (ii) any documents specifically referenced in this Agreement; and (iii) the attached Scope of Work (Exhibit A); (iv) the attached hourly rate schedule (Exhibit B); (v) the invitation to bid/propose; (vi) the Tualatin Public Works Design Standards; and (vii) Contractor's bid/response. To the extent there is any conflict between the Contract Documents, the conflict is resolved by the order of precedence above. There are no other Contract Documents other than those listed.

Section 2. Work.

- A. Completion.** Contractor must complete all Work that is generally described as set forth in Exhibit A, which is incorporated into this Agreement as if fully set forth.
- B. Authenticity by Contractor.** All written documents, drawings, and plans submitted by Contractor in completing the Work must be stamped with the engineer, land surveyor, architect, or design professional's professional stamp and bear that professional's signature or initials.
- C. Qualified Professionals.** All Work must be performed by qualified engineers and other professionals that are properly licensed under the laws of the State of Oregon.
- D. City Standards.** All design work must be according to City of Tualatin standards, including but not limited to, the Tualatin Municipal Code and Tualatin Public Works Standards, applicable Master plans, and all other applicable documents referenced in any of these documents.
- E. Solely Responsible.** Contractor is solely responsible for all Work under this Agreement, including all services, labor, materials and supplies, documents, permits and other requirements to complete the Work, whether produced by Contractor or any of Contractor's subcontractors or Contractors, except for those items identified as the responsibility of the City.
- F. Sufficient Plans.** Contractor warrants that the Agreement specifications and plans, if any, prepared by Contractor will be adequate and sufficient to accomplish the purposes of the project and that review or approval by the owner of the plans and specifications does not diminish the warranty of adequacy.
- G. Project Costs.** In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the project, given the uncertainty with such projections, City acknowledges Contractor makes no warranty that City's actual project costs, financial aspects, economic feasibility, or schedules will not vary from Contractor's opinions, analyses, projections, or estimates.
- H. Subsurface Investigations.** City acknowledges Contractor makes no warranty about subsurface conditions and cost/execution effects, even if analyzed, as soils, foundation, ground water, and other subsurface investigations may vary significantly between successive test points and sample intervals.
- I. Record Drawings.** Record drawings, if required, will be prepared, in part, on the basis of information compiled and furnished by others, and may not always represent the exact location, type of various components, or exact manner in which the Project was finally constructed. Engineer is not responsible for errors or omissions in the information from others that are incorporated into the record drawings.
- J. Additional Work.** If City requests. Contractors to provide additional services not included in the Work described on Exhibit A, the parties will enter into a written amendment to include such Work. The Agreement price for such additional Work will not exceed Contractor's hourly rate as agreed to in Exhibit B. No compensation for additional services will be paid or owing unless both parties specifically agree in writing to such additional compensation and services.

Section 3. Effective Date. The effective date of this Agreement is the date both Parties sign this Agreement ("Effective Date"). If the parties sign on separate dates, the date of the last signature is the Effective Date.

Section 4. Time is of the Essence. Contractor agrees that time is of the essence under this Agreement.

Section 5. Standard of Care. In the performance of its professional or technical services, Contractor must use that degree

of care and skill ordinarily exercised under similar circumstances by reputable members of its profession practicing in the Portland Metropolitan Area. Contractor will reperform any services not meeting this standard without additional compensation. Contractor's reperformance of any services, even if done at City's request, will not be considered as a limitation or waiver by City of any other remedies or claims it may have arising out of Contractor's failure to perform in accordance with the applicable standard of care or this Agreement.

Section 6. Duty to Inform. If during the performance of this Agreement or in the future, Contractor becomes aware of actual or potential problems, faults, or defects in the projects, any nonconformance with the federal, state or local law, rule, or regulation, or has any objection to a decision or order made by City with respect to such laws, rules, or regulations, Contractor must give prompt written notice to City's Project Manager.

Section 7. Independent Contractor; Responsibility for Taxes and Withholding; Anti-Kickback.

- A. Independent Contractor.** Contractor will perform all Work as an independent Contractor. The City reserves the right (i) to determine and modify the delivery schedule for the Work and (ii) to evaluate the quality of the Work Product; however, the City may not and will not control the means or manner of Contractor's performance. Contractor is responsible for determining the appropriate means and manner of performing the Work.
- B. Not an Officer, Employee or Agent.** Contractor is not an "officer", "employee", or "agent" of the City, as those terms are used in ORS 30.265.
- C. Federal and State Taxes.** Contractor is responsible for all federal or state taxes applicable to compensation or payments paid to Contractor under this Agreement and, unless Contractor is subject to backup withholding, City will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligations. Contractor is not eligible for any social security, unemployment insurance or workers' compensation benefits from City under this Agreement. Contractor is not entitled to, and expressly waives all claims to City benefits, including but not limited to health and disability insurance, paid leave, and retirement.
- D. Anti-Kickback.** Contractor must comply with the Copeland "Anti-Kickback" Act (18 U.S.C. § 847) as supplemented in Department of Labor regulations (29 CFR part 3).

Section 8. Subcontracting. Except for those subcontracts identified in Exhibit A, Contractor's services are unique and as such, will not enter into any subcontracts for any of the Work required by this Agreement without City's prior written consent. Any subcontract will not relieve Contractor of any of its duties or obligations under this Agreement. All subcontracts for services must be issued under written agreements that include all provisions required under Oregon Public Contracting law. Upon request by the City, Contractor must provide City a copy of all agreements with subcontractors who are performing work under this Agreement.

Section 9. Agreement Price.

- A. Hourly Rate.** City agrees to pay Consultant on an hourly basis for actual hours worked on this project. The hourly rate is shown on Exhibit B, which is attached hereto and incorporated into this Agreement as if fully set forth.
- B. Maximum Fee.** In no event will City pay Contractor a price not to exceed \$228,000.00, which is inclusive of all hours necessary to complete the Work.

Section 10. City Funds for Payment. (Check One Below)

- City certifies that it has sufficient funds currently authorized to finance the full costs of this Agreement.
- Contractor understand and agrees that City's payment of amounts under this Agreement is contingent on City receiving appropriations, limitations, allotments or other expenditure authority sufficient to allow City, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement.

Section 11. Payment Process.

- A. Invoices.** Contractor must furnish City an invoice for services on a monthly basis. The invoice must contain an itemized statement showing the number of hours worked on the project by Contractor and the specific Work or portions of the Work performed.
- B. Reimbursable Expenses.** City's Payment for reimbursable expenses is limited to those reimbursable expenses set forth on Exhibit B, which are actually incurred by Contractor and itemized on Contractor's invoice for services.

- C. Payment for Services.** City will pay Contractor for services invoiced within thirty (30) days of receiving an itemized invoice (“net thirty”), unless City disputes the invoice, in which case City will only pay for those services not in dispute.

Section 12. Contractor’s Representations.

- A.** In order to induce City to enter into this Agreement Contractor makes the following representations and warranties:
- (i) Contractor has the power and authority to enter into and perform his Agreement;
 - (ii) This Agreement, when executed and delivered, is a valid and binding obligation of Contractor enforceable in accordance with its terms;
 - (iii) Contractor has examined and carefully studied all Contract Documents and the other related data identified in the Contract Documents;
 - (iv) Contractor has become familiar with all conditions that may affect cost, progress, and performance of the Work;
 - (v) Contractor has the skill and knowledge possessed by well informed members of its industry, trade or profession and Contractor will apply that skill and knowledge with care and diligence to perform the Work in a professional manner and in accordance with standards prevalent in Contractor’s industry, trade or profession;
 - (vi) Contractor must, at all times during the term of this Agreement, be qualified, professionally competent, and duly licensed to perform the Work; and
 - (vii) Contractor prepared its proposal related to this Agreement, if any, independently from all other proposers, and without collusion, fraud, or other dishonesty.
- B. Warranties Cumulative.** The warranties set forth in this section are in addition to, and not in lieu of, any other warranties provided.

Section 13. Suspension of Work. The City may suspend work by causing a written “stop work order” to be sent to Contractor as provided in the notice provisions of this Agreement and documenting the reasons for stopping the work. Contractor must stop all work upon receiving the “stop work order.”

Section 14. Notice to Parties. Except as otherwise expressly provided in this Agreement, any communications between the parties hereto or notices to be given hereunder must be given in writing by personal delivery, mail facsimile, or email.

- A. Notice by Personal Delivery.** Any communication or notice given by personal delivery is effective when actually delivered.
- B. Notice by Mail.** Notice given by mail must be by postage prepaid, to Contractor or City at the address, set forth herein, or to such other addresses or numbers as either party may indicate pursuant to this Section. Any communication or notice so addressed and mailed is effective five (five) days after mailing.
- C. Notice by Email.** Any communication or notice given by email is effective upon the sender’s receipt of confirmation generated by the recipient’s email system that the notice has been received by the recipient’s email system.
- D. Party to be Notified.** Unless otherwise notified in writing as set forth above, notices must be given to the Project Managers. If a Party’s Project Manager is changed, notification of the change must be promptly made in writing to the other party. If a party receives a communication from the other party not executed by the Project Manager, the party may request clarification by the other party’s Project Manager, which must be promptly furnished.

1. City’s Project Manager
Rich Mueller, Parks and Recreation Manager
18880 SW Martinazzi Avenue
Tualatin, OR 97062
503 691-3064
rmueller@tualatin.gov

2. **Contractor's Project Manager**
Cindy Mendoza, CPRP
815 SW 2nd Avenue
Portland, OR 97204
cindym@migcom.com
503 297-1005

Section 15. City's Obligations. In addition to obligations of City described in other parts of the Agreement Documents, City is responsible for providing the following:

- A. Timely Response.** City will respond in a timely manner to all properly submitted requests from Contractor.
- B. Cooperation.** City will cooperate with Contractor to promptly review, comment on and approve all proposals and work that comply with the requirements of this Agreement.

Section 16. Assignment of Agreement. No assignment of any rights, duties, responsibilities, or interests in the Agreement will be binding on the other party without the written consent of the party sought to be bound. No assignment will release or discharge the assignor from any duty or responsibility under the Agreement Documents.

Section 17. Successors and Assigns. The provisions of this Agreement are binding upon and inure to the benefit of the parties, their respective successors, and permitted assigns.

Section 18. Severability. If any term or provision of this Agreements is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the parties must be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

Section 19. Merger Clause; Waiver. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement will bind the parties unless in writing and signed by both parties and all necessary City approvals have been obtained. Such waiver, consent, modification or change, if made, is effective only in the specific instance and for the specific purpose given.

Section 20. Agreement Construction. This Agreement shall not be construed against either party regardless of which party drafted it. Other than as modified by this Agreement, the applicable rules of Agreement construction and evidence will apply.

Section 21. Ownership of Intellectual Property.

- A. Original Works.** All Work Product created by Contractor pursuant to the Work, including derivative works and compilations, and whether or not such Work Product is considered a work made for hire or an employment to invent, shall be the exclusive property of City. City and Contractor agree that such original works of authorship are "work made for hire" of which City is the author within the meaning of the United States Copyright Act. If for any reason the original Work Product created pursuant to the Work is not "work made for hire," Contractor hereby irrevocably assigns to City any and all of its rights, title, and interest in all original Work Product created pursuant to the Work, whether arising from copyright, patent, trademark, trade secret, or any other state or federal intellectual property law or doctrine. Upon City's reasonable request, Contractor will execute such further documents and instruments necessary to fully vest such rights in City. Contractor forever waives any and all rights relating to original Work Product created pursuant to the Work, including without limitation, any and all rights arising under 17 USC §106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications. In the event that Work Product created by Contractor under this Agreement is a derivative work based on Contractor Intellectual Property, or is a compilation that includes Contractor Intellectual Property, Contractor hereby grants to City an irrevocable, non exclusive, perpetual, royalty free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the pre existing elements of the Contractor Intellectual Property employed in the Work Product, and to authorize others to do the same on City's behalf. In the event that Work Product created by Contractor under this Agreement is a derivative work based on Third Party Intellectual Property, or is a compilation that includes Third Party Intellectual Property, Contractor shall secure on the City's behalf and in the name of the City an irrevocable, non exclusive, perpetual, royalty free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the pre existing elements of the Third Party Intellectual Property employed in the Work Product, and to authorize others to do the same on City's behalf. If the Work Product is the property of the Contractor-Architect, by execution of this Agreement, the Contractor-Architect grants to City an exclusive and irrevocable license to use the Work Product.
- B. Contractor Intellectual Property.** All pre-existing trademarks, service marks, patents, copyrights, trade secrets, and other propriety rights of Contractor are and will remain the exclusive property of Contractor. Notwithstanding

the foregoing, Contractor hereby grants to City an irrevocable, nonexclusive, perpetual, royalty free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Contractor Intellectual Property, and to authorize others to do the same on City's behalf.

- C. Third Party Works.** In the event that Work Product is Third Party Intellectual Property, Contractor shall secure on the City's behalf and in the name of the City, an irrevocable, non exclusive, perpetual, royalty free license to use, reproduce, prepare derivative works based upon, distribute copies of, perform and display the Third Party Intellectual Property, and to authorize others to do the same on City's behalf.

Section 22. Records Maintenance; Access. Contractor must maintain all financial records relating to this Agreement in accordance with generally accepted accounting principles, and any other records pertinent to this Agreement in such a manner as to clearly document Contractor's performance, for a minimum of three (3) years following final payment or termination of this Agreement. City may have access to all, documents, whether in paper, electronic or other form, to perform examinations and audits and make excerpts and transcripts.

Section 23. No Third-Party Beneficiaries. There are no intended third-party beneficiaries to this Agreement. Contractor and the City are the only parties to this Agreement and are intended to be the only entities entitled to exercise and enforce the rights and obligations created by this Agreement.

Section 24. Nondiscrimination; Compliance with Applicable Law. Contractor agrees that no person shall, on the grounds of race, color, religion, sex, marital status, familial status, domestic partnership, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or veteran status suffer discrimination in the performance of this Agreement. Contractor must comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Work under this Agreement. Contractor will not discriminate against minority-owned, women-owned, or emerging small businesses. Contractor must include a provision in each subcontract requiring subcontractors to comply with the requirement of this provision.

Section 25. Public Contracting Requirements. Contractor must comply with provisions of ORS 279A.110; 279B.220, 279B.225, 279B.230, and 279B.235, which are incorporated by reference herein. City's performance under the Agreement is conditioned upon Contractor's compliance.

Section 26. Certification of Compliance with Tax Laws. As required by ORS 279B.110(2)(e), Contractor represents and warrants that Contractor has complied with the tax laws of this state, the City, and applicable political subdivisions of this state, including but not limited to ORS 305.620 and ORS chapters 316, 317 and 318, hereafter ("Tax Laws"). Contractor further covenants to continue to comply with the Tax Laws during the term of this Agreement and Contractor covenants and acknowledges that the failure to comply with the Tax Laws is a default for which City may terminate this Agreement and seek damages.

Section 27. Registered in Oregon and City of Tualatin. If Contractor is not domiciled in or registered to do business in the State of Oregon, Contractor must promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this Agreement. Contractor must demonstrate its legal capacity to perform the Work under this Agreement in the State of Oregon prior to entering into this Agreement. Contractor must have or acquire a City business license prior to executing this Agreement.

Section 28. Use of Recycled Products. Contractor shall, to the maximum extent economically feasible in the performance of this Contract, use recycled paper (as defined in ORS 279A.010(1)(ee)), recycled PETE products (as defined in ORS 279A.010(1)(ff)), and other recycled products (as "recycled product" is defined in ORS 279A.010(1)(gg)).

Section 29. Force Majeure. Neither City nor Contractor will be held responsible for delay or default caused by fire, riot, acts of God, terrorist acts, or other acts of political sabotage, or war where such cause was beyond the reasonable control of City or Contractor, respectively. Contractor must make all reasonable efforts to remove or eliminate such a cause of delay or default and must diligently pursue performance of its obligations under this Contract.

Section 30. Survival. All rights and obligations of the parties will cease upon termination or expiration of this Contract, except for the rights and obligations of a party for payment of completed Work, indemnity, dispute resolution, maintenance of insurance, and those provisions, including, but not limited to, provisions concerning property rights and governing laws which, by their nature, must survive termination to accomplish the intent of the parties as expressed in this Contract.

Section 31. Joint and Several Liability. In the event Contractor includes more than one person or entity, all such persons or entities will be jointly and severally liable for all conditions herein.

Section 32. Indemnification.

- A. General Indemnity.** Contractor must defend, save, hold harmless, and indemnify the City, its officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and

expenses of any nature whatsoever, including attorneys' fees, resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, subcontractors, or agents under this Agreement. Notwithstanding the foregoing, Contractor's indemnity and defense obligations arising out of professional errors and omissions is provided to the extent caused by Contractor's negligent acts, errors, or omissions.

- B. Control of Defense and Settlement.** Contractor will have control of the defense and settlement of any claim that is subject to this Section; however, neither Contractor nor any attorney engaged by Contractor will defend the claim in the name of the City, nor purport to act as legal representative of the City or any of its officers, employees, or agents without first receiving from the City, in a form and manner determined appropriate by the City, authority to act as legal counsel for the City, nor will Contractor settle any claim on behalf of the City without the approval of the City. The City may, at its election and expense, assume its own defense and settlement in the event that the City determines that the Contractor is prohibited from defending the City, or is not adequately defending the City's interests, or that an important governmental principle is at issue and the City desires to assume its own defense.

Section 33. Insurance. Contractor must provide City with evidence of the following insurance coverage's prior to execution of this Agreement. A copy of each insurance policy, issued by a company currently licensed in the State of Oregon and certified as a true copy by an authorized representative of the issuing company or a certificate in a form satisfactory to City certifying to the issuance of such insurance, must be furnished to City. Unless specifically set forth on Exhibit A, insurance and related costs must be borne by Contractor. All policies must be written on an "occurrence basis, "except for Contractor's Professional Liability Insurance which may be written on a "claims made" basis, and maintained in full force for not less than three (3) years following Contractor's performance under this Agreement. All policies must provide for not less than 30 days' written notice to City before they may be revised, non-renewed, canceled, or coverage reduced. Excepting professional liability and worker's compensation coverage, all policies must provide an endorsement naming the City, its officers, employees, and agents as additional insureds. If the policy lapses during performance, City may treat said lapse as a breach; terminate this Agreement and seek damages; withhold progress payments without impairing obligations of Contractor to proceed with work; pay an insurance carrier (either Contractor's or a substitute) the premium amount and withhold the amount from payment to Contractor; and use any other remedy provided by this Agreement or by law.

- A. Automobile.** Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of others arising from the use of motor vehicles, including on-site and off-site operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits.
- B. General Liability.** Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any act or omission of Contractor or of any of its employees, agents, or subcontractors, with \$2,000,000 per occurrence and in the aggregate.
- C. Professional Liability.** Professional Liability Insurance of \$2,000,000 per occurrence and In the aggregate, including contractual liability coverage. If Contractor proposes using subcontractors, City may require subcontractors to provide professional liability insurance, provided the amount and form of coverage complies with this Section.
- D. Policy Coverage.** Coverage provided by this policy(ies) must be primary and any other insurance carried by City is excess. Contractor will be responsible for any deductible amounts payable under all policies of insurance.
- E. Workers Compensation.** Contractor, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Worker's Compensation Law and must comply with ORS 656.017.

Section 34. Default; Remedies; Termination.

- A. Default by Contractor.** Contractor is in default under this Agreement if Contractor commits any material breach or default of any covenant, warranty, obligation or agreement under this Agreement, fails to perform the Work under this Agreement within the time specified herein or any extension thereof, or so fails to pursue the Work as to endanger Contractor's performance under this Agreement in accordance with its terms, and such breach, default or failure is not cured within fourteen (14) calendar days after City's notice, or such longer period as City may specify in such notice.

B. City's Remedies for Contractor's Default. In the event Contractor is in default, City may, at its option, pursue any or all of the remedies available to it under this Agreement and at law or in equity; including, but not limited to:

- (i) Termination of this Agreement;
- (ii) Withholding all monies due for Work and Work Products that Contractor has failed to deliver within any scheduled completion dates or has performed inadequately or defectively;
- (iii) Initiation of an action or proceeding for damages, specific performance, or declaratory or injunctive relief;
- (iv) Exercise of its right of setoff.

These remedies are cumulative to the extent the remedies are not inconsistent, and City may pursue any remedy or remedies singly, collectively, successively or in any order whatsoever. If a court determines that Contractor was not in default, then Contractor is entitled to the same remedies as if this Agreement was terminated.

C. Default by City. City is in default under this Agreement if:

- (i) City fails to pay Contractor any amount pursuant to the terms of this Agreement, and City fails to cure such failure within thirty (30) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice; or
- (ii) City commits any material breach or default of any covenant, warranty, or obligation under this Agreement, and such breach or default is not cured within thirty (30) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice.

D. Contractor's Remedies for City's Default. In the event City terminates the Agreement, or in the event City is in default and whether or not Contractor elects to exercise its right to terminate the Agreement, Contractor's sole monetary remedy is (i) with respect to services compensable on an hourly basis, a claim for unpaid invoices, hours worked within any limits set forth in this Agreement but not yet billed, authorized expenses incurred and interest of two-thirds of one percent per month, but not more than eight percent per annum, and (ii) with respect to deliverable based Work, a claim for the sum designated for completing the deliverable multiplied by the percentage of Work completed and accepted by City, less previous amounts paid and any claim(s) that City has against Contractor. In no event will City be liable to Contractor for any expenses related to termination of this Agreement or for any anticipated profits. If previous amounts paid to Contractor exceed the amount due to Contractor under this subsection, Contractor must pay immediately any excess to City upon written demand provided.

E. Termination by City. At its sole discretion, City may terminate this Agreement:

- (i) For any reason upon thirty (30) days' prior written notice by City to Contractor;
- (ii) Immediately upon written notice if City fails to receive funding or expenditure authority at levels sufficient to pay for the Work or Work Products; or
- (iii) Immediately upon written notice if federal or state laws, regulations, or guidelines are modified or interpreted in such a way that the City's purchase of the Work or Work Products under this Agreement is prohibited or City is prohibited from paying for such Work or Work Products from the planned funding source.
- (iv) Immediately upon written notice by City to Contractor if Contractor is in default of this Agreement.

F. Termination by Contractor. Contractor may terminate this Agreement with such written notice to City upon the occurrence of the following events.

- (i) City is in default because City fails to pay Contractor any amount pursuant to the terms of this Agreement, and City fails to cure such failure within thirty (30) calendar days after Contractor's notice of the failure to pay or such longer period as Contractor may specify in such notice; or

- (ii) City is in default because City commits any material breach or default of any covenant, warranty, or obligation under this Agreement, fails to perform its commitments hereunder within the time specified or any extension thereof, and City fails to cure such failure within thirty (30) calendar days after Contractor's notice or such longer period as Contractor may specify in such notice.

G. Return of Property upon Termination. Upon termination of this Agreement for any reason whatsoever, Contractor must immediately deliver to City all of City's property (including without limitation any Work or Work Products for which City has made payment in whole or in part) that is in the possession or under the control of Contractor in whatever stage of development and form of recordation such City property is expressed or embodied at that time. Upon receiving a notice of termination of this Agreement, Contractor must immediately cease all activities under this Agreement, unless City expressly directs otherwise in such notice of termination. Upon City's request, Contractor must surrender to anyone City designates, all documents, research or objects or other tangible things needed to complete the Work and the Work Products.

H. City's Remedies Cumulative. In the event of termination, in addition to the remedies provided herein, City shall have any remedy available to it in law or equity. City shall also have such remedies as are available to it in law or equity for Contractor's breach without the requirement that City first terminate this Agreement.

Section 35. Dispute Resolution.

A. Process. If Contractor is not in agreement with a decision of the City under this Agreement, Contractor must comply with the following process:

- (i) Contractor must file a written notice of appeal with the City's Project Manager within fifteen (15) days following receipt of the City's written decision.
- (ii) The City's Project Manager will have sixty (60) days for review of the appeal prior to presenting a decision to Contractor. During the sixty (60) day period, the City's Project Manager will appoint a three-person management team as the authorized review panel. The review panel may call on the resources appropriate to evaluate the merit of the appeal. This may include; but not be limited to, City's attorney, Contractor, and any employee of City.
- (iii) Prior to the end of the sixty (60) day review period, the City's Project Manager will issue a written decision to Contractor. If Contractor is agreeable with this decision, a Change Order will be processed consistent with the decision.

B. Exhaustion of Remedies. If Contractor is not in agreement with the written decision of Public Works Director, Contractor will only then be entitled to initiate legal action as the prescribed administrative remedies have been exhausted.

C. Complaint. Any claim that cannot be resolved between the parties as set forth in this Section shall be initiated by filing a complaint in the appropriate court as provided in this Agreement. The claim and all cross and counter-claims filed in response to the complaint shall be submitted to mediation. If the parties cannot agree on a mediator, the Presiding Judge for Washington County will select the mediator. Only if the dispute cannot be resolved by mediation, will the parties proceed to litigate the claim in court.

Section 36. Attorney Fees. If any suit, action, arbitration or other proceeding is instituted upon this Agreement or to enforce any rights herein or otherwise pursue, defend or litigate issues related to this Agreement, each party will be liable for their own attorneys' fee and costs, including those on appeal. The parties each agree and hereby waive any right to attorney fees granted by statute or rule that conflicts with this provision.

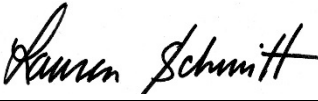
Section 37. Execution of Agreement; Electronic Signature. This Agreement may be executed in one or more counterparts, all of which when taken together constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of the Agreement so executed constitutes an original. A signature of a party provided by email, "pdf," or other electronic data file constitutes an original signature of that party.

Section 38. Governing Law; Venue; Consent to Jurisdiction. This Agreement is governed by and will be construed in accordance with the laws of the State of Oregon without regard to principles of law. Any claim, action, suit or proceeding (collectively, "Claim") between City and Contractor that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Washington County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event will this Section be construed as a waiver of any form of defense or immunity from any Claim or from the jurisdiction of any court. Contractor, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

Section 39. Authority to Bind. City and Contractor each represent and warrant that the individual(s) executing this Agreement have taken all steps necessary to secure full authority to bind the City and Contractor, respectively, for the acts, expenditures, and obligations contemplated in this Agreement to be performed by each of them. BY EXECUTION OF THIS AGREEMENT, EACH PARTY HEREBY ACKNOWLEDGES THAT THEY HAVE READ THIS AGREEMENT, UNDERSTAND IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

AGREED AND ENTERED this ____ day of _____, 20____.

MIG
(Contractor)

By:  _____

Lauren Schmitt
Title: Principal
815 SW 2nd Avenue, Ste. 200
Portland, Oregon 97204
Telephone: 503 297-1005

By: _____
Sherilyn Lombos
City Manager
18880 SW Martinazzi Avenue
Tualatin, Oregon 97062
Telephone: 503 691-3010

94-3116998
Contractor's Federal ID Number

APPROVED AS TO LEGAL FORM

City Attorney

EXHIBIT A

CONTRACTOR'S SCOPE OF SERVICES

I. PROJECT UNDERSTANDING

Project Understanding and Sub Consultants

MIG will provide comprehensive planning and related services for the City to update the current Parks and Recreation Master Plan, to include a Public Arts Plan, Americans with Disabilities (ADA) assessment and transitions plan, and Park System Development Charges update.

The project team will provide the following tasks:

Phase 1: Project Initiation & Planning Context

- 1.1 Project Management Team Meeting #1: Project Kickoff
- 1.2 Community Engagement Plan and Outreach Strategy
- 1.3 Background Review
- 1.4 Project Branding / Tagline
- 1.5 Stakeholder Interviews
- 1.6 Planning Context Summary Presentation
- 1.7 PAC #1: Community Context/SWOT Discussion
- 1.8 Project Management and Public Briefs

Phase 2: Inventory and Analysis

- 2.1 Park Site Tour
- 2.2 Condition Assessment Methodology
- 2.3 Park System Inventory and Base Map
- 2.4 City Events, Arts, Programs and Library Services Overview
- 2.5 Local Art, Heritage & Recreation Resource Assessment Matrix
- 2.6 System Development Charges (SDC) Review
- 2.7 Existing Systems Summary Presentation
- 2.8 Project Management Team Meeting #2: SDC Directions
- 2.9 PAC #2: Existing System and Services Overview
- 2.10 Project Management and Public Briefs

Phase 3: Needs Assessment

- 3.1 Online Questionnaire
- 3.2 Focus Groups
- 3.3 Hispanic /Latino Meeting #1 (Focus Group)
- 3.4 Pop Up Activities
- 3.5 Neighborhood Park/Greenway Walk
- 3.6 Public Outreach Summary Memo
- 3.7 Park and Facility Access Analysis
- 3.8 Preliminary Parks, Facilities, Programs and Arts Needs
- 3.9 Project Management Team Meeting #3: Needs Assessment
- 3.10 PAC #3: Outreach Findings and Needs
- 3.11 Parks, Facilities, Programs and Arts Needs Assessment
- 3.12 City Council Work Session
- 3.13 Project Management and Public Briefs

Phase 4: ADA Assessment and Transition Plan

- 4.1 Project Management Team Meeting #4: Assessment Initiation Meeting
- 4.2 Citywide ADA Webpage Updates
- 4.3 Staff Questionnaire/Meeting
- 4.4 Review of Park Department Policies and Programs
- 4.5 Preparation of Facility Diagrams
- 4.6 Facility Evaluations/Barrier Identification
- 4.7 Facility Reports
- 4.8 Facility Prioritization Work Session
- 4.9 Citywide ADA Task Force Meeting #1
- 4.10 ADA Implementation Data
- 4.11 Draft ADA Self Evaluation and Transition Plan for Parks
- 4.12 Citywide ADA Task Force Meeting #2
- 4.13 Revised Draft for Public Posting
- 4.14 Final ADA Self Evaluation and Transition Plan
- 4.15 Project Management and Public Briefs

Phase 5: Goals and Recommendations

- 5.1 Systemwide Recommendations
- 5.2 Site Recommendations
- 5.3 Proposed System Map
- 5.4 Capital Projects List and Prioritization Criteria
- 5.5 Recommendations for SDC Program
- 5.6 Project Management Team Meeting #5: SDCs/Recommendations
- 5.7 PAC #4: Recommendations, ADA Findings & Capital Projects
- 5.8 City Council Work Session
- 5.9 Project Management and Public Briefs

Phase 6: Funding and Action Plan

- 6.1 Capital and Operations Cost Model
- 6.2 SDC Methodology Update
- 6.3 Funding Sources and Partnerships
- 6.4 Project Management Team Meeting #6: SDC Methodology
- 6.5 Community Workshop: Priorities and Trade-offs (with PAC and Arts Advisory Committee)
- 6.6 Workshop Toolkit and Online Forum: Priorities and Trade-offs
- 6.7 Hispanic /Latino Meeting #2 (Workshop)
- 6.8 Project Management and Public Briefs

Phase 7: Plan, Review and Adoption

- 7.1 Administrative Draft Master Plan
- 7.2 Project Management Team Meeting #7: Admin Draft Review
- 7.3 Public Draft Master Plan
- 7.4 Draft Plan Online Review Forum
- 7.5 PAC #6: Draft Plan
- 7.6 City Council Work Session: Draft Plan and SDC Methodology
- 7.7 Final Master Plan and SDC Methodology
- 7.8 City Council Adoption Hearing
- 7.9 Project Management and Project Closeout

II. TIME OF PERFORMANCE

The scope of work identified in Exhibit A shall be completed no later than December 31, 2018.

III. SUB CONSULTANTS

MIG will also coordinate a sub-consultant(s) for the Park System Development Charge (SDC). The following sub-consultant(s) for this project include:

- Community Attributes Inc, 1411 Fourth Avenue, Suite 1401, Seattle, WA 98101

EXHIBIT B

PROFESSIONAL SERVICES

I. CONTRACTORS HOURLY RATE SCHEDULE

Principal in Charge	\$195
Project Manager	\$135
Landscape Architect	\$165
Land Use Planner	\$185
ADA Advisor	\$195
Accessibility Director	\$150
Environmental Specialist	\$170
Technical Specialist II	\$150
Technical Specialist I	\$140
GIS Specialist	\$125
Project Associate IIII	\$115
Project Associate III	\$95
Project Associate II	\$85
Project Associate I	\$75
Project Assistant	\$65
Project Administrator II	\$95
Project Administrator I	\$60

II. REIMBURSABLE EXPENSES

Direct costs are project expenses incurred by the MIG Team and itemized separately. These include but are not limited to photocopying, plotting, and printing (b&w, color); long-distance telephone (excluding cell phones), conference call, facsimile, postage, courier and other delivery costs; non reusable meeting materials; and travel expenses such as accommodations, travel, food, and parking. Mileage charge for personal autos will be charged at the currently applicable mileage rate established by the Internal Revenue Service.

Reimbursable Expense Estimate: \$ 5,000



STAFF REPORT

CITY OF TUALATIN

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Don Hudson, Finance Director

DATE: 06/26/2017

SUBJECT: Consideration of Resolution No. 5325-17 Amending the City of Tualatin Fee Schedule and Rescinding Resolution No. 5301-16

ISSUE BEFORE THE COUNCIL:

City Council will consider whether to update and amend the City of Tualatin Fee Schedule

RECOMMENDATION:

Staff recommends adoption of the attached resolution amending the City of Tualatin Fee Schedule and rescinding Resolution No. 5301-16

EXECUTIVE SUMMARY:

The City of Tualatin Fee Schedule is broken into three groups, which are updated every three years on a rotating cycle. Staff considers cost recovery when reviewing fees, considering changes in technology, changes in practice and the costs to provide the service.

The fees to be reviewed this year are fees for Legal Services. Staff recommends no changes to these fees, at this time.

In addition, Planning staff in Community Development have reviewed the costs involved in reviewing and issuing sign permits and have determined that the costs to provide this service are not covered by the existing fee. Therefore, the New Sign or Structural Change to Existing Sign fee is proposed to increase from \$145 to \$200, and the Temporary Sign or Each Face Change to Existing Sign fee is proposed to increase from \$75 to \$100.

New proposed fees are included in the Police Department and fees related to the recently adopted Rights-of-Way (ROW) Ordinance. In the Police Department, a proposed "Good Conduct" Letter fee of \$10 is proposed to cover the costs of doing a limited background check and issuing a "Good Conduct Letter" to residents requesting this letter. For the recently adopted Rights-of-Way Ordinance, staff is proposing Annual Rights-of-Way fees for Electric, Natural Gas and Communication companies earning gross revenues in the City's ROW, to match our existing Franchise Agreements. For those utility operators that do not earn Gross Revenues, as defined in the ordinance, but have facilities in the ROW, a fee is being added based upon Total Linear Feet of Utility Facilities in the ROW. Attachment, License Application

and Renewal Application Fees are also added, per the referenced sections of the ROW Ordinance.

Attachments: Resolution No. 5325-17

RESOLUTION NO. 5325-17

A RESOLUTION AMENDING THE CITY OF TUALATIN FEE SCHEDULE AND
RESCINDING RESOLUTION NO. 5301-16

WHEREAS, the Council has the authority to set fees for materials and services provided by the City ; and

WHEREAS, the Council previously adopted the fee schedule by Resolution No. 5301-16 ; and

WHEREAS, the City Council wishes to amend the fees related to Community Development, Police and Utilities.

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

Section 1. The City of Tualatin fee schedule is established and adopted as set forth in "Exhibit A," which is attached and incorporated by reference.

Section 2. This resolution is effective July 1, 2017.

Section 3. Resolution No. 5301-16 is rescinded effective June 30, 2017.

INTRODUCED AND ADOPTED this 26h Day of June, 2017.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

City of Tualatin Fee Schedule

Fees Effective July 1, 2017

Administration Department	
Agenda Packet	same as photocopy rate
Ordinances or Portions Thereof	same as photocopy rate
Photocopies:	
Per page/side (up to 8.5"x14")	0.25
Per page/side (11"x17")	0.50
Color - per page/side (up to 8.5"x14")	1.00
Color - per page/side (11"x17")	1.50
Certified Copies - per document	5.00
Thumb Drive (2 GB)	10.00
CD/DVD	20.00
Storage Retrieval Fee	25.00
Staff Time:	
-Up to 30 minutes	no charge
-Over 30 minutes	employee cost
Community Development - Engineering & Building	
Engineering Copies:	
18" x 24"	3.00
24" x 36"	4.00
36" x 48"	5.00
Erosion Control Fees:	
a. Non-Site Development	
1. New construction	325.00
2. Additions, remodels and demolitions disturbing less than 1,000 s.f.	105.00
b. Development Sites without infrastructure or vegetated corridor improvements	325.00 plus 325.00 prorated for each acre over 1/2 acre

Community Development - Engineering & Building (continued)

c. Subsequent Site Development (Early EC Inspection Fee)	\$325.00 or 1/2 of the EC
Plan check fee	Only Fee, whichever is greater
Single family home in subdivision	70.00
commercial, industrial, multi-family or large homesites not in an existing subdivision	955.00
Hydraulic Modeling for Commerical/Industrial Retail and Multi-family units	300.00/bldg
Hydraulic Modeling for New Subdivisions with 50 or more lots	1,000.00
Partition,* Nonexpedited & Expedited Processes	440.00
Partition,* Nonexpedited & Expedited Extension/Modification	145.00
Partition,* Nonexpedited, Appeal Proceeding to Council	145.00
Partition,* Expedited, Appeal to Referee, Deposit per ORS 197.375	325.00
Partition,* Minor Variance included & primary use is a single family dwelling in RL or RML	Add 145.00
Partition,* Minor Variance included & primary use is not a single family dwelling & not in RL or RML	Add 220.00
Property Line Adjustment,* primary use is a single family dwelling in RL or RML	75.00
Property Line Adjustment,* Minor Variance included & primary use is a single family dwelling in RL or RML	Add 145.00
Property Line Adjustment,* primary use is not a single family dwelling in RL or RML	325.00
Property Line Adjustment,* Minor Variance included & primary use is not a single family dwelling in RL or RML	Add 145.00
Property Line Adjustment,* Appeal Proceeding to Council	145.00
Public Works Construction Permit Deposit	5% of est. value of work but not less than 500.00
Public Works Construction Code	55.00
Subdivision,* Nonexpedited and Expedited Processes	2,900.00
Subdivision,* Variance included & primary use is a single family dwelling in RL or RML	Add 290.00

Community Development - Engineering & Building (continued)	
Subdivision, * Variance included & primary use is not a single family dwelling in RL or RML	Add 365.00
Subdivision, * Minor Variance included & primary use is a single family dwelling in RL or RML	Add 145.00
Subdivision, * Minor Variance included & primary use is not a single family dwelling in RL or RML	Add 220.00
Subdivision, * Nonexpedited, Extension/Modification By Council	665.00
Subdivision, * Expedited, Extension/Modification By City Engineer	170.00
Subdivision, * Nonexpedited, Appeal Proceeding to Council	145.00
Subdivision, * Expedited Appeal to Referee, Deposit per ORS 197.375	325.00
Street Name Change	145.00
Street Vacation Application Deposit	365.00
Temporary Certificate of Occupancy	100.00
Transportation Development Tax	Indexed annually per Washington County Code, Section 3.17
Zone of Benefit Application Fee	725.00
Water Quality Permit Deposit	5% of est. value of work but not less than 500.00
<i>* Subdivision, Partition and Property Line Adjustment applicants shall contact the Finance Department for a determination of L.I.D. assessment apportionment for the property proposed to be divided or adjusted.</i>	

Community Development - Planning	
Amendment to Comprehensive Plan Map	2,245.00
Amendment to Comprehensive Plan Text/Landmark Designation/Removal of Landmark Designation	2,245.00
Annexation	1,530.00
Appeal Proceeding to Council	145.00
Appeal Expedited Process to Referee, Deposit per ORS 197.375	325.00

Community Development - Planning (continued)

Architectural Review Application, Nonexpedited Process:	
Estimated Project Value:	
Under \$5,000	125.00
\$5,000 - \$24,999.99	590.00
\$25,000 - \$99,999.99	1,065.00
\$100,000 - 499,999.99	1,765.00
\$500,000 and greater	2,590.00
Architectural Review, Minor	100.00
Architectural Review, Single-family Level I (Clear & Objective)	100.00
Architectural Review, Single-family Level II (Discretionary)	785.00
Conditional Use Permit	1,530.00
Conditional Use Permit Renewal	1,530.00
Extension Request Reviewed by Staff	215.00
Extension Request Reviewed by Architectural Review Board	1,235.00
Interpretation of Development Code	100.00
Industrial Master Plans	1,955.00
Landmark Alteration/New Construction Review	120.00
Central Urban Renewal Master Plan	1,955.00
Landmark Demolition Review	130.00
Landmark Relocation Review	60.00
License to Keep Chickens	50.00
Pre-Application Meeting	220.00
Reinstatement of Nonconforming Use	1,530.00
Request for Council Rehearing	180.00
Sign Ordinance	8.00
Sign Code Variance	725.00
Sign Permit:	
New Sign or Structural Change to Existing Sign	200.00
Temporary Sign or Each Face Change to Existing Sign	100.00

Community Development - Planning (continued)

Temporary Uses:	
1 - 3 days	55.00
4 - 180 days	55.00 + 1.50/day
Over 3 days	not to exceed 200.00 total
Transitional Use Permit	1,645.00
Tree Removal Permit, 1 tree	310.00
each additional tree, \$10.00 not to exceed a total of	340.00
Variance:	
When primary use is a single family dwelling in RL or RML	310.00
When primary use is not a single family dwelling in RL or RML	1,530.00
Variance, Minor:	
When primary use is a single family dwelling in RL or RML	310.00
When primary use is not a single family dwelling in RL or RML	1,050.00
All Other Actions	350.00

Community Services

Browns Ferry Park Community Center

Area	Time	Class 1 & 2	Class 3	Class 4	
				Resident	Non-Resident
Meeting Rooms	1 hour	None	\$15.00	25.00	60.00
Garage	1 hour	None	\$15.00	25.00	60.00
Studio Structure	1 hour	None	\$15.00	25.00	60.00
Sun Room	1 hour	None	\$15.00	25.00	60.00
River Shelter	4 hour	None	\$15.00	25.00	60.00
Alcohol Permit:	Individual		None	10.00	30.00
	Group		None	25.00	50.00
	Special Events		None	50.00	100.00

Reservations must be made for a minimum of two (2) hours.

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below:

Class 1: Activities sponsored by the City of Tualatin.

Class 2: Activities co-sponsored by the City of Tualatin.

Class 3: Non-profit organizations and public agencies serving the youth of Tualatin.

Class 4: All other groups, organizations and individuals are categorized by resident or non-resident for the purpose of determining fees.

Cleaning & Security Deposit - Brown's Ferry Community Center

Groups for meeting only	50.00
Groups for kitchen storage and building use	100.00
Groups using full kitchen facilities	285.00

The Community Services Director will determine the amount of the cleaning/security deposit to be refunded based on the building monitor's report.

Community Services (continued)

Picnic Shelters and Sports Fields					
Area	Time	Class 1 & 2	Class 3	Class 4	
				Resident	Non-Resident
Rustic	4 hours	None	\$15.00	25.00	60.00
Patio	4 hours	None	\$15.00	25.00	60.00
Main-South	4 hours	None	\$15.00	25.00	60.00
Main-North	4 hours	None	\$15.00	25.00	60.00
Main-Full	4 hours	None	\$15.00	50.00	120.00
Trestle	4 hours	None	\$15.00	25.00	60.00
River Shelter	4 hours	None	\$15.00	25.00	60.00
Horseshoe Pits	4 hours	None	None	15.00	30.00
Sports Fields	2 hours	None	None	20.00	45.00
Sports Fields Lights	2 hours	None	None	20.00	45.00
Turf Fields-TuHS	1 hour	None	None	20.00	40.00
Lights-TuHS	1 hour	None	None	40.00	40.00
Alcohol Permit:	Individual		None	10.00	30.00
	Group		None	25.00	50.00
	Special Events		None	50.00	100.00

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below:

Class 1: Activities sponsored by the City of Tualatin.

Class 2: Activities co-sponsored by the City of Tualatin.

Class 3: Non-profit organizations and public agencies serving the youth of Tualatin.

Class 4: All other groups, organizations and individuals are categorized by resident or non-resident for the purpose of determining fees.

Community Services (continued)

Juanita Pohl Center					
Area	Time	Class 1 & 2	Class 3	Class 4	
				Resident	Non-Resident
E or W Dining Rm	1hour	None	15.00	30.00	75.00
Full Dining Rm	1 hour	None	20.00	40.00	95.00
Kitchen -Warming only	1 hour	None	15.00	10.00	35.00
Kitchen -Full Svc	1 hour	None	15.00	20.00	40.00
Multipurpose Rm	1 hour	None	15.00	25.00	65.00
E or W Dinning & W Activity	1 hour	None	15.00	40.00	95.00
Small Classrooms	1 hour	None	5.00	10.00	20.00
Alcohol Permit: Individual			None	10.00	30.00
Group			None	25.00	50.00
Special Events			None	50.00	100.00

Reservations must be made for a minimum of two (2) hours.

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be classified as shown below:

Class 1: Activities sponsored by the City of Tualatin, City of Durham official meetings, and Meals on Wheels People, for official center functions.

Class 2: Activities co-sponsored by the City of Tualatin.

Class 3: Non-profit organizations and public agencies serving the youth and general public of Tualatin. Rosters of organization members and 501c3 information required.

Class 4: All other groups, including religious and political organizations and individuals are categorized by resident/non-resident for the purpose of determining fees.

Cleaning & Security Deposit - Juanita Pohl Community Center

Groups for meeting only	50.00
Groups for kitchen storage and building use	100.00
Groups using full kitchen facilities	285.00

The Community Services Director will determine the amount of the cleaning/security deposit to be refunded based on the building monitor's report.

Community Services (continued)

Tualatin Library Community Room

Area	Time	Class 1 & 2	Class 3		Class 4	
			Resident	Non-Resident	Resident	Non-Resident
Community Room	1 hour	None	10.00	20.00	15.00	30.00

\$10.00 handling fee for cancellations

Classification of Users

For the purpose of scheduling reservations and determining fees, groups will be given classified as shown below.

Class 1: Activities sponsored by the Tualatin Public Library and/or City of Tualatin

Class 2: Activities co-sponsored by the Tualatin Public Library and/or City of Tualatin

Class 3: Non-profit organizations

Class 4: All other organizations, including religious and political groups, are categorized by resident/nonresident for the purpose of determining fees.

Finance Department

L.I.D. Assessment Apportionment Fee	108.75
Lien Search Fee (per tax lot)	29.85
Passport Photo	16.00
Recovery Charge Installment Payment Plan Application Fee	228.20
Returned Checks (per check for processing NSF check)	36.25
Zone of Benefit Recovery Charge Administration Fee	120.50

Geographic Information System

Citywide aerial photo, 36" x 42"	30.00
Subdivision street map, 34" x 36"	15.00
Street map, 22" x 22"	8.00
Planning Districts, 34" x 44"	15.00
Planning Districts, 18" x 24"	8.00
Custom Mapping	\$55.00/hr, plus materials
Mailing Lists	30.00

Legal Services Department

Development Code (hard copy)	70.00 each + postage
Updates (hard copy) 8.5" x 11" 11" x 17" Color - 8.5" x 11" Color - 11" x 17"	0.25 per page/side + postage 0.50 per page/side + postage 1.00 per page/side + postage 1.50 per page/side + postage
Tualatin Municipal Code (hard copy)	55.00 each + postage
Thumb Drive (2GB) containing electronic copies of Tualatin Municipal Code and/or Development Code	10.00 + postage

Municipal Court

Traffic School and Compliance Program Fees:	
Class A	275.00
Class B	155.00
Class C	125.00
Class D	100.00
Seat Belt Class	65.00
Vehicle Compliance Program	35.00
Collection Fee	25% of ordered amount
License Restatement Fee	70.00
Overdue Payment Letter Fee	10.00
Failure to Appear – Arraignments	40.00
Failure to Appear – Trials	100.00

Police

Copies of Audio CDs	15.00 including CD
Copies of Video CDs	15.00 including CD
Copies of Photographs on CD	15.00 including CD
Copies of Police Reports (no charge to victims):	
1 - 10 pages	10.00
plus each page over 10	0.25

Police (Continued)

Alarm Permit, Initial Application	23.00
Alarm Permit, Annual Renewal	23.00
Alarm Permit, 1st False Alarm	No charge
Alarm Permit, 2nd False Alarm	No charge
Alarm Permit, 3rd False Alarm	85.00
Alarm Permit, 4th False Alarm	113.00
Alarm Permit, 5th False Alarm	169.00
Alarm Permit, 6 th and More False Alarms	225.00 per alarm
Alarm Permit, 10 or more False Alarms	500.00 Civil Infraction
Release of Towed (impounded) Vehicles	100.00
Fingerprinting cards Each additional card	(first two) 25.00 each 2.00
Good Conduct Letter	10.00

Public Works

Street Tree and Installation (Single Family Only)	175.00
Street Tree Removal (excluding Stump Grinding)	300.00
Street Tree Stump Grinding	125.00
Tree-for-a-Fee Program	75.00
New Tree Grates – Full set of 2 halves	400.00
New Tree Grates – Half set	200.00
Tree Grates – Leveling Stone and fastening hardware	25.00
Tree Grates Improvements	175.00
Core Area Parking District Tax Appeal	135.00

Utilities

Annual Rights-of-Way Fee:	
Electric	3.5% of Gross Revenue *
Natural Gas	5.0% of Gross Revenue *
Communication	5.0% of Gross Revenue *
Any Utility Operator that does not earn Gross Revenues within the City of Tualatin (Based on Total Linear Feet of Utility Facilities in the Rights-of-Way):	
Up to 5,000	5,000.00
5,001 to 10,000	7,500.00
10,001 to 20,000	10,000.00
More than 20,000	15,000.00
* "Gross Revenue" means any and all revenue, of any kind, nature or form, without deduction for expenses, less net uncollectibles, derived from the operation of utility facilities in the City of Tualatin, subject to all applicable limitations in federal or state law.	
Attachment Fee (per TMC 3-6-120)	5,000.00
Rights-of-Way License Application Fee (per TMC 3-6-205)	250.00
Rights-of-Way License Renewal Application Fee (per TMC 3-6-260)	150.00