



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL

BUSINESS AND WORKSHOP MEETING

MEETING DATE AND TIME: March 17, 2015 - 6:30 p.m.

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

PUBLIC NOTICE:

Times noted are estimated.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

VIEW LIVE VIDEO STREAMING ONLINE:

<http://live.tigard-or.gov>

Workshop meetings are cablecast on Tualatin Valley Community TV as follows:

Replay Schedule for Tigard City Council Workshop Meetings - Channel 28

- Every Sunday at 12 a.m.
- Every Monday at 1 p.m.
- Every Thursday at 12 p.m.
- Every Friday at 10:30 a.m.

SEE ATTACHED AGENDA



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL BUSINESS AND WORKSHOP MEETING

MEETING DATE AND TIME: March 17, 2015 - 6:30 p.m.

MEETING LOCATION: City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

1. BUSINESS AND WORKSHOP MEETING

- A. Call to Order- City Council
- B. Roll Call
- C. Pledge of Allegiance
- D. Call to Council and Staff for Non-Agenda Items

BUSINESS MEETING

2. CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING - ZCA2014-00002 SUMMIT RIDGE NO 5. ANNEXATION **6:35 p.m. estimated time**

WORKSHOP MEETING

3. CONTINUED DISCUSSION ON INFRASTRUCTURE FINANCING **7:35 p.m. estimated time**

4. CONTINUED DISCUSSION ON THE STREET MAINTENANCE FEE **8:20 p.m. estimated time**

5. DISCUSSION ON POTENTIAL CHARTER REVIEW **8:55 p.m. estimated time**

6. NON AGENDA ITEMS

7. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

8. ADJOURNMENT **9:25 p.m. estimated time**

AIS-2169

2.

Workshop Meeting

Meeting Date: 03/17/2015

Length (in minutes): 60 Minutes

Agenda Title: ZCA2014-00002 SUMMIT RIDGE NO 5. ANNEXATION

Prepared For: John Floyd, Community Development

Submitted By: John Floyd, Community Development

Item Type: Motion Requested

Ordinance

Public Hearing - Quasi-Judicial

Meeting Type: Council

Business

Meeting -

Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Shall Council approve this annexation request?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that City Council find that the revised annexation request (ZCA2014-00002) to be consistent with the approval criteria identified in the staff report, and approve the annexation request based on findings and conclusions contained in Section IV of the staff report dated January 26, 2015 and supplemental memorandum to Council dated March 10, 2015.

KEY FACTS AND INFORMATION SUMMARY

On March 17, Council will hold a second public hearing on the Summit Ridge Annexation, a continued item from the February 10 Council meeting. At that hearing Council considered an annexation request by Venture Properties who intends to develop three unimproved parcels owned by the Zeiders and Andersons, but must first annex these properties to obtain needed services.

As detailed in the attached memorandum, the applicant has amended their request to include annexation contracts for two additional parcels of land owned by the Zeiders and Andersons, to address Comprehensive Plan Policy 14.2.4 regarding annexation boundaries. At present, the contracts remain in draft form and unsigned, but it is staff's understanding that signed copies will be provided in advance of the hearing on March 17. Staff finds that should the contracts be executed, findings could be made to support approval of the annexation request.

Should Council find in favor of the revised application, staff recommends Council withhold final action until the applicant provides signed contracts for both affected properties. To

account for potential delays in obtaining signatures from both property owners, additional time has been reserved on April 14, 2015 to allow for a second continuance.

OTHER ALTERNATIVES

Council could deny the application, or continue the hearing to allow the applicant time to further modify the annexation request.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal: Growth/Annexation

Tigard Strategic Plan Goal 2, Objective 1: Ensure development advances the vision; every household is within a walking distance of 3/8 mile to a trailhead.

DATES OF PREVIOUS COUNCIL CONSIDERATION

February 10, 2015

Fiscal Impact

Fiscal Information:

No fiscal impact would result from denial of the annexation request.

Attachments

Staff Memorandum to Council

Attachment 1 - Draft Ordinance

Attachment 2 - Annexation Contract (Zeider)

Attachment 3 - Annexation Contract (Anderson)

Attachment 4 - Email from Carrie Brickey 2-20-15



City of Tigard Memorandum

To: Mayor Cook and Tigard City Council
From: John Floyd, Associate Planner
Re: Summit Ridge Annexation (ZCA2014-00002)
Date: March 10, 2015

Summary

On March 17, Council will hold a second public hearing on the Summit Ridge Annexation, a continued item from the February 10th Council meeting. At that hearing Council considered an annexation request by Venture Properties which intends to develop three unimproved parcels owned by the Zeiders and Andersons, but which must be first annexed to obtain needed services. As detailed below, the applicant has amended their request and staff can now support a recommendation of approval.

Background

At the February 10th hearing, staff recommended denial of the annexation request based upon Policy 14.2.4 of the Comprehensive Plan, which requires the City to consider the following when approving annexation requests:

“Policy 14.2.4: The City shall evaluate and may require that parcels adjacent to proposed annexations be included to:

- A) avoid creating unincorporated islands within the City;
- B) enable public services to be efficiently and effectively extended to the entire area;”

At issue were two additional parcels of land owned by the same property owners, each improved with a single-family home, but excluded from the annexation request. While the exclusion of these two parcels would not immediately result in the creation of an unincorporated island, failure to annex these properties could delay or prohibit future annexations to the west if the owners declined to participate. Such a configuration could also prohibit the efficient and effective delivery of services to the entire area by delaying or precluding future urbanization of adjacent parcels and associated extensions of public services to the area.

Revised Proposal

In response to the original staff recommendation and feedback from Council, the applicant has proposed the City accept annexation contracts for the two excluded parcels as a means of satisfying Policy 14.2.4. These contracts would cause the properties to be annexed in four years, or sooner at the written request of the property owner. Under the terms of the contract, each owner consents to annexation and waives any right to object. The City Attorney has reviewed and edited the contract language and finds the proposed contracts enforceable and transferable to future property owners should a sale occur before the annexation occurs.

Staff Analysis and Recommendation

While the proposed contracts may not be the quickest or administratively efficient method to addressing the policy, the proposed contracts allow the City to find the application consistent with Policy 14.2.4 of the Tigard Comprehensive Plan and other applicable approval criterion for annexations.

Should Council find in favor of the revised application, staff recommends Council withhold final action until the applicant provides signed contracts for both affected properties. To account for potential delays in obtaining signatures from both property owners, additional time has been reserved on April 14, 2015.

Attachments:

1. Draft Ordinance to Approve ZCA2014-00002
2. Draft Annexation Contract (Janet Zeider and Richard Zeider)
3. Draft Annexation Contract (Sohee Anderson and Scott Anderson)
4. Email from Carrie Brickey; February 20, 2015

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15- _____

AN ORDINANCE APPROVING THE SUMMIT RIDGE 5 ANNEXATION (ZCA2014-00002), CONSISTING OF THREE PARCELS OF LAND APPROXIMATELY 5.34 ACRES IN SIZE, AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw property which currently lies within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held public hearings on February 10 and March 17, 2015, to consider the annexation of 5.34 acres of land consisting of Washington County Tax Map (WCTM) 2S109DB, Tax Lot 1700 and portions of tax lots 1702 and 1800, located southerly of 13020 and 13100 SW Summit Ridge Road, and withdrawal of said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on February 10, 2015; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning which most closely implements the City's comprehensive plan map designation or to the City designations which are the most similar; and

WHEREAS, the Tigard City Council passed Resolution 15-07 to extend the phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that voluntarily annex until February 2016 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, the applicant has presented signed annexation contracts for additional land located at 13020 and 13100 Summit Ridge Road, consisting of Washington County Tax Map 2S109DB, Tax Lots 1701 and 1801; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation, along with the executed annexation contracts, substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the subject parcels as described and shown in the attached **Exhibits “A,” “B,” and “C”** and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the “Staff Report to the City Council” dated January 26, 2015 and Memorandum to Mayor Cook and City Council dated March 10, 2015 as findings in support of this decision; a copy of the staff report is attached hereto as **Exhibit “D”** and the Memorandum as **Exhibit “E”** and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: The Tigard City Council hereby authorizes the phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent per Oregon Administrative Rule (OAR 150-222.111) for the subject annexation.

SECTION 6: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

SECTION 8: The Tigard City Council hereby authorizes the City Manager to counter-sign and implement annexation contracts with Janet and Richard Zeider, and Sohee and Scott Anderson, as attached hereto as **Exhibit “F”** and **Exhibit “G”** respectively.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2015.

Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2015.

John Cook, Mayor

Approved as to form:

City Attorney

Date



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4105

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM, OR

EXHIBIT A

A tract of land located in the Southeast One-Quarter of Section 9, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at the northeast corner of Lot 12 of the Plat of "Woodside No. 2", thence along the north line of said Lot 12 North 88°13'18" West 126.43 feet to a point; thence North 01°14'29" East 43.50 feet to a point on the westerly extension of the northerly right-of-way line of SW Pine View Street (25.00 feet from centerline); thence along said westerly extension of said northerly right-of-way line North 88°45'31" West 277.28 feet to a point on the east line of Lot 10 of the Plat of "Woodside"; thence along said east line and the east line of Lot 11 of said Plat North 01°15'46" East 542.01 feet to a point; thence South 88°45'31" East 125.82 feet to a point; thence North 01°15'46" East 29.99 feet to a point; thence South 88°45'31" East 277.71 feet to 5/8 inch iron rod with a yellow plastic cap inscribed "ALPHA ENG. INC." at the northwest corner of Lot 112 of the Plat of "Summit Ridge No. 2", and the City of Tigard City Limits; thence along the west line of said Plat and said City Limits South 01°14'45" West 616.68 feet to the Point of Beginning.

The above described tract contains 5.34 acres, more or less.

10/23/2014

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

ANNEXATION CERTIFIED

BY _____

OCT 28 2014

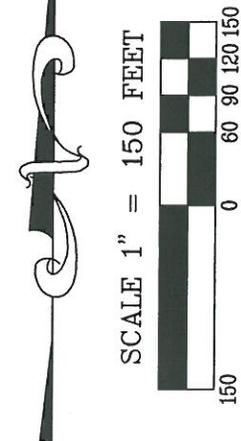
WASHINGTON COUNTY A & T
CARTOGRAPHY

EXHIBIT B

A TRACT OF LAND LOCATED IN THE SE 1/4 OF SEC. 9, T2S,
 ANNEXATION CERTIFIED
 RTW, W.M., CITY OF TIGARD, WASHINGTON COUNTY, OREGON
 BY

OCT 28 2014

WASHINGTON COUNTY A & T
 CARTOGRAPHY



- LEGEND**
- 5/8" IRON ROD W/PC
 - INSCRIBED "ALPHA ENG. INC."
 - 3/4" IRON PIPE
 - DOCUMENT NUMBER PER WASHINGTON COUNTY DEED RECORDS
 - DN.
 - △ DN.

10/23/2014

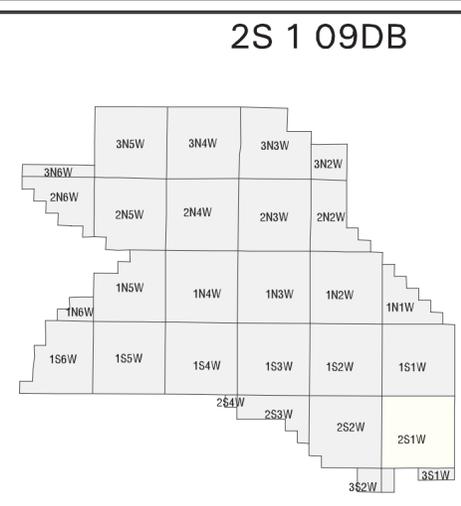
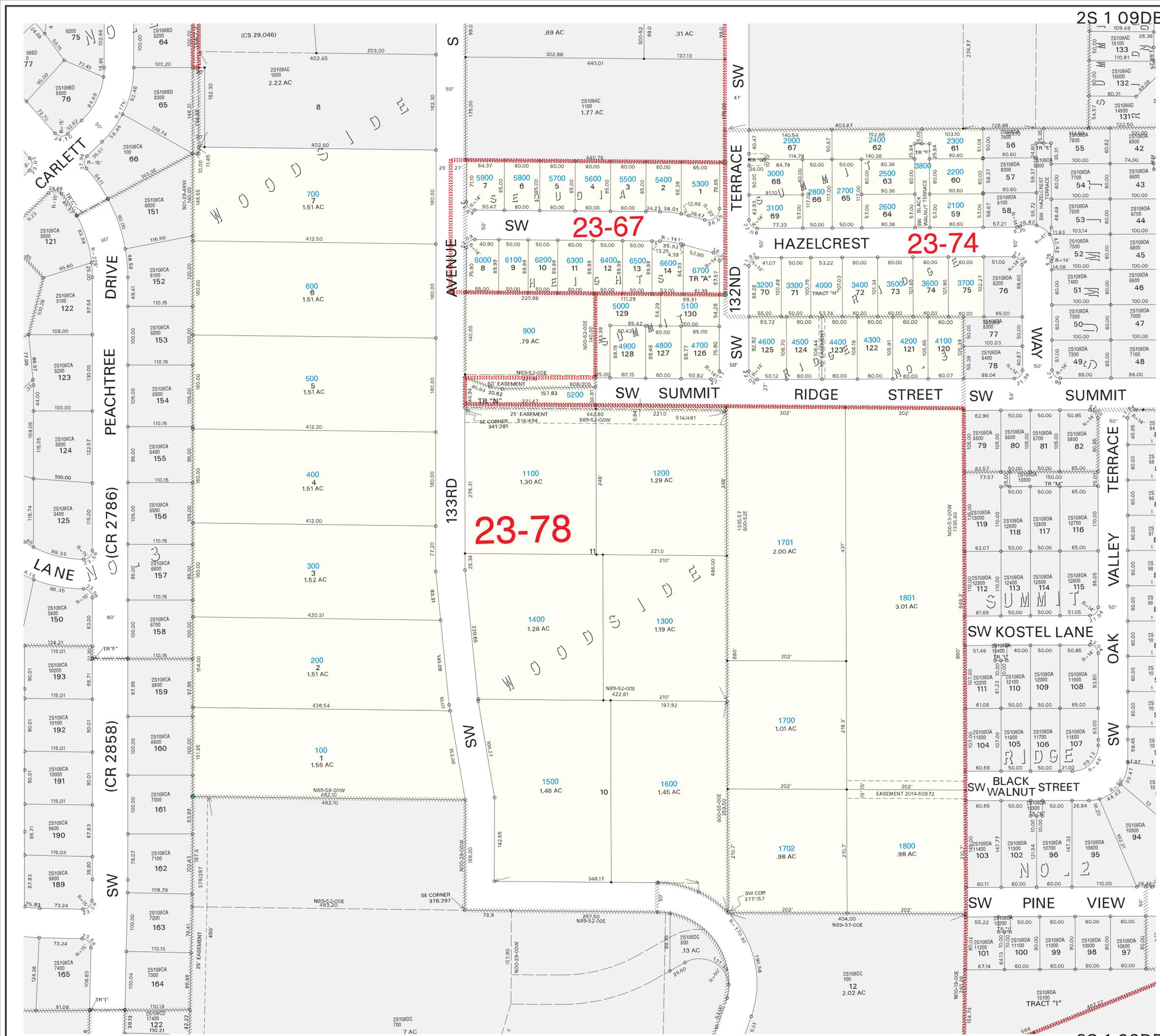
REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Nick White
 OREGON
 JANUARY 9, 2007
 NICK WHITE
 70652LS
 RENEWS: 6/30/16

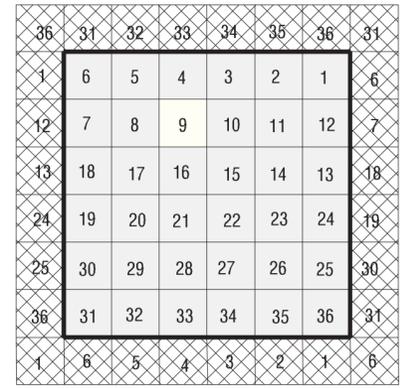
PREPARED FOR
 VENTURE PROPERTIES
 4230 SW GALEWOOD ST,
 SUITE 100
 LAKE OSWEGO, OR 97035

SUMMIT RIDGE NO. 5			
DRAWN BY: MSK	CHECKED BY: AHH	DWG: 4105ANNEX	JOB: 4105
AKS ENGINEERING & FORESTRY, LLC			
12965 SW HERMAN RD		SUITE 100	
TUALATIN, OR 97062		www.aks-eng.com	
PHONE: 503.563.6151	FAX: 503.563.6152		





WASHINGTON COUNTY OREGON
 NW 1/4 SE 1/4 SECTION 09 T2S R1W W.M.
 SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD

Cancelled Taxlots For: 2S109DB
 2000,1900,1000,3900,800.

SCALE 1" = 100'

Assessment
CARTOGRAPHY
Taxation

PLOT DATE: October 03, 2014
FOR ASSESSMENT PURPOSES ONLY - DO NOT RELY ON FOR OTHER USE
 Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

TIGARD
 2S 1 09DB

AFTER RECORDING RETURN TO:

Kenny Asher
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

This space provided for recorder's use.

ANNEXATION CONTRACT

CONSENT TO ANNEXATION AND WAIVER OF REMONSTRANCE

Recitals

A. Janet Zeider and Richard Zeider (“Owners”) are the Owners of the real property (the “Property”) located at 13100 SW Summit Ridge Street, Tigard, Oregon (Washington County Assessor’s Map No. 2S109DB, Tax Lot 1701) legally described in the attached and incorporated Exhibit 1.

B. As of the date shown below, Owners are entering into a written Annexation Contract - Consent to Annexation and Waiver of Remonstrance (“Annexation Contract”) with the City of Tigard (“City”).

Agreement

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Owners and City hereby agree as follows:

1. Pursuant to ORS 222.173(1), Owners hereby waive the one year period for effectiveness of the Annexation Contract and consent to annexation. City and Owners agree that this Annexation Contract shall allow the City to complete annexation of the Property on the fourth anniversary of the earlier date shown below, or thereafter at the sole discretion of the City, or before the fourth anniversary of the date shown below upon Owners’ written request to the City.

2. Owners waive any right to remonstrate against annexation of the Property to the City of Tigard.

3. This waiver is a material inducement to the City to enter into the Annexation Contract.

4. This Annexation Contract, including the agreement, consent, and waivers, shall run with the land, shall be recorded in the Deed Records of Washington County, and all terms and conditions contained herein shall be binding on all heirs, executors, administrators, assigns, and other successors-in-interest to the above-described Property

5. If any provision of this document is held to be invalid or unconstitutional by any court of competent jurisdiction or preempted by federal or state regulations or law, such provision shall be deemed separate and independent of the document and such holding or preemption shall not affect the validity of the remaining provisions.

6. This Annexation Contract is not intended as any limit on the City of Tigard's lawful authority under its adopted regulations to take action on Owners' application by approval, denial, or approval with conditions, or to take any other lawful action relating to the application.

7. Owners and City agree that no dedication of real property to the City by Owners nor any public improvements by Owners are required by City until such time as the Property is annexed to the City and such dedication or improvements are required by a final land use or limited land use decision necessary to redevelop the Property.

8. If suit, action, judicial review, arbitration, bankruptcy proceeding or any other type of proceeding is instituted to enforce or interpret this Annexation Contract, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court may adjudge reasonable as attorney fees and, in the event of appeal or review, as allowed by the appellate court or body.

DATED this ___ day of _____, 2015.

OWNERS

CITY, an Oregon municipal corporation

By: _____
Name: Janet Zeider

By: _____
Name: _____
Its: _____

By: _____
Name: Richard Zeider

Mailing Address: _____

Telephone Number: _____

[Acknowledgements continue on next page]

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2015,
by Janet Zeider

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2015,
by Richard Zeider

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2015,
by _____ as _____ of the City of Tigard.

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

EXHIBIT 1

LEGAL DESCRIPTION



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4105

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM, OR

EXHIBIT A

Legal Description

Adjusted Document Number 2014-050873

A tract of land located in the Southeast One-Quarter of Section 9, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at a 1-1/4 inch iron pipe at the southeast corner of Lot 10 of the Plat of "Woodside", thence along the east line of said Plat North 01°15'46" East 582.90 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." and the **True Point of Beginning**; thence continuing along said east line and the northerly extension thereof North 01°15'46" East 279.02 feet to a 3/4 inch iron pipe on the southerly right-of-way line of SW Summit Ridge Street (variable width right-of-way); thence along said southerly right-of-way line South 88°00'47" East 202.02 feet to a 5/8 inch iron rod inscribed "ALPHA ENG. INC." at the northeast corner of Document Number 2014-050873; thence along the east line of said Document Number South 01°15'46" West 246.39 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 88°45'31" West 76.18 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence South 01°15'46" West 29.99 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR."; thence North 88°45'31" West 125.82 feet to the True Point of Beginning.

The above described tract of land contains 1.23 acres, more or less.

10/08/2014



RENEWS: 6/30/16

AFTER RECORDING RETURN TO:

Kenny Asher
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

This space provided for recorder's use.

ANNEXATION CONTRACT

CONSENT TO ANNEXATION AND WAIVER OF REMONSTRANCE

Recitals

A. Sohee Anderson and Scott Anderson ("Owners") are the Owners of the real property (the "Property") located at 13020 SW Summit Ridge Street, Tigard, Oregon (Washington County Assessor's Map 2S109DB, Tax Lot 1801) legally described in the attached and incorporated Exhibit 1.

B. As of the date shown below, Owners are entering into a written Annexation Contract-Consent to Annexation and Waiver of Remonstrance ("Annexation Contract") with the City of Tigard ("City").

Agreement

NOW THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Owners and City hereby agree as follows:

1. Pursuant to ORS 222.173(1), Owners hereby waive the one year period for effectiveness of the Annexation Contract. City and Owners agree that this Annexation Contract shall allow the City to complete annexation of the Property on the fourth anniversary of the earlier date shown below, or thereafter at the sole discretion of the City, or before the fourth anniversary of the date shown below upon Owners' written request to the City.

2. Owners waive any right to remonstrate against annexation of the Property to the City of Tigard.

3. This waiver is a material inducement to the City to enter into the Annexation Contract.

4. This Annexation Contract, including the agreement, consent, and waivers, shall run with the land, shall be recorded in the Deed Records of Washington County, and all terms and conditions contained herein shall be binding on all heirs, executors, administrators, assigns, and other successors-in-interest to the above-described Property.

5. If any provision of this document is held to be invalid or unconstitutional by any court of competent jurisdiction or preempted by federal or state regulations or law, such provision shall be deemed separate and independent of the document and such holding or preemption shall not affect the validity of the remaining provisions.

6. This Annexation Contract is not intended as any limit on the City of Tigard's lawful authority under its adopted regulations to take action on Owners' application by approval, denial, or approval with conditions, or to take any other lawful action relating to the application.

7. Owners and City agree that no dedication of real property to the City by Owners nor any public improvements by Owners are required by City until such time as the Property is annexed to the City and such dedication or improvements are required by a final land use or limited land use decision necessary to redevelop the Property.

8. If suit, action, judicial review, arbitration, bankruptcy proceeding or any other type of proceeding is instituted to enforce or interpret this Annexation Contract, the prevailing party shall be entitled to recover, in addition to costs, such sum as the court may adjudge reasonable as attorney fees and, in the event of appeal or review, as allowed by the appellate court or body.

DATED this _____ day of _____, 2015.

OWNERS

CITY, an Oregon municipal corporation

By: _____
Name: Sohee Anderson

By: _____
Name: _____
Its: _____

By: _____
Name: Scott Anderson

Mailing Address: _____

Telephone Number: _____

[Acknowledgements continue on next page]

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2015,
by Sohee Anderson

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2015,
by Scott Anderson

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument was acknowledged before me on _____, 2015,
by _____ as _____ of the City of Tigard.

NOTARY PUBLIC FOR OREGON
My Commission Expires:_____

EXHIBIT 1

LEGAL DESCRIPTION



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #4105

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM, OR

EXHIBIT D

Legal Description

Adjusted Document Number 2014-050870

A tract of land located in the Southeast One-Quarter of Section 9, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon and being more particularly described as follows:

Beginning at a 5/8 inch iron rod with a yellow plastic cap inscribed "ALPHA COM. DEV." at the southeast corner of the Plat of "Summit Ridge No. 3", being on the southerly right-of-way line of SW Summit Ridge Street (variable width right-of-way); thence along the west line of the Plat of "Summit Ridge" and the west line of the Plat of "Summit Ridge No. 2", South 01°14'45" West 243.77 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "ALPHA ENG. INC." at the northwest corner of Lot 112 of the Plat of "Summit Ridge No. 2"; thence North 88°45'31" West 201.53 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "AKS ENGR." on the east line of Document Number 2014-050873; thence along said east line North 01°15'46" East 246.39 feet to a 5/8 inch iron rod with a yellow plastic cap inscribed "ALPHA COM. DEV." on the said southerly right-of-way line; thence along said southerly right-of-way line South 88°00'47" East 201.48 feet to the Point of Beginning.

The above described tract of land contains 1.13 acres, more or less.

10/08/2014



RENEWS: 6/30/16

John Floyd

From: Carrie Brickey <carriebrickey@gmail.com>
Sent: Friday, February 20, 2015 10:12 AM
To: John Floyd; Kenny Asher
Subject: Summit Ridge No. 5 Annexation

Hello Mr. Asher and Mr. Floyd -

I wanted to thank you for your very thorough report and presentation on February 10th at the Public Hearing. The meeting was very informative for me. I was not very well educated on the annexation process prior to this, and it was helpful for me to learn about the unincorporated islands that are in Tigard.

I am hoping that there have been some productive meetings with Venture properties since February 10th, but I am also hopeful that the City stays true to what I see as the mission, and ensuring the 2 homes on Summit Ridge are part of the annexation.

I still hold my original stance that I feel strongly that there needs to be at least a North and West (or South West) exit from the new subdivision. I believe it was very deliberate by Venture properties and the homeowners that the county lines were changed to 1) not include those 2 homes on Summit Ridge in the annexation and 2) that the property line was changed for the home on 133rd. I do not believe that had anything to do with his pool, and had everything to do with preventing the City from developing 133rd as a useable public street that could access Beef Bend.

Venture properties stated at the hearing that they had developed Summit Ridge 1-4, and many other subdivisions in Tigard. Quantity does not necessarily mean quality.

Again, thank you for the time and due diligence that you have put into this, and your thorough report. As a citizen of Tigard, I appreciate it very much!

Have a good weekend,
Carrie Brickey
12998 SW Pine View Street

AIS-2096

3.

Workshop Meeting

Meeting Date: 03/17/2015

Length (in minutes): 45 Minutes

Agenda Title: Continued Discussion on Infrastructure Financing

Prepared For: Toby LaFrance **Submitted By:** Norma Alley, City Management

Item Type: Update, Discussion, Direct Staff **Meeting Type:** Council Workshop Mtg.

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Continued discussion of Parks and Transportation System Development Charges (SDCs).

STAFF RECOMMENDATION / ACTION REQUEST

Staff is seeking direction from Council on policy issues related to System Development Charges (SDCs) for Parks and Transportation. Direction is needed to prepare materials for an April 28, 2015 public hearing to consider adoption of SDCs.

KEY FACTS AND INFORMATION SUMMARY

Staff has been reviewing ways to finance Tigard's future system infrastructure (streets, water, sewer, storm, parks and public facilities systems) over the last year. This effort is being done for citywide purposes, in concert with the River Terrace Infrastructure Funding Strategy. On December 16, 2014, Council adopted the River Terrace Infrastructure Funding Strategy, representing the financial toolbox for funding needed infrastructure in River Terrace. Many of the adopted recommendations need Council action to implement.

Included in that strategy are System Development Charges (SDCs) for Parks and Transportation. Council discussed the SDC proposal in a workshop on February 17, 2015. The city currently has a citywide Parks SDC and the funding strategy recommends an update as well as the creation of an area-specific Parks SDC for River Terrace. The city does not have its own Transportation SDC, but uses the Washington County Transportation Development Tax (TDT) for a similar purpose (to fund transportation system needs as a result of growth). A citywide Transportation SDC provides additional needed resources to help build and improve roads. The funding strategy recommends that Tigard create a citywide Transportation SDC

and develop a River Terrace specific Transportation SDC.

At the February 17, 2015 workshop, Council provided staff with direction on the following:

1. Tigard will establish a new Transportation System Development Charge (TSDC) will be based on Option 1A from the presentation. This option is based on the adopted recommendation set in the River Terrace Infrastructure Funding Strategy. The Citywide TSDC will be set at a discounted amount and there will be a River Terrace TSDC that is charged in River Terrace in addition to the Citywide TSDC. Over the next 20 years, this development charge will produce approximately \$46 million in revenues. While all options presented will not fully fund all transportation projects over the next 20 years, the discount resulted in \$420 million in project costs over the next 20 years that will need to be funded by other resources than the SDC.
2. The existing Parks SDC will be updated and will be based on Option 1A from the presentation. This option is based on the adopted recommendation set in the River Terrace Infrastructure Funding Strategy. The Citywide Parks SDC will be set at a discounted amount and there will be a River Terrace Parks SDC that is charged in River Terrace in addition to the Citywide TSDC. Over the next 20 years, this will produce approximately \$60 million in revenues. The discount resulted in \$5 million in project costs over the next 20 years that will need to be funded by other resources.
3. When discussing the credit policy for the River Terrace TSDC, there are three impact areas: the amount of the credit, the amount of the River Terrace TSDC, and the amount of the other funding sources. Council determined that they did not want to increase the \$420 million in project costs over the next 20 years. This means that any increase in credit will need to be offset by an increase in the River Terrace TSDC paid by developers.
4. Council asked for additional information and time for discussion on:
 - A reimbursement Parks SDC
 - The credit policy on the River Terrace TSDC (will the city offer credit for what is developed, and if so, what is the structure of the credit
 - Comparison of Tigard's proposed SDCs with other SDCs in the area.

Since the workshop on February 17, staff has stayed on schedule and has advertised the SDC methodology. The advertisement was made in time to meet the required 60 days prior to the April 28, 2015 hearing on the SDCs,

This workshop will present Council with information and time to discuss the two items listed above plus a third policy issue that staff has identified. The presentation is attached to this AIS and will present Council with methodology/policy decisions, including:

1. A discussion of the purpose and use of a reimbursement portion of of the Parks
2. Credit policy offerd to developos who build city facilities. Will the city have a standard policy where developers receive credit for the portion of the facility that is more than the local portion required for their development? Or will the developer receive an additional credit to include all (or part) of the local portion resulting in either a higher fee to make up for the lost revenue or more unfunded projects?
3. A comparison of SDCs in the area. The comparison is for the Portland Metro area and includes SDCs on a single family home, including infrastructure SDCs for: Parks, Sewer,

Storm, Water, and Transportation (split into the Washington County Transportation Development Tax & TSDC, where applicable).

4. Information on and a discussion of Transit Oriented Development and how this can create a discount on the TSDC.

Staff and the city's SDC rate consultants, FDC Group will need guidance from Council about its desired direction on these policy areas in order to remain on schedule. After this workshop, one remaining task is to prepare for the April 28, 2015, hearing to adopt SDC methodology, policies, procedures and fees.

OTHER ALTERNATIVES

Council can request additional information from staff and consultants prior to providing direction on the SDC methodology. This will result in a delay in implementing the SDCs.

Council could propose no action on implementing SDCs. The result of no action is that funding for infrastructure does not keep up with growth.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Infrastructure Financing Project (River Terrace and Citywide)

- Council briefing
- SDC notice and methodology
- Council hearing

DATES OF PREVIOUS CONSIDERATION

05/20/2014 - River Terrace Funding Strategy Introduction

06/17/2014 - River Terrace Preliminary Funding Strategy and Parks and Transportation System Plan Addenda Briefing

07/08/2014 - Infrastructure Financing Project (River Terrace & Citywide) Discussion

08/12/2014 - LCRB award to FCS Group for Infrastructure Financing Study

09/23/2014 - River Terrace Draft Funding Strategy Briefing

10/21/2014 - River Terrace Draft Funding Strategy Plan Briefing Follow-up

12/16/2014 - River Terrace Funding Strategy Adoption

02/17/2015 - Parks and Transportation SDCs Workshop

Attachments

Presentation

includes SDCs on a single family home, including infrastructure SDCs for: Parks, Sewer, Storm, Water, and Transportation (split into the Washington County Transportation Development Tax & TSDC, where applicable).

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COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Infrastructure Financing Project (River Terrace and Citywide)

- Council briefing
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- Council hearing

DATES OF PREVIOUS CONSIDERATION

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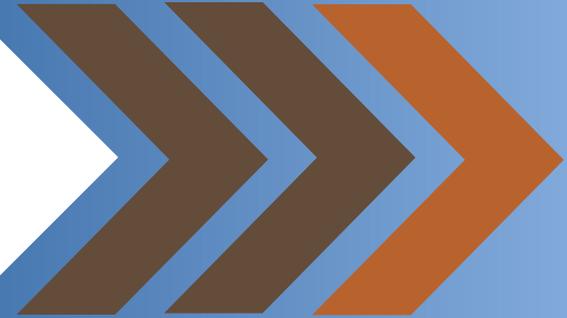
02/17/2015 - Parks and Transportation SDCs Workshop

Attachments

Presentation



City of Tigard



System Development Charges for Parks and Transportation

Council Workshop
March 17, 2015



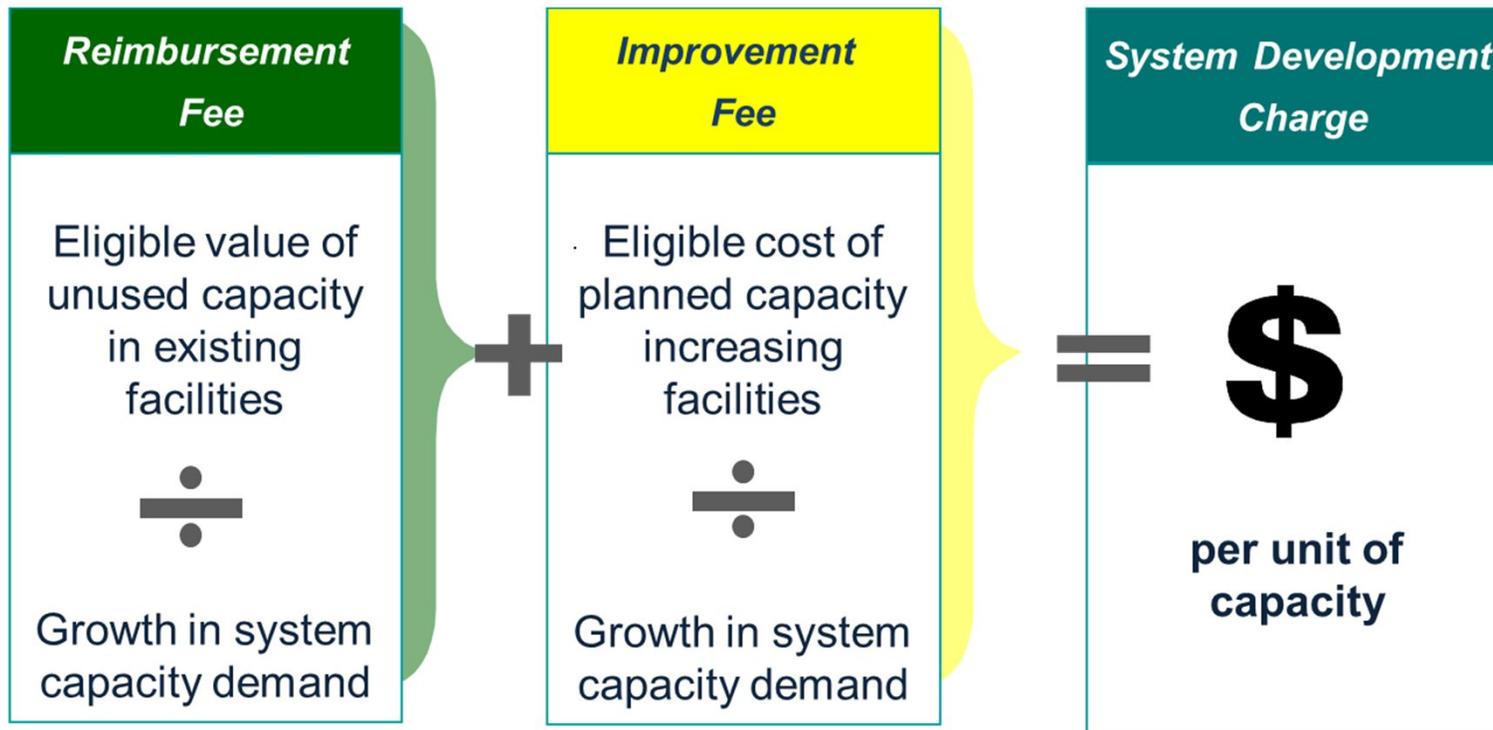


Presentation Agenda

1. SDC Reimbursement Fees for Parks
2. Transportation SDC Credit Policies
3. Discounts for Transit-Oriented Development
4. Discussion and Direction



1. SDC Reimbursement Fees



Reimbursement SDCs provide a means to collect fees for unused capacity in existing system from future users of the system



Why Consider a Parks Reimbursement SDC?

- ◆ Future residents get the benefit of utilizing parks and trails that were paid for by existing residents
- ◆ Tigard did not have any excess capacity in its parks and trails until recently
- ◆ Reimbursement fee revenue helps address overall funding needs for providing parks and trails

Existing parks and trails get more crowded by future residents and users





Parks SDC-r: Why Now?

- ◆ Tigard did not have any unused capacity in its Parks System before recent bond program
- ◆ Now Tigard's parks facilities have \$13.5 M in excess capacity
- ◆ SDC Method deducts bond principal and non-local grants from fee basis so development and residents do not pay more than they should
- ◆ This supports per capita SDC-r fees citywide of \$502 per resident and \$132 per job
- ◆ Equates to SDC-r fee of \$1,278 per new SFD and \$951 per new multifamily dwelling unit



Parks SDCs: Current and Proposed

Current Tigard Parks & Trails SDC	SDC Current
Residential SDC per capita	\$ 2,753
SDC per single family dwelling	\$ 6,451
SDC per multifamily dwelling	\$ 5,156
Non-residential SDC per employee	\$ 446

Proposed Tigard Parks & Trails SDC	SDC-r	SDC-i (after discount)*		Total SDC (after discount)	
		Citywide	River Terrace Overlay	Citywide Total	River Terrace Total
Residential SDC per capita	\$ 399	\$ 2,281	\$ 983	\$ 2,681	\$ 3,664
SDC per single family dwelling	\$ 1,017	\$ 5,807	\$ 2,502	\$ 6,824	\$ 9,327
SDC per multifamily dwelling	\$ 766	\$ 4,372	\$ 1,884	\$ 5,138	\$ 7,022
Non-residential SDC per employee	\$ 105	\$ 705		\$ 810	\$ 810

Source: derived from prior tables. SDC-r = reimbursement fee; SDC-i = improvement fee. * Includes compliance fee.



2. Transportation Credit Policy Issues

Tigard can adopt credit policies within River Terrace that impact credit value and SDC amounts, such as:

1. Maintaining the current practice established with TDT
2. Applying a credit policy that allows 100% credits for construction of collectors and arterials by developers
3. Creating a hybrid policy





Potential Transportation SDCs by Credit Policy Option*

Credit Policy Option Assumptions for River Terrace	Total TSDC per new dwelling (avg.)**		Notes
	River Terrace	Rest of City	
A: TDT Credit Policy	\$5,497	\$5,000	Developers pay for "local street" portion of RT Blvd. (\$8.7M)
B: 75% Credits allowed for River Terrace Blvd.	\$8,234	\$5,000	\$6.5 Million Added to SDC Cost Calculation for River Terrace
C: 100% Credits allowed for River Terrace Blvd.	\$9,146	\$5,000	\$8.7 Million Added to SDC Cost Calculation for River Terrace

*Other credit policies may be considered (e.g., vary credits allowed based on the proposed development's traffic impact on River Terrace Boulevard.

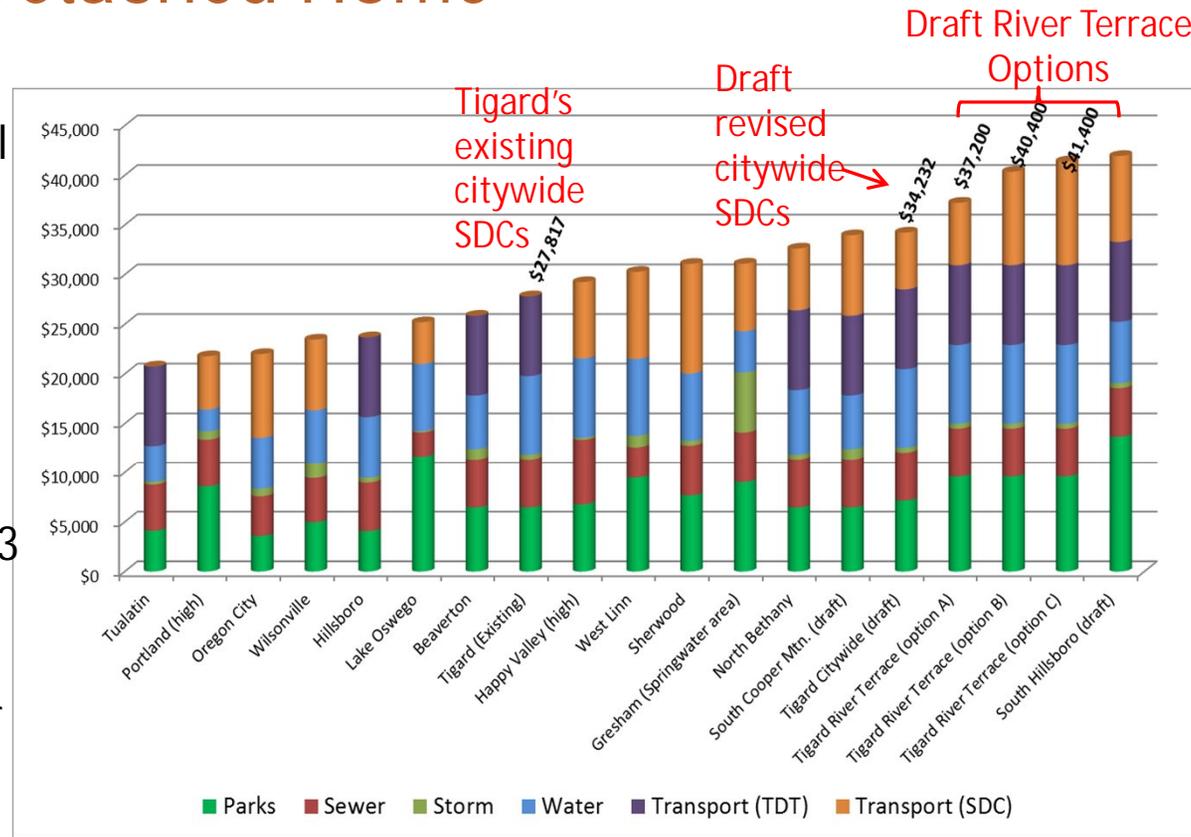
** SDC calculations shown include \$273/dwelling reimbursement fee plus improvement and administration fees.



Comparison of SDCs per New Single Family Detached Home

SDCs shown include potential reimbursement, improvement & administration fees

River Terrace Options include 3 credit policy variations discussed earlier





3. SDCs for Transit-Oriented Development

- ◆ City's can reduce SDCs for development that results in lower demand on the transportation system
- ◆ Downtown Tigard has potential for reduced vehicle trips given great transit access and access to retail/services
- ◆ Improves financial viability of mixed-use higher density projects



Sample image of transit oriented development



Potential SDC Approaches for TODs

Policy	Reduction Basis	Potential TSDC Reduction	Requirement	Where Used
1. Status Quo (TDT method)	Independent traffic study	Varies for each development	Must be approved by SDC administrator	Most cities and counties
2. Reduce/Vary SDCs in designated areas	Modeled trip reduction levels by District	Varies depending upon planned facilities and trip growth	SDCs established by district per Methodology Report	Gresham, Portland, Vancouver, etc.
3. Discounts in designated areas based on transit service levels	Metro RTP models of Centers and Corridors; adopted in local ordinance	Typically 15-20%	Applies to any development within designated area	Oregon City
4. Discounts in designated areas based on development scale/mix & transit service levels	Modeled gradation of discounts; adopted in local ordinance	Typically 15-40%	Applies to any development that meets mix/density thresholds	Happy Valley

Other policies may be considered as long as they comply with ORS 223.297 to 223.314



4. Discussion and Direction

- ◆ Now seeking direction regarding:
 - ❖ Desire to Establish a Parks Reimbursement SDC
 - ❖ Direction regarding TSDC Credit Policies
 - ❖ Direction regarding TOD Discount Policies

- ◆ SDC Adoption Hearing in April

Contact FCS GROUP:
Todd Chase
Oregon Branch Manager
503.841.6543 ext. 12

www.fcsgroup.com



AIS-2152

4.

Workshop Meeting

Meeting Date: 03/17/2015

Length (in minutes): 35 Minutes

Agenda Title: Continued Discussion on the Street Maintenance Fee

Submitted By: Toby LaFrance, Financial and Information Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Workshop Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

On January 27, 2015, city staff updated Council about public and business outreach on the Street Maintenance Fee and the Pavement Management Program. Staff also brought five policy issues forward for Council to consider in the study session. During the study session, Council had time to consider four of the five areas.

STAFF RECOMMENDATION / ACTION REQUEST

The purpose of this workshop is to affirm the direction provided January 27th and discuss the remaining policy areas. After discussion, staff asks Council for direction on next steps.

KEY FACTS AND INFORMATION SUMMARY

What follows is the text from the January 27th Agenda Item Summary. The text is updated with Council Direction.

Recently, the city sought input on the Street Maintenance Fee (SMF) and Pavement Management Program (PMP). The input came from two surveys geared to gain business and residential customer perspectives. The two surveys produced over 140 responses, with over 60 residential responses and over 80 business responses. The raw results of the surveys are in two documents attached to this AIS. A summary comparison of the results is also attached. Based on prior discussions and the results of the survey, staff has identified policy questions with recommendations and is seeking input from Council on future direction. As a reminder, the current SMF is \$6.12/month/residence (residential) and \$1.38/month/minimum required parking space (business). It has been approximately five years since the current SMF and PMP have been revised by Council.

Policy Question #1: Should the SMF be set with a goal to improve, hold, or downgrade the Pavement Condition Index (PCI)? What PCI should be set as the city's goal of the PMP?

Staff Discussion and Recommendation: The current SMF funds the PMP at a level that has successfully maintained Tigard's PCI. Based on the 2013 annual report from staff, the PCI has increased from 67 in 2009 to 70 by the end of 2013. The recent public surveys reflect the results, where over 85% of respondents noted that street conditions have remained the same, or improved, since 2003. Additionally, over 70% of respondents do not support a decrease in the PCI, even though it would require an increase in the SMF over time. The 2014 annual report from staff noted the growing backlog of streets in poor condition, representing approximately 14% of the total miles of Tigard street. At the current fee level, Tigard will not be able to decrease this backlog. Staff estimates that the cost to pave the backlog is \$11 million. An increase of \$1 million per year in SMF revenue represents a fee increase of approximately 50%, which would allow the city to pave the backlog streets over the next 11 years. That would equate to an approximate monthly fee for residential customers of \$9.18/month and \$2.07/month/minimum required parking space for businesses.

Staff recommends increasing the SMF by approximately 50% to permit the city to gradually decrease the backlog of streets in poor condition and gradually improve the overall PCI. With the increase in the SMF, staff recommends a goal of achieving zero backlog and a PCI of 82 by the year 2025.

Council Direction #1: Council set a direction to get rid of the backlog and set a PCI goal of 82. Council still needs to determine if they are in favor of the recommended ten-year timeframe.

Policy Question #2: Should the city continue to fund the current program of right-of-way (ROW) maintenance on arterials and collectors in the amount of \$100,000/year paid as part of the SMF by residents only? Should the program be expanded to right-of-way maintenance in commercial areas and costs shared by commercial businesses? Should the program include state and county streets, such as Highway 99W?

Staff Discussion and Recommendation: The ROW portion of the fee is used to maintain areas along major streets that would otherwise likely not be maintained (such as along arterials behind residential properties). Durham Road is an example. Existing revenue is only adequate to maintain existing improved areas on city arterials and collectors. However, with the construction of landscaped medians and planters along major roads such as Highway 99W, Main Street, and River Terrace Boulevard, the need for ROW maintenance is increasing.

The public surveys show that less than 20% of respondents believe that ROW maintenance should be funded with an alternate source, thereby indicating that most respondents support the SMF funding of this program. The surveys also probed deeper into who should pay, and for what service? Currently, only residential customers pay for ROW maintenance. Over 70% of those residential customers and over 50% of the business customers who responded to the survey felt that businesses should pay for some of the ROW maintenance. Of the respondents who favor businesses paying for some of the ROW maintenance, slightly more than half responded that businesses should pay for ROW maintenance on commercial streets only.

Staff recommends adjusting the SMF for commercial customers to pay for ROW maintenance on commercial streets. An increase of 9-10% (to about \$1.51/month/minimum required parking space) in the commercial fee would produce approximately \$50,000 for ROW maintenance on streets in commercial areas.

Council Direction: Yes. Add \$50,000 to ROW maintenance paid by commercial customers.

Policy Question #3: When paving work is done on a street, the adjacent sidewalk curb ramps are required by law to be brought up to current ADA standards. Section 15.20.020(K) of the Tigard Municipal Code (TMC) states that for purposes of the SMF funding, repair or replacement of existing sidewalks is not included. In light of this code language, the concern was raised during the council discussion on October 22, 2013 about whether SMF can be used for the required sidewalk curb ramp retrofits. Should the TMC be changed to allow the use of SMF for sidewalk ramp retrofits when done in conjunction with PMP work?

Staff Recommendation: Staff recommends that Section 15.20.020(K) of the TMC be clarified to permit the use of SMF on work required by law to be done with paving work, including sidewalk curb ramp retrofits. The other available funding sources (Gas Tax, City Gas Tax, and General Fund), are all under significant demands with declining fund balances. The cost of the design and construction of the curb ramps varies depending on the number of ramps associated with each street, from about \$200,000 to about \$500,000 per year, or about 10% to 25% of the PMP costs. Staff seeks Council's preference on whether that should be paid out of the existing SMF, through a SMF increase, or from another source (with a corresponding reduction in projects funded from that source).

Council Direction: Council did not discuss this policy question due to a lack of time.

Policy Question #4: Currently, the source of the SMF revenue is about 1/3 commercial and 2/3 residential. This is mostly based on PMP cost shares by road type set in the TMC. Is the current share of residential/commercial fair and adequate? If not, what changes should be made?

Staff Discussion and Recommendation: Both survey results clearly show a belief that residential customers should not pay a greater share than they currently pay. Respondents to the business survey overwhelmingly (over 70%) think that the current split is correct. Respondents to the residential survey feel almost as strongly (over 60%) that commercial customers should pay a larger share. Staff recommends a targeted approach to increase the share paid by commercial customers. Based on the recommendation on ROW maintenance, commercial customers would pay a greater percent overall, but the shares for the PMP set by road type in TMC would remain the same.

Council Direction: Council did discuss this issue. Equity questions around the share and the impact on small businesses were areas of concern. Council tabled this area for future discussion. No direction was provided.

Policy Question #5: Should required parking (as a proxy for trip generation) remain the means of distributing the commercial share of the PMP program to businesses? Should we maintain the cap on maximum parking spaces?

Staff Discussion and Recommendation: Staff recommends continuing the use of minimum required parking as the means of distributing the commercial share of the PMP program to businesses. Respondents to the business survey did not have a clear preference on the subject of the cap; however, there is a small majority that is in favor of increasing the cap. Staff recommends an increase of the cap to the 325 spaces mentioned in the survey. Due to the additional administrative staff time involved, staff does not recommend phasing in the increase over a five-year period. Please note that any significant changes to the methodology would necessitate significant staff time (and costs) to implement the change. If Council wishes to phase in the increase, staff recommends a two-step phase in. If the cap was raised as suggested, small businesses would see a very small decrease (1 - 2 cents/month/minimum required parking spaces). Larger businesses would see an increase based on the difference between the current 250 space cap and their requirement under the new 325 cap.

Council Direction: Council directed staff to raise the cap. There was discussion of removing the cap entirely. In the February 5th Council News, staff provided Council with the requested information on who is impacted by the cap and by how much under a new cap of 325 spaces or no cap. That memo is attached to the AIS. Council needs to decide how much to raise, or remove, the cap.

OTHER ALTERNATIVES

Council can instruct staff that the current program and funding is adequate and no further Council discussion is needed. Further, the Council could consider the policy questions differently, such as using a different basis for calculating the fee.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

October 22, 2013 - Regular report on the Pavement Management Program and Street Maintenance Fee

January 27, 2015 - Study Session on community outreach and discussion on fee policy.

Attachments

[Business Survey](#)

[Residential Survey](#)

[SMF Survey Summary](#)

[2014 Post Paving Report](#)

[2014 Post Paving Report Maps](#)

Discussion from October 22, 2013 Council Meeting Minutes

TMC Section 15.20 Street Maintenance Fee

SMF Outreach Report

Memo on SMF Parking Space Cap Impact

Staff Discussion and Recommendation: The current SMF funds the PMP at a level that has successfully maintained Tigard's PCI. Based on the 2013 annual report from staff, the PCI has increased from 67 in 2009 to 70 by the end of 2013. The recent public surveys reflect the results, where over 85% of respondents noted that street conditions have remained the same, or improved, since 2003. Additionally, over 70% of respondents do not support a decrease in the PCI, even though it would require an increase in the SMF over time. The 2014 annual report from staff noted the growing backlog of streets in poor condition, representing approximately 14% of the total miles of Tigard street. At the current fee level, Tigard will not be able to decrease this backlog. Staff estimates that the cost to pave the backlog is \$11 million. An increase of \$1 million per year in SMF revenue represents a fee increase of approximately 50%, which would allow the city to pave the backlog streets over the next 11 years. That would equate to an approximate monthly fee for residential customers of \$9.18/month and \$2.07/month/minimum required parking space for businesses.

Staff recommends increasing the SMF by approximately 50% to permit the city to gradually decrease the backlog of streets in poor condition and gradually improve the overall PCI. With the increase in the SMF, staff recommends a goal of achieving zero backlog and a PCI of 82 by the year 2025.

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Staff Discussion and Recommendation: The ROW portion of the fee is used to maintain areas along major streets that would otherwise likely not be maintained (such as along arterials behind residential properties). Durham Road is an example. Existing revenue is only adequate to maintain existing improved areas on city arterials and collectors. However, with the construction of landscaped medians and planters along major roads such as Highway 99W, Main Street, and River Terrace Boulevard, the need for ROW maintenance is increasing.

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COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

October 22, 2013 - Regular report on the Pavement Management Program and Street Maintenance Fee

January 27, 2015 - Study Session on community outreach and discussion on fee policy.

Attachments

[Business Survey](#)

[Residential Survey](#)

[SMF Survey Summary](#)

[2014 Post Paving Report](#)

[2014 Post Paving Report Maps](#)

Discussion from October 22, 2013 Council Meeting Minutes

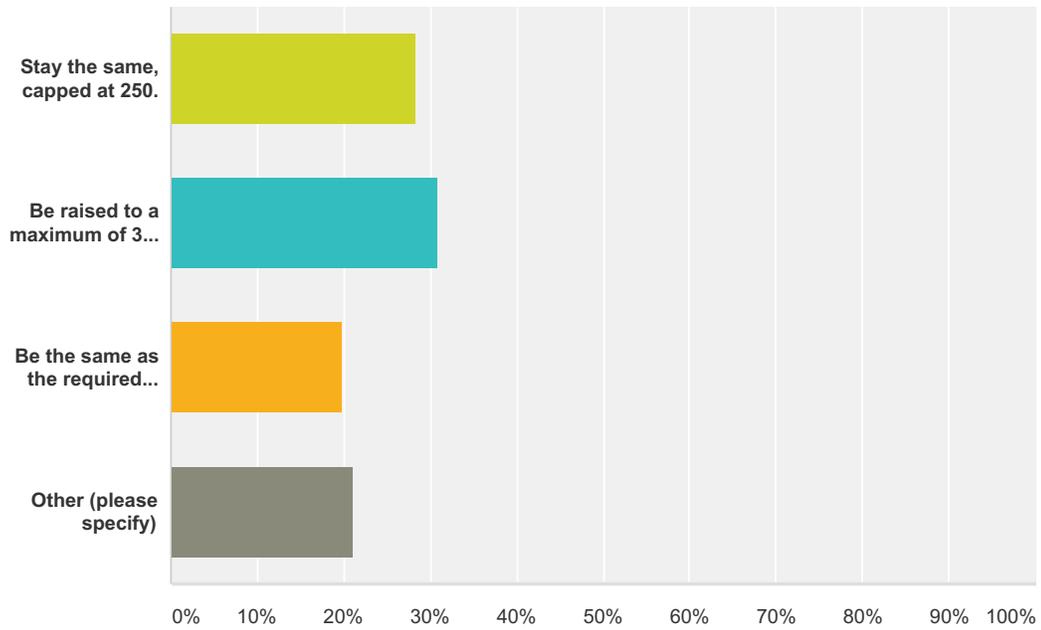
TMC Section 15.20 Street Maintenance Fee

SMF Outreach Report

Memo on SMF Parking Space Cap Impact

Q5 The fee structure for business customers is based on a minimum of 5 required parking spaces, and is capped at a maximum of 200 parking spaces. (Businesses with more than 250 parking spaces currently are not charged for any additional parking spaces they may have.) Do you think the maximum should:

Answered: 81 Skipped: 6



Answer Choices	Responses
Stay the same, capped at 250.	28.40% 23
Be raised to a maximum of 325 spaces, but the fee would be phased in at 15 spaces per year over the next 5 years.	30.86% 25
Be the same as the required number of parking spaces with no cap.	19.75% 16
Other (please specify)	20.99% 17
Total	81

#	Other (please specify)	Date
1	above 200 pay 1/2 fee per space	9/21/2014 12:01 PM

City of Tigard Street Maintenance Fee Survey

2	You don't give us enough information. Where are those minimum 5 spaces per business downtown where you just eliminated a bunch of spaces (and trees) to "improve" downtown? And are those on public land or private land? And does that deter businesses from moving into Tigard because there's not enough parking spaces to be had, yet they pay taxes on those spaces? Are multiple businesses paying taxes for the same public spaces so they're not getting what they're taxed on? The quality of life in a city is the responsibility of the people who want to live there - so they should foot most of the bill UNLESS Tigard allows new businesses like Wal-Mart into the area that pave over large wetlands tracts. At that point the quality of life diminishes through no fault of the citizens so they should have to fund the streets for Wal-Mart shoppers coming from other towns. Ultimately, you're asking us for an opinion without giving us sufficient information regarding those required parking spaces, who provides them, where they have to be, where you came up with the required quantity, and who would be affected by a change.	9/19/2014 11:25 AM
3	Thanks for using our tax dollars to completely mess up hwy 99 - I would be inclined to NOT ever vote for an increase ever again due to what you have done to 99. Luckily our business was not affected by the fact that very few turns can now be made off of 99, but if I was a business (like the starbucks, subway, taco bell etc...) that can no longer get traffic from the other direction I would be pissed as heck. The WalMart was a bad addition, the traffic is horrible now, and people are very confused by the change in traffic pattern. I see near accidents every day.	9/18/2014 4:33 PM
4	Are you kidding. There should be no discount for large lots. That penalizes teh small businesses that Walmart is trying to put out of business. Raise the fee on them this year. TThey can afford it and impact the traffic more than small offices/retail operations. We just don't have lobbieists or lawyers to protect us from taxes.	9/18/2014 4:03 PM
5	Stay the same, capped at 250, but levy a surcharge to Tigard businesses that 1) own and operate heavy trucks and/or 2) receive goods more than x times per week using 18 wheel rigs.	9/18/2014 2:19 PM
6	We are not an "open door" commercial business. The only parking spaces utilized are associated with our 3 employees. We are already being charged in excess of our requirement. If the City of Tigard can associate traffic maintenance with commercial activity then those "big box" type facilities and those "big box" type occupants are receiving commercial benefit from those parking spaces in excess of 250 should pay an equitable share of taxes.	9/18/2014 1:35 PM
7	I personally do not think funding is spent properly now, so I have a problem agreeing with any funding increase with the planning personell currently in place.	9/18/2014 1:30 PM
8	maximum changed to 100 parking spaces. Encourage large businesses to come to the area and supply more jobs!	9/18/2014 12:31 PM
9	I recently moved my business from the City of Portland/ Multnomah Cty. If you handle the street fees the same way they do your in big trouble. Property taxes, fuel taxes, business licences fees, street fees seem like your getting enough. Do what business do when they must to keep going, cut costs internally, Maybe you can make a \$50,000+ dollar police car last more than 3 years. Maybe?	9/18/2014 12:10 PM
10	It seems as if big stores like Washington Square, Costco, Target, etc. should pay proportionately to their traffic. They are often visited by large trucks, which probably wear the roads more than cars. Charging the large stores, which draw visitors from outside Tigard, seems like a good way to recover costs from non-residents who use our streets.	9/15/2014 6:07 PM
11	The large capacity parking spaces are mainly owned by global corporations. They should be picking up the lion's share of street maintenance in general. Raise the limit infinitely.	9/13/2014 11:34 AM
12	#3 - alternative funding should be to remove big-box parking spaces cap. Their proportionately larger traffic draw has an impact on the roadways and rights-of-way more than what they are currently paying in street maintenance fee. #5 - Be the same as the required number of parking spaces with NO cap.	9/11/2014 11:37 AM
13	It is hard to understand why businesses (especially larger ones) would be given a huge break with a cap of 200 spaces when those businesses drive a major portion of the traffic. Washington square, winco, Costco, Walmart, target and Fred Meyer to name a few. The small struggling businesses do not get any breaks and are expected to pay their share. What about a per space fee that slides (lower) as they number of spaces increase as a break for the larger retailers as an alternative.	9/9/2014 10:19 PM
14	It is hard to understand why businesses (especially larger ones) would be given a huge break with a cap of 200 spaces when those businesses drive a major portion of the traffic. Washington square, winco, Costco, Walmart, target and Fred Meyer to name a few. The small struggling businesses do not get any breaks and are expected to pay their share. What about a per space fee that slides (lower) as they number of spaces increase as a break for the larger retailers as an alternative.	9/9/2014 10:19 PM

City of Tigard Street Maintenance Fee Survey

15	Need more information about the effect of any change as it relates to what the COT needs to maintain and improve streets. Part of this is > What is collected now and current outgo/shortfall? What are immediate projects between now and next summer that have been funded? What needs to be done that funding is not available for in the next couple years? When will any increase be implemented? How are new sidewalks paid for and where are they being installed in the next year?	9/8/2014 10:56 AM
16	I was going to go with the second option but if you do the math you only end up with 275 spaces. You would need to do 25 a year for 5 years to get to 325.	9/8/2014 10:52 AM
17	fund should be paid by residential customers	9/8/2014 10:47 AM

City of Tigard Street Maintenance Fee Survey

Q6 Check this box if you would like a Tigard city staff person to contact you. Please provide your name and the best way to contact you. Thanks!

Answered: 13 Skipped: 74

#	Responses	Date
1	As a small business owner, I would have no problem paying a higher fee. Except that the "right of way improvement" was NOT an improvement to my business at all. Hwy 99 is still congested and I've lost sales due to the lack of access to my store.	9/22/2014 1:17 PM
2	Thomas Rogers rogerst5450@yahoo.com	9/21/2014 12:01 PM
3	No where to put comments here, but as a growing small business in located in Tigard for the past 11 years, the traffic congestion and the time it takes us to transit the Tigard/Greater Washington County area is getting very long. I am disappointed that I do not see long range solutions for transiting Washington County through and around Tigard ready for implementation. I was appalled that the citizens of Tigard voted to "handcuff" officials in the area of transportation planning. My long range planning includes, unfortunately, looking at relocation options out of the Tigard Triangle area to other parts of the Metro area where traffic congestion issues may be better addressed. Thank you, Kim Prosser Precision Door Service (503) 784-4852	9/19/2014 11:17 AM
4	David Aldridge 503-639-2340	9/18/2014 3:35 PM
5	Brian H. Smith , Northwest Demolition & Dismantling	9/18/2014 3:18 PM
6	and where is the check for this box? Looks like you don't want this option exercised.	9/18/2014 1:35 PM
7	Williamb@orwasubway.com	9/18/2014 1:17 PM
8	The survey indicates the number of miles of roads maintained by Tigard, but does not indicate if they are residential streets or commercial roadways. Nor does the survey indicate whether Tigard maintains key roadways such as Hwy 99 and Hall Blvd, which I suspect are state roads. Some respondents may mistakenly judge the state of Tigard roads by the state of Hall Blvd, which has needed reworking for as long as I can remember. Also, I don't understand the question about street medians and right-of-way on 99W. Maybe in the next survey provide a link to a page with more information.	9/15/2014 6:07 PM
9	Yes, I would like to stay in the loop concerning this issue. My name and best contact is Laura Sadowski - lauras@plaidpantry.com	9/11/2014 11:37 AM
10	Gordon Fiddes, resident and business owner in Tigard for over two decades gordon@imagerestoration.com	9/8/2014 1:33 PM
11	Do Not follow the Davis/Bacon Act. Have the job done at half price!	9/8/2014 12:53 PM
12	Mike Stevenson, business owner, B&B Print Source, 503-314-4201 cell, happy to talk if you'd like opinions.	9/8/2014 12:17 PM
13	STEVE RICHMOND - CALL @ 503-639-1106 MON - FRI BETWEEN 2:00 PM - 4:00PM	9/8/2014 11:21 AM

Street Maintenance Fee Survey

Question Summaries

Data Trends

Individual Responses

Tweet Share Share

66 responses

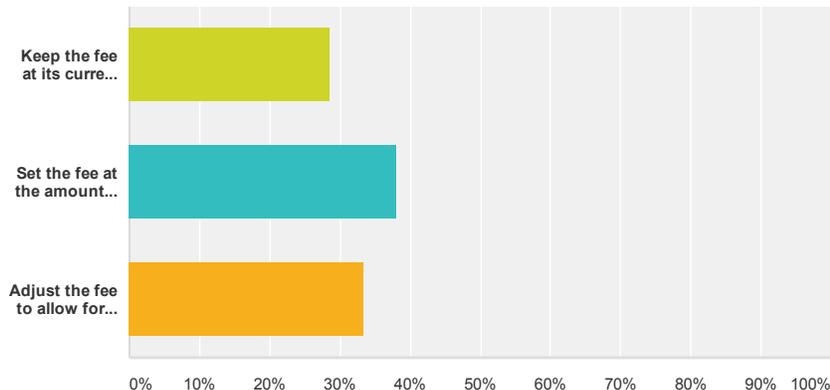
42 days (December 02, 2014 - now)

15 views

Q1

Tigard's PMP is designed to maintain streets in good condition. If the cost to maintain streets increases, which of these options would you prefer?

Answered: 63 Skipped: 3

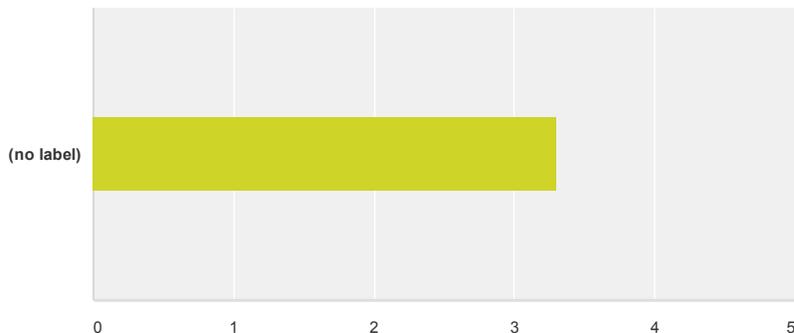


Answer Choices	Responses
Keep the fee at its current amount \$5.83 (with no adjustment for inflation) even if it means reduced pavement conditions.	28.57% 18
Set the fee at the amount necessary to maintain current conditions (5% inflation adjustment each year means \$9.50 per month in 2025)	38.10% 24
Adjust the fee to allow for improved pavement conditions over time (\$8.57 per month beginning in 2015, 5% inflation adjustment means \$13.30 in 2025)	33.33% 21
Total	63

Q2

The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

Answered: 61 Skipped: 5

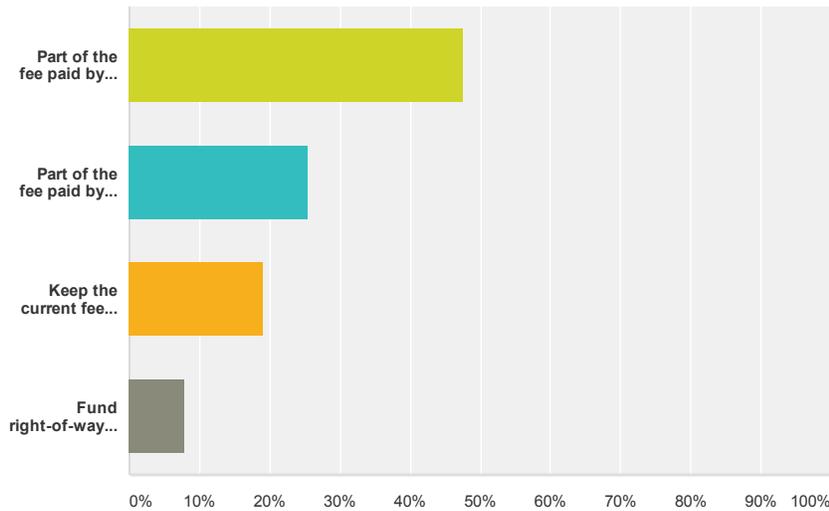


	Worse	(no label)	No Change	(no label)	Much Improved	Total	Weighted Average
(no label)	8.20% 5	8.20% 5	40.98% 25	31.15% 19	11.48% 7	61	3.30

Q3

Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as along Durham Road). How do you think right-of-way maintenance should be funded?

Answered: 63 Skipped: 3

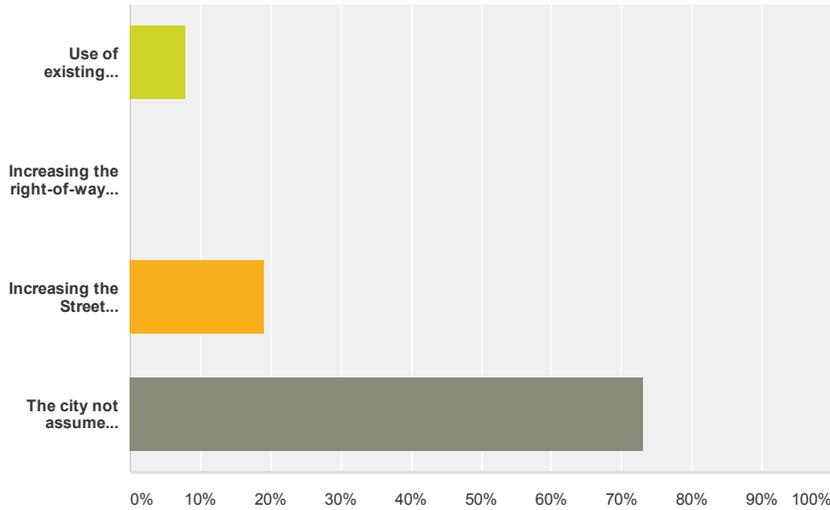


Answer Choices	Responses
Part of the fee paid by business customers should help fund right-of-way maintenance.	47.62% 30
Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas.	25.40% 16
Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers.	19.05% 12
Fund right-of-way maintenance with an alternate funding source that may increase fees or decrease services elsewhere.	7.94% 5
Total	63

Q4

There are medians and landscaped rights-of-way that are on state and county roads (such as the new medians on Pacific Highway/99W). If council considers the use of city resources to fund median and right-of-way landscape maintenance on state or county roads would you prefer:

Answered: 63 Skipped: 3

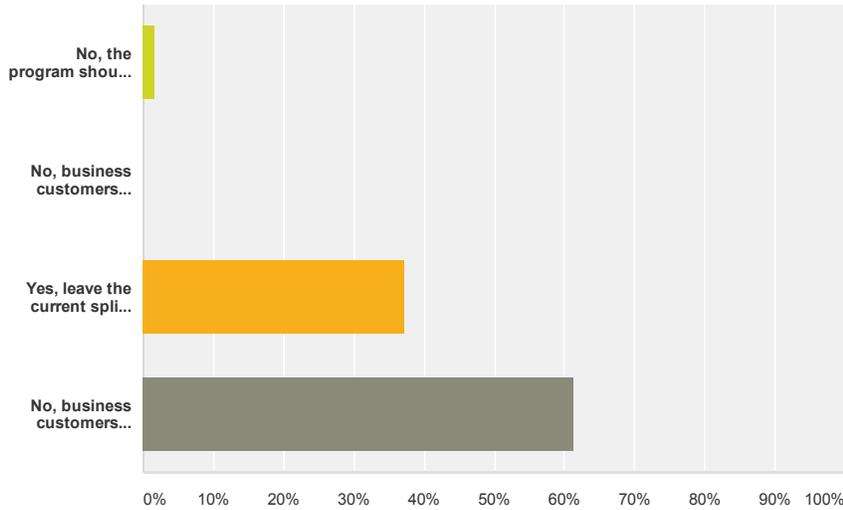


Answer Choices	Responses
Use of existing resources even if it means reduced funds for pothole repairs, street sign work, and striping maintenance.	7.94% 5
Increasing the right-of-way maintenance component of the current Street Maintenance Fee, reducing the portion of the funds available for pavement maintenance.	0.00% 0
Increasing the Street Maintenance Fee to ensure enough revenue is collected to fund the additional maintenance responsibility.	19.05% 12
The city not assume responsibility for median and right-of-way maintenance on state and county roads.	73.02% 46
Total	63

Q5

The current fees established by City Council are:-- Residential: single family / multi-family (per unit) = \$5.83 per month-- Business: per minimum required parking space (as a proxy for trips generated by the business) = \$1.31 per space, per month Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

Answered: 62 Skipped: 4



Answer Choices	Responses
No, the program should be funded entirely by residential customers.	1.61% 1
No, business customers should fund less than the 1/3 they are currently funding.	0.00% 0
Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program.	37.10% 23
No, business customers should pay more than the 1/3 they are currently paying.	61.29% 38
Total	62

Q6

Any other comments?

Answered: 29 Skipped: 37

I've long thought that the taxes I pay to the city in every other form, should pay for street maintenance as well. I have not understood why the budget couldn't be balanced without adding another fee to pay for something that should fall under that arena. When monies fall short..you cut your 'wants'. And you don't punish the citizenry with cutting the most obvious painful thing out of spite. We all have figured out in one way or another how to balance our own budgets.

1/11/2015 8:48 AM

Are the the streets maintained by city employees or private contractors? 5% inflation sounds a lot more than 1.7%. My SS gives me 1.7% a year. Wally Hadden

1/2/2015 4:30 PM

Our neighborhood streets are redone every year. This past year, our main access street into our neighborhood was torn up and repaved. Sidewalks were also replaced in certain areas. None of this was needed. The street conditions were totally fine. I believe that Tigard is looking for a way to spend money on street even when it's not necessary. I'd like to see the reasoning for applying blacktop to our neighborhood streets every year - they are completely acceptable, no potholes, no cracks, etc.

1/2/2015 1:00 PM

Stop light rail or brt and the city wont need more money...stop wasting our money...

1/2/2015 12:02 PM

Q7

Would you like city staff to contact you? If yes, please provide your name and the best way to contact you.

Answered: 9 Skipped: 57

wallyor1@comcast.net
1/2/2015 4:30 PM

Why bother the politicians have an agenda and wont listen anyway...they never listen to citizens...
1/2/2015 12:02 PM

Please keep me updated! Carter Kruse, you know my email.
12/18/2014 11:08 PM

Josh (971)301-3894 idea generator and full-time marketer. Thanks for asking Tigard may not be the best run city I have lived in, but you are trying and that is fantastic.
12/18/2014 2:00 PM

Why bother...
12/16/2014 7:30 PM

They wont listen anyway.
12/10/2014 1:30 PM

Why so they can lie to us on the phone? Why bother?
12/7/2014 7:01 PM



Tigard City Council invites your ideas about street maintenance funding



Responses to Street Maintenance Fee Survey – Residential

These results represent responses to the survey from the residential community. The survey was posted on the city’s website, and was advertised through social media and the Cityscape newsletter. More than 60 responses were received. *(Results are as of January 8, 2015. This survey closes January 15, 2015.)*

1. Tigard’s PMP is designed to maintain streets in good condition. If the cost to maintain streets increases, which of these options would you prefer?

- A. Keep the fee at its current amount \$5.83 (with no adjustment for inflation) even if it means reduced pavement conditions. **26.23% (16)**
- B. Set the fee at the amount necessary to maintain current conditions (5 percent inflation adjustment each year means \$9.50 per month in 2025). **39.34% (24)**
- C. Adjust the fee to allow for improved pavement conditions over time (\$8.57 per month beginning in 2015, 5 percent inflation adjustment means \$13.30 in 2025.) **34.43% (21)**

Total responses = 61. More than 73 percent of residential respondents support increasing the fee to at least maintain current conditions, nearly 40 percent to maintain current conditions, and 34 percent to improve pavement conditions over time.

2. The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

Worse		No Change			Much Improved	
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5		
8.47% (5)	8.47% (5)	40.68% (24)	32.20% (19)	10.17% (6)		

Total responses = 59. Weighted average = 3.27. Slightly more than 40 percent of respondents have noticed no change in pavement condition over time but less than 17 percent said that pavement conditions are worse.

3. Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as along Durham Road). How do you think right-of-way maintenance should be funded?

- A. Part of the fee paid by business customers should help fund right-of-way maintenance. **49.18% (30)**
- B. Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas. **26.23% (16)**
- C. Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers. **18.03% (11)**
- D. Fund right-of-way maintenance with an alternate funding source that may increase fees or decrease services elsewhere. **6.56% (4)**

Total responses = 61. Slightly more than 40 percent of respondents think businesses should help fund right-of-way maintenance with another 26 percent supporting business funding part of right-of-way maintenance in commercial areas.

4. There are medians and landscaped rights-of-way that are on state and county roads (such as the new medians on Pacific Highway/99W). If council considers the use of city resources to fund median and right-of-way landscape maintenance on state or county roads would you prefer:

- A. Use of existing resources even if it means reduced funds for pothole repairs, street sign work and striping maintenance. **8.20% (5)**
- B. Increasing the right-of-way maintenance component of the current Street Maintenance Fee, reducing the portion of the funds available for pavement maintenance. **0.00% (0)**
- C. Increasing the Street Maintenance Fee to ensure enough revenue is collected to fund the additional maintenance responsibility. **19.67% (12)**
- D. The city not assume responsibility for median and right-of-way maintenance on state and county roads. **72.13% (44)**

Total = 64. Answered = 61. Skipped = 3. More than 72 percent of respondents don't think the city should assume responsibility for median and right-of-way maintenance on county roads, but nearly 20 percent of respondents think street maintenance revenue should be increased to fund the additional maintenance responsibility.

5. The current fees established by City Council are:

- Residential: single family / multi-family (per unit) = \$5.83 per month
- Business: per minimum required parking space (as a proxy for trips generated by the business) = \$1.31 per space, per month

Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

- A. No, the program should be funded entirely by residential customers. **1.67% (1)**
- B. No, business customers should fund less than the 1/3 they are currently funding. **0.00% (0)**
- C. Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program. **38.33% (23)**
- D. No, business customers should pay more than the 1/3 they are currently paying. **60.00% (36)**

Total = 64. Answered = 60. Skipped = 4. More than 30 percent of respondents support the current split but 60 percent of respondents think businesses should pay more than the current 1/3 split they are currently paying.

Responses to Street Maintenance Fee Survey – Business Group

This survey was emailed to 1006 business email addresses. The list was a compilation of the Tigard Area Chamber of Commerce email list, the city's business customer list and Lloyd Purdy's business contact emails. The survey was open from September 3 through 23, 2014, and received 87 responses.

1. Tigard's PMP is designed to maintain streets in their current condition. If the cost to maintain streets increases, which of these options would you prefer?

- A. Keep the fee at its current amount even if it means reduced pavement conditions. **24.107% (20)**
- B. Set the fee at the amount necessary to maintain current conditions. **33.737% (28)**
- C. Adjust the fee to allow for improved pavement conditions over time. **42.177% (35)**

Total = 83. Answered = 83. Skipped = 0. Nearly 76 percent of business respondents support paying more to at least maintain current conditions with 42 percent willing to pay more to allow for improved conditions over time.

2. The street maintenance fee that funds the PMP began in 2003. On a scale of 1 to 5, what changes have you noticed since 2003?

Worse		No Change		Much Improved
<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	<input type="checkbox"/> 4	<input type="checkbox"/> 5
5.13% (4)	2.56% (2)	47.44% (37)	37.18% (29)	7.69% (6)

Total = 87. Answered = 78. Skipped = 9. Average rating = 3.40. More than 40 percent of respondents noticed no change in pavement condition and just over 32 percent noticed some improvement.

3. Currently, a portion of the street maintenance fee paid by residential customers is used to maintain certain rights-of-way (such as new street medians on Pacific Highway/99W). How do you think right-of-way maintenance should be funded?

- A. Part of the fee paid by business customers should help fund right-of-way maintenance. **15.85% (13)**
- B. Part of the fee paid by business customers should help fund right-of-way maintenance, but only in commercial areas. **36.59% (30)**
- C. Keep the current fee structure: right-of-way maintenance should be funded solely by residential customers. **24.39% (20)**
- D. Fund right-of-way maintenance with an alternate funding source. **23.17% (19)**

Total = 87. Answered = 82. Skipped = 5. The largest percentage (36.59%) support business customers funding part of the right-of-way maintenance but only in commercial areas. Another 24.39% support keeping the current funding structure and 23.17% support funding right-of-way maintenance with an alternate funding source.

4. The current fees established by City Council are:

- Residential: single family / multi-family (per unit) = \$5.83 per month
- Business: per minimum required parking space = \$1.31 per space, per month

Residential customers fund about 2/3 of the program or about \$112,000 per month. Business customers fund about 1/3 of the program or about \$56,000 per month. Does that seem like a fair split to you?

- A. No, the program should be funded entirely by residential customers. **4.82% (4)**
- B. No, business customers should fund less than the 1/3 they are currently funding. **4.82% (4)**
- C. Yes, leave the current split; residential customers fund 2/3 of the program, business customers fund 1/3 of the program. **72.29% (60)**
- D. No, business customers should pay more than the 1/3 they are currently paying. **18.07% (15)**

Total = 87. Answered = 83. Skipped = 4. More than 72 percent of respondents support leaving the current split. Slightly more than 18 percent support business customers paying more.

5. The fee structure for business customers is based on a minimum of 5 required parking spaces, and is capped at a maximum of 250 parking spaces. (Businesses with more than 250 parking spaces currently are not charged for any additional parking spaces they may have.) Do you think the maximum should:

- A. Stay the same, capped at 250. **28.40% (23)**
- B. Be raised to a maximum of 325 spaces, but the fee would be phased in at 15 spaces per year over the next 5 years. **30.86% (25)**
- C. Be the same as the required number of parking spaces with no cap. **19.75% (16)**
- D. Other (please specify). **20.99% (17)**

Total = 87. Answered = 81. Skipped = 6. There was not majority support for any of the options presented. The highest support at 30.86 percent is to raise the cap over a five year period. Next, at 28 percent is to keep the current cap in place. Just under 21 percent marked other and made comments.

Residential and Business Survey Response Comparison

- Both groups are willing to pay more to at least maintain current conditions.
- The highest percentage, (around 40 percent), in each group have noticed no change in pavement condition over time.
- Nearly 50 percent of residential respondents think businesses should help fund right-of-way maintenance. The largest percentage (36.59 percent) of businesses support businesses helping to fund right-of-way maintenance but only in commercial areas.
- More than 72 percent of business respondents support leaving the current fee split, while 60 percent of residential respondents think businesses should pay more.





Paving Report For 2014

This report outlines the paving and pavement preservation work completed in 2014 and lists the actual, anticipated, and budgeted expenses for fiscal years 2013-14 and 2014-2015.

The Tigard Public Works Department is responsible for the maintenance of 152 miles of paved streets. Maintenance of the paved surface of these streets is primarily accomplished by the Pavement Management Program (PMP) which is funded by the street maintenance fee (SMF). The maintenance strategy for each street varies depending on the adjoining land use, age, average daily volume, heavy vehicle traffic, and character of that street.

Accomplishments for 2014

Pavement projects completed in 2014 by Tigard's Pavement Management Program (PMP) are summarized in the following table and the pavement overlays are shown on the attached map (Attachment A).

Project	2014 Pavement Overlays	2014 Pavement Crack Seal
Street Length Completed	3.4 miles	16 miles
Area Completed (sf)	530,000	2,700,000
Cost (Includes Design and Inspection)	\$1,450,000	\$230,000
Cost Per Mile	\$426,000	\$14,000
Cost Per Square Foot	\$2.74	8 cents

Staff was able to accomplish other paving work using SMF funds in 2014 in coordination with other capital projects including:

- Additional pavement thickness on the Main Street project
- A pavement overlay of Electric Street in conjunction with the Main Street project
- A pavement overlay of a portion of Barrows Road in coordination with the City of Beaverton

Some additional paving was completed by other projects (Main St, Derry Dell, and Walmart).

The remaining funds each year are spent sealing cracks in street pavement, and on pavement inspections and inventory (the source of the Pavement Condition Index or PCI).

The Pavement Condition Index (PCI)

Pavement condition is measured by the PCI, with zero being the poorest condition (total pavement failure) and 100 being the best condition (just constructed pavement). PCI factors include pavement condition, cracking, pavement distress, weathering, structural strength, and smoothness of ride.

Tigard Street Network Condition

2014 has seen the average PCI of Tigard's city streets increase from 70.0 at the end of 2013 to 70.5 at the end of 2014. This was better than the PCI of 70.1 projected a year ago. The PMP's recent investment in preventive maintenance (slurry sealing and sealing cracks in pavement) and strategically timed paving of busy streets (before significant deterioration occurs) have allowed the city to more effectively counter the normal effects of pavement deterioration.

Previous Council Action and the Street Maintenance Fee (SMF)

Pavement maintenance is primarily funded through the City's SMF, a monthly user fee dedicated to the maintenance of existing roadways in Tigard. The fee was recommended by a citizen task force and established by Ordinance No. 03-10 in November 2003.

Council revisited the SMF in 2009 and 2010. Recognizing funding constraints and the difficulties of raising revenue in a recession, Council adopted Resolution No. 10-01 which:

1. Established a long-term PCI goal of 72 to 75. Based on cost estimates, the Council quickly recognized that the level of adopted funding would not be adequate to get to a PCI of 75 and set an interim goal to "hold the line" by maintaining an average PCI of at least 67. Beyond this point, streets require more extensive reconstruction prior to paving, which results in substantially higher street maintenance costs.
2. The ordinance also directs that the SMF be adjusted for inflation. Fee amounts are adjusted based on the methodology originally adopted in Ordinance 10-01, updated in Ordinance 13-06 to a composite of 85 percent of the Engineering News Record (ENR) Construction Cost Index for Seattle, which measures general construction and labor cost, and 15 percent of the Oregon Monthly Asphalt Cement Material Price, which measures asphalt prices and parallels fuel prices. These percentages approximate the percentage cost of a typical project that matches the labor or material price measured by the index. This inflation adjustment increased the fee by 5 percent on January 1, 2015.

Current SMF levels, as they appear in the City's 2014-2015 Master Fees and Charges Schedule, are as follows:

Effective Dates	2014	2015
Residential (Per House or Unit)	\$5.83	\$6.12
Commercial and Industrial (Per Required Parking Space)	\$1.31	\$1.38

Note that the fee for commercial and industrial properties is calculated based on the number of parking spaces that would be required by TMC 18.765 if that building were constructed today (as an approximation of the traffic generation of the site), which is often different from the number of spaces in the existing parking lot.

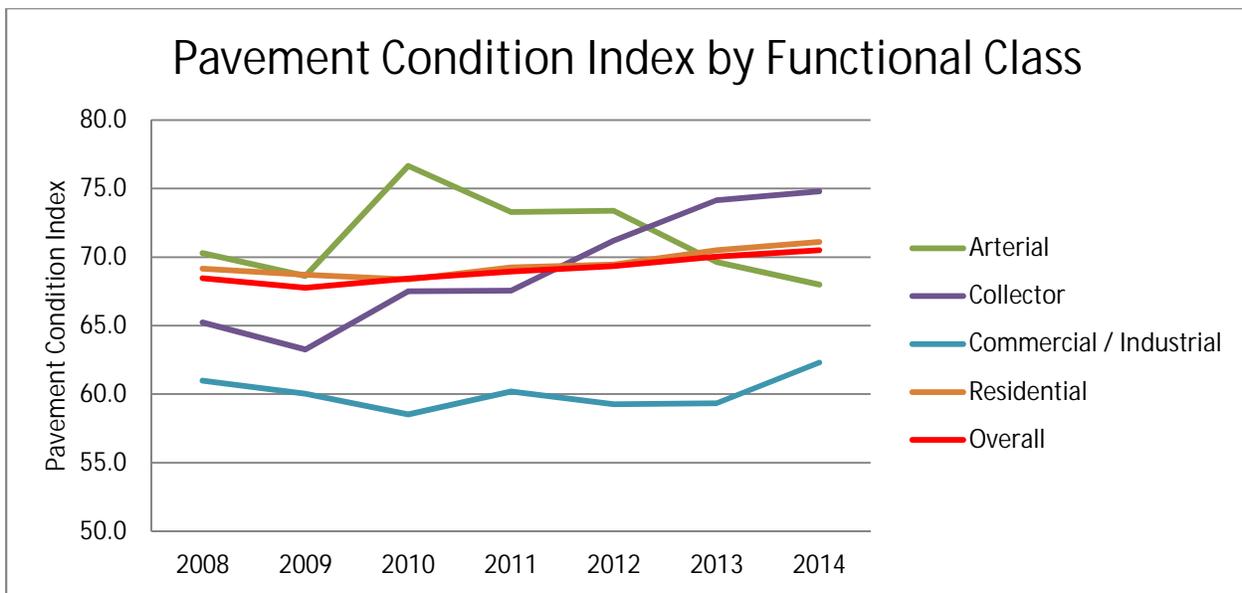
Recent Paving History

Attachment B is a map showing the paving projects that have been completed in the past six years. Pavement overlays have been completed on 20 miles of streets and slurry seals on 64 miles of streets. More than half of Tigard's city street network has been paved or slurry sealed since 2008.

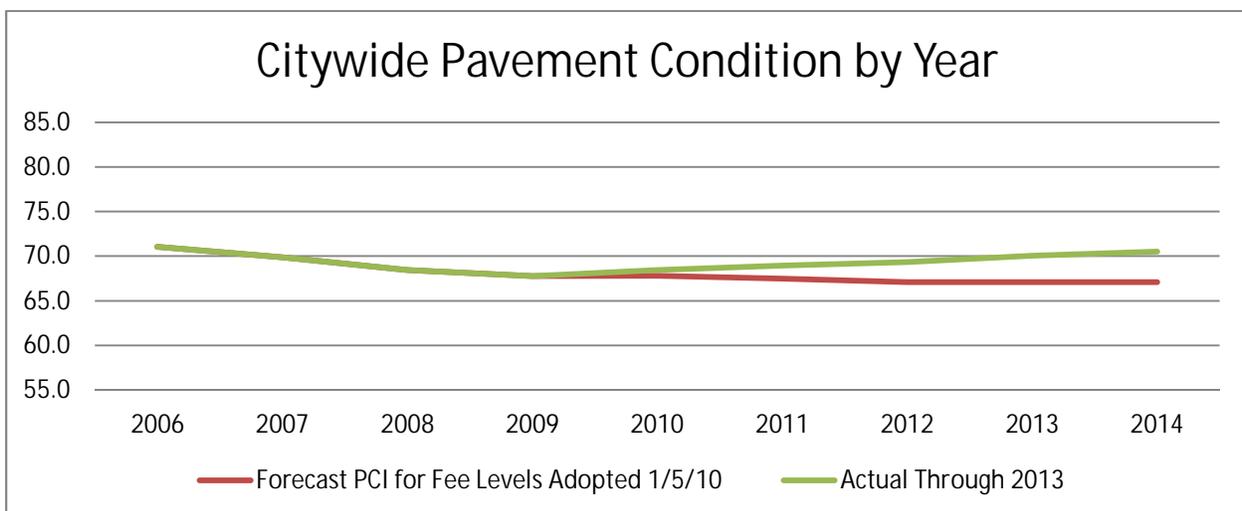
In order to maintain the overall street network in the best possible overall condition, street maintenance work has focused on three main priorities:

1. Crack sealing on major streets to reduce future deterioration.
2. Slurry seals and crack sealing on residential streets. These treatments are a cost-effective way to counter weathering, which is the primary cause of deterioration of lower-volume residential streets
3. Pavement overlays on major corridors. Streets have been prioritized for paving based on their traffic volumes, the cost-effectiveness of a paving project, and the anticipated deterioration that would occur if the street waits another year for paving.

These priorities are reflected in the following graph:



The graph below shows Tigard’s systemwide average PCI at the end of each paving season, and compares the actual PCI to those forecast when the SMF changes were adopted in 2010.



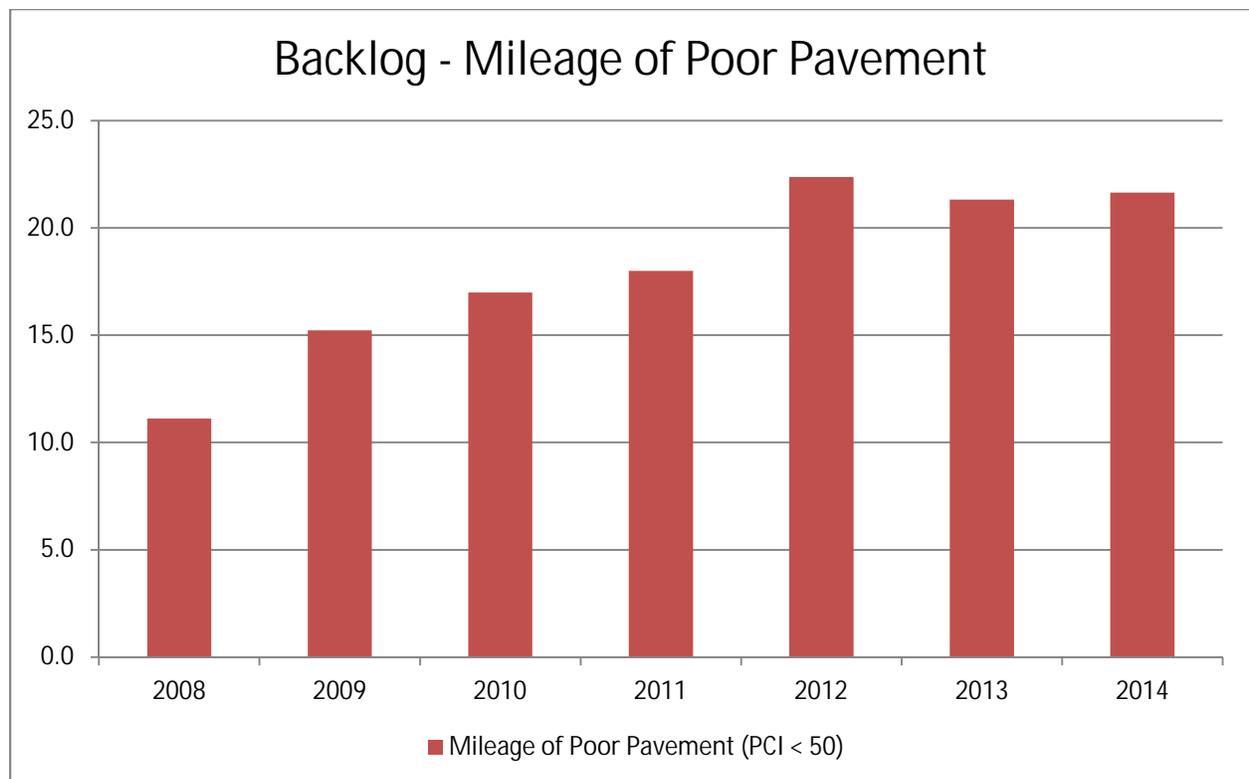
The PCI at the end of the 2014 paving season is 70.5, which is better than the 67.1 forecast in 2010, and better than the 70.1 forecast in 2013. Attachment C is a map showing the pavement condition of Tigard's streets.

Curb Ramp Retrofits (Required by Americans with Disabilities Act)

The Americans with Disabilities Act (ADA) requires that when a street is reconstructed, the curb ramps adjacent to that street must also be reconstructed or retrofit to meet ADA standards. These ramp retrofits are not required in conjunction with maintenance activities. Tigard, like many other local agencies considered pavement surface treatments and overlays to be maintenance activities, since their primary purpose is to maintain the existing paved surface. However, in the fall of 2013, clarifying notice was received from the Federal Highway Administration that pavement overlays do trigger the ADA requirement for ramp retrofits. As a result, Tigard's 2014 pavement overlay project included the retrofit or addition of 50 curb ramps in accordance with ADA standards. The approximate cost of these ramp retrofits was about \$250,000, which is about 17 percent of the total project cost. These requirements are anticipated to continue, and may necessitate a higher percentage of project costs if overlays are done on streets with a higher number of ramps.

Paving Backlog

There are many local streets (both residential and commercial) in Tigard on which the pavement condition has deteriorated beyond the level at which most preventive maintenance treatments can be effective. These streets need more extensive repairs such as pavement overlay and rehabilitation. In pavement management terms, these are called backlog streets. The graph below shows how this backlog has grown in recent years, but is starting to level off.



There are approximately 22 miles of these backlog streets in the Tigard city street system that need paving. This is approximately 14 percent of our total street mileage. The cost to pave these streets would be approximately \$11 million. It is anticipated that the amount of this backlog will remain at about this level now that the SMF increase passed in 2010 is fully phased-in, assuming that revenues and asphalt prices remain relatively consistent, and assuming no additional unfunded mandates affect the program. Additional funding would be necessary to restore these streets to good pavement condition.

Finance Director’s Findings

The Finance Director has reviewed this report and future pavement maintenance funding requirements as identified in the PMP. Data has not changed significantly from what the Council considered after the 2009 paving season.

Actual revenue collections for fiscal years 2012-2013 and 2013-2014 were analyzed and they were sufficient to meet the annual funding level set from the street maintenance plan along with the fiscal year 2014–2015 adopted budget. Completion of the SMF phase-in, along with an inflationary adjustment(s), is expected to generate sufficient revenue to fund the PMP in the coming years. The 2015-2019 PMP approved budget is as follows:

Fiscal Year	2015	2016	2017	2018	2019
PMP	\$1,900,000	1,950,000	2,025,000	2,100,000	2,170,000

Additionally, the split between customer types was analyzed to determine if costs were equitably split when compared to revenues collected. The allocation of the costs of the five-year plan is set in TMC 15.20.050 and is summarized as follows:

Road Type	Percentage of Residential Allocation	Percentage of Non-Residential Allocation
Arterial	38%	62%
Local Commercial/Industrial	0%	100%
Collector	50%	50%
Neighborhood/Local	100%	0%

It is important to realize the fee is based on a five-year plan and that there will be variance from one year to the next where one customer group may subsidize another in any given year; the important thing is that the program costs reflect the revenues collected by customer type over the five-year period. If they do not, the TMC instructs the Finance Director to make recommendations based on this review. The following tables summarize my findings:

Customer Class	Total 2013-2014 PMP Expense Related to SMF	Percentage of Total 2013 - 2014 Expense per TMC	Percentage of Revenue Collection	Share of Expenses Based on Revenue Collected	Variance
Residential	\$1,236,112	74%	67%	\$1,113,214	\$123,905
Non-Residential	\$425,394	26%	33%	\$548,299	(\$123,905)
Total	\$1,661,513			\$1,661,513	

Tigard incurred \$1,661,513 in FY 2013-14 in PMP expenses related to the SMF. Based on the types of roads, (arterial, collector, etc.), that received pavement maintenance through the PMP, \$1,236,112 (74 percent) of the PMP expenses should have been born by residential customers and \$425,394 (26 percent) of the PMP expenses should have been born by non-residential customers.

The actual revenues collected in FY 2014 have a slightly different split. Sixty-seven percent of the revenues came from the residential sector and 33 percent of the revenues came from the non-residential sector. Based on the size of the PMP and the way revenues were collected, a more equitable split would have been for \$1,113,214 to come from the residential sector and for \$548,299 to come from the non-residential sector. During the last year, the non-residential sector subsidized the residential sector by \$123,905, or seven percent of the total PMP. The Finance Director does not find this difference to be material enough to necessitate a recalculation. Engineering staff anticipates paving a higher percentage of commercial and industrial streets, arterials, and collectors in the coming years. In the long term, engineering staff estimates that the actual paving expenses will be consistent with the residential/non-residential revenue split.

Future Outlook

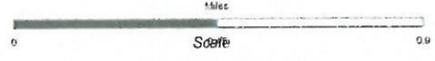
If SMF revenue remains relatively consistent over the next few years (accounting for inflation), staff anticipates the Pavement Management Program (PMP) being able to hold the line and keep Tigard's overall average pavement condition at about its current level for the next few years. This assumes that paving cost inflation stays relatively mild (less than 7 percent annual increases) and no significant additional unfunded mandates arise that would add to the cost of paving projects.

Staff anticipates the PMP continuing with the same priorities in the coming years. The program will focus on pavement overlays and pavement crack sealing in the 2015 paving season. Future years are anticipated to continue to include about 3 miles of pavement overlay projects (2 percent of the street network) and about 15 miles (10 percent of the network) of pavement crack sealing. Slurry seal projects of roughly 15 street miles per year are anticipated starting again in 2016, as the slurry seals installed in 2008 reach the end of their anticipated life and as streets paved in the early 2000s become ready for slurry seal. Attachment C is a map of tentative pavement overlay projects over the next five years. Note that significant portions of major Tigard streets are forecast to need pavement overlays within this timeframe.

While the anticipated revenue would be adequate to keep the average pavement condition from getting worse, it is not anticipated to be enough to reduce the backlog of streets that need paving.

2014 Pavement Management Projects

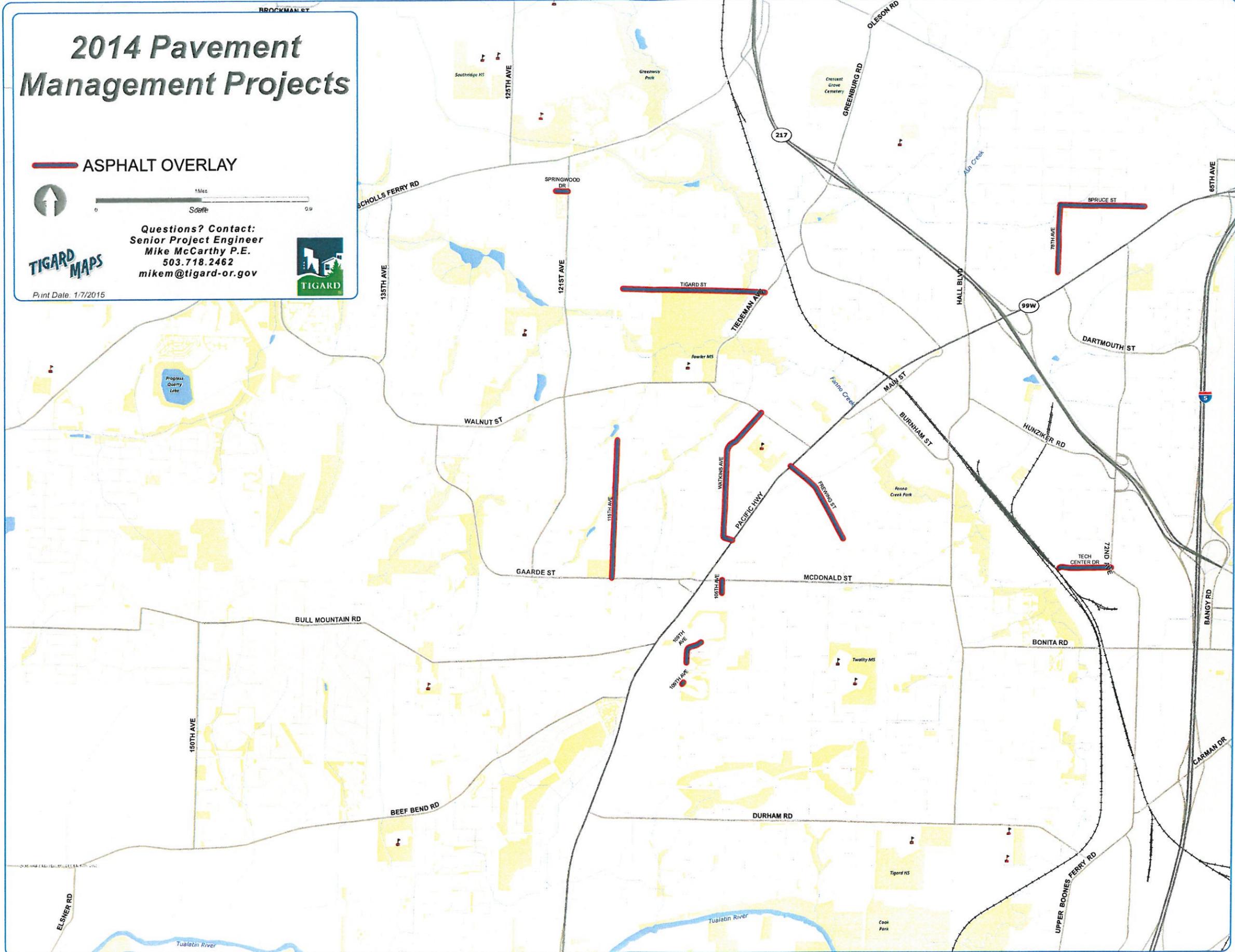
 ASPHALT OVERLAY

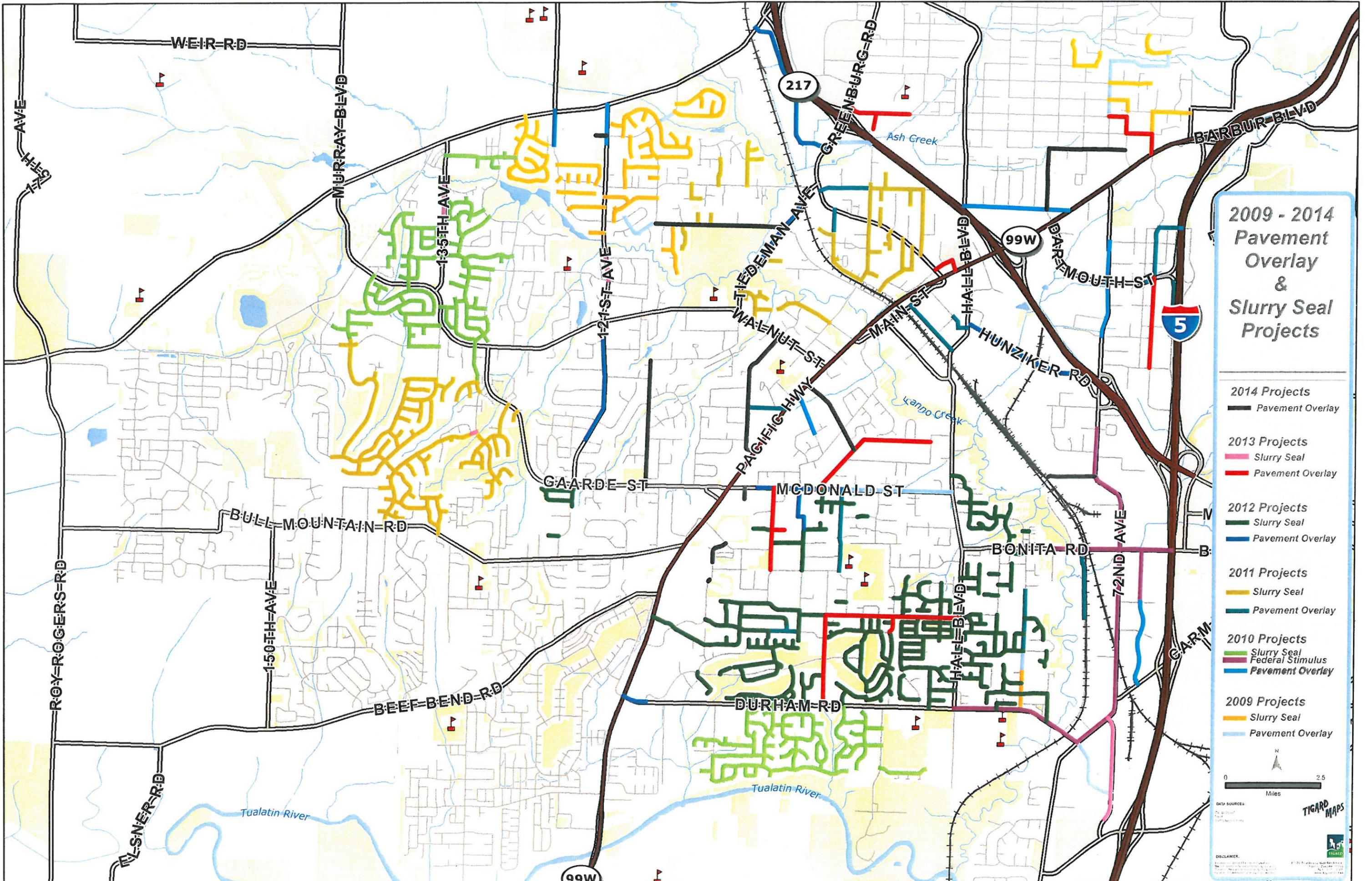


Questions? Contact:
 Senior Project Engineer
 Mike McCarthy P.E.
 503.718.2462
 mikem@tigard-or.gov



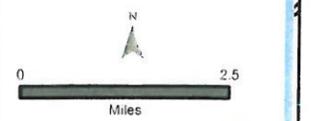
Print Date: 1/7/2015





2009 - 2014 Pavement Overlay & Slurry Seal Projects

- 2014 Projects**
 - Pavement Overlay
- 2013 Projects**
 - Slurry Seal
 - Pavement Overlay
- 2012 Projects**
 - Slurry Seal
 - Pavement Overlay
- 2011 Projects**
 - Slurry Seal
 - Pavement Overlay
- 2010 Projects**
 - Slurry Seal
 - Federal Stimulus
 - Pavement Overlay
- 2009 Projects**
 - Slurry Seal
 - Pavement Overlay

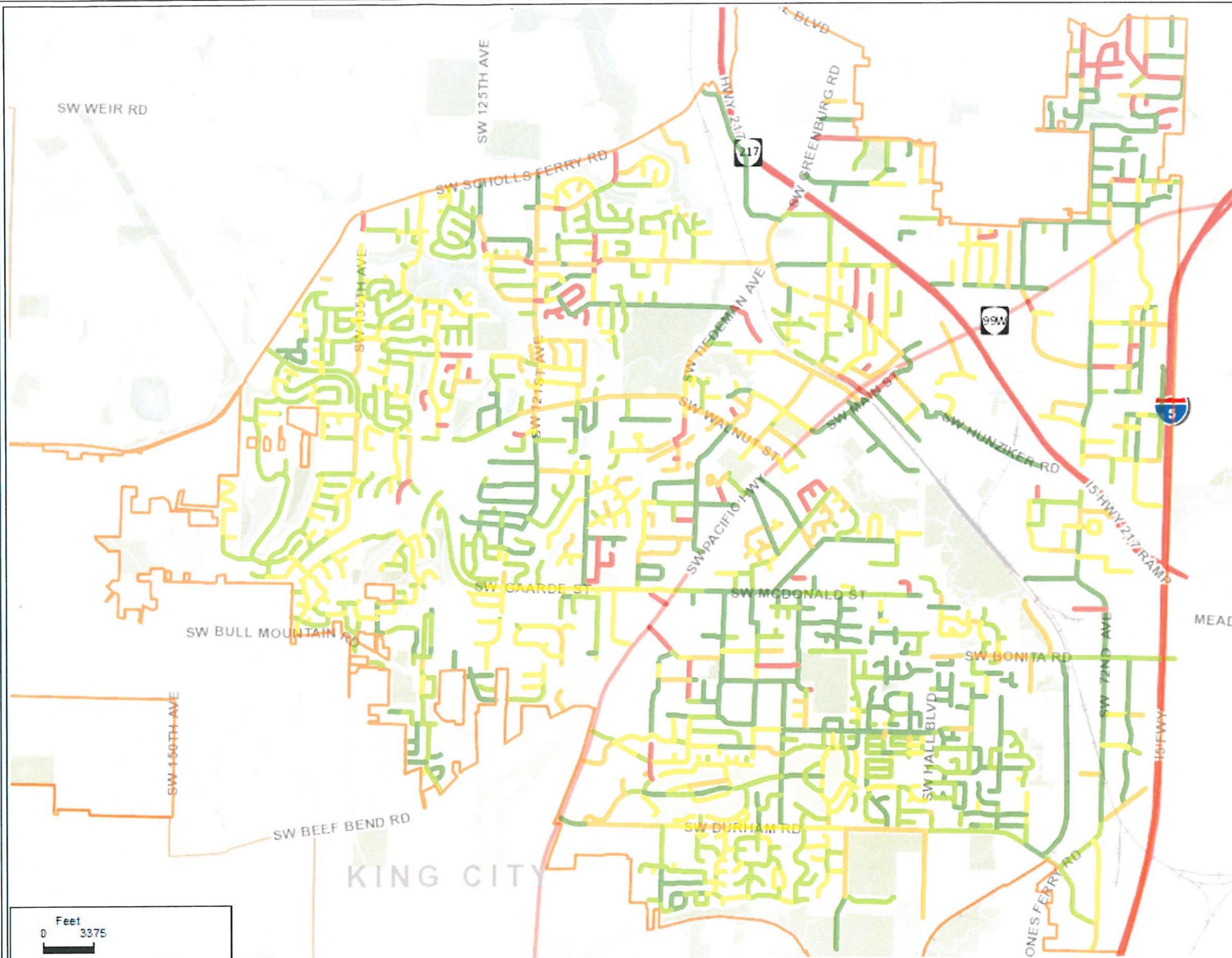


DATA SOURCES:
City of Tualatin
Tualatin Municipal

DISCLAIMER:
This map is provided for informational purposes only. It is not intended to be used as a legal document. The City of Tualatin and Tigard Maps are not responsible for any errors or omissions on this map.

TIGARD MAPS

Pavement Condition in Fall, 2014



Pavement Condition

- Very Good
- Good
- Fair
- Poor
- Very Poor
- No Data



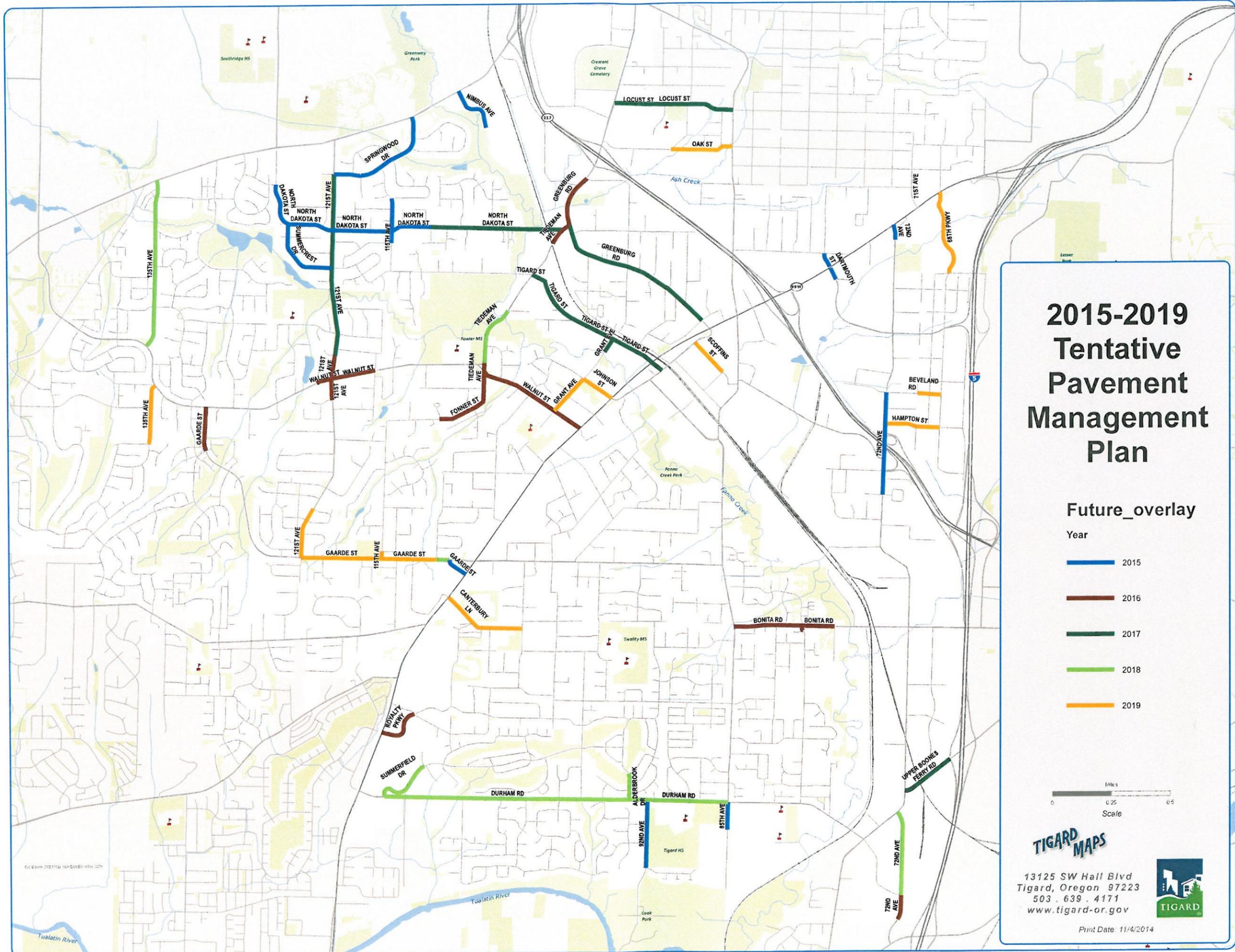
Map printed at 07:12 PM on 13-Jan-15

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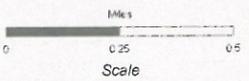




2015-2019 Tentative Pavement Management Plan

Future_overlay

- Year
- 2015
 - 2016
 - 2017
 - 2018
 - 2019



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Print Date: 11/4/2014



6. CONSIDER A RESOLUTION TO ADD BUDGET APPROPRIATION FOR THE BARROWS/SCHOLLS FERRY WATER LINE

- a. Assistant Finance and IT Director Smith-Wagar and Senior Project Engineer Murchison were present for this item. Ms. Smith-Wagar presented the staff report. The proposed resolution and staff report indicate a request to authorize appropriations in the amount of \$1,027,000 from the Water SDC Fund. The money will be used to fund the Intergovernmental Agreement with Washington County to extend water services to River Terrace. The resolution presented to the City Council contained a typographical error – the appropriation amount should be \$1,027,000 (not \$1,207,000).
- b. Council consideration of Resolution No. 13-45:

Motion by Councilor Buehner, seconded by Councilor Snider, to adopt Resolution No. 13-45, with the corrected amount of \$1,027,000.

RESOLUTION NO. 13-45 - A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2014 FOR THE BARROWS ROAD/SCHOLLS FERRY ROAD WATER EXTENSION PROJECT FOR RIVER TERRACE.

The motion was approved by a unanimous vote of City Council present:

Mayor Cook	Yes
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes



7. REVIEW STREET MAINTENANCE FEE

Assistant Finance and IT Director Smith-Wagar, Assistant Public Works Director Rager and Streets and Transportation Senior Project Engineer McCarthy were present for this agenda item. Ms. Smith-Wagar introduced the staff report. This topic will be brought before the City Council again at the November 19 workshop meeting to incorporate what is discussed with the council tonight. Funds are being collected at about what was anticipated.

City Manager Wine advised that during the past year, council identified the potential policy review whether the concept in using parking as proxy is the right approach, how roofs and eaves are calculated, if there should be a cap on big box collections and what to do about the county's vehicle registration fee.

 Councilor Buehner said it looked as if the city is doing some catch-up work. In 2010, the city was unable to do the slurry seal projects for the whole city in the time needed before it was time to start over. She asked for information about how the city was doing in terms of getting back on a schedule so a sufficient amount of streets were being sealed each year to complete the

cycle. Streets and Transportation Senior Project Engineer McCarthy advised that over the past five years, every street (that was a good candidate) has been slurry sealed. In particular, the slurry seal program for the last two years was accelerated and is caught up.

 For overlay projects, the city has been able to “hold the line” and slightly improve the overall pavement condition index. If funding and conditions stay the same, Mr. McCarthy said the city would be able to continue to hold the line and keep the pavement from getting worse overall. It would take quite a bit more resources to achieve the optimum overall pavement conditions. Councilor Buehner asked for information so the council could discuss what would be needed to bring streets up to a higher standard. Councilor Snider said he would like to see this presented in a sensitivity analysis style to view what it would cost to buy every unit of improvement. Mayor Cook noted the “hold the line” index figure was 68 and the city has been able to bring this number up to a little above 70. He would be interested to learn if the “hold the line” strategy would mean this number could continue to increase. Councilor Snider observed that the city is doing better than what had originally been anticipated. Analysis of why this has worked better than originally thought would be helpful for a future policy discussion on this topic.

 Streets and Transportation Senior Project Engineer McCarthy said the sensitivity analysis would be presented to the council at the November workshop meeting. A lot of the reason for the improvement in road condition is because of the number of slurry seals that have been done – giving us the best pavement improvement for the dollar.

 In response to a question from Council President Henderson, Streets and Transportation Senior Project Engineer McCarthy advised that as the program is scheduled, staff attempts to balance work to be done on residential and non-residential streets. The goal is to keep the work expense in line with the revenue collected. Some years more residential work is done than for non-residential and the reverse is true for other years. The rate is set based on the long-term plan/long-term average.

 Assistant Finance and IT Director Smith-Wagar advised the new parking requirements that went into effect in June are not reflected in this report – this report is for work through June 30, 2013.

 Assistant Finance and IT Director Smith-Wagar said when the methodology was adopted for fees assigned to residential and commercial, the work that needed to be done was estimated. The money is easy to track as it is collected from residential or commercial properties. The way the money is spent is more of an estimate.

 Councilor Snider questioned whether the methodology was equitable from both a revenue collection perspective and the expenditure. Councilor Woodard said similar questions have been asked by members of the River Terrace Stakeholders’ group with regard to the Transportation System Plan.

 Discussion followed about council members' desire to understand the methodology currently in effect so they can make a determination if changes are needed. Streets and Transportation Senior Project Engineer McCarthy said that the streets in the commercial and industrial areas get a lot of heavy vehicle-loading traffic and the "fixes" to these streets tend to be more expensive.

 The policy question of how much, if any, street maintenance fee should be devoted to right-of-way maintenance will be revisited when this topic comes up for discussion.

 Councilor Woodard commented that he liked the accomplishments for 2012 and 2013 in the street maintenance program. He referred to the report, which allows one to determine what has been done and what remains to be done. He would like to forecast projects for the next three to five years. Streets and Transportation Senior Project Engineer McCarthy advised staff plans to bring scenarios for council's perusal that will likely be in the three to five year range.

 Council President Henderson referred to a 2013 year-end report on street maintenance fees. To explain the difference in the numbers depicted in the 2013 year-end report and the numbers in the staff report for this agenda item, Assistant Finance and IT Director Smith-Wagar said the year-end report is based on the revenue side of the program and tonight's information shows the amount of money that has been spent in the last two years. Staff has been building a base in this fund because cash flows do not match up with the construction season – the fiscal year ends in the middle of the construction season. The reserve has been spent down with the work completed in July in August, so there is about \$200,000 remaining in the fund at the end of August. The fund will begin to increase to pay for projects during the next construction season. Streets and Transportation Senior Project Engineer McCarthy added that the figures in tonight's report are only for paving projects and do not show the amount expended on right-of-way maintenance or the costs associated with the collection of the funds. Council President Henderson asked for these costs to be broken out and Mr. McCarthy said those would be available for the next session on this topic.

 Councilor Buehner recalled that in 2010, the plan was to hold a contingency of a minimum of \$1 million at all times. She said she has some concerns about insufficient contingency. Ms. Smith-Wagar said she would research the 2010 documentation for this council direction.

 Streets and Transportation Senior Project Engineer McCarthy reported that it is likely the city will need to address a federal government requirement (Americans with Disabilities Act) that says if the city repaves a street that the curb ramps would need to be rebuilt to meet the current ADA standards. This would add a fair amount of cost to those projects.

 Assistant Public Works Director Rager reported that the right-of-way maintenance component was approved for \$100,000 a year; all of this money is being spent on the targeted streets (in a prioritized manner going down through the list) as shown in the staff report. The city is reaching a point where we have done about as much improvement work that can be done and are now in a maintenance-only mode. The policy question has to do with other goals that the council has had in the past, including beautification of Pacific Highway. The city has worked

with the Oregon Department of Transportation (ODOT) on a number of their projects where Tigard has asked them to put trees and landscaping in the right of way. The expectation on ODOT's part, however, is that Tigard will maintain those areas. This is something that council did not know in 2010 when the maintenance component was added. Discussion is needed by council on this issue and whether additional funds should be allocated for maintenance.

8. COUNCIL LIAISON REPORTS

 Councilor Woodard reported on the River Terrace Stakeholder Work Group. Reviews have been made on water systems and various master plans in the area. They continue to hear concerns about complexity, coordination of interests (facility impacts and what part of the development should start first) and funding. Concerns were raised about coordination between the Tigard Water District and the city. He advised that the consultant is doing a great job.

Councilor Woodard said Roy Rogers Road has a 20,000 vehicle trips per day now.

Councilor Buehner talked about the Tigard Water District. She said that when land is annexed into the city, then that parcel must be transferred from the district to the city. Councilor Woodard said the stakeholders group discussed the fact that connections could be made from junctures between incorporated and unincorporated areas – the concerns center on costs and priorities. Councilor Buehner said the District does not extend into the Urban Reserves and there are only five current properties in River Terrace that are in the District – all of the rest is rural land and not involved.

Discussion followed on the dynamics of the process including the involvement of the consultant and the differing viewpoints that come to the table.

-  Council President Henderson reported on a seminar he attended recently regarding community visioning and strategic planning. He shared some insights learned by the consultant who conducted a five-year strategic planning process followed in Hillsboro. Lessons learned included the need for a community visioning process that should be conducted at the beginning to assure an understanding of the vision. Many strategic plans fail during implementation and the planning process should find the means to carry out the vision. Discussion followed about Tigard's current effort in strategic planning and the key role to be filled by the elected officials. Council members discussed the public involvement component and all agreed this was integral to the success of the plan. Councilor Woodard commented that to “solidify the vision, we need to brand the vision.” City Manager Wine assured the City Council that Tigard's planning process includes obtaining community input – the first step was to present council with a direction for the plan to be followed by testing the validity of the direction with the community. Councilor Snider called for the community testing and input gathering be a robust process, which would include participation from other agencies.

> Follow-up to citizen communication by City Manager Wine:

- James Long of CPO 4M addressed the council in September. Ms. Wine referred to a letter submitted to the City Council from Mr. Long, who cited the following issues:

TIGARD CITY COUNCIL MEETING MINUTES – OCTOBER 22, 2013

TIGARD MUNICIPAL CODE

Chapter 15.20 STREET MAINTENANCE FEE

Sections:

- 15.20.010 Creation and Purpose**
- 15.20.020 Definitions**
- 15.20.030 Administrative Officers Designated**
- 15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund**
- 15.20.050 Determination of Street Maintenance Fee**
- 15.20.060 Determination of Amount, Billing and Collection of Fee**
- 15.20.070 Waiver of Fees in Case of Vacancy**
- 15.20.080 Administrative Provisions and Appeals**
- 15.20.090 Administrative Policies**
- 15.20.100 Penalty**
- 15.20.110 Severability**

15.20.010 Creation and Purpose

A street maintenance fee is created and imposed for the purpose of maintenance of city streets. The street maintenance fee shall be paid by the responsible party for each occupied unit of real property. The purposes of the street maintenance fee are to charge for the service the city provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

15.20.020 Definitions

As used in this chapter, the following shall mean:

A. Public Works Director. The public works director or the public works director's designee.

B. Developed property or developed use. A parcel or legal portion of 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.

C. Finance Director. The finance & information services director or designee.

D. Residential Property. Property that is used primarily for personal domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

E. Nonresidential Property. Property that is not primarily used for personal domestic accommodation. Nonresidential property includes industrial, commercial, institutional, hotel and motel, and other nonresidential uses.

F. Street Functional Classification. Street classifications as described in the Tigard Transportation System Plan.

1. Arterials are defined as streets having regional level connectivity. These streets link major commercial, residential, industrial and institutional areas.

2. Collectors are defined by citywide or district wide connectivity. These streets provide both access and circulation within and between residential and commercial/industrial areas.

3. Neighborhood routes are defined as streets that provide connections within the neighborhood and between neighborhoods. These streets provide connectivity to collectors or arterials.

4. Local commercial/industrial streets are those streets within the city that are not designated as arterials or collectors and whose

TIGARD MUNICIPAL CODE

primary function is serving traffic to and from commercial and/or industrial (i.e., nonresidential) uses.

5. Local streets are any streets within the city that are not designated as arterials, collectors, neighborhood routes or identified as commercial/industrial streets. These streets have the sole function of providing access to immediately adjacent land.

G. Parking Space Requirement. The minimum off-street vehicle parking requirement as stated in the minimum and maximum off-street vehicle and bicycle parking requirements in the Tigard Community Development Code.

H. Pavement Management Program (PMP). An annual program of corrective and preventative maintenance on City of Tigard streets funded by the street maintenance fee (SMF). The program helps to extend the life of the pavement structure by various means such as, pavement overlaying, slurry sealing, or complete removal and replacement of asphalt.

I. Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

J. Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the city, the person(s) paying the city's water and/or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a city utility bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the city. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the city.

K. Street Maintenance. Any action to maintain city streets, including repair, renewal, resurfacing, replacement and reconstruction. Street maintenance does not include the construction of new streets or street lighting. Street maintenance shall include resurfacing of existing streets, repair or replacement of curb and gutter where they exist, repair or replacement of the entire existing street structural section, repair or replacement of existing street shoulders, pavement markers, striping and other street markings, repair or replacement of existing channelization devices, adjustment of existing utilities to match finish grades, and any other related work within the existing streets. It includes repair or restoration of existing storm drainage systems within existing streets, but does not include installation of new drainage systems. It includes right-of-way maintenance on the city's arterial and collector streets, which covers maintenance and enhancement of planting strips, medians and areas between sidewalks and property lines on these street to prevent the uncontrolled growth of weeds and other undesirable vegetation in these areas. It does not

TIGARD MUNICIPAL CODE

include repair or replacement of existing sidewalks. (Ord. 10-01 §2)

15.20.030 Administrative Officers Designated

A. Except as provided in subsections B and C of this section, the public works director shall be responsible for the administration of this chapter. The public works director shall be responsible for developing administrative procedures for the chapter, administration of fees, and for the purposes of establishing the fee for a specific occupied unit, the consideration and assignment of categories of use, and parking space requirements subject to appeal in accordance with this chapter.

B. The public works director 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 system maintenance in accordance with this chapter.

C. The finance director shall be responsible for the collection and calculation of fees and the appeals process under this chapter. (Ord. 10-01 §2)

15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund

A. All street maintenance fees received shall be deposited to the street maintenance fee fund or other fund dedicated to the operation and maintenance of the city street system. The street maintenance fee fund shall be used for street maintenance. Other revenue sources may also be used for street maintenance. Amounts in the street maintenance fee fund may be invested by the finance director in accordance with state law.

Earnings from such investments shall be dedicated to the street maintenance fee fund.

B. The street maintenance fee fund shall not be used for other governmental or proprietary purposes of the city, except to pay for an equitable share of the city's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance. (Ord. 10-01 §2)

15.20.050 Determination of Street Maintenance Fee

A. The street maintenance fee shall be established based on the following:

1. The city's five-year maintenance and reconstruction plan for corrective and preventative maintenance of the city's street infrastructure.

2. The average annual cost based on the five-year maintenance and reconstruction plan with costs allocated as follows:

a. Arterial maintenance costs allocated 62% to nonresidential uses and 38% to residential uses.

b. Local commercial/industrial street maintenance costs allocated 100% to nonresidential uses.

c. Collector maintenance costs allocated 50% to residential uses and 50% to nonresidential uses.

TIGARD MUNICIPAL CODE

d. Neighborhood routes and local street maintenance costs allocated 100% to residential uses.

3. For residential property, the fee shall be charged on a per unit basis.

4. For nonresidential property other than gasoline stations, the fee shall be based on the minimum number of vehicle parking spaces as stated in the minimum and maximum off-street vehicle and bicycle parking requirements in the Tigard Community Development Code for each occupied unit, provided, however, that the maximum number of parking spaces for purposes of calculating the street maintenance fee shall be 250.

a. In that nonresidential property with fewer than six required spaces shall constitute a tier with a 50% reduction of the total fee amount.

b. In recognition that religious institutions have minimum parking space requirements that are relatively large in comparison to the actual use of those spaces, the total fee for each religious institution shall be reduced by 50%.

5. The street maintenance fee for gasoline stations shall be based on the number of fueling positions.

B. The street maintenance fee rates shall be established by council resolution.

C. Beginning July 1, 2010, the fee for the Pavement Management Program will be implemented in three phases. The second phase will be effective on April 1, 2011 and the third will be effective on January 1, 2012. The street surface portion of the PMP will be phased in evenly over all three phases. The right-of-way

portion of the PMP will be phased in evenly to residential customers over the last two phases.

D. The street maintenance fee will be adjusted according to an annual index.

1. The index is defined in the city's Master Fees and Charges Schedule.

2. A floor of two percent and a ceiling of seven percent has been established.

E. The program shall be reviewed annually as part of the city's budget process.

F. Following each review of the program, the finance director shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level set from the updated five-year street maintenance plan. The finance director shall report the findings of that review to city council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be placed in a reserve fund. (Ord. 13-06 §1; Ord. 10-01 §2).

15.20.060 Determination of Amount, Billing and Collection of Fee

A. For the purpose of establishing the fee, the minimum required number of parking spaces or the number of fueling positions for each occupied unit of nonresidential property shall be determined by the public works director. For uses not explicitly listed in the Tigard Development Code as to required parking, the public works director shall assign the use to the similar category with the most similar impact on the transportation system, considering relevant information such as:

1. The size of the site and the building;

TIGARD MUNICIPAL CODE

2. The number of employees;
3. Other developed sites with similar use.

B. The public works director shall establish the amount of street maintenance fee payable for each unit of nonresidential property and shall inform the finance director of the amount. The amount payable shall be re-determined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only. The finance director shall charge the per-unit street maintenance fee to the responsible party for each occupied unit of residential property.

C. The street maintenance fee shall be billed to and collected from the responsible party for each occupied unit. Billings shall be included as part of the water and sewer bill for occupied units utilizing city water and/or sewer, and billed and collected separately for those occupied units not utilizing city water and/or sewer. All such bills shall be rendered regularly by the finance director and shall become due and payable upon receipt.

D. Collections from utility customers will be applied first to interest and penalties, then proportionately among the various charges for utility services and street maintenance.

E. An account is delinquent if the street maintenance fee is not paid by the due date shown on the utility bill. The city may follow the procedures for collection of delinquent accounts set forth in Sections 12.03.030 and/or 12.03.040, including termination of water and/or sanitary sewer service. (Ord. 10-01 §2)

15.20.070 Waiver of Fees in Case of Vacancy

A. When any developed property within the city becomes vacant as described in subsection F of this section, upon written application and approval by the finance director, the street maintenance fee shall thereafter not be billed and shall not be a charge against the property until such time as the property is no longer vacant.

B. The finance director is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The finance director is further authorized to develop and use a standard form of application, 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.

C. When any developed property within the city has the utilities shut-off due to vacancy, the street maintenance fee shall be waived for the duration of the vacancy as described in subsection F of this section.

D. When any multi-occupied developed property within the city has one or more vacancies as described in subsection F of this section, the responsible party may request, in writing, a waiver of a portion of the street maintenance fee applicable to the vacant units.

E. When a change of use occurs, a vacancy has been filled, or a property is developed, it is the responsible party's responsibility to inform the city of any change so the proper street maintenance fees may be assessed. If the responsible party does not inform the city of any change, the city shall cancel the vacancy waiver and charge the responsible party as per subsection F of this section.

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F. For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must re-apply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to re-apply for the vacancy waiver after the expiration of the six month waiver. Any occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the city may charge any property two times the appropriate street maintenance fee, that would have been due without the vacancy waiver for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the finance director under subsections A, B and F of this section shall be final. (Ord. 10-08 §1, 2010; Ord. 10-01 §2)

15.20.080 Administrative Provisions and Appeals

A. The public works director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this chapter and to determine the appropriate charges thereunder. The responsible party for an occupied unit may request reconsideration of the public works director's determination of the amount of the fee by submission of a written application to the public works director. The application shall be submitted in sufficient detail to enable the public works director to render a decision.

B. Within 30 days of the submission of a complete application requesting reconsideration of the amount of the street maintenance fee to be charged to an occupied unit, the public works director shall render a decision on the application. The decision shall be written and shall include

findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria, which may include a land use decision that modifies the minimum required vehicle parking for an occupied unit. A copy of the decision shall be mailed to the person submitting the request. The public works director shall maintain a collection of such decisions. Decisions of the public works director, which affect the amount of fee to be charged to a property, shall be forwarded to the finance director. Except as provided under subsection D of this section, the decision of the public works director is final.

C. For the purpose of reviewing the fee, the public works director may determine that the land use category is proper and that the fee charged is appropriate. However, if the decision of the public works director results in a change in the category of land use, the public works director shall, for the purpose of establishing the fee, assign a new use category, determine the appropriate fee for the category, and notify the finance director so that the appropriate change may be made in the applicable fee to be charged in the future. No back charges or refunds are required. The decision of the public works director, under this subsection C only, may be appealed.

D. Council may form a subcommittee consisting of two council members, or appoint a committee of disinterested citizens, hereinafter known as the appeal committee, to address any appeals to the public works director's decisions. A responsible party who disputes the determination of the public works director as to use category or number of required parking spaces may file a written appeal with the appeal committee. All appeals must be submitted within 10 days from the date of the public works director's decision, together with a filing fee in an amount set by council by resolution. The application for appeal shall specify the reasons for the appeal and shall provide sufficient information for the appeal

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committee to render a decision. No other appeals shall be permitted.

E. The appeal committee shall schedule a review of each appeal and shall notify the appellant not less than 10 days prior thereto of the date of such review. The appeal committee shall conduct a hearing to determine whether there is substantial evidence in the record to support the interpretation given by the public works director and may continue the hearing for purposes of gathering additional information bearing on the issue. The appeal committee shall render an initial oral decision and shall adopt a final written decision together with appropriate findings in support thereof. The decision of the appeal committee shall be for the purpose of establishing the fee and limited to whether the appellant has been assigned to the appropriate use category, or whether the appropriate minimum vehicle parking space requirement or number of fueling positions has been correctly identified. If the appeal committee should determine that for the purpose of establishing the fee, a different use category should be assigned, or that the minimum parking space requirement should be revised, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the committee decision results in a change in use category and/or change in the minimum parking space requirement will the filing fee on the appeal be refunded. The appeal committee decision shall be final. (Ord. 10-01 §2)

15.20.090 Administrative Policies

A. The following policies shall apply to the operation and scope of this chapter:

1. Street maintenance fees imposed under this chapter shall apply to all occupied units, occupied units owned and/or occupied by local, state and federal governments, as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.

2. Publicly owned park land, open spaces and greenways shall not be subject to the street maintenance fee unless public off-street parking designed to accommodate the use of such areas is provided.

3. Areas used for commercial farming or forestry operations shall be billed according to the 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 street maintenance fee. Where there are different seasonal uses of structures on farm or forest land, the use category shall be determined by examining the use for the longest portion of the year. Where more than one use is made of a farming or forestry site, then each use shall be examined separately and combination of use categories shall be used to determine the street maintenance fee.

4. Areas encompassing railroad and public right-of-way shall not be subject to the street maintenance fee.

5. 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 subject to street maintenance fees.

6. For newly developed properties, the fees imposed under this chapter shall become due and payable from and after the date when the developed property is occupied and connected to the public water or sanitary sewer system.

B. The public works director is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes thereto in the form of administrative policies for adoption of the city council by resolution. Administrative policies are intended to provide guidance to property owners, subject to this chapter, as to its meaning or operation,

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consistent with policies expressed herein. Policies adopted by the council shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the city.

C. If an occupied unit of nonresidential property is used for more than one use with different minimum parking requirements, the street maintenance fee shall be based on the required parking for the total of the various uses.

D. The determination or assignment of a use category and minimum number of parking spaces under the provisions of this chapter are strictly for the purpose of establishing a fee and are not statutory land use decisions. (Ord. 10-01 §2)

15.20.100 Penalty

In addition to any other remedy, violation of any provision of this chapter shall be a Class A civil infraction. Each day of delinquency in paying the street maintenance fee constitutes a separate violation.

15.20.110 Severability

A. In the event any section, subsection, paragraph, sentence or phrase of this chapter or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the street maintenance fee shall thereby be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption.

B. 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. (Ord. 03-10) ■

Roads represent one of the largest investments owned by the City, an investment that's in need of repair.

The Tigard City Council is seeking citizen input about the condition of its streets and how to protect this investment.

STREET MAINTENANCE

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Tigard Street Maintenance Review



In the coming months, City Council will be revisiting our current Street Maintenance Fee Program to ensure it remains an effective tool for safeguarding this community's biggest investment: 148 miles of paved streets that keep the people of Tigard in motion.

Stay tuned to the *Cityscape* newsletter and our website for information such as status updates, ways you can get involved, and street maintenance facts.

www.tigard-or.gov/input

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Questions or Comments?

You can submit your comments on line! Follow the link at www.tigard-or.gov/input to leave any questions, comments, or concerns for City Council and staff. Frequently asked questions and items of interest will be posted online with answers for you to review.

If you'd prefer, you can submit your comments or questions in writing to:

Marissa Daniels

Street Maintenance Fee Comments

13125 SW Hall Blvd

Tigard, OR 97223

marissa@tigard-or.gov

Or, drop them off in the Tigard City Hall Permit Center.

Tigard City staff will be available throughout the summer to answer your questions in person. Check the web for an updated outreach calendar.

Street Maintenance 101

Streets in good to excellent condition are characterized as having good riding quality, drainage, and appearance. The total annual maintenance investment is four to five times less following preventative maintenance strategy than if streets were allowed to deteriorate to poor and failed conditions requiring major rehabilitation.

Pavement Minor Maintenance Treatments

The Tigard Public Works Street Maintenance Division is responsible for the maintenance of 148 miles of paved streets, 1 mile of gravel streets, maintenance of street and traffic signs, installation and maintenance of guardrails and barricades, crack sealing, and patching street surfaces, maintenance of off-street bicycle paths and installation and marking.

Pavement Major Maintenance Treatments

There are four main pavement maintenance treatments commonly used on city streets:

1. **Slurry Seal** — Typically used on good residential streets to keep them in good condition
2. **Asphalt Overlay**— Often used as

- regular maintenance on busy streets, or to repair fair/poor residential streets
3. **Major Overlay**— Often used on busy streets that have deteriorated into poor condition
4. **Street Reconstruction**— Typically done only when a street's condition is very poor

For more information about each type of maintenance treatment, please visit our web site:

www.tigard-or.gov/input

Right-of-Way Maintenance

The City of Tigard currently hires a contractor annually to mow roadside grass and brush to maintain clear vision areas and minimize fire and complaint activity. The City also provides debris cleanup on an as-needed basis in these areas. The City trims trees annually to ensure street lights are functioning property. Also included in right-of-way maintenance is the maintenance of guard rails, delineators barricades, and street trees. This maintenance is currently



funded by the Tigard Public Works Department operating budget.

Street Lights

Tigard's electricity bill for traffic signals and street lights is about \$500,000 per year. It costs approximately an additional \$100,000 per year to maintain the system (replace burned-out lights, make repairs, fix damage, etc.). These are paid for with gas tax funds.

Sidewalks

It is up to property owners to maintain the sidewalks adjacent to their property. The City maintains sidewalks adjacent to City properties using funds from the Public Works Street Maintenance Division operating budget.

Importance of Street Maintenance

Community Livability and Economic Vitality

Collectively, Tigard's 148 miles of paved roads represents one of the biggest investments owned by the community. Our road system is what keeps the people of Tigard in motion as they travel to work, to school, to the supermarket, to the mall, and to parks and open spaces. Unfortunately pavement deteriorates over time as weather wears down the top surface, repeated pressures of vehicle loading (especially from trucks and buses) wears down the underlying pavement structure, and as the ground beneath the pavement settles. Smooth, long-lasting roads create an image of prosperity and ensure that goods and people can move efficiently throughout Tigard and the world beyond. In contrast, uneven roads in poor condition not only make travel unpleasant, they incur extra costs in terms of time and money every time a person or business needs to travel within the City.

Personal Costs

Individual drivers in Tigard are already paying extra money as a result of deferred road maintenance. Every time a car or

“...the average American car owner incurs an additional \$413 per year in operating costs because of rough road conditions.”

truck drives on roads in poor condition, the vehicle suffers accelerated wear and tear, increasing time and money spent at the mechanic, as well as increased fuel consumption and tire replacement. This problem is not unique to Tigard. A recent study by TRIP, a national transportation research group, found that the average American car owner incurs an additional \$413 per year in operating costs because of rough road conditions. This same report found that those living in the Portland Metropolitan Area incurred approximately \$235 per year. As such, drivers in Tigard are suffering less than the national average, but remain at a very real risk of paying more if roads are not maintained or repaired.

Consequences of Delayed Maintenance

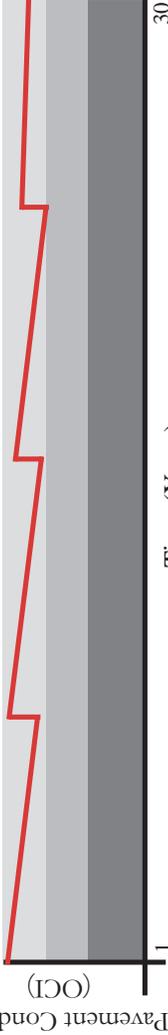
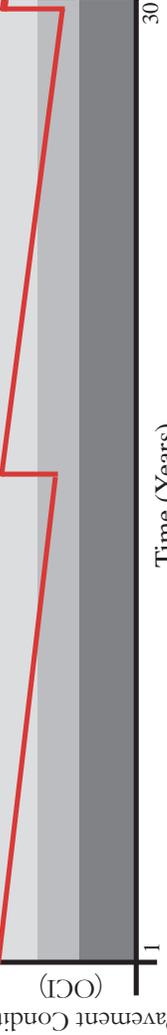
The costs of deferred maintenance are borne by both the community and

the individual driver. As with many investments, timely investments in routine maintenance in roads can extend pavement life and provide for a safer driving experience. Not only will roads last longer, but repairing a failed road can be four to nine times more expensive than a routine maintenance program. With a limited amount of funds available, the community is better served by spending the same amount of money maintaining a greater amount of road miles, than completely rebuilding smaller sections as the entire network begins to fail. In other words, if we can keep good streets good, we can maximize the use of limited dollars.

As demonstrated in the following graphs, the worse a pavement condition, the more expensive it is to repair. For instance, routine maintenance and surface treatments can be implemented for as little as \$1.50 to \$3.00 a square yard of roadway. This can increase dramatically to \$15.00 a square yard to overlay the road with new asphalt, and up to \$90.00 a square yard if the street is allowed to completely crumble, therefore needing to be rebuilt.

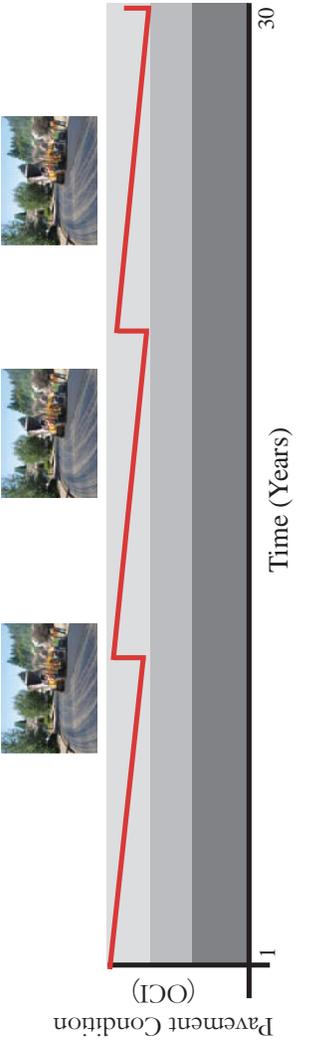
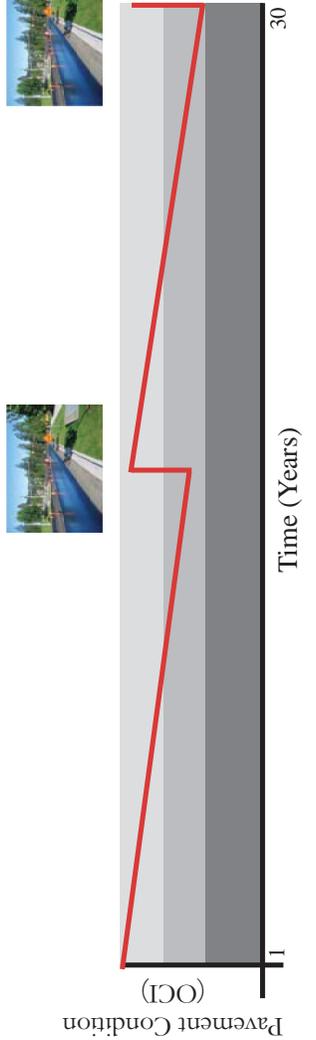
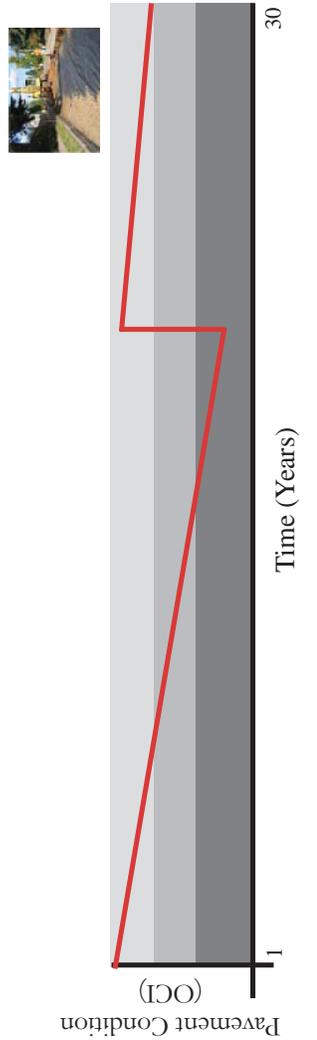
30-Year Pavement Maintenance Alternatives: Neighborhood Route

Traffic: 1,500 Vehicles per Day Dimensions: 1,000 feet long, 34 feet wide

Option	Maintenance Alternatives	Details	Average Pavement Condition	Total Cost
<p>1</p> <p>Regular Slurry Seals Every 7 Years</p>	 	<p>3 Slurry Seals, 1 Overlay</p>	<p>81</p> <p>Surface Roughness; Only Minor Cracks; Pavement Intact</p>	<p>\$81,600</p> <p>(\$454,000 per mile)</p>
<p>2</p> <p>Pavement Overlays Every 12 Years</p>	 	<p>2 Overlays</p>	<p>76</p> <p>Surface Roughness; Some Cracking; Pavement Mostly Intact</p>	<p>\$102,000</p> <p>(\$591,000 per mile)</p>
<p>3</p> <p>Wait until Pavement gets very bad, then repave</p>	 	<p>1 Reconstruction at 25 Years</p>	<p>58</p> <p>Widespread Cracking; Potholes Common; Some Pavement Structural Weakness Developing</p>	<p>\$227,000</p> <p>(\$1.20 million per mile)</p>

30-Year Pavement Maintenance Alternatives: Arterial

Traffic: 12,000 Vehicles per Day Dimensions: 1,000 feet long, 34 feet wide

Option	Maintenance Alternatives	Details	Average Pavement Condition	Total Cost
<p>1 Pavement Overlays Every 10 Years</p>		<p>3 Two Inch Overlays</p>	<p>80 Surface Roughness; Only Minor Cracks; Pavement Intact</p>	<p>\$168,000 (\$887,000 per mile)</p>
<p>2 Pavement Major Overlays Every 15 Years</p>		<p>2 Major Overlays</p>	<p>74 Surface Roughness; Some Cracking; Pavement Mostly Intact</p>	<p>\$214,200 (\$1.13 million per mile)</p>
<p>3 Wait until Pavement Fails, then Reconstruct</p>		<p>1 Reconstruction</p>	<p>65 Widespread Cracking; Potholes Common; Some Pavement Structural Weakness Developing</p>	<p>\$340,000 (\$1.8 million per mile)</p>

What is the Street Maintenance Fee?



The Street Maintenance Fee is a monthly user fee designed specifically for the maintenance of existing roads in Tigard. The fee was recommended to City Council by a Citizen task force, and established through Ordinance No. 03-10 on November 18, 2003. Monthly fee charges for both residential and non-residential customers are billed and collected through the City's bi-monthly utility billing system.

I thought the state Gas Tax paid for street maintenance

Historically, Tigard roads have been maintained by the state Gas Tax, a source of funding that hasn't risen in 20 years, while road usage, operations and maintenance costs have increased at an overwhelming rate. As a result, Tigard is one of eighteen Oregon cities that have adopted Street Maintenance Fees

to close the gap between local needs and increasingly stretched state dollars. By having a locally based fee, communities are provided with a stable source of revenue to pay for preventative maintenance and repairs in a timely and efficient manner.

How are the rates determined?

Existing rates were set in 2004 under Council Resolution 04-12 which was based on a five-year maintenance and reconstruction plan. Both residential and non-residential users pay the fee. Residential users pay \$2.18 per month per dwelling unit. Non-residential users pay \$0.78 per parking space or fueling pump station. These fees generate \$800,000 a year for street maintenance.

Downtown

Although many of the downtown businesses do not have sufficient parking spaces off-street to meet the minimum code requirements, the City is providing over a hundred on-street parking spaces throughout most of Main Street to accommodate the businesses. Some of these spaces have time limits to encourage periodic turnover during a typical day.

Approximately 60 of those spaces are west of the railroad tracks. These spaces do not include those large parking lots that do exist and are presumably used by patrons of nearby businesses. The consensus in 2003 was that the patrons of the Main Street businesses are parking somewhere to get to the businesses and, as such, the downtown businesses should not be exempted from the charges.

“...a property must be occupied to be assessed the fee.”

Exceptions

All religious institutions will be charged half of the normal fee assessed to non-residential businesses, resulting in a 100-space maximum for those that reach the 200 space limit. This decision was made because parking requirements for these institutions are relatively high to accommodate large services, while the parking lots are not fully utilized during the week.

In addition, a property must be occupied to be assessed the fee. If a property is

What is the Street Maintenance Fee?

unoccupied for 30 days or more, the owner may apply for a fee waiver for that period.

Methodology

The methodologies used by most of the cities in Oregon that have established a street utility fee are based on trip generation rates for the types of uses to distribute the costs. These rates are found in a nationwide publication from the Institute of Transportation Engineers and are compiled through numerous studies. However, the trip generation methodology does not work well for Tigard. This methodology, if used as originally proposed, would have charged the non-residential uses 75% of the costs with Washington Square, Fred Meyer, and other large businesses bearing the brunt of the cost. Most of the traffic generated by these big businesses use state highways, such as Highway 217, 99W and Hall Boulevard. Yet, the fee to be collected is for maintenance of City streets. That methodology was not fair to the big businesses that draw their traffic from regional sources using state routes to get there. Under that methodology, all the businesses, including those downtown, would end up paying much more because

the trip generation rates are based on square footage of building.

The City needed to develop a methodology that distributed the costs of maintenance among all the non-residential and residential uses in as fair a manner as possible. No methodology is going to be perfect. The Oregon Grocery Association, in response to a challenge from Councilor

Sydney Sherwood to come up with an alternative methodology, suggested the use of the minimum parking requirements of the Tigard Municipal Code. City staff agreed that methodology proposed was much better at distributing costs to the actual users of the City's street network and worked with OGA to flesh out the details. The methodology adopted is one that focuses on the users of the City streets.



The current methodology is based on the following:

- Ties the street maintenance element of the fee to a 5-year maintenance and reconstruction plan prepared by the City of Tigard
 - Uses actual road maintenance and repair projects on City streets, not state or county routes.
 - Tailors the fee to the local data
 - Sets a target revenue goal of \$800,000 annually (established in 2003)
 - Allocates the costs of the arterial projects to the non-residential uses
 - Splits the costs for the collectors on a 50-50 basis with residential and non-residential uses sharing the costs equally.
- The rationale for splitting the costs in this fashion is that many of the collectors do traverse residential areas and collect traffic from those areas to feed the other collectors and arterials in the system.
- Allocates the costs for neighborhood routes and local streets to residential uses
 - Allocates the costs for residential uses on a per unit basis for both single family and multifamily units.
 - Uses the minimum parking space requirements based on the Tigard Development Code for non-residential uses with a 5-space minimum and 200-space maximum. Like the trip generation rates, the parking space requirements are based on size of building and type of use. However, this approach takes into account businesses that draw from a larger area than just Tigard. The argument is that above 200 spaces, the traffic is more likely regional traffic, which comes via the state routes. The 5-space minimum is to establish a minimum amount for the billing to compensate for the costs of preparing and mailing out the bills.

Pavement Condition

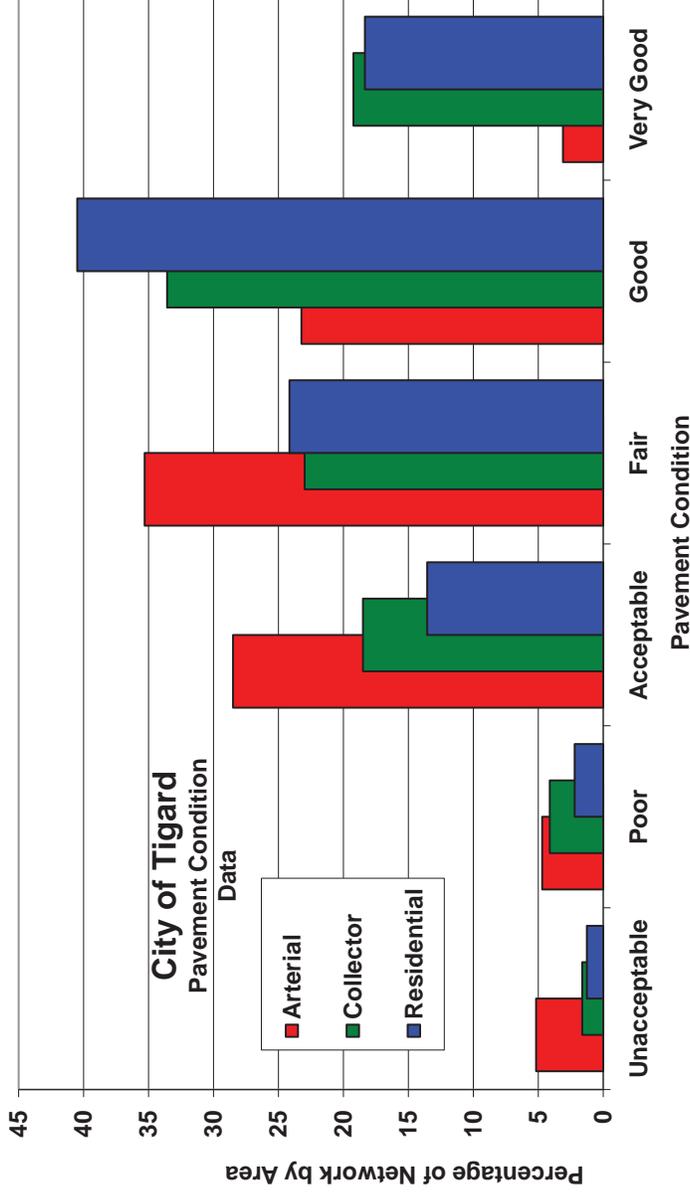
Tigard's 148-mile paved street network represents an investment of over \$140 million, with an additional \$120 million invested in curbing, sidewalks, drainage, and right-of-way. The City's street infrastructure represents the largest investment owned by Tigard citizens, and the overall pavement condition represents the health of this network.

Pavement Rating System

Pavement health is measured by a Pavement Condition Index (PCI). The PCI indicates the extent and severity of pavement distress such as cracking, rutting, raveling, etc. It is expressed as a number from 0 (very bad, essentially gravel) to 100 (essentially perfect). New streets start with pavement conditions in the high nineties. For ease of understanding, pavement condition is often classified as follows:

- **Very Good** (85 to 100)
- **Good** (70 to 85)
- **Fair** (55 to 70)
- **Poor** (40 to 55)
- **Very Poor** (Less Than 40)

Current Paved Network



Current Conditions in Tigard

The City completed a Pavement Management Analysis report re-rating all City streets, and providing a PCI rating for each street.

Today, Tigard's streets are in fairly good condition. The network average is an overall

condition rating of 68 and the backlog of preventative maintenance is at 10%. However, there is cause for concern with 45% of the streets in the acceptable and fair categories. This means many streets will become reconstruction candidates in the next five to ten years. A preventative maintenance approach is needed to stop this trend.

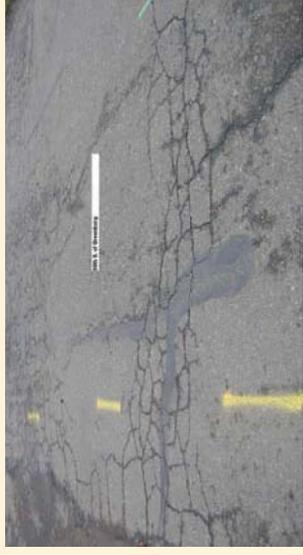
Pavement Condition



Pavement Condition 93 (Very Good)



Pavement Condition 64 (Fair)



Pavement Condition 34 (Very Poor)

Condition Examples

To give you an idea of what a street in very good condition versus fair condition actually looks like, City staff prepared a presentation showing examples of pavement condition throughout the City.

The presentation includes:

- 79th Avenue north of Durham Rd; Paved in 2008; PCI of 95
- 108th Avenue south of Durham Rd; Paved in 2007; PCI of 93
- Commercial Street between 96th Avenue and 97th Avenue; PCI of 78
- Tigard Street near Fanno Creek; PCI of 72
- Bonita Road between Hall Blvd and

79th Ave; PCI of 72

- 72nd Avenue between Redwood Ln and Cardinal Ln; PCI of 64
- Commercial Street west of Main St and Hwy 99W Overpass; PCI of 52
- Commercial Street east of Main Street; PCI of 42
- 98th Avenue south of Greenberg Rd; PCI of 34
- Beveland St east of 72nd Avenue; PCI of 20

Factors Affecting Pavement Condition

The primary factors causing pavement deterioration are the vehicles that travel over the pavement. These factors include:

1. **Traffic volume** (see chart in the appendix, page a2);

2. **Volume of trucks and other heavy vehicles** — the pavement deterioration caused by a vehicle increases exponentially with the amount of weight on each axle; and,
3. **Vehicles accelerating, braking, and turning** which exerts more force on the pavement, and accelerates pavement deterioration. This is why pavement deteriorates faster near intersections and in sharp curves.

Other factors include:

1. **Weather** (which is the primary cause of decay on streets with very little traffic volume) — especially rain and freeze/thaw action;

Pavement Condition

2. **Settling of the ground beneath the pavement** — especially soils with high clay content; and,
3. **Construction and or utility work** that necessitates cutting into the pavement to access a utility line.

Examples of pavement deterioration include:

- **Rutting** — When pavement surface becomes depressed along the wheel paths
- **Longitudinal Cracking** — cracking along the roadway, parallel to the direction of travel
- **Transverse Cracking** — cracking across the roadway, perpendicular to the direction of travel
- **Alligator Cracking** — a combination of longitudinal and transverse cracking that has become so dense it resembles alligator scales
- **Loss of Fines** — when the cohesive material near the top of the pavement wears away, often due to weather or traffic loading
- **Raveling** (*perhaps better called unraveling*) — When pieces of aggregate come out of the pavement as it continues to lose its fines

- **Pumping** — when liquids (such as water or liquid asphalt) are drawn to the surface (so it looks like the road is pumping out the liquid)

Street Lifecycle

Streets are designed to last about 20 years, but the pavement begins to deteriorate much earlier. Studies have shown that pavement health worsens at an increasing rate as the pavement gets older.

Without periodic, preventive maintenance, a street's condition deteriorates 40% in the

first 15 years of its life. Then over the next 5 years, the street will greatly deteriorate, requiring major reconstruction.

Preventive maintenance using cost-effective (\$1.60 to \$13/sq. yd.) slurry seals or 2 to 3-inch overlays during the first 10 to 15 years can extend a pavement life to 30 years and more. Without these surface treatments, costly reconstruction is required (\$35 to \$55/sq. yd.).

For a map showing pavement conditions throughout the City, see appendix, a2.

Slurry Seal Example

Slurry seals are typically used on roads with a PCI/OCI in the 70 to 85 range. It applies a finer 'slurry' mixture of cohesive asphalt binder with finer sand-sized particles on top of the existing pavement, bringing the existing pavement back to near its original condition, as shown at right.



Pavement Major Maintenance Program (PMMP)

The PMMP is a yearly program of corrective and preventative maintenance on City of Tigard streets funded by the Street Maintenance Fee (SMF). The program helps to extend the life of the pavement structure by various means such as, complete removal and replacement of asphalt, slurry sealing and/or overlaying.

Through this program, the City is able to perform timely maintenance on City streets to avoid the much more costly reconstruction costs that result when streets are allowed to significantly deteriorate.

Past Projects

Each year, the City of Tigard develops a 5-Year Capital Improvement Plan (CIP) that determines the City's facility and capital needs for the current year and projected for four additional years. The Streets section of the Capital Improvement Plan contains the Pavement Major Maintenance Program. Since the program began in 2004, \$3,704,827 has been used for the maintenance of existing City streets. The Street Maintenance Fee Projects 2004–2008

Map (see appendix, a4) shows locations of past PMMP projects.

Future Projects

Streets scheduled to be included in next year's program are at various locations throughout the City. The Tigard Pavement Management 2009–2013 Map (see appendix, a5) shows maintenance projects included in this year's 5-Year Capital Improvement Plan. The number of streets proposed for rehabilitation is subject to change depending upon actual construction costs. Streets that need rehabilitation but cannot be performed in the current fiscal year will be moved to the next fiscal year.

The annual CIP is updated and coordinated by the City CIP Management Team that engages all City departments, advisory commissions, and Tigard citizens to identify needed public projects. To suggest a specific street be included in the PMMP get involved in the annual CIP update process by providing comments:

- **At Planning Commission review meetings and public hearings** held in February and March.

- **At Budget Committee and City Council review meetings and hearings** held in May/June.

“**...we have focused our limited resources on preventive maintenance...**”

Projects not included

State Highways, such as I-5, Hwy. 217, Hwy. 99W, and Hall Blvd, are not included in Tigard's Street Maintenance Fee. Washington County Roads, such as Scholls Ferry Road, Beef Bend Road, Bull Mountain Road, and parts of Greenburg Road, are not included in Tigard's Street Maintenance Fee.

In this year's Pavement Major Maintenance Program (PMMP), we have focused our limited resources on preventive maintenance such as slurry seals in residential areas, and pavement overlays on major streets. We are only planning pavement overlays on through streets. While there are several loops and cul-de-sacs that need pavement overlays, they are not planned to be done this year due to limited funding.

Future Street Maintenance Funding

Federal Stimulus Dollars

Recognizing the current funding gap, the City of Tigard applied for federal stimulus funding (via the American Recovery and Reinvestment Act) for pavement overlay projects, along with other projects. It appears that Tigard will be receiving some federal stimulus funds to construct pavement overlays on:

- **Durham Road** from Upper Boones Ferry Rd to Hall Blvd
- **72nd Avenue** from Upper Boones Ferry Rd to Fir St (just south of Hwy 217)
- **Bonita Road** from the I-5 bridge to Fanno Creek

These projects will help fill this year's gap in funding for Arterials and Collectors, but the future funding gap remains.

Proposed Fee Increase

When the existing Street Maintenance Fee was established, the target revenue was set at \$800,000 a year. Because an inflation adjustment was not built into the program, fees have remained constant while City needs and the costs of repairs have increased dramatically. For instance, asphalt

purchased in 2003 dollars with \$800,000 now requires approximately \$1,800,000 for the same amount, due to a steep increase in raw material costs. In addition, the City has experienced an increase in traffic levels throughout the system, accelerating the rate at which the City's roads deteriorate. Vehicle use is up 21% statewide, and City streets are seeing more and heavier trucks and buses. In other words, the existing fees are not enough to maintain a healthy road system in good repair.

The current Street Overall Condition Index (OCI) is 68 and declining every year due to an increasing backlog of maintenance. An OCI of 73 to 75 would be optimal for the City because it ensures that the City can enter into, and stay within, that perpetual maintenance cycle over the long term. The City can achieve that OCI target goal over a 20-year period with a fee increase and inflation adjustments each year to account for the rise and fall of material and labor costs. The amount required to maintain a comprehensive preventative maintenance program over the long term is \$2,200,000 in 2008 dollars. This continually revised target would ensure that the City could continue

to maintain the streets in a perpetual maintenance cycle that would keep good streets good and gradually improve the condition of the overall street network for the long term.

The proposed fee increase would include additional funding for right-of-way maintenance on the City's major street network as a part of overall street maintenance. This additional funding would address fire hazards and unsightly overgrowth resulting from unown grass, weeds, and other plants in the planters, medians, and areas between sidewalks and property lines on the City's arterial and collector streets. The funding required for this maintenance work annually is \$300,000. The combined total for both street maintenance and right-of-way maintenance would be \$2,500,000 annually in 2008 dollars.

Proposed Increase Phases

The proposed fee increases are from \$2.18 to \$6.06 monthly for residential units, and from \$0.78 to \$2.44 monthly for non-residential users. The new fee, if implemented, would produce the annual revenue target of \$2,500,000. However, because the increase

Future Street Maintenance Funding

in fee is relatively large, immediate adoption of the new rates will not be sought. To lessen the immediate impact, the increases will be phased in over two years so that by 2011, the fees charged will be at the level needed to adequately maintain the streets and rights-of-way. An inflation factor of 6.5% annually is incorporated in the phase-in plan to ensure that the fees collected in 2011 will be at the level needed at that time. After 2011, any future increases to account for inflation will be based on one or more recognized construction cost indices.

	Current Rate	Fall 2009	Fall 2010	Fall 2011
Residential	\$2.18	\$3.73	\$5.22	\$6.86
Non-Residential	\$0.78	\$1.43	\$2.07	\$2.74

Note: Rates for 2009 to 2011 include a 6.5% annual inflation factor

Residential versus Non-residential Rates

The original 5-year plan developed in 2003 resulted in the residential users paying for 58% of the costs and the non-residential users 42%. The new 5-year plan developed in 2008 changes the ratio to 55% to 45%

because the City's experience during the past 5 years has been that the larger main arteries of the City (collectors and arterial roads) require more frequent and extensive maintenance than do neighborhood roads. More than half the costs are still borne by residential users.

Among non-residential users, the largest payers are still the big businesses, but the maximum charges are capped at 200 spaces. Those with more than 200 spaces are many of the Washington Square businesses, the Lincoln Center, Fred Meyer along Highway 99W, and the Tigar Plaza along 99W and Hall Blvd., etc. Although Washington Square appears to be one entity, in reality it is a number of businesses, each charged individually, with a 200-space cap. Macy's, Nordstrom, and J.C. Penney are among the businesses that own their properties.

Lincoln Center is similar in that at least 5 different businesses are charged the 200-space maximum. Charges are associated with each water meter and assessed based on the square footage for each business.

Procedural Steps

In order for the City to raise fees, the

Council must vote on the following items at a public hearing where public testimony will be taken prior to the vote.

- **Revision to Ordinance No. 03-10 to add right-of-way maintenance as an integral part of street maintenance** under the street maintenance definition
- **Revision to Ordinance No. 03-10 to include local commercial and industrial streets** under the non-residential category for fee calculation purposes
- **Revision to Ordinance No. 03-10 to incorporate an annual inflation factor** to ensure that the fee rates keep pace with cost increases or decreases
- **Resolution to set the City's long term OCI goal of 75**
- **Adoption of the new fee rates** with phase-in plan incorporated

Additional Options

The City has constrained options when searching for ways to maintain roads. One alternative to a fee increase is to allow the roads to continue to deteriorate, and pass the costs to future taxpayers. Another is to find an alternative funding source, a difficult proposition in today's economic climate and constrained federal and state budgets.

Frequently Asked Questions

Q: What is the Street Maintenance Fee?

A: The Street Maintenance Fee is a monthly fee designed specifically for the maintenance of existing roads in Tigard. Monthly fees are collected from both residential and non-residential customers and are billed and collected through the City's utility billing system.

Q: How is the Street Maintenance Fee charged?

A: The Street Maintenance Fee is assessed on your bimonthly utility bill.

Q: Why is a fee increase being proposed?

A: When the existing Street Maintenance Fee was established in 2004, the target revenue was set at \$800,000 a year. Because an inflation adjustment was not built into the program, fees have remained constant while City needs and the costs of repairs have increased dramatically. In other words, the existing fees are not enough to maintain a healthy road system in good condition.



maintenance than do neighborhood roads. More than half the costs are still borne by residential users.

Among non-residential users, the largest payers are still the big businesses, but the maximum charges are capped at 200 spaces (non-residential users are charged on the number of parking spaces required in the Tigard Development Code). Although Washington Square and other shopping centers appear to be one entity, in reality they are a collection of separate businesses, each charged individually, with a 200-space cap. Charges are associated with each water meter and assessed based on the square footage for each business.

Q: How are residential and commercial fees determined?

A: The original 5-year plan developed in 2003 resulted in the residential users paying for 58% of the costs and the non-residential users 42%. The new 5-year plan developed in 2008 changes the ratio to 55% to 45% because the City's experience during the past 5 years has been that the larger main arteries of the City (collectors and arterial roads) require more frequent and extensive

Q: If the proposed increase is approved, how much will my rates increase and when?

A: The proposed fee increases are from \$2.18 to \$6.06 monthly for residential units, and from \$0.78 to \$2.44 per required parking space for non-residential uses. Increases will be phased in over two years so that by 2011, the fees charged will be

Frequently Asked Questions

at the level needed to adequately maintain the streets and rights-of-way. An inflation factor of 6.5% annually is incorporated in the phase-in plan to ensure that the fees collected in 2011 will be at the level needed at that time. After 2011, any future increases to account for inflation will be based on one or more recognized construction cost indices.

Q: Your website states that the current rate for residential users is \$2.18 per month, but when I check my utility bill the amount charged for the Street Maintenance Fee is twice that amount (\$4.36), why?

A: Because the City of Tigard sends out utility bills on a bimonthly schedule (every two months), the amount shown on your bill is actually for two months.

Q: Are exceptions allowed?

A: All religious institutions will be charged half of the normal fee assessed to non-residential businesses, resulting in a 100-space maximum for those that reach the 200 space limit. This decision was made because parking requirements

for these institutions are relatively high to accommodate large services, while the parking lots are not fully utilized during the week.

In addition, a property must be occupied to be assessed the fee. If a property is unoccupied for 30 days or more, the owner may apply for a fee waiver for that period.

Q: What is the pavement condition on my street?

A: You can visit Tigard Maps and look up the pavement rating data for your street. Once you enter your address and are routed to the page displaying your property, just click on the Transportation tab at the top of the page, then choose pavement condition. It's that simple!

Q: Why consider raising rates during a down economy?

A: The City is looking to be fiscally responsible with your Street Maintenance Fee dollars. Streets are designed to last about 20 years, but the pavement begins to deteriorate much earlier. Studies have

shown that pavement health worsens at an increasing rate as the pavement gets older. The total annual maintenance investment is four to five times less following a preventative maintenance strategy than if streets are allowed to deteriorate to poor and failed conditions requiring major rehabilitation.

Q: Why can't the City wait until the economy improves?

A: The costs of deferred maintenance are borne by both the community and the individual driver. As with many investments, timely investments in routine maintenance in roads can extend pavement life and provide for a safer driving experience. Not only will roads last longer, but repairing a failed road can be four to nine times more expensive than a routine maintenance program. With a limited amount of funds available, the community is better served by spending the same amount of money maintaining a greater amount of road miles, than completely rebuilding smaller sections as the entire network begins to fail. In other words, if we can keep good streets good, we can maximize the use of limited dollars.

Frequently Asked Questions

Q: What about Tigard's share of state Gas Tax revenue?

A: Historically, Tigard roads have been maintained by the state Gas Tax, a source of funding that hasn't risen in 20 years, while road usage, operations and maintenance costs have increased at an overwhelming rate. As a result, Tigard is one of eighteen Oregon cities that have adopted Street Maintenance Fees to close the gap between local needs and increasingly stretched state dollars. By having a locally based fee, communities are provided with a stable source of revenue to pay for preventative maintenance and repairs in a timely and efficient manner.

Q: Will Tigard residents have an opportunity to vote on the proposed Street Maintenance Fee increase?

A: According to state law, utility rate increases need only approval by City Council. This is why your Council is making such an effort to hear from you! You can provide comments online, to staff, or at hearings held by Tigard City Council.

Q: What legislative steps are required to raise the fees?

A: In order for the City to raise fees, the Council must vote on the following items. Each will occur at a public hearing where public testimony will be taken prior to a Council vote.

- **Revise Ordinance No. 03-10 to add right-of-way maintenance as an integral part of street maintenance** under the definition of street maintenance;
- **Revise Ordinance No. 03-10 to include local commercial and industrial streets** under the non-residential category for fee calculation purposes;
- **Revise Ordinance No. 03-10 to incorporate an annual inflation factor** to ensure that the fee rates keep pace with cost increases or decreases;
- **Adopt a Resolution to set the City's long term Street Overall Condition Index goal at 75;** and
- **Adopt new fee rates** with a phase-in plan incorporated.



Q: The City of Tigard instituted a 3-cent per gallon gas tax. Why can't the City use that money?

A: The Tigard gas tax was developed by a citizen task force who recommended it as a way to fund improvements to the Greenburg Rd./99W/Main St. intersection ONLY. Collections from the Tigard tax are dedicated to this one project, and the tax automatically ceases once the project is completed and sufficient funds are collected to fully finance and pay for the improvements.

Transportation Financing Strategies Task Force

Task Force History

The original Transportation Financing Strategies Task Force established through Resolution No. 01-06 recommended the Street Maintenance Fee to City Council. The Task Force members were actively involved in the public outreach to obtain citizen and business input for submission as part of the Task Force recommendation. The fee was implemented in April 2004 and has provided a stable source of revenue for maintaining the existing street infrastructure. That effort took about three years and required persistence and dedication to see it through. City Council, through Council Resolution No. 04-51, acknowledged the accomplishments of the Task Force, concluded that phase of the Task Force's work, and commended the Task Force members for a job well done.

Although maintenance needs were addressed through the establishment of the fee, many major transportation improvements necessary to meet the current and future transportation demands still could not be implemented through



existing funding sources. The Task Force was reconstituted to explore funding alternatives for those major transportation improvements. Council Resolution No. 04-52 reconstituted the Task Force, established the mission for the Task Force, and appointed the members to serve on the reconstituted Task Force.

On October 26, 2004, the City Council adopted Resolution No. 04-85 adding two new members to the Task Force and expanded the mission by adding construction of sidewalks and right-of-way maintenance on collector and arterial streets to the scope.

The reconstituted Task Force recommended a local fuel tax to City Council dedicated solely to the improvement of the Greenburg Road/Highway 99W/Main Street intersection. This project, in conjunction with the County's project to improve the Hall Blvd/Highway 99W intersection, alleviates traffic congestion by removing the two largest traffic bottlenecks along Highway 99W in the City. The Task Force members led the public process to obtain citizen and business input to help Council in its decision-making process. Council established the local fuel tax in late 2006 and collections began in April 2007. The

Transportation Financing Strategies Task Force

project is now in the design stages for construction to begin in early 2010.

On December 18, 2007 City Council Resolution No. 07-74 acknowledged the accomplishments of the reconstituted Task Force, concluded that phase of the Task Force's work, and commended the Task Force members for a job well done.

On January 29, 2009 City Council adopted Resolution No. 09-01 to again reconstitute the Task Force to continue with the evaluation of feasible funding sources for the City's transportation and street infrastructure operation, maintenance and improvement needs.

The members of the newly-appointed Task Force are:

- John Bailey
- Rex Caffall
- (*Planning Commission Representative*)
- Beverly Froude
- Cam Gilmour
- Dennis Mitchell
- Rick Parker
- Anthony Rivano
- Joe Schweitz

- Jennifer Standfield
- Christopher Warren
- Gretchen Buehner (*Council Liaison*)

The Task Force is now involved in the public outreach process to obtain citizen and business input into the proposed increases to the Street Maintenance Fee rates sufficient to meet the increases in cost since 2003 and to ensure a gradual improvement of the City's overall pavement condition over time. In addition, they will continue the evaluation of a variety of funding sources for the operation, maintenance and improvement of the City's transportation system. Recommendations will be submitted to City Council for consideration.

Previous Task Force Members

- Marty Anderson
- Steve Clark
- Gretchen Buehner (*Planning Commission Representative*)
- Cam Gilmour
- Ralph Hughes
- Paul Owen
- Basil Christopher
- Beverly Froude
- Joe Schweitz
- Nick Wilson (*Council President*)
- Oregon Grocery Association:
Joe Gilliam (Primary)
Dan Floyd (Alternate)

A list of previous Task Force meeting minutes (2001–2006) are available on the City of Tigard website.



City of Tigard Memorandum

To: Mayor Cook and City Council Members

From: Toby LaFrance, Finance & Information Services Director

Re: Street Maintenance Fee

Date: February 4, 2015

At the Council Study Session regarding the Street Maintenance Fee, the Mayor requested information on the business addresses that are capped at 250 minimum required parking spaces. The following table displays the list of 29 addresses, their required minimum parking spaces, and how much they pay currently under the 250 space cap, under a proposal of a 325 space cap, and under a proposal without a cap. To summarize the table:

- These 29 addresses provide \$111,780 in SMF revenue under the current 250 space cap
- Under a proposed 325 space cap, these addresses would provide an additional \$26,662, bringing the total up to \$138,442.
- With no cap on minimum required parking, these business addresses would provide \$193,355, or \$81,575 more than they do under the current 250 space cap.

Street Maintenance Fee - Nonresidential Properties Affected by Cap

1/27/2015

Lot_No	Address	Customer	Units	Unit Type	Lic_Type	Minimum Required Spaces	2015		Annual Fee with No Cap
							Cap	Annual Fee with 325 Cap	
11414	10200 SW GREENBURG RD	LINCOLN CENTER LLC	131152	SF	OFFICE	355	250	\$4,140	\$5,879
15423	10220 SW GREENBURG RD - NORTH	LINCOLN CENTER LLC	105930	SF	OFFICE	287	250	\$4,140	\$4,753
15422	10220 SW GREENBURG RD - SOUTH	LINCOLN CENTER LLC	106536	SF	OFFICE	288	250	\$4,140	\$4,769
11413	10260 SW GREENBURG RD	LINCOLN CENTER LLC	235936	SF	OFFICE	637	250	\$4,140	\$5,382
15424	10300 SW GREENBURG RD	LINCOLN CENTER LLC	126505	SF	OFFICE	342	250	\$4,140	\$5,664
3453	10445 SW CANTERBURY LN	CALVIN PRESBYTERIAN	775	SEATS	RELGS	130	125	\$2,070	\$2,153
7236	10500 SW NIMBUS AVE	KBC TIGARD I (Solid Rock Church)	1600	SEATS	RELGS	267	125	\$2,070	\$4,422
7698	11065 SW NORTH DAKOTA ST	JDS NORTH TIGARD	1010	SEATS	RELGS	169	125	\$2,070	\$2,799
14062	11308 SW 68TH PKWY	PROVIDENCE BUSINESS SYSTEM	97514	SF	OFFICE	264	250	\$4,140	\$4,372
15066	12615 SW 72ND AVE	LOWE'S HARDWARE #1108	147964	SF	SALES	444	250	\$4,140	\$7,353
8262	11565 SW PACIFIC HWY	FRED MEYER INC 00375	153452	SF	SALES	461	250	\$4,140	\$7,634
8548	11626 SW PACIFIC HWY	TIGARD ACT III CINEMAS 380814	2840	SEATS	INDOOR	947	250	\$4,140	\$15,682
7954	12909 SW 68TH PKWY	PACIFIC REALTY ASSOC	99392	SF	OFFICE	269	250	\$4,140	\$4,455
16613	13221 SW 68TH PKWY	TRIANGLE CORP III	131590	SF	OFFICE	356	250	\$4,140	\$5,895
9238	13333 SW 68TH PKWY	TRIANGLE POINTE LLC	108171	SF	OFFICE	292	250	\$4,140	\$4,836
3605	14255 SW 72ND AVE	FOUGHT & CO INC	198092	SF	MAN-HVY	317	250	\$4,140	\$5,250
6884	14800 SW SEQUOIA PKWY	HOME DEPOT #4002	140492	SF	SALES	422	250	\$4,140	\$6,988
6838	16100-798 SW 72ND AVE	PACIFIC REALTY ASSOC	109541	SQFT	INDSVCS	514	250	\$4,140	\$8,512
8244	7500 SW DARTMOUTH ST	WINCO FOODS #66754	97685	SF	SALES	293	250	\$4,140	\$4,852
15922	7632 SW DURHAM RD	BLEHRINGER-HARVARD FUNDS	95387	SQFT	OFFICE	275	250	\$4,140	\$4,554
5126	7855 SW DARTMOUTH ST	COSTCO WHOLESALE V#89646-00	151459	SF	SALES	455	250	\$4,140	\$7,535
3915	9000 SW DURHAM RD	TIGARD HIGH SCHOOL	2020	STUDENT	SCH-SR	404	250	\$4,140	\$6,690
8713	9009 SW HALL BLVD	TARGET STORE T-345	123636	SF	SALES	371	250	\$4,140	\$6,144
10427	9000 SW WASHINGTON SQUARE RD	EMBASSY SUITES	384	ROOMS	LODGING	384	250	\$4,140	\$6,359
8233	9300 SW WASHINGTON SQUARE RD	MACY'S DEPARTMENT STORE	123719	SF	SALES	372	250	\$4,140	\$5,382
13400	9500 SW WASHINGTON SQUARE RD	J C PENNEY CO 0288-1	104812	SF	SALES	315	250	\$4,140	\$6,160
8235	9585 SW WASHINGTON SQUARE RD	PPR WASHINGTON SQ LLC	538246	SF	SALES	1615	250	\$4,140	\$5,216
9445	9700 SW WASHINGTON SQUARE RD	NORDSTROM #025	93437	SF	SALES	281	250	\$4,140	\$26,744
1979	9905 SW MCKENZIE ST	ST ANTHONY CHURCH	900	SEATS	RELGS	150	125	\$2,070	\$4,653

Total Annual Revenue From These 29 Properties:

\$111,780

\$138,442

\$193,355

Current cap is \$345 per month which is \$4,140 per year

A 325-Space cap would be \$449 per month which is \$5,382 per year

Note: Non-profit organizations (such as religious institutions) pay half the fee

AIS-2097

5.

Workshop Meeting

Meeting Date: 03/17/2015

Length (in minutes): 30 Minutes

Agenda Title: Discussion on Charter Review

Prepared For: Liz Newton, City Management

Submitted By: Norma Alley, City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Workshop Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

Discussion of possible revisions to the City's Municipal Charter.

STAFF RECOMMENDATION / ACTION REQUEST

Discuss parts of the City's Charter that council may want to change or amend, reach consensus on framework and direct staff on next steps.

KEY FACTS AND INFORMATION SUMMARY

On January 27, 2015 the city council adopted the 2015-17 City Council Goals. In addition, the city council identified five areas that deserve fuller discussion and attention through council workshop meeting discussion. One of those topics is potential revisions to the city's Charter.

Oregon is a "home rule" state. The state constitution grants cities, municipalities and/or counties the ability to pass laws to govern themselves as they see fit (so long as they obey the state and federal constitutions). A municipal charter is the legal document that established the city and grants powers to the city after the proposed charter has passed a referendum vote of the affected population. Article XI Section 2 of the Oregon State Constitution states that "The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon." Only the voters may amend municipal charters, not the city governing body.

The City of Tigard's Charter was referred to the voters and adopted on November 6, 1962. A copy of the city's current Charter is attached. Subsequent to the initial adoption, Tigard voters have considered Charter amendments in 18 elections. A summary history of the charter amendments considered by voters and the election results is attached.

Proposed amendments to the Charter can be referred directly to the voters by the city council, as has often been the case in Tigard, or by citizens through the referendum process. City Council must vote on referral of charter amendments to the voters in a public meeting but council is not required to conduct a public hearing before referring charter amendments. If proposed charter amendments are more administrative in nature, council may not solicit much citizen comment. If council is interested in a review of and possible major revisions to the entire Charter, they may want to conduct a more robust citizen input effort including forming a charter review committee made up of community representatives, as Sherwood did recently.

Once council reaches consensus on any proposed charter amendments staff will prepare a plan, including a timeline, to refer the proposed amendments to voters.

OTHER ALTERNATIVES

The City Council requested discussion. The Council could elect to discuss and choose to propose charter amendments, or it could discuss amendments and take no action, or it could choose to table the discussion.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Included as an item on the list of "Issues for Further Council Discussion" in the 2015-17 Tigard City Council goals adopted January 27, 2015.

DATES OF PREVIOUS COUNCIL CONSIDERATION

City Council requested future discussion at their December 22, 2014, goal setting meeting.

Attachments

[Tigard City Charter](#)

[Charter Amendment History](#)

THE CITY OF TIGARD CHARTER

CITY CHARTER

CHARTER of the CITY OF TIGARD OREGON
Referred to the voters and adopted November 6,
1962 (Amendments through September 21, 1999
Election) Effective January 1, 1963

Chapter I NAME AND BOUNDARIES

Section 1. Title Of Enactment.

This enactment may be referred to as the City
of Tigard Charter of 1962.

Section 2. Name Of City.

The municipality of Tigard, Washington
County, Oregon, shall continue to be a municipal
corporation with the name "City of Tigard".

Section 3. Boundaries.

The City shall include all territory
encompassed by its boundaries as they now exist
or hereafter are modified by voters, by the
Council, or by any other agency with legal power
to modify them. The Recorder shall keep at the
City Hall at least two copies of this Charter in
each of which the Recorder shall maintain an
accurate, up-to-date description of the boundaries.
The copies and descriptions shall be available for
public inspection at any time during regular office
hours of the Recorder. (Measure 34-58, November
5, 1996 election, Res. 96-53).

Chapter II MAYOR COUNCIL FORM POWERS

Section 4. Powers Of The City.

The City shall have all powers which the
constitutions, statutes, and common law of the
United States and of this State expressly or
impliedly grant or allow municipalities as fully as

though this Charter specifically enumerated each
of those powers.

Section 5. Construction Of Charter.

In this Charter no mention of a particular
power shall be construed to be exclusive or to
restrict the scope of the powers which the City
would have if the particular power were not
mentioned. The Charter shall be liberally
construed to the end that the City may have all
powers necessary or convenient for the conduct of
its municipal affairs, including all powers that
cities may assume pursuant to state laws and to
the municipal home rule provisions of the state
constitution.

Chapter III FORM OF GOVERNMENT

Section 6. Where Powers Vested.

Except as this Charter provides otherwise, all
powers of the City shall be vested in the Council.

Section 7. Mayor And Council.

The elective officers of the City shall be a
Mayor and four councilors who together shall
constitute the City Council. At the general
election held in 1990, and every fourth year
thereafter, a Mayor shall be elected for a term of
four years. No councilor shall serve the City as
councilor for more than eight consecutive years,
nor shall the Mayor serve as Mayor for more than
eight consecutive years. In no case shall any
person serve on the City Council for more than
twelve consecutive years. These limitations do not
apply to the filling of an unexpired term.

No person who is serving as Mayor or
councilor shall become a candidate for any City
office for a term which would be concurrent with
the term in office then held unless that person first
submits a written resignation from the then

THE CITY OF TIGARD CHARTER

current office at the time of filing for the other office. A resignation submitted to satisfy this section shall not be withdrawn. A resignation shall be adequate for purposes of this section if it provides for the termination of the signer's service in the office not later than the last day before service would begin in the office for which that person seeks to become a candidate.

In the event the office of Mayor or councilor becomes vacant before the normal expiration of its term a special election may be held at the next available date to fill the office for the unexpired term. Such an election shall only take place if the Council can schedule and hold a special election at least twelve months before the term would otherwise expire. If an election is held, it shall be held in accordance with the election laws of the state of Oregon and City ordinances not inconsistent with such election laws. The Council may appoint a person to fill a vacancy until an election can be held. (Res. 93-63, May 17, 1994 election: Measure 34-7, May 15, 1990 election: Measure 51, November 4, 1986 election: Measure 51, November 5, 1985 election: Measure 53, November 2, 1982 election: Measure 53, May 18, 1982 election).

Section 8. Councilors.

The councilors holding office at the time of adoption of this amendment shall hold their offices for the balance of the terms for which they were elected or appointed and until their successors are elected and qualified. At each general election after this amendment takes effect, two councilors shall be elected for four-year terms, with the two candidates receiving the highest number of votes being elected to office. In the event a vacancy exists on the City Council and a special election is called to fill the vacancy as described in Section 7 above, the candidate receiving the highest number of votes in the special election shall be deemed elected for the remainder of the vacant positions term. (Measure

34-57, November 5, 1996 election, Res. 96-54; Measure 53, November 2, 1982 election).

Section 9.

Repealed by Ordinance 72-16, Section 9, May 23, 1972 election.

Section 10. Other Officers.

Additional officers of the City shall be a City Manager, Municipal Judge, a Recorder, and such other officers as the Council deems necessary. Each of these officers shall be appointed and may be removed by consent of the Council. The Council may combine any two or more appointive City offices. The Council may designate any appointive officers to supervise any other appointive officer except the Municipal Judge in the exercise of judicial functions. (Measure 34-88, November 3, 1998 election, Res. 98-46; Measure 34-58, November 5, 1996 election, Res. 96-53; Measure 52, November 5, 1985 election).

Section 11. Salaries.

The compensation for the services of each City Officer and employees shall be the amount fixed by the Council.

Section 12. Qualifications Of Officers.

A qualified elector within the meaning of the State Constitution, who will have resided continuously for a period of twelve (12) months or more immediately preceding the election in an area which is within the corporate boundaries of the City as the same shall exist as of a date one hundred twenty (120) calendar days immediately prior to the date of the election (inclusive of all territory previously effectively annexed to the City), shall be eligible for an elective office of the City. The Council shall be final judge of the qualifications and election of its own members, subject, however, to review by a court of competent jurisdiction.

THE CITY OF TIGARD CHARTER

Chapter IV COUNCIL

Section 13. Meetings.

The Council shall hold a regular meeting at least once each month in the City at a time and at a place which it designates. It shall adopt rules for government of its members and proceedings. The Mayor upon his own motion may, or at the request of three members of the Council shall, by giving notice thereof to all members of the Council then in the City, call a special meeting of the Council. In the event of the physical absence of the Mayor from the City, the Council President shall be empowered to call special Council meetings in the same manner as the Mayor may call such meetings.

Special meetings of the Council may also be held at anytime by the common consent of all members of the Council or by the delivery of a request for a special meeting, signed by a majority of Council members, and delivered to the City Recorder and to remaining Council members and the Mayor, if they are then in the City. All meetings of the City Council shall conform to notice requirements consistent with state law. (Measure 53, November 5, 1985 election; Measure 59, May 18, 1982 election).

Section 14. Quorum.

A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 15. Journal.

The Council shall cause a journal of its proceedings to be kept. Upon the request of any of its members the ayes and nays upon any question before it shall be taken, and a record of the vote

entered in the journal.

Section 16. Proceedings To Be Public.

No action by the Council shall have legal effect unless the motion for the action by the Council vote by which it is disposed of take place at proceedings open to the public.

Section 17. Mayor's Functions At Council Meetings.

The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions brought before the Council. (Measure 34-58, November 5, 1996 election, Res. 96-53).

Section 18. President Of The Council.

At its first meeting of each odd numbered year, the Council by ballot shall choose a president from its membership. In the Mayor's absence from a Council meeting the President shall perform the duties of the office of Mayor and preside over it. Whenever the Mayor is physically or mentally unable to perform the functions of office, the President shall act as the Mayor pro tem. Should the President of the Council vacate the Council office he or she holds, the Council, by ballot, shall choose from its membership a person to act as President of the Council until the next President of the Council is chosen pursuant to this Section. (Measure 34-88, November 3, 1998 election, Res. 98-46; Measure 54, May 18, 1982 election).

Section 19. Vote Required.

Except as this Charter otherwise provides, the concurrence of a majority of the members of the Council present and voting, when a quorum of the Council is present, at a Council meeting shall be necessary to decide any question before the Council. (Measure 54, November 5, 1985 election).

THE CITY OF TIGARD CHARTER

Chapter V POWERS AND DUTIES OF OFFICERS

Section 20. Mayor.

The Mayor shall appoint the committees provided by the rules of the Council. The Mayor shall sign all approved records of proceedings of the Council and countersign all orders on the treasury. The Mayor shall have no veto power and shall authenticate by signature all ordinances passed by the Council after being enacted. After the Council approves a bond of a City Officer or a bond for a license, contract, or proposal, the Mayor shall authenticate the bond by endorsement thereon. (Measure 55, November 5, 1985 election).

Section 20A. City Manager

(1) The City Manager shall be the administrative head of the government of the City. The office of City Manager shall be filled by appointment of the City Council. The Manager shall be the Chief Administrative Officer of the City, and as such shall be chosen solely on the basis of administrative qualifications and experience, without regard to political considerations. Appointment and removal of the Manager by the Council shall require the prior consent of a majority of the full Council recorded at a public meeting. The City Manager shall serve at the pleasure of the Council, and cause shall not be required for termination.

(2) The Manager shall:

(a) Attend all Council meetings unless excused by the Council or Mayor;

(b) Keep the Council advised of the affairs of the needs of the City;

(c) See that the provisions of all ordinances are administered to the satisfaction of

the Council;

(d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;

(e) Appoint, discipline and remove appointive personnel, except appointees of the Mayor or Council;

(f) Supervise and control the managers appointees in their service to the City;

(g) Organize and reorganize the departmental structure of city government;

(h) Prepare and transmit to the Council an annual City budget;

(i) Supervise City contracts;

(j) Supervise operation of all City-owned public utilities and property; and

(k) Perform other duties as the Council prescribes consistently with this Charter. (Measure 34-58, November 5, 1996 election, Res. 96-53).

Section 21. MUNICIPAL JUDGE.

The Municipal Judge shall be the Judicial Officer of the City. The Judge shall hold within the City a court known as the Municipal Court for the City of Tigard, Washington County, Oregon. The court shall be open for the transaction of judicial business at times specified by the Municipal Judge. All areas within the City shall be within the territorial jurisdiction of the court. The Municipal Judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the City and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the City or as

THE CITY OF TIGARD CHARTER

otherwise provided by state law. The Judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the City, to commit any such person to jail or admit him or her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue and process documents necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this Charter, all proceedings in the Municipal Court for the violation of a City ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts. Defendants in the Municipal Court charged with violation of City ordinances shall be entitled to a trial by jury as provided by state statutes. (Measure 34-58, November 5, 1996 election, Res. 96-53; Measure 55, May 18, 1982 election).

Section 22. Recorder.

The Recorder shall serve ex officio as clerk of the Council, attend all its meetings unless excused therefrom by the Council, keep an accurate record of its proceedings in a book provided for that purpose, and be the City's election officer. In the Recorder's absence from a Council meeting, the Mayor shall appoint a clerk of the Council pro tem who, while acting in that capacity, shall have all the authority and duties of the Recorder. (Measure 52, November 5, 1985 election).

Section 22A. Finance Officer.

The Finance Officer shall be responsible for the administration of the City's fiscal functions and shall sign all orders on the treasury. (Measure 52, November 5, 1985 election).

Chapter VI ELECTIONS

Section 23. Elections.

Except as this Charter provides otherwise, and the Council provides otherwise by order, the general laws of the State of Oregon shall apply to City elections. (Measure 56, November 5, 1985 election).

Section 24.

Repealed by Measure No. 56, November 5, 1985 election.

Section 25.

Repealed by Measure No. 56, November 5, 1985 election.

Section 26.

Repealed by Measure No. 56, November 5, 1985 election.

Section 27.

Repealed by Measure No. 56, November 5, 1985 election.

Section 28. Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the Council.

Section 29. Commencement Of Terms Of Office.

The term of office of a person elected at a regular City election shall commence the first of the year immediately following the election.

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Section 30. Oath Of Office.

Before entering upon the duties of their office, every officer shall take an oath or shall affirm that they will support the constitutions and laws of the United States and of Oregon and faithfully perform the duties of their office. (Measure 34-58, November 5, 1996 election, Res. 96-53).

Section 31. Nominations.

A qualified elector within the meaning of the State Constitution, who will have resided continuously for a period of twelve (12) months or more immediately preceding the election in any area which is within the corporate boundaries of the City as the same shall exist as of a date one hundred twenty (120) calendar days immediately prior to the date of the election, (inclusive of all territory previously effectively annexed to the City), may be nominated for an elective City position.

The procedures for nomination and election for elective City positions shall be governed by the election laws of the State of Oregon, or by City ordinances if such ordinances are not inconsistent with state law. (Measure 56, May 18, 1982 election).

Chapter VII VACANCIES IN OFFICE

Section 32. What Creates Vacancy.

An office shall be deemed vacant upon the incumbent's death, adjudicated incompetence, conviction of a felony, other offense pertaining to his or her office, or unlawful destruction of public records, resignation, recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; or in

the case of a mayor or councilor, upon his or her absence from the City for 30 days without the consent of the Council or upon his or her absence from regular meetings of the Council and upon a declaration by the Council of the vacancy. (Measure 34-58, November 5, 1996 election, Res. 96-53).

Section 33.

Repealed by Measure 57, May 18, 1982 election.

Chapter VIII ORDINANCES

Section 34. Enacting Clause.

The enacting clause of all ordinances hereafter shall be, "The City of Tigard ordains as follows:"

Section 35. Mode Of Enactment.

(1) Except as paragraph (2) of this section provides to the contrary, every ordinance of the Council shall, before being put upon its final passage, be read fully and distinctly once in open Council meeting.

(2) Any reading may be by title only (a) if no Council member present at the meeting requests to have the ordinance read in full or (b) if a copy of the ordinance is posted in at least three public places within the City limits before it becomes law. (Measure 57, November 5, 1985 election).

(3) Repealed by Measure No. 57, November 5, 1985 election.

(4) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and recorded in the journal.

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(5) Upon the enactment of an ordinance the Recorder shall sign it with the date of its passage and the Recorder's name and title of office, and the Mayor shall sign it with the date of signature, and the name and title of office of the Mayor. (Measure 55, November 5, 1985 election; Measure 54, November 2, 1982 election).

Section 36. When Ordinances Take Effect.

An ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect. In case of emergency, an ordinance may take effect immediately, provided that there is set forth in a separate section the reasons why it must become effective immediately.

Chapter IX PUBLIC IMPROVEMENTS

Section 37. Condemnation.

Any necessity of taking property for the City by Condemnation shall be determined by the Council and declared by a resolution of the Council describing the property and stating the uses to which it shall be devoted.

Section 38. Improvements.

The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the Council to be needed at once because of an emergency, shall be suspended for six months, upon a remonstrance thereto by the owners of two-thirds of the property to be specially assessed therefor. For the purpose of this section "owner" shall mean the record holder of legal title to the land, except that if there is a purchaser of the land according to a recorded land

sale contract or according to a verified writing by the record holder of legal title to the land filed with the City Recorder, the said purchaser shall be deemed the "owner".

Section 39. Special Assessments.

The procedure for levying, collecting, and enforcing the payment of special assessments for public improvements or other services to be charged against real property shall be governed by general ordinance.

Section 40. Bids.

Except as provided or allowed by state law, all contracts for public improvements to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be performed in accordance with plans and specifications approved by the Council. The Council shall have the right to reject any or all bids for public contracts. (Measure 51, November 2, 1982 election).

MISCELLANEOUS PROVISIONS

Section 41. Debt Limit.

Except by consent of the voters, the City's voluntary floating indebtedness for general city purposes shall not exceed the limits of state law. All City Officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess. (Measure 58, November 5, 1985 election).

Section 42.

Repealed by Measure 58, May 18, 1982 election.

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Section 43. Existing Ordinances Continued.

All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.

Section 44. Time Of Effect Of Charter.

This Charter shall take effect January 1, 1963.

URBAN RENEWAL CITIZENS RIGHT TO VOTE

Section 45.

The voters of the City of Tigard, exercising their powers as the ultimate governing body of the City as reserved to them by the ordinances of the City and by the Constitution and laws of the State of Oregon, do hereby find and determine that there no longer exists a need for an urban renewal agency in the City. Therefore, the Tigard Urban Renewal Agency, as established or activated, by Ordinance No. 81-91, adopted in December, 1981, is terminated. The facilities, files and personnel (if any) of the Tigard Urban Renewal Agency shall be forthwith transferred to the City. The termination shall not affect any outstanding legal actions, contracts or obligations of said agency, and the City shall be substituted for said agency in respect thereto. If, at the time this section is adopted, termination of the Tigard Urban Renewal Agency is legally prohibited by any mandatory provision of controlling state law, the termination shall be postponed until such legal impediment has been removed and shall then automatically become effective; and, in the interim pending the effective date of such termination, the City shall not authorize, approve or assist in the incurring of any new debt or obligation or in the performance of any portion of the urban renewal plan.

Section 46.

Section 45 is and shall be deemed to be an ordinance of the City within the meaning of ORS 457.075. Therefore, Section 45 may be amended or repealed by non-emergency ordinance adopted by the City Council. The City Council may in the future activate, create, reactivate or recreate an urban renewal agency in the City in the manner provided for by law, subject to the limitations of Sections 47 and 48 concerning the methods for financing the activities of such an agency.

Section 47.

After November 6, 2013, the City shall not approve an urban renewal plan or an amendment of an urban renewal plan that initiates the use of tax increment financing as a permissible method of paying the debts and obligations of the agency unless, prior to the activation and implementation of such tax increment financing, such method is approved by the voters of the City at a regular or special City election held in May or November. The City Center Urban Renewal Plan dated December 6, 2005, initiated the use of tax increment financing and is deemed to be approved in its entirety for purposes of this Section 47. (Measure 34-207, November 5, 2013, election).

Section 48.

Any urban renewal plan or amendment thereof hereafter proposed or adopted shall require that the plan, including the method of financing same, shall be approved by the voters at a regular or special City election in May or November, if such plan or amendment permits the City or the Agency to impose additional property taxes on properties outside the urban renewal area to pay the debts or obligations to be incurred in carrying out the plan. Notwithstanding the foregoing, separate approval at an election is not required for:

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(1) Expenditures by the City, as distinguished from the urban renewal agency, which have been duly identified and included in a duly adopted City budget; or

(2) Issuance of Bancroft bonds (ORS 223.205 to 223.295) in connection with assessments for local improvement districts, if such issuance is otherwise authorized by law. (Measure 34-207, November 5, 2013, election)

Section 49.

As used in Sections 45, 46, 47 and 48:

(1) “City” means the City of Tigard, Washington County, Oregon.

(2) “Urban Renewal Agency” means an agency created or existing under ORS Ch. 457 as it now exists or may hereafter be amended, or a similar agency with similar powers and purposes created under any other provision of law.

(3) “Urban Renewal Plan” means a plan as defined in ORS 457.010 (11) as it now exists or may hereafter be amended, or a similar plan adopted under any other provision of law.

(4) “Tax Increment Financing” means the method of financing described and referred to in ORS 457.420 to 457.460, or a similar method of financing provided for under any other provision of law.

Section 50.

If any section or portion of this Charter amendment (Sections 45 through 49) is determined unconstitutional or unlawful, the remaining portions and sections shall be severable and shall remain in effect. (Measure 51, September 20, 1983 election).

Section 51.

The City of Tigard shall not use the Willamette River as a drinking water source for its citizens unless the question of using the Willamette River as a drinking water source has been approved by not less than fifty percent (50%) of voters voting in a City wide election. (Measure 34-8, September 21, 1999 election).

Section 52.

The City of Tigard shall not increase a current tax or fee or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure without voter authorization. If the City desires to increase or impose a new local tax or fee for construction costs to build or expand light rail transit line infrastructure, it will first call an election and state the amount of new or additional taxes or fees that would be used for construction costs to build or expand light rail transit line infrastructure. The voters of the City of Tigard would authorize or decline to authorize the spending of the new or additional taxes or fees. This Charter Section will automatically expire ten years after its effective date. This Charter Section became effective on December 3, 2012 (date determined as specified in Resolution No. 12-33, Section 6; Measure 34-203, November 6, 2012 election).

Section 53.

A. The City of Tigard, as a matter of public policy, opposes construction of a new high-capacity transit corridor within the city boundary unless voter approval is first obtained.

B. A “new high-capacity transit corridor” includes any portion of regional transit system proposed for development within the City that reduces available road capacity in favor of light rail, rail transit or exclusive bus lanes. “Road capacity” includes any roadway within five miles

THE CITY OF TIGARD CHARTER

of the city that currently permits public automobile traffic or any public rights-of-way that could otherwise provide additional road capacity at a future date.

C. The City of Tigard may not amend its comprehensive plan or land use regulations to accommodate the siting of a new high-capacity transit corridor project if such project has not first received voter approval at an election on an authorization ordinance. An authorization ordinance submitted to voters must describe:

1. The total amount of road capacity that would be reduced by the new high-capacity transit corridor;
2. Any increases in housing density or changes to land use regulations within the city that will be proposed to site or otherwise accommodate the new high-capacity transit corridor; and
3. The projected public cost of the entire high-capacity transit corridor project.

Sufficient public notice for an authorization ordinance under this subsection is provided to city voters if the certified ballot title accurately summarizes the information required in this subsection and provides a link to a detailed description hosted on a city website. If sufficient public notice cannot be accomplished in the manner above, the city shall provide such information to voters by mail at least 21 days in advance of the election.

D. Every year the City shall send a letter notifying the following public officials of this policy: the Governor of Oregon, the Director of the Oregon Department of Transportation, Washington County Commissioners, Metro Councilors, the TriMet Governing Board and the Director of the Federal Transit Administration. (Measure 34-210, March 11, 2014 election).

AUTHENTICATION CERTIFICATE OF CITY RECORDER

I, RALPH V. SYMONS, do hereby certify that I am the duly appointed, qualified and acting Recorder of the City of Tigard, Washington County, State of Oregon, and as such have the care and control of the official records of said city.

I further certify that pursuant to resolution of the City Council of Tigard, duly adopted at its regular meeting of October 8, 1962, there was referred to the voters of the City of Tigard, in conformity with initiative and referendum powers contained in Ordinance No. 62-20 of said city, at the regular city election of November 6, 1962, the question of the adoption of the above herein and foregoing Charter of the said city, and that a total of 631 votes were cast with respect to said charter proposal at said election of which 456 votes were cast in favor of said charter and 175 votes were cast against same, and that as shown by the official canvass of the returns of said election, the above herein and foregoing Charter was duly adopted by the people of the City of Tigard at said election of November 6, 1962, by majority of the votes cast.

I further certify that I have carefully compared the above and foregoing copy with the original of said charter proposal as filed in my office and that the foregoing copy is a correct transcript therefrom and the whole of said original as the same now appears on file in my office and in my official custody.

I further certify that by resolution of the City Council of the City of Tigard, Oregon, duly passed at its regular meeting of November 26, 1962, the above herein and foregoing Charter was duly proclaimed and confirmed as the Charter of the City of Tigard, Oregon, to be effective by its terms on and after January 1, 1963.

In Witness Whereof I have hereunto set my hand

THE CITY OF TIGARD CHARTER

and affixed the official seal of the City of Tigard,
Oregon, this 14th day of January, 1963.

Ralph V. Symons, Recorder of the City of Tigard,
Washington County, Oregon.■

Election Results for Charter Amendments for Reference (not official certification)

Election Date	Results	Charter Amendment Description
11/06/62	approved	Adopt city charter
07/10/63	Approved	Amended charter to authorize \$150,000 sewer bonds
05/25/65	failed	Charter amendment establishing the position of City Manager
09/23/68	failed	Charter amendment authorizing \$750,000 bond issue.
09/03/74	approved	Charter amendments relating to qualification of officers and nominations for elective offices
05/18/82	increase in Council members failed, other changes approved	Proposals to amend city charter to increase Council members from four to six and make other changes, Resolution No. 82-23
11/02/82	<p align="center">Approved:</p> <p align="center">Failed:</p>	<p>Proposed charter amendments (Resolution No. 82-89)</p> <p>Proposal to simplify city bid process, Term limit for mayor and councilors, Simplify ordinance adoption methods</p> <p>Proposal to increase of city debt limit, Change council voting rules</p>
09/20/83	both approved	Resolution No. 83-53 Proposed charter amendments restricting City Council urban renewal activities and prohibiting issuance of certain tax increment financing bonds
11/05/85	all approved	Resolution No. 85-77 Charter amendments to limit terms of mayor and council, establish a finance officer, allow meeting notice to conform with state law, provide that an abstention not be counted as a no vote, allow additional time for signing ordinances, and change city election procedures to conform with state law
11/04/86	Charter Amendment approved,	Resolution No. 86-95 - Charter Amendment relating to the temporary filling of Council vacancies
05/15/90	Term change approved	Charter Amendment to change term of Mayor to four years
05/17/94	Charter Amendment approved	Amendment of Charter relating to filling City Council vacancies

Election Results for Charter Amendments for Reference (not official certification)

Election Date	Results	Charter Amendment Description
11/05/96	Amendments approved	Tigard Charter Amendments: Res 96-53 – references to gender deleted, city administrator title changed to city manager, city manager duties established, process for removal and appointment of city manager Res. 96-54 – no longer elect councilors by position number, process for filling a council vacancy
11/03/98	Charter Amendments approved	Amendment to Charter – Res. 98-46 – City Manager designated as Budget Officer; how to select City Council president if current president vacates office
9/21/99	Charter Amendments approved	Res 99-48 – Voter approval requirement for Willamette River Water as a Drinking Water source
5/16/06	Urban Renewal approved 5711 Yes 3002 No	Measure 34-114 – City Center Urban Renewal Plan and Tax Increment Financing
11/6/2012	Charter Amendment Approved 18,039 Yes 3,869 No	Resolution No. 12-33 – Measure 34-203 -- Vote Required to use certain funds for light rail construction.
11/5/2013	Charter Amendment Approved 5,231 Yes 1,700 No	Resolution No. 12-35 – Measure 34-207 – Charter amendment to clarify urban renewal provisions.
3/11/2014	Charter Amendment Approved 5,094 Yes 4,864 No	Resolution No. 14-11 – Measure 34-210 – Charter amendment to adopt policy opposing new high-capacity transit corridor projects.

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