

Procedural Ordinance

Ordinance establishing clarifying definitions and procedures for determining if the proposed authorizing ordinance complies with the Charter.

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 16-**

AN ORDINANCE TO PROVIDE A PROCEDURE FOR IMPLEMENTATION OF TIGARD CITY CHARTER SECTION 53C. RELATING TO CONSTRUCTION OF A NEW HIGH-CAPACITY TRANSIT CORRIDOR WITHIN THE CITY BOUNDARY.

WHEREAS, the City of Tigard City Council has authority to adopt definitions for terms left undefined or otherwise ambiguous in the Tigard City Charter; and

WHEREAS, Tigard City Council has authority and responsibility to implement provisions of the Tigard City Charter; and

WHEREAS, Tigard City Charter Section 53 contains ambiguous or undefined terms and lacks procedures for implementation of some of its requirements; and

WHEREAS, the Tigard City Council intends to adopt definitions and procedures for the purpose of implementing Tigard City Charter Section 53; and

WHEREAS, the City Council desires to establish a public process to determine if an authorization ordinance proposed under Charter Section 53 complies with the requirements of the Charter.

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

SECTION 1. An Ordinance of the City of Tigard is hereby created as follows:

Charter Section 53 Implementation Ordinance

SECTION A. Purpose.

Definitions are created and a procedure is imposed for the purpose of interpretation and implementation of Tigard City Charter Section 53 relating to the construction of a new high-capacity transit corridor project within the City boundary. The purpose of the implementation procedure is to assure that any authorization ordinance referred to the voters under Charter Section 53 is in conformance with the requirements of that Section.

The purpose of the definitions is to clarify any ambiguities that may exist regarding the words and phrases within Tigard City Charter Section 53.

SECTION B. Definitions.

As used in Tigard City Charter Section 53, the following definitions shall apply:

1. “Accurately summarizes the information required” means that the ballot title approved by the City Council shall:

- a. Contain a link to a website where Charter required information is available.
- b. Provide the maximum total amount of road capacity that would be reduced by the new high-capacity transit corridor, as that phrase is defined in Section 9 of this Ordinance.

c. Describe in general terms the subjects of the changes to land use regulations that will be proposed to site or otherwise accommodate the new high-capacity transit corridor.

d. Provide projected public cost of the entire high-capacity transit corridor project based upon information from the government responsible for constructing the project.

2. “Authorization Ordinance” means the authorization ordinance described in Section 53 of the City of Tigard Charter.

3. “Changes to land use regulations within the City that will be proposed to site or otherwise accommodate the new high-capacity transit corridor” means to describe the specific uses of land that will require amendments to the City comprehensive plan, zoning map, or development code in order to be lawfully allowed under applicable City standards.

4. “Increases in housing density” means changes to zoning maps, comprehensive plan maps, zoning district text or comprehensive plan text, which have the effect of authorizing a greater number of housing units than were permitted previously.

5. “New high-capacity transit corridor project” means the proposal to extend light rail transit service from Portland to Bridgeport, including to downtown Tigard.

6. “Projected public cost of the entire high-capacity transit corridor project” means the cost estimate for the Southwest Corridor Light Rail project, as estimated by TriMet, at the time of City Council adoption of the Authorization Ordinance.

7. “Public rights of way that could otherwise provide additional road capacity at a future date” means any public right of way within five miles of the Tigard city boundary line which does not permit motor vehicle traffic at the time the Authorization Ordinance is approved by the Tigard City Council, but could lawfully provide additional road capacity for motor vehicle traffic at a future date and which is influenced by an alignment option. This does not include required sidewalks, bike paths, or other non-automobile facilities.

8. “Roadway within five miles of the City that currently permits public motor vehicle traffic” means any public right of way within five miles of the City boundary line which permits motor vehicle traffic at the time the Authorization Ordinance is approved by the Tigard City Council and which is influenced by an alignment option.

9. “Total amount of road capacity that would be reduced by the new high-capacity transit corridor” means:

- a. For roadways that currently permits public motor vehicle traffic: the net percentage change in vehicles per hour from vehicles per hour at the time the authorization ordinance is adopted, on roadways identified in each alignment option, to vehicles per hour should the given alignment option be constructed. The net change shall take into account any reductions and gains in the number of vehicles per hour; or
- b. For public rights of way that could otherwise provide additional road capacity at a future date: The net percentage change in acreage of public right of way that, at the time of adoption of the authorization ordinance, could provide additional road capacity at a future date, after construction of the high-capacity transit corridor, for each alignment option.

SECTION C. General Provisions.

1. The information required by Section 53 of the City's Charter to meet the requirements for the Authorization Ordinance and the ballot title shall be based on information available and presented to the City Council on the date of its decisions on the Authorization Ordinance and the ballot title. All roadway capacity information required for the Authorization Ordinance shall be provided for all alignment options.

2. All roadway capacity information required for the Authorization Ordinance and ballot measure shall be based on the methodology of Section D. of this ordinance as determined by a qualified traffic engineer and contained in a written report of the results of application of Section D.

SECTION D. Methodology to determine roadway capacity impacts.

The roadway capacity determinations required by this Ordinance and Tigard City Charter Section 53 shall be based on the methodology described in Appendix A (Roadway Capacity Methodology, May __, 2016) which is attached and incorporated herein by reference.

SECTION E. Authorization Ordinance Approval Procedure.

Before referring an authorization ordinance to the voters, the City Council shall determine whether the proposed ordinance satisfies the requirements of Tigard City Charter Section 53 and the definitions of this ordinance. The decision to refer may be made at a regular or special meeting of the City of Tigard City Council and the public will be permitted the opportunity to present written or oral testimony on the proposed ordinance.

SECTION 2. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 3. The City Council finds that the immediate availability of the procedure provided in this Ordinance is necessary to assure that the Authorization Ordinance required by Charter Section 53C. can be considered by voters in November, 2016.

SECTION 4. For the reasons set forth in Section 3, an emergency is declared to exist and this Ordinance takes effect upon adoption by the City Council and signature of the Mayor.

PASSED: By _____ vote of all Council members present after being read by number and title only, this ____ day of _____, 2016.

APPROVED: By Tigard City Council this ____ day of _____, 2016.

Carol A. Krager, City Recorder

John L. Cook, Mayor

Approved as to form:

City Attorney

Date

APPENDIX A

CODE SECTION PERTAINING TO SECTION 53 OF TIGARD CHARTER

5-31-16

APPENDIX A – ROADWAY CAPACITY METHODOLOGY, MAY 31, 2016

1. Purpose

The provisions in this Code Section shall be used to comply with the requirement for an Authorization Ordinance set forth in Subsection C of Section 53 of the City of Tigard Charter to include an estimate of the impact of a Light Rail Transit on the vehicular capacity of roadways and unused public rights-of-way within five miles of the City.

2. Definitions:

- A. Added Motor Vehicle Capacity means the additional amount of Motor Vehicle Capacity for a Segment of a Planned Roadway that results from a Planned Roadway incorporated in an Alignment Option.
- B. Alignment Option means a light rail alignment option, including any ancillary facilities included in the conceptual design for such alignment option, approved for further analysis by the Southwest Corridor Project Steering Committee at the time the Authorization Ordinance is submitted to the voters.
- C. Motor Vehicle Capacity means:
 - a. Motor Vehicle Capacity on a signalized roadway is defined as the maximum number of motor vehicles that can pass through a Critical Intersection.
 - b. For Unused Public ROW: the reasonably estimated potential area of future roadway area, excluding surface area dedicated to bicycle and pedestrian and other facilities such as water quality treatment, and buildable on Unused Public ROW.
 - c. The Motor Vehicle Capacity of Existing or Added Roadways and of Unused Public ROW is separate and distinct amounts and, as such, are not addable.
- D. Critical Direction means the direction of the roadway that most limits the Auto Capacity at a specific Critical Intersection in the Peak Hour.
- E. Critical Intersection means an intersection or other specific capacity-limiting feature (e.g.; lane reduction) on an Existing Roadway that has a Volume-to-Capacity Ratio of greater than 0.90 that limits the through automobile capacity of the Existing Roadway at such intersection, as identified by a Traffic Engineering using Standard Practices
- F. Existing Roadway means any roadway within five miles of the City that permits public automobile traffic at the time of the Authorization Ordinance is submitted to the voters that are influenced by an Alignment Option. These are roadways defined in Metro's Mobility Corridor #2 (Portland-Tigard-Tualatin), which includes the following four auto routes: 99W/Barbur, I-5, Boone's Ferry/Macadam Avenue, and Terwilliger/Capitol Highway/Bridgeport Village and are shown in appendix A-1.

- G. Lane Mile means the number of lanes times the length of the lanes expressed in miles.
- H. Metro Transportation Model means the suite of transportation computer models operated by Metro to forecast regional travel and to prepare the Regional Transportation Plan, including without limitations the digitized road network showing the general capacity of highway links, and the traffic volume forecast for the year 2035.
- I. Net Motor Vehicle Capacity Reduction means for a subject Alignment Option the net change in motor Vehicle capacity of roadways resulting from the Alignment Option, taking into account any capacity reductions and capacity gains associated with the Alignment Option.
- J. Peak-Hour means the 60 minute period that has the highest volume of traffic at an intersection. The term AM peak hour is the 60 minute period in the morning with the highest traffic volume and the PM peak hour is the 60 minute period in the afternoon with the highest traffic volume.
- K. Percentage Reduction in Corridor Motor Vehicle Capacity means the fraction estimated as the Net Motor Vehicle Capacity Reduction for the Alignment Option divided by the Total Corridor Motor Vehicle Capacity.
- L. Light Rail Transit Corridor means Metro's Mobility Corridor #2 (Portland-Tigard-Tualatin), which includes the following four auto routes: 99W/Barbur, I-5, Boone's Ferry/Macadam Avenue, and Terwilliger/Capitol Highway/Bridgeport Village. The capacity of the Corridor was estimated using a combination of the Regional Land Information System (RLIS), and the Metro Transportation Model.
- M. Reduced Motor Vehicle Capacity means for a Critical Intersection the amount that the Motor Vehicle Capacity of the Critical Intersection is reduced when an Alignment Option is introduced, and for an Existing Roadway means the maximum Reduced Motor Vehicle Capacity among all the Critical Intersections for such Existing Roadway that were analyzed by the Traffic Engineer.
- N. Reduced Future Motor Vehicle Capacity of Unused Public ROW shall be the area of Unused Public ROW that could reasonably be used for a future roadway, excluding any required sidewalks or a bicycle facility that is otherwise used for an Alignment Option.
- O. Roadway Conversion Map means one or more maps reasonably portraying each Alignment Option the general location and vehicular lanes on Existing Roadways that would no longer be available or added for general public traffic if such Alignment Option was constructed.
- P. Standard Practices means the use of assumptions, data, and methodologies to estimate the factors described in this Section, taking into account the definitions and provisions described in this Section and the conceptual designs and available information at the time the Authorization Ordinance is submitted to the voters, as reasonably determined by a Traffic Engineer. Revisions to the Alignment Options or other data or assumptions subsequent to voter approval of an Authorization Ordinance shall not nullify the

reasonableness of the Standard Practices or the conclusions in the Traffic Engineer's Report prepared for the Authorization Ordinance.

- Q. Total Corridor Motor Vehicle Capacity means the aggregate total Motor Vehicle Capacity of the routes comprising the Corridor as defined by Metro's Mobility Corridor #2 (Portland-Tigard-Tualatin), which includes the following four auto routes: 99W/Barbur, I-5, Boones Ferry/Macadam Avenue, and Terwilliger/Capitol Highway/Bridgeport Village.
- R. Traffic Engineer means a Professional Engineer licensed in Oregon and specializing in traffic engineering.
- S. Traffic Engineer Report means a report signed and sealed by a Traffic Engineer in conformance with this Section. The estimates in the Report shall be based on Standard Practices. Any revisions subsequent to an approval of an Authorization Ordinance to alignments, designs, data, assumptions, or any other information used to prepare the Report following approval of an Authorization Ordinance shall not invalidate the approval of the Authorization Ordinance. The Report shall be posted on a website prepared or caused to be prepared by the City of Tigard.
- T. Unused Public ROW Map means one or more maps reasonably portraying for each Alignment Option the general location and extent of ROW that potentially could be used to add Motor Vehicle Capacity that adds system capacity that may be influenced by the Alignment Option.

3. General Provisions

- A. The factors described in this Code Section shall be based on information available at the time the Authorization Ordinance is submitted to the voters, and shall be estimated for all Alignment Options.
- B. If approved, the Authorization Ordinance shall not be invalidated by any future changes to the Alignment Options, data, assumptions or other pertinent information.

4. Traffic Engineer's Report

- A. No later than 90 days prior to an election date for an Authorization Ordinance, a Traffic Engineer's Report shall be prepared by a Traffic Engineer documenting the following for each Alignment Option:
 - a. A Roadway Conversion Map based on the conceptual design for Alignment Option at the time the Authorization Ordinance is submitted to the voters. The Conversion Map shall portray for Existing Roadways the general location and extent of vehicular through lanes and vehicular turn lanes that are converted or added for use by Light Rail Transit.
 - b. An Unused Public ROW Map, based on the conceptual design for Alignment Option at the time the Authorization Ordinance is submitted to the voters, portraying the general location and extent of Unused Public ROW used for Light Rail Transit that

otherwise potentially could provide additional Motor Vehicle Capacity at a future date.

- c. For each Existing Roadway having its Motor Vehicle Capacity reduced by the Alignment Option the following will be estimated:
 - i. Motor Vehicle Capacity at each Critical Intersection without the Alignment Option;
 - ii. Motor Vehicle Capacity at each Critical Intersection with the Alignment Option;
 - d. The following will be estimated:
 - i. Net Motor Vehicle Capacity Reduction;
 - ii. Percentage Reduction in Total Corridor Motor Vehicle Capacity;
 - iii. Reduced Future lane miles that would result in added Motor Vehicle Capacity using Unused Public ROW;
- B. In preparing the Traffic Engineer's Report, the Traffic Engineer shall employ the methodologies described herein and shall use Standard Practices for identifying other assumptions, data, and methodologies as the Traffic Engineer reasonably determines are necessary or desirable for the required analyses.
- C. The Traffic Engineer's Report shall be signed and sealed by a Traffic Engineer.
- D. The Traffic Engineer's Report shall be posted on a website hosted by the City of Tigard.

5. Methodology to Estimate Motor Vehicle Capacity Impacts

- A. For each Alignment Option, the Traffic Engineer shall estimate the Motor Vehicle Capacity and Reduced Motor Vehicle Capacity of an Existing Roadway as follows:
 - a. The Traffic Engineer shall identify Critical Intersections in the Corridor that have a potential for capacity to be reduced by Light Rail Transit.
 - b. The Motor Vehicle Capacity of a Critical Intersection shall be estimated in the Critical Direction during the Peak Hour on an average weekday under prevailing roadway, traffic, and control conditions; as reasonably estimated by a Traffic Engineer using Standard Practice.
 - c. For each Critical Intersection, the Traffic Engineer shall reasonably estimate the Motor Vehicle Capacity under No-Build condition (i.e.; without the Alignment Option) and under Build conditions (i.e.; with the Alignment Option). Motor Vehicle Capacity estimated for the future Build (with the Alignment Option) shall take into consideration the capacity made available for auto travel by the removal of on-street buses in favor of the Light Rail Transit Vehicles that would operate on separated rights-of-way with the Alignment Option.

- d. The Reduced Motor Vehicle Capacity of a Critical Intersection shall be estimated as the difference between the Motor Vehicle Capacity of the critical movement at the Critical Intersection without the Alignment Option and the Motor Vehicle Capacity of the critical movement at the Critical Intersection with the Alignment Option.
 - e. The Reduced Motor Vehicle Capacity of an Existing Roadway shall be estimated as the range of Reduced Motor Vehicle Capacity at the Critical Intersections for such Existing Roadway analyzed by the Traffic Engineer. These are not additive.
- B. The Traffic Engineer shall estimate the Percentage Reduction in Roadway Capacity for each Alignment Option as follows:
- a. The Traffic Engineer shall estimate Total Corridor Motor Vehicle Capacity as follows: The distinct parallel continuous roadway routes within Metro's Mobility Corridor #2 will be identified and their capacity will be estimated using the Metro Transportation Model. For routes where more specific traffic analysis is available, this information will be used. The Total Capacity will be the sum of the motor vehicle capacities of the Corridor roadway routes in Exhibit A-1.
 - b. The Traffic Engineer shall estimate Percentage Reduction in Corridor Motor Vehicle Capacity as the fraction resulting from dividing the Net Motor Vehicle Capacity Reduction for the Alignment Option by the Total Motor Vehicle Corridor Capacity.

6. Methodology to Estimate Unused Public ROW Impacts

- A. Unused Public ROW Conversion Map shall be provided by the Traffic Engineer. The map and data shall also show the general location and extent of Unused Public ROW that could be used for additional Motor Vehicle Capacity, based on the conceptual designs and available information at the time the Authorization Ordinance is submitted to the voters.
- B. For each Alignment Option, the Traffic Engineer, using reasonable professional judgment in the absence of any available roadway plans or designs for such Unused Public ROW, shall identify the Unused Public ROW that potentially can be used for future Motor Vehicle Capacity improvement given any upstream or downstream capacity constraints, environmental concerns, or unreasonable financial constraints that may be physically or functionally related to the Unused Public ROW.
- C. In addition, the Traffic Engineer shall create a table describing the potential lane miles of Unused Public ROW excluding any sidewalks, bicycle or other code related facilities that is otherwise used by an Alignment Option. The table shall report the percent change in lane miles of Unused Public ROW, compared to the existing Metro Mobility #2 Corridor lane miles. Unused Public ROW that is identified to not be reasonably utilizable for a future roadway by a Traffic Engineer, using Standard Practices, shall be deemed to have no future motor vehicle capacity.