



TUALATIN CITY COUNCIL MEETING

MONDAY, FEBRUARY 26, 2024

TUALATIN CITY SERVICES
10699 SW HERMAN ROAD
TUALATIN, OR 97062

Mayor Frank Bubenik
Council President Valerie Pratt
Councilor Maria Reyes Councilor Bridget Brooks
Councilor Christen Sacco Councilor Cyndy Hillier
Councilor Octavio Gonzalez

To the extent possible, the public is encouraged to watch the meeting live on local cable channel 28, or on the City's website.

For those wishing to provide comment during the meeting, there is one opportunity on the agenda: Public Comment. Written statements may be sent in advance of the meeting to Deputy City Recorder Nicole Morris up until 4:30 pm on Monday, February 26. These statements will be included in the official meeting record, but not read during the meeting.

For those who would prefer to make verbal comment, there are two ways to do so: either by speaking in person or entering the meeting using the zoom link and writing your name in chat. As always, public comment is limited to three minutes per person.

Phone: +1 669 900 6833

Meeting ID: 861 2129 3664

Password: 18880

Link: <https://us02web.zoom.us/j/86121293664?pwd=SS9XZUZyT3FnMk5rbDVKN2pWbnZ6UT09>

Work Session

- 1. 6:30 p.m. (30 min) – Council Meeting Agenda Review, Communications & Roundtable.** Council will review the agenda for the February 26 City Council meeting and brief the Council on issues of mutual interest. Council will appoint 3 members to a sub-committee to review Council Rules.

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Pledge of Allegiance

Public Comment

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

Consent Agenda

The Consent Agenda will be enacted with one vote. The Mayor will ask Councilors if there is anyone who wishes to remove any item from the Consent Agenda for discussion and consideration. If you wish to request an item to be removed from the consent agenda you should do so during the Citizen Comment section of the agenda.

- [1.](#) Consideration of Approval of the Work Session and Regular Meeting Minutes of February 12, 2024
- [2.](#) Consideration of Approval of Liquor License Renewals for 2024
- [3.](#) Consideration of **Resolution No. 5753-24** Increasing the Tualatin River Greenway Trail Extension Project Change Order Authorization Amount
- [4.](#) Consideration of **Resolution Nos. 5754-24, 5755-24, 5756-24, and 5757-24** Accepting Grant Funds for Traffic Safety Enforcement through Oregon Impact
- [5.](#) Consideration of **Resolution No. 5758-24** Exempting Specific Affordable Housing Developments From Property Taxes
- [6.](#) Consideration of **Resolution No. 5759-24** Awarding a Design-Build Contract for Replacement of the Juanita Pohl Center Siding

Special Reports

- [1.](#) Outside Agency Grant Awardee- Neighbors Nourishing Communities
- [2.](#) Presentation of the Tualatin Planning Commission Annual Report for 2023

General Business

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

- [1.](#) Recycling Modernization Act - Informational Overview
- [2.](#) Planning Division's Short-Term Code Update Bundle (PTA 24-001)
- [3.](#) Stafford Area Update

Items Removed from Consent Agenda

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

Council Communications

Adjournment

Meeting materials, including agendas, packets, public hearing and public comment guidelines, and Mayor and Councilor bios are available at www.tualatinoregon.gov/council.

Tualatin City Council meets are broadcast live, and recorded, by Tualatin Valley Community Television (TVCTV) Government Access Programming. For more information, contact TVCTV at 503.629.8534 or visit www.tvctv.org/tualatin.

In compliance with the Americans with Disabilities Act, this meeting location is accessible to persons with disabilities. To request accommodations, please contact the City Manager's Office at 503.691.3011 36 hours in advance of the meeting.



CITY OF TUALATIN
Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Nicole Morris, Deputy City Recorder
DATE: February 26, 2024

SUBJECT:
Consideration of Approval of the Work Session and Regular Meeting Minutes of February 12, 2024

RECOMMENDATION:
Staff respectfully recommends the Council adopt the attached minutes.

ATTACHMENTS:

- City Council Work Session Meeting Minutes of February 12, 2024
- City Council Regular Meeting Minutes of February 12, 2024



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL WORK SESSION FOR FEBRUARY 12, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, and Councilor Octavio Gonzalez

Absent: Councilor Bridget Brooks

Mayor Bubenik called the meeting to order at 6:00 p.m.

1. Basalt Creek Park Update.

Parks and Recreation Director Ross Hoover and Parks & Planning Manager Rich Mueller provided an update on the Basalt Creek Park. Director Hoover stated the City acquired land for parks and trails near Plambeck Gardens and Autumn Sunrise near Boones Ferry Road. He emphasized the park's potential to connect people to nearby areas and public transportation, highlighting features such as trails, bus stops, an 8-foot path, and seating areas. Additional future amenities being considered include picnic shelters, play structures, community gardens, and native habitat areas.

Councilor Pratt expressed her appreciation for the work considered and other projects finished.

Councilor Sacco commended the grass and wildflower mixture.

Councilor Hillier inquired about the possibility of an off-leash dog park. Director Hoover explained that the idea came up during the engagement process led by Rich Mueller, reflecting residents' and business owners' interest in having spaces for off-leash dog activities.

Mayor Bubenik raised concerns about the width of the path, particularly in relation to accessibility for people in wheelchairs, echoing feedback from the Aging Task Force. Manager Mueller explained that while regional trails typically have a width of 12 feet, the current standard for connecting areas is 8 feet.

City Manager Sherilyn Lombos stated that the project would return to the consent agenda for the design and construction contract at the next Council Meeting, with funding provided by ARPA money.

Councilor Gonzalez inquired about water conservation measures. Director Hoover mentioned plans to upgrade irrigation systems with new, smart controllers.

2. Government Affairs & Lobbying Services Discussion.

Deputy City Manager Megan George presented information on government affairs and lobbying services, aiming to define the scope of services desired by the Council. She outlined the current landscape, where Tualatin is already part of member organizations providing advocacy for cities but lacks specific representation. Manager George stated Council members and staff currently handle funding requests, track legislative issues, and advocate when resources allow. She stated the city has allocated \$100,000 in the FY 2023-2024 budget for government affairs and

lobbying services. Manager George consulted with staff from neighboring cities like Wilsonville, Happy Valley, and Tigard, finding various approaches including dedicated city staff positions, shared responsibilities among staff, or hiring lobbying firms. She provided a list of firms offering these services.

Manager George explained possible services are categorized into six groups, applicable at both state and federal levels: developing legislative priorities, building relationships, facilitating development of project funding asks, bill and issue tracking, advocating for legislative priorities, and communicating progress. She stated the estimated cost for comprehensive support across all categories at both levels is \$150,000-175,000 annually, surpassing the current \$100,000 budget. Manager George explained after internal discussions, priority was given to all state-level categories except advocating for legislative priorities, and only building relationships and facilitating development of project funding asks at the federal level. She stated next steps involve establishing timelines, with the issuance of a Request for Proposals (RFP) scheduled for February 21st, a pre-proposal meeting on February 28th, RFP closure on March 20th, committee review of proposals from March 21-29th, interviews conducted from April 1-5th, and contract awarding on April 15th.

Councilor Pratt inquired about the potential rollover of allocated funds for the current fiscal year since the contract award would occur after the legislative session ends. Manager George stated rollover is possible.

Councilor Sacco voiced concern about ensuring measurable outcomes for the invested funds.

Councilor Pratt emphasized the importance of focusing on state-level advocacy, noting its direct impact on the city. She highlighted the value of insider information and expertise in navigating state-level affairs.

Councilor Hillier highlighted the critical nature of building and maintaining relationships at both state and federal levels, particularly given term limits within the city council. She questioned the removal of advocating for legislative priorities from the list of priorities. Manager George responded that while advocacy is already happening to some extent, the contract could enhance these efforts if necessary.

Councilor Sacco inquired about the flexibility of the contract, asking whether it would allow for shifting focus as needed. Manager George clarified that the contract would outline specific services at a flat fee, with the city providing direction within that framework.

Mayor Bubenik shared his belief that categories two, three, and six could provide significant value, especially at the federal level. He cited a successful example from Sherwood, where a lobbying firm helped secure \$3 million in road projects.

Councilor Gonzalez agreed with Councilor Hillier on the importance of bridging gaps in relationships as council members come and go due to term limits.

Mayor Bubenik asked the Council to prioritize which categories they believe are most important.

Councilor Hillier suggested that the City Council could establish priorities to streamline the list of services.

Manager George mentioned that other cities involve both council members and staff in developing priorities and seek input from lobbying firms before finalizing them.

Council consensus was reached to prioritize category one for state-level advocacy and categories two, three, and six for both state and federal levels.

Mayor Bubenik suggested adding PacWest and GPI to the list of firms in the RFP.

Councilor Sacco and Councilor volunteered to sit on the RFP committee.

3. Council Meeting Agenda Review, Communications & Roundtable.

Councilor Sacco stated she attended the IDEA Committee Meeting.

Council President Pratt stated she attended the Tualatin Moving Forward Bond celebration, the ODOT Tolling meeting, the C4 meeting, and the Region 1 Active Transportation meeting.

Mayor Bubenik stated he attended the regional mayors meeting, the council advance, the League of Oregon Cities legislative updates meeting, the Washington County Mayors meeting, and the Public Safety Coordinating Council meeting

Mayor Bubenik adjourned the meeting at 6:55 p.m.

Sherilyn Lombos, City Manager

_____ / Teresa Ridgley, Recording Secretary

_____ / Frank Bubenik, Mayor



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR FEBRUARY 12, 2024

Present: Mayor Frank Bubenik, Council President Valerie Pratt, Councilor Maria Reyes, Councilor Cyndy Hillier, Councilor Christen Sacco, and Councilor Octavio Gonzalez

Absent: Councilor Bridget Brooks

7:00 P.M. CITY COUNCIL MEETING

Call to Order

Mayor Bubenik called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Announcements

1. Employee of the Year

City Manager Sherilyn Lombos recognized Employee of the Year, Charlie Rollins.

Public Comment

None.

Consent Agenda

Motion made by Council President Pratt, Seconded by Councilor Sacco.

Voting Yea: Mayor Bubenik, Council President Pratt, Councilor Reyes, Councilor Hillier, Councilor Sacco, Councilor Gonzalez

MOTION PASSED

1. Consideration of Approval of the Work Session and Regular Meeting Minutes of January 8 and January 22, 2024
2. Consideration of **Resolution No. 5752-24** Awarding a Contract for Cured In Place Plastic (CIPP) Pipe Relining Services to Insituform Technologies, LLC

Special Reports

1. Tualatin Park Advisory Committee Annual Report

Tualatin Parks Advisory Committee (TPARC) Chair Emma Gray and member Beth Dittman presented the annual report, highlighting the committee's accomplishments over the past year. They reported attending 23 meetings, participating in 11 activities, and volunteering a total of 357 hours. The committee's focus was on stewardship and enhancement of community parks.

They provided an overview of the current committee members and discussed various subjects covered throughout the year, including the Parks Bond, diversity, equity, and inclusion initiatives, sustainability and climate action efforts, and collaboration with other committees. For 2024 TPARC outlined their goals, which include furthering sustainability initiatives, supporting parks and bond utility fee projects, and continuing to promote diversity, equity, and inclusion within the community.

Councilor Sacco expressed gratitude for the committee's efforts, noting how Tualatin's designations as a Tree City and Bee City align with the City's Climate Action Plan.

Council President Pratt thanked the committee for their work and sought clarification on the completion timeline for Little Wood Rose Park. Parks and Planning Manager Rich Mueller explained the project is currently in the construction design phase, with construction expected to follow in the upcoming budget cycle.

Council President Pratt asked for clarification on the utility fees assessment. Chair Gray explained the City owns various types of buildings, and an audit will help gain a better understanding of how these facilities can be utilized to achieve the goals outlined in the Parks Master Plan moving forward.

2. Outside Agency Grant Awardee- Family Justice Center

Family Justice Center Director Rachel Schulze and Board Member Judy Willey discussed how grant funding received from the City was utilized to provide services. They highlighted their collaborative approach, involving twenty other organizations to offer support to domestic and sexual violence victims and their children. They expressed plans to extend services to child abuse victims as well. In 2023, they noted a 25% increase in survivors served and a 20% increase in services provided, surpassing the 10,000 mark. Their collaboration with various organizations streamlines access to services for survivors, consolidating support into one location instead of requiring them to visit multiple places. However, residents in unincorporated/rural areas have limited access to resources. To address this, Family Justice Center has partnered with Ride Connection to assist these individuals in reaching their facility.

It was noted residents in Tualatin received 105 services, despite it being one of the farther away locations. To enhance accessibility, Family Justice Center will expand in October. They have acquired a property in an area with better access to public transit, in the Tanasbourne/Amber Glen/Walker Road area near Hillsboro. The new center, named Family P Center, will offer child abuse support and a forensic clinic.

Council President Pratt asked if transportation is provided if someone from Tualatin needs services. Director Schulze confirmed that transportation assistance is provided when someone from Tualatin calls for help. She stated they utilize services like Ride Connection or Uber/Lyft to ensure survivors can access the support they need.

Council Communications

Council President Pratt proposed forming a subcommittee to address acceptable behaviors within the Council and review the rules. Councilor Sacco, Councilor Reyes, and Councilor Hillier expressed support. Councilor Sacco emphasized the importance of collaboration and creating a safe space for everyone to be heard. Councilor Reyes agreed, suggesting it should also be a brave space where individuals feel empowered to speak up. Councilor Hillier expressed support and

willingness to participate in the committee. Mayor Bubenik suggested waiting until Councilor Brooks returns to finalize the committee's composition.

Councilor Hillier congratulated the Tualatin Robotics Team and Dance Teams for their recent victories.

Mayor Bubenik stated the City of Wilsonville is seeking Tualatin's support for SB1572, which aims to extend the Westside Express Service (WES) to Wilsonville and Salem, and to bring attention to this issue in the State Legislature. Council consensus was reached to add Tualatin's support to the letter advocating for this extension.

Mayor Bubenik highlighted the funding challenges facing the Washington County justice system. He stated the strain on the system has prompted a request for city support in the form of a letter to be shared at the upcoming short legislative session. Council consensus was reached to direct City Manager Lombos to draft a letter addressing the funding crisis.

Adjournment

Mayor Bubenik adjourned the meeting at 7:50 p.m.

Sherilyn Lombos, City Manager

_____ / Teresa Ridgley, Recording Secretary

_____ / Frank Bubenik, Mayor



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Nicole Morris, Deputy City Recorder

DATE: February 26, 2024

SUBJECT:

Consideration of Approval of Liquor License Renewals for 2024

RECOMMENDATION:

Staff respectfully recommends the Council approve endorsement of the liquor license renewals for 2024 as listed in Attachment A.

EXECUTIVE SUMMARY:

Annually, the Oregon Liquor Control Commission (OLCC) requires that all liquor licenses are renewed. According to the provisions of City Ordinance No. 680-85, establishing procedures for liquor license applicants, applicants are required to fill out a City application form, from which a review by the Police Department is conducted according to standards and criteria established in the Ordinance. The liquor license renewal applications are in accordance with all ordinances and the Police Department has conducted reviews of the applications.

According to the provisions of Section 5 of Ordinance No. 680-85 a member of Council or the Public may request a public hearing on any of the liquor license renewal requests. If such a public hearing request is made, a hearing will be scheduled and held on the license. It is important that any request for such a hearing include reasons for said hearing.

FINANCIAL IMPLICATIONS:

A renewal fee of \$35 has been paid by each applicant.

ATTACHMENTS:

-Attachment A- Liquor License Renewals 2024

2024 Liquor License Renewals- 02.26.2024

60's Café & Diner / 60's Café & Restaurant LLC
7-Eleven Store #23726 / Rabia Enterprises Inc.
Anthony Vince Nail Spa / AV Nail Spa Bridgeport Village LLC
At The Garages Eatery & Taphouse / Big Stage Productions LLC
Bay Club Oregon / DDR Partners Inc.
Boones Ferry Chevron / Virk Petroleum Lake Oswego LLC
Brix Tavern / Brix Tavern South LLC
Buffalo Wild Wings #3574 / Wingmen V LLC
C.I. Bar & Grill / Jack D LLC
Choza PDX / Choza PDX LLC
Claim Jumper Restaurant / 16537 Tualatin LLC
Dave's Hot Chicken / JCK Birdz LLC
Doja Tea Lounge / 5 Flavors LLC
Dotty's #13 / Oregon Restaurant Services Inc.
El Sol de Mexico / Jose Angel Guitron
Elks Lodge #2780 – Tualatin Valley / Elks Lodge #2780
Famous Dave's BBQ / NY Town Partners
Fiasco Enterprises / Fiasco Enterprises Inc.
Fred Meyer #393 / Fred Meyers Stores Inc.
G-Man Brewery / Gman LLC
G-Man Sports Bar / Mexicali Express Inc.
Granny's Deli / All-In Deli LLC
Island Grill / Fore-Sight Balboa LLC
Lee's Kitchen / Ye Li Investment Inc.
Marquis Community Center / Tualatin LTC Properties II LLC
New Season Market / New Seasons Market LLC
Pastini Pastaria / Pastini Bridgeport LLC
PF Chang's China Bistro / PF Chang's China Bistro Inc.
Plaid Pantry #160 / Plaid Pantries Inc.
Planet Express Shipping / Planet Express Shipping LLC
Red Robin Gourmet Burgers and Brews / Red Robin International Inc.
Rosie's Kitchen / Jose Luis Alfaro
Royal Panda / China King Inc.
Shake Shack #1477 / Shake Shack Oregon LLC
Stafford Hills Club / Stafford Hills Mgmt. Co. LLC
Straightaway / Bottle & Press LLC
Sushi Hana / Lake Hana LLC
Tanaka / Tanaka Tigard LLC
The Grand Hotel at Bridgeport / The Tualatin Group Hotel Co. LLC
Three Mermaids Public House / Kat's Ladle LLC
Tualatin Chevron / Sapphire Petroleum Inc.
Tualatin Country Club / Tualatin Country Club
Tualatin Gas And Food / BR&SM Inc.
Tualatin Indoor Soccer / Tualatin Indoor Soccer LLC
Tualatin Liquor / Vance Burghard Inc.
Tualatin Station Bar & Grill / Joanne's Place LLC
Walgreens #09625 / Walgreen co.



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Ross Hoover, Parks and Recreation Director
Rich Mueller, Parks Planning and Development Manager

DATE: February 26, 2024

SUBJECT:

Consideration of **Resolution No. 5753-24** Authorizing Increasing Tualatin River Greenway Trail Extension Construction Project Change Order Authorization Amount.

RECOMMENDATION:

Staff recommends approval of Resolution No. 5753-24.

EXECUTIVE SUMMARY:

The City received grant funds for an extension of the Tualatin River Greenway Trail from the State of Oregon Department of Transportation, Oregon Community Paths Grant Program and Washington County, Major Street Transportation Improvement Program Opportunity Fund. This project is in the adopted City Trail Plan, and will provide safe off street crossing under Highway 99W (Pacific Highway) for pedestrians and bikes. The trail extension will run from City property on Hazelbrook Road, west under Highway 99W, across Roamers Rest RV Park and connect to the existing trail at River Ridge Apartments.

To minimize impact to Roamers Rest RV Park, construction of the trail on the RV property was scheduled for the winter months. Since the project began December 2023, the region has experienced higher than normal precipitation and a high river water level. Due to these factors, the soil in the trail project area is saturated to the point that additional subsoil base rock and drainage system is needed. Engineering and geotechnical consultants have designed the solution, and the construction contractor provided cost for the additional work to stabilize and provide a sustainable trail surface for community use. This was an unexpected issue, occurring below the trail surface.

OUTCOMES OF DECISION:

Adopting the resolution and authorizing the change order authorization amount would allow construction of this work to proceed on the required grant schedule as part of the existing contract.

FINANCIAL IMPLICATIONS:

Funds for this project are available in parks project funds.

ATTACHMENTS:

Resolution No. 5753-24

RESOLUTION NO. 5753-24

A RESOLUTION INCREASING TUALATIN RIVER GREENWAY TRAIL
EXTENSION CONSTRUCTION PROJECT CHANGE ORDER AUTHORIZATION
AMOUNT

WHEREAS, on October 23, 2023 Council Resolution 5731-23 authorized the City Manager to execute a contract with Brown Contracting, Inc. after a competitive bid process in the amount of \$738,423 for the construction of the Tualatin Greenway Trail Extension;

WHEREAS, Section 3 of Resolution 5731-23 authorized the City Manager to execute change orders totaling up to 15% of the original contract amount;

WHEREAS, the City and Brown Contracting executed an agreement to construct the extension of the Tualatin River Greenway Trail on October 27, 2023;

WHEREAS, both the City with design consultants and Brown Contracting, Inc. reasonably assumed upon execution of agreement the subsoil conditions were suitable for trail construction; however, upon further investigation design consultants determined the soil water saturation required additional base rock and drainage;

WHEREAS, additional subgrade rock and drainage work is required to ensure trail stability and sustainability for safe community use;

WHEREAS, Brown Contracting, Inc. determined that it will cost an additional \$225,000 for added subgrade rock and drainage system, and submitted Change Order Request information reflecting the same;

WHEREAS, there are funds budgeted for this work in park project funds; and

WHEREAS, Brown Contracting is scheduled to begin this work immediately due to grant schedule requirements, and open to the public as required by the State of Oregon Community Paths Program Grant Agreement.

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

Section 1. The City Manager or designee is authorized to execute Change Orders totaling up to 50% of the original contract amount authorized on October 23, 2023.

Section 2. The City Manager or designee is authorized to execute any and all documents necessary to effectuate change orders.

Section 3. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of February, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

APPROVED AS TO FORM

BY _____
City Attorney



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Greg Pickering, Chief of Police
DATE: February 26, 2024

SUBJECT: Resolutions Accepting Grant Funds For Traffic Safety Enforcement Through Oregon Impact.

EXECUTIVE SUMMARY:

The attached are resolutions to accept grant funds from Oregon Impact for the purpose of traffic safety enforcement in several areas.

- Oregon Impact awarded the City of Tualatin \$5,000.00 in grant funds for DUII Enforcement specific patrols at designated high incidence windows for impaired driving;
- Oregon Impact awarded the City of Tualatin \$22,000.00 in grant funds for Speed Enforcement;
- Oregon Impact awarded the City of Tualatin, \$7,500.00 in grant funds for PSE operations overtime;
- Oregon Impact awarded the City of Tualatin \$10,000.00 in grant funds for Distracted Driving Enforcement;

The Police Department has partnered with Impact Oregon and the Oregon Department of Transportation for many years through grant funding to pay for additional enforcement efforts to keep the motoring public safe. Oregon Impact provides programs to ensure that our children are riding safely on our roadways, teens understand the consequences of impaired and distracted driving, and the adults in their lives are given the tools to guide them.

ATTACHMENTS:

- **RESOLUTION 5754-24 – DISTRACTED DRIVING ENFORCEMENT**
- **RESOLUTION 5755-24 – DUII ENFORCEMENT**
- **RESOLUTION 5756-24 – SPEED ENFORCEMENT**
- **RESOLUTION 5757-24 – PEDESTRIAN SAFETY ENFORCEMENT**

RESOLUTION NO. 5754-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH OREGON IMPACT FOR DISTRACTED DRIVING ENFORCEMENT

WHEREAS, Oregon Impact awarded the City of Tualatin \$10,000.00 in grant funds for Distracted Driving Enforcement;

WHEREAS, the City will receive \$10,000.00 in specific purpose revenues from Oregon Impact to be used for Distracted Driving Enforcement throughout the year, and especially during the month of April 2024 in coordination with Distracted Driving Awareness Month; and

WHEREAS, the City of Tualatin desires to participate in this grant program to provide a safe community.

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

Section 1. The City Manager, or designee, is authorized to execute the grant agreement with Oregon Impact for Distracted Driving Enforcement, and make amendments, as needed. The City Manager, or designee, is further authorized to create and implement programmatic policies as needed or required to implement the intent of the grant agreement.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of February, 2024.

CITY OF TUALATIN, OREGON

BY _____

Mayor

APPROVED AS TO FORM

ATTEST:

BY _____

City Attorney

BY _____

City Recorder

RESOLUTION NO. 5755-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH OREGON IMPACT FUNDING OVERTIME FOR DRIVING UNDER THE INFLUENCE OF INTOXICANTS (DUI) ENFORCEMENT

WHEREAS, Oregon Impact awarded the City of Tualatin \$5,000.00 in grant funds for DUI Enforcement specific patrols at designated high incidence windows for impaired driving;

WHEREAS, the City will receive \$5,000.00 in specific purpose revenues from Oregon Impact to be used for two (2) NHTSA pre-determined DUI High Visibility Enforcement national events that Tualatin Police Department has agreed to participate in; and

WHEREAS, the City of Tualatin desires to participate in this grant program to provide a safe community.

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

Section 1. The City Manager, or designee, is authorized to execute the grant agreement with Oregon Impact for additional funds for DUI Enforcement, and make amendments, as needed. The City Manager, or designee, is further authorized to create and implement programmatic policies as needed or required to implement the intent of the grant agreement.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of February, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

APPROVED AS TO FORM

ATTEST:

BY _____
City Attorney

BY _____
City Recorder

RESOLUTION NO. 5756-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH OREGON IMPACT FOR SPEED ENFORCEMENT HIGH VISIBILITY EVENTS

WHEREAS, Oregon Impact awarded the City of Tualatin \$22,000.00 in grant funds for Speed Enforcement;

WHEREAS, the City will receive \$22,000.00 in specific purpose revenues from Oregon Impact to be used for speed enforcement throughout the year and especially during the months of March 2024 and September 2024; and

WHEREAS, the City of Tualatin desires to participate in this grant program to provide a safe community.

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

Section 1. The City Manager, or designee, is authorized to execute the grant agreement with Oregon Impact for Speed Enforcement, and make amendments, as needed. The City Manager, or designee, is further authorized to create and implement programmatic policies as needed or required to implement the intent of the grant agreement.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of February, 2024.

CITY OF TUALATIN, OREGON

BY _____

Mayor

APPROVED AS TO FORM

ATTEST:

BY _____

City Attorney

BY _____

City Recorder

RESOLUTION NO. 5757-24

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A GRANT AGREEMENT WITH OREGON IMPACT FOR PEDESTRIAN SAFETY ENFORCEMENT (PSE) OPERATIONS OVERTIME

WHEREAS, Oregon Impact awarded the City of Tualatin, \$7,500.00 in grant funds for PSE operations overtime;

WHEREAS, the City will receive \$7,500.00 in specific purpose revenues from Oregon Impact to be used to conduct pedestrian safety enforcement operations; and

WHEREAS, the City of Tualatin desires to participate in this grant program to provide a safe community.

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

Section 1. The City Manager, or designee, is authorized to execute the grant agreement with Oregon Impact for PSE operations, and make amendments, as needed. The City Manager, or designee, is further authorized to create and implement programmatic policies as needed or required to implement the intent of the grant agreement.

Section 2. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of February, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

BY _____
City Recorder

APPROVED AS TO FORM

BY _____
City Attorney



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Don Hudson, Assistant City Manager/Finance Director
DATE: February 26, 2024

SUBJECT:

Resolution No 5758-24 Exempting Specific Affordable Housing Developments From Property Taxes

RECOMMENDATION:

Staff recommends the City Council approve the attached resolution.

EXECUTIVE SUMMARY:

In April 2022, the City Council adopted an ordinance creating Tualatin Municipal Code (TMC) 14-01, Nonprofit Corporation Low-Income Housing Tax Exemptions. TMC 14-01-020 lays out the criteria that a nonprofit corporation providing low-income housing needs to meet in order to be eligible for a property tax exemption. Criteria includes that the property be owned by a corporation described in Section 501(c)(3) or (4) of the Internal Revenue Code that is exempt from income taxation under Section 501(a) of the Internal Revenue Code; the property is occupied by low-income persons, or held for the purpose of future development as low-income housing; and the exemption is approved by the City Council.

Community Partners for Affordable Housing (CPAH) has submitted an application for exemption of property taxes for the Plambeck Gardens development at 23655 SW Plambeck Terrace in Tualatin (Property Account ID R1136023, Tax Lot 2S135D000303). The site is owned by CPAH and will be developed for use as affordable housing units. The application, which is attached to this staff report, has been reviewed by staff and it has been deemed to be in compliance with TMC 14-01.

OUTCOMES OF DECISION:

If approved by the City Council, the City of Tualatin property taxes will be abated on this property.

FINANCIAL IMPLICATIONS:

The impact on Tax Year 2024-2025 is estimated to be about \$5,000 and will increase to approximately \$10,000 (depending on values determined when developed) upon completion of the project.

ATTACHMENTS:

- Application for Property Tax Exemption for Low-Income Housing Held by Charitable, Nonprofit Organizations
- Resolution No. 5758-24

RESOLUTION NO. 5758-24

A RESOLUTION TO EXEMPT SPECIFIC AFFORDABLE HOUSING
DEVELOPMENTS FROM PROPERTY TAXES

WHEREAS, Tualatin Municipal Code (TMC) section 14-01 provides for application and consideration of non-profit corporation low-income housing project exemptions from property taxes; and

WHEREAS, the TMC requires applications for exemption be filed with the City by March 1; and

WHEREAS, on February 13, 2024, Community Partners for Affordable Housing, a qualified non-profit corporation, filed an application for property tax exemption for a new low-income housing project, and under TMC 14-01 meets all the applicable criteria for exemption; and

WHEREAS, upon review of the application, it was found that granting the exemption would be consistent with the applicable Tualatin Municipal Code and other adopted City policies;

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

Section 1. The applicant, Community Partners for Affordable Housing, qualified for the exemption set forth in Tualatin Municipal Code section 14-01

Section 2. The Assistant City Manager/Finance Director, or designee, is directed to certify to the Assessor of Washington County that the City of Tualatin agrees to the abatement of property taxes for the Plambeck Gardens development, 23655 SW Plambeck Terrace, Tualatin, OR 97062 (Property Account ID R1136023, Tax Lot 2S135D000303)

Section 2. This resolution is effective upon adoption.

ADOPTED by the City Council this 26th day of February, 2024.

CITY OF TUALATIN, OREGON

BY _____
Mayor

ATTEST:

APPROVED AS TO FORM

BY _____
City Recorder

BY _____
City Attorney



City of Tualatin

2024-2025 Property Tax Exemption Application

Property Tax Exemption Program for
Low-Income Housing Held by
Charitable, Nonprofit Organizations*

*Implementing provisions of ORS 307.540 - 548

18880 SW Martinazzi Avenue | Tualatin, Oregon 97062-7092 | 503.692.2000

Instruction

The Oregon Legislature authorizes a property tax exemption for low-income housing held by charitable, nonprofit organizations.¹ The tax exemption is intended to benefit low-income persons² and is available for qualifying property located in the City of Tualatin. Specific provisions that govern the City of Tualatin's Nonprofit Corporation Low-income Tax Exemption Program are provided in the Tualatin Municipal Code Chapter 14-01.

Application guidelines:

- Charitable, nonprofit organizations that provide housing to low-income persons are eligible.
- The organization must be certified by the Internal Revenue Services as a 501(c)(3) or 501(c)(4).
- Organizations must own or have a leasehold interest in the property. In addition, your nonprofit organization can qualify if it participates as the general partner in a limited partnership who owns the property, so long as the nonprofit organization is responsible for the day-to-day management of the property. In this case, the limited partnership must be listed as the owner.
- The site must be able to show that it will be occupied during the eligible tax year by income-eligible households.
- Vacant land intended to be developed as low-income housing is eligible for the exemption provided under this program. **The maximum period for this exemption is 3 years.**
- Applicants who are leaseholders must have a signed leasehold agreement by the March 1 application deadline.
- Applications for the exemption must be made annually. Applications for each year are due by March 1 of that year. *Applicants may also apply for the exemption for properties expected to be acquired after March 1 and before July 1 of the tax year, but the application form must be submitted within 30 days of property acquisition.*
- The application for tax exemption is for property that is, or will be, owned or leased from July 1 through June 30 of the year for which the tax exemption is requested. **If the property changes ownership between July 1 and June 30 of the year for which the tax exemption is requested, please notify the City of Tualatin of the change in the status so that the continuing eligibility of the property can be evaluated.**
- Only the residential portion of property that is used to house low-income people or property that is being held for future development as low-income housing. For example, the commercial space in a mixed-use building would not be eligible for the exemption.

¹ ORS 307.540 – 307.548.

² "Low-income persons" are individuals earning 60% or less of the area median income or 80% following one year of tenancy.

- Property may qualify for exemption of the tax levy of all taxing entities under this program when governing bodies and service districts representing 51% of the taxes levied on the property have formally agreed to the exemption.
- Any renewal application for a property that has been previously exempted from taxation will be evaluated on criteria used to grant the original exemption.

Note: Please check to see that your property or properties are located within the jurisdiction of a participating governing body. As of December 2023, the governing bodies are the City of Tualatin, Washington County, Tigard-Tualatin School District, Sherwood School District, Tualatin Valley Fire and Rescue, Metro, and Portland Community College have approved the exemption.

Who administers the program?

The City of Tualatin will administer the program but coordinates closely with the Washington County Office of Assessment and Taxation. Please contact Don Hudson at 503-691-3050 or at dhudson@tualatin.gov with questions.

How to apply?

Submit a **complete** and **accurate** application which includes **all** of the following information:

1. Complete Sections A and E for your organization. Complete Sections B, C, and D for each property for which a property tax exemption is being requested.
2. All applications must be signed and **notarized** - Notarization (Section E) is required only for each organization and application, *not each property*.
3. All applications must include a copy of IRS 501(c)(3) or (4) letter certifying your organization's eligible status. If your nonprofit organization is a general partner in a limited partnership who owns the property, the nonprofit organization must be responsible for the day-to-day management of the property. In this case, the limited partnership must be listed as the owner.
4. Applications must be digitally submitted to the City of Tualatin no later than March 1, 2024. Please note when an original hard copy may also be required.
 - If an application is **signed or notarized physically**, an original copy of the application must **also** be mailed to City of Tualatin.
 - If an application is **signed and notarized digitally**, the original copy no longer needs to be mailed to the City of Tualatin.
5. **No application fee is required to apply for this program.**

Income Eligibility Schedule

The following income eligibility schedule is to be used in determining the amount of eligible property. Only units which are intended for occupancy by households with incomes at or below these income guidelines are eligible for the exemption.

"Low-income persons" are individuals earning 60% or less of the area median income or 80% following one year of tenancy.

Housing & Urban Development Department (HUD) 2023 Income Limits				
Household Size	30%	50%	60%	80%
1	\$ 23,700	\$ 39,500	\$ 47,400	\$ 63,150
2	\$ 27,100	\$ 45,150	\$ 54,180	\$ 72,200
3	\$ 30,500	\$ 50,800	\$ 60,960	\$ 81,200
4	\$ 33,850	\$ 56,400	\$ 67,680	\$ 90,200
5	\$ 36,600	\$ 60,950	\$ 73,140	\$ 97,450
6	\$ 39,300	\$ 65,450	\$ 78,540	\$ 104,650
7	\$ 42,000	\$ 69,950	\$ 83,940	\$ 111,850
8	\$ 44,700	\$ 74,450	\$ 89,340	\$ 119,100

Note: Unoccupied housing units at the time of application may be included in the total eligible units if the applicant meets the following conditions:

- A. The units will be available exclusively to eligible low-income persons.
- B. The units are intended to be occupied within the year.
- C. The applicant must provide a written statement to the effect of A and B above and attach it to the application.

Application

Property Tax Exemption for Low-Income Housing Held By Charitable, Nonprofit Organizations

(Implementing Provisions of ORS 307.540 - 548)

(For Office Use Only)

_____, City of Tualatin, Oregon

Date Received _____

Contents

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C - Leasehold Interest in Eligible Property.....	3
D - Description of Charitable Purpose/Project Benefit.....	4
E - Declarations	5

Section A – General Information

Please check one:

☐ Original Application

☒ Renewal Application

Corporate Name: Community Partners for Affordable Housing

Address: 6380 SW Capitol Hwy Ste #151

Portland, OR 97239-2199

Telephone Number: 503-293-4038 / _____

Business

Alternate Phone

Email Address: nthornton@cpahoregon.org

Chief Executive Officer: Rachael Duke

Contact Person: Natalie Thornton

Section B - Property to be Considered for Exemption

(Sections B, C, and D must be filled out for each property for which you are requesting a tax exemption)

Owner of record: CPAH Plambeck Limited Partnership

Property Address: 23655 SW Plambeck Ter. Tualatin, OR 97062

(Physical address of the property for which you are seeking an exemption)

Property Tax Account Number(s): R1136023

Tax Lot Account Number(s): 2S135D000303

(Be sure to identify *all* account numbers for both land and improvements on the property for which you are requesting tax exemption. In some cases, land and improvements may have separate account numbers. The Property Tax Account Number(s) and the Tax lot Account Number(s) should be on your property tax statements.)

Total Number of Residential Units in Building(s): 0

Number of Residential Units Occupied by Low-income People: N/A

Total Square Feet in Building(s): N/A

Total Square Feet of Residential and Residential Common Area:⁴ N/A

Date When Exemption was First Granted for this Property: 04/2023

(For renewal applications only)

⁴ This includes halls, baths, dining, and other space dedicated to residential use. Retail uses and other accessory uses not related to residential use are not to be counted.

Section C - Eligible Property

Do you own the property in question? Yes ☒ No ☐

If you do not own the property, do you have leasehold interest in the property?

Yes ☐ No ☐

If you have an ownership interest in the property, but your organization is not the record owner, describe your interest in the property. NOTE: Your nonprofit organization *must* be responsible for day-to-day operations in order to be eligible for exemption under this program. *Include that information in your description.*

CPAH is the general partner of the limited partnership that is the owner of record. CPAH is responsible for day to day management of the property.

If you have a leasehold interest, describe your interest and include a statement describing how, as the nonprofit organization, you are obligated under the terms of the lease to pay the ad valorem taxes on this property or other contractual arrangement such that the property tax exemption benefits accrue to the nonprofit agency and the residential tenants rather than the owner or corporation from whom you lease.

N/A

If the property is being held for future low-income housing development, describe the future development (number of units, units broken out by number of bedrooms, amenities available, etc.) and the income level(s) that will be served by the future development.

The property is currently under construction. It will provide 116 units of low-income housing to residents at or below 30% to 60% AMI. There will be (54) 1-bedroom units, (40) 2-bedroom units, (16) 3-bedroom units and (6) 4-bedroom units. There will be a community room with spaces for meetings, social gatherings and play, a full-time resident services coordinator with an office on site, and an outdoor play area.

Section D - Description of Charitable Purpose/Project Benefit
(Use for multiple projects if same conditions apply)

Briefly describe your organization's charitable purpose:

To provide low income housing and social services to residents of low-income housing

Is the property being held for the purpose of developing low-income housing?

Yes X No

The holding period may not exceed three years. When did the period begin? 7/2023

Is all or a portion of the property is being used for the charitable purpose?

All X Portion

If a portion, approximately what percentage of the property?

Will the cost savings resulting from the proposed tax exemption enable you to do the following?

- a. Reduce the rents that your low-income residential tenants pay on the property in question?

Yes X No

If so, by approximately how much? \$50/month

- b. Provide greater services to your low-income residential tenants?

Yes X No

If yes, in what way(s)?

Cost savings will allow for CPAH to pay salary and overhead for service providers

- c. Provide any other benefit to your low-income residential tenants?

Yes X No

If yes, please explain.

Cost savings will allow for CPAH to invest into the ongoing upkeep of the property

If you lease the property identified in this application, please explain to what extent your lease agreement coincides with the timeframe of the qualifying tax year:

Section E – Declarations

(Please read carefully and sign below before a notary)

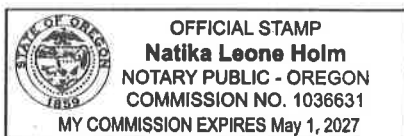
1. I have attached to this application the IRS declaration of the status of applicant as a tax-exempt corporation under 26 U.S.C. Section 501 (c)(3) or (4).
2. I am aware that the income-qualifying tenants must meet the income guidelines in accordance with 42 U.S.C. Section 1437 (a)(b)(2) as amended. (See Attachment A, Income Eligibility Schedule.) Tenant incomes do not exceed these limitations as I verily believe.
3. I am aware of all requirements for tax exemption imposed by ORS 307.540 - 307.548 (Chapter 660 Oregon Laws 1985, as amended by Chapter 756 Oregon Laws 1987) and modified by Tualatin Municipal Code (TMC) Chapter 14-01.
4. To the best of my knowledge, the above-described property or properties, qualify, or if vacant or under construction, will qualify for property tax exemption once occupancy is established.
5. I have read and understood the criteria provided in TMC 14-1-020, and I certify that the corporation meets that criterion.
6. All the information in this application is true to the best of my belief and knowledge and is for the purpose of determining eligibility for the tax exemption program authorized by ORS 307.540 - 307.548 and administered through Tualatin Municipal Code Chapter 14-01.

By: Rachael Duke
Agency Chief Executive Officer (Signature)

Rachael Duke
Agency Chief Executive Officer (Print or Type)

For: Community Partners for Affordable Housing
Corporate Name (Print or Type)

SUBSCRIBED AND SWORN to before me this 02 day of February, 2024.



Natika Leone Holm
Notary Public for Oregon (Signature)

Natika Leone Holm
Notary Public for Oregon (Print or Type Name)

My Commission Expires 05/01/2027



CITY OF TUALATIN Staff Report

To: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Bryce McKenna, Fleet and Facilities Manager
Rachel Sykes, Public Works Director

DATE: February 26, 2024

SUBJECT:

Consideration of **Resolution No. 5759-24** Awarding a Design-Build Contract for Replacement of the Juanita Pohl Center Siding.

RECOMMENDATION:

Staff recommends that Council approve the resolution awarding and allowing the City Manager to execute a design-build contract with Architectural Metal Works, Inc. to replace the Juanita Pohl Center siding in the amount of \$268,894.

EXECUTIVE SUMMARY:

Due to age and damage from woodpeckers, the Juanita Pohl Center's 35-year-old wood siding requires replacement. Metal siding offers a more cost-effective and low-maintenance alternative to wood. On October 9, 2023, the City Council granted an exemption from competitive bidding and permitted the City to issue a Request for Proposals for a design-build firm to replace the siding.

The design-build contract was advertised in the Daily Journal of Commerce on November 6, 2023. Two (2) proposals were received before the December 1, 2023 submission deadline. Architectural Metal Works, Inc. submitted the highest-ranked proposal for the project and the City has negotiated a guaranteed maximum price of \$268,894. The City has also obtained input from the Juanita Pohl Center Advisory Committee on the proposed design of the siding replacement.

Performance and Payment Bonds are ordinarily required on public improvement contracts. Such bonds are issued by a 3rd-party surety to guarantee performance of the contract and payment of subcontractors and laborers. The Council may, in accordance

with TMC 1-21-050(3), waive the requirement to obtain these bonds. In light of the project's straightforward nature and minimal risk, the Public Works Department considers the bond premiums an unnecessary expense and requests that the City Council waive the bond requirement.

OUTCOMES OF DECISION:

Adopting the resolution and authorizing contract execution would allow the Juanita Pohl Center siding to be replaced.

FINANCIAL IMPLICATIONS:

Funds for this project are available in the General Fund.

ATTACHMENTS:

Resolution No. 5759-24 Awarding Contract

RESOLUTION NO. 5759-24

A RESOLUTION AWARDING A DESIGN-BUILD CONTRACT FOR
REPLACEMENT OF THE JUANITA POHL CENTER SIDING.

WHEREAS, the above-referenced project was advertised on November 6, 2023, in the *Daily Journal of Commerce* and the City requested competitive sealed proposals as part of its capital improvement program;

WHEREAS, two (2) proposals were received prior to the December 1, 2023 submission deadline;

WHEREAS, Architectural Metal Works, Inc. submitted the highest-ranked proposal, and the City has negotiated a design-build contract with a guaranteed maximum price of \$268,894;

WHEREAS, the Public Works Department recommends that the City Council waive the requirement to obtain performance and payment bonds for this contract; and

WHEREAS, there are funds budgeted for this project in the General Fund.

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

Section 1. Architectural Metal Works, Inc. is hereby awarded a design-build contract for replacement of the Juanita Pohl Center siding.

Section 2. The City Manager is authorized to execute a contract with Architectural Metal Works, Inc. in the amount of \$268,894.

Section 3. The City Manager, or the City Manager's designee, is authorized to execute Change Orders totaling up to 10% of the original contract amount.

Section 4. Performance and Payment bonds are waived for this contract.

Section 5. This resolution is effective upon adoption.

Adopted by the City Council this 26th day of February, 2024.

ATTEST:

CITY OF TUALATIN, OREGON

BY _____
City Recorder

BY _____
Mayor



Neighbors Nourishing Communities



Why NNC? The Need is Great

“Poverty Rates Surge in the Suburbs”

PBS NewsHour January 11, 2014

“Tualatin has a poverty problem”-

Portland Tribune June 6, 2013

[“Cheap Apartments in Tualatin - Low Income Apartments in ...”](#)

Discover a wide variety of cheap apartments in ***Tualatin***. ApartmentGuide.com shows off thousands of ***low income*** apartments in ***Tualatin*** OR.”

-Ad found in Google

“Poverty in the suburbs: Hidden and growing”

Moneywatch July 23, 2013

1 in 8



More recently:

- COVID SNAP benefits have ended
- Eviction moratorium expired
- INFLATION! (Food and housing)

Neighbors Nourishing Communities

- Mission- To provide fresh, nutritious, locally-grown produce to residents in our community, particularly those that lack access due to their economic circumstances
- Methods:
 1. Home gardeners- we provide plants, seeds, instruction (gardening, cooking, preserving)
➡ for 20% or more of the produce they grow
 2. Low-income residents- we provide free garden space, plants, seeds, tools, and instruction
➡ they keep 100% of their produce
- Our program formula is simple and unique- We incentivize participation to make it sustainable and every partner in the program contributes what they can, as appropriate:

Resident gardeners (garden space, water, labor, expertise)
+ Businesses (soil, materials, merchant incentives, financial support, garden space)
+ Neighbors Nourishing Communities (organization, labor, plants, seeds, education)
+ City of Tualatin (grant support) ❤️
= Food security, Nutrition, Community-building, Fellowship in Tualatin



What We've Accomplished with your Support

- Donated over **30,000 lbs** of fresh organic produce since 2014.
- Donated produce to Tualatin Schoolhouse Pantry, Packed with Pride, Meals on Wheels, and people that have reached out to us.
- Every resident of Tualatin is offered a chance to garden with free plants, seeds, and education. 30-45 gardeners
- Supported low-income gardeners with free garden plots and tools.
- Gardening classes at the library, area schools, and the Winona Grange.
- Cooking classes at the Winona Grange.

Comments I didn't Expect to Hear

"We feel like we have more of a sense of purpose outside of our own day to day challenges, and I can't overstate how much I appreciate that."

"Can I share my garden space with others in my situation?"

"My family and I are very grateful for the opportunity to have a garden. We simply wouldn't be able to do this without the help of NNC."

"This organization is not only helping to improve the health of the environment and forge community relationships, it is empowering its volunteers to provide supplemental food for their families as well as others in need."

"It is hard to encapsulate in few words just how happy and hopeful we are about the coming months"

"I also want to give 20% of my produce to the Pantry because they've helped me."

"Due to a series of unfortunate events, my family and I have dealt with a lot of loss. We barely eek by. It can be very expensive to be poor. The garden is going to help so much! We are very excited about getting started and watching our plants grow, and we look forward to connecting in the community with our fellow gardeners, and sharing the bounty with others in need."



**We sincerely thank the
Tualatin City Council for all
the support you have given!**





CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Bill Beers, Tualatin Planning Commission Chair
Steve Koper, Assistant Community Development Director

DATE: February 26, 2024

SUBJECT:

Presentation of the 2023 Tualatin Planning Commission Annual Report

EXECUTIVE SUMMARY:

The Tualatin Planning Commission met 7 times in 2023.

- The Tualatin Planning Commission recommended:
 - Creation of the Basalt Creek Employment Zoning District and corresponding updates to Tualatin Comprehensive Plan (PTA22-0001 and PMA22-0001). The Planning Commission recommended (5-0) that the Council adopt the proposed amendments, finding them in conformance with the Tualatin Comprehensive Plan.
 - Medium- Low Density Residential (RML) and Institutional (IN) to High-Density High Rise (RH-HR) (PMA23-0001 and PTA23-0001). The Planning Commission recommended to (7-0) the Council to deny the proposed amendments.
 - Water Master Plan update and corresponding updates with the Tualatin Comprehensive Plan (PTA23-0002 and PMA23-0002). The Planning Commission recommended (5-0) to the Council to approve the proposed amendments finding them in conformance with the Tualatin Comprehensive Plan.
- The Tualatin Planning Commission did not review any quasi-judicial applications in 2023.
- The Tualatin Planning Commission worked with staff on the following topics:
 - Update to the Tualatin Planning Commission on the current status of statewide Climate Friendly and Equitable Communities rules
 - Informational presentation on Tualatin's Equitable Funding Action Plan
 - Metro Regional Transportation Plan (RTP) 2023 Update
 - Informational presentation on the Climate Action Plan (CAP)
 - Legal Training
 - Informational update on Tualatin's Housing Needs Analysis

ATTACHMENTS:

- Presentation
- Tualatin Planning Commission Annual Report (2023)



YOUR PLANNING COMMISSIONERS

Bill Beers, Chair
Janelle Thompson, Vice
Chair
Daniel Bachhuber
Ursula Kuhn
Zach Wimer
Randall Hledik
Brittany Valli



PLANNING COMMISSION ROLE

- Tualatin's official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program.
- Serves as an Advisory Committee to the City Council on land use matters by reviewing and making recommendations on comprehensive plan amendments.
- Also serves as Hearing Body to approve or deny certain quasi-judicial land use decisions (Conditional Use Permits, Variances, Industrial Master Plan, etc.)

PLANNING COMMISSION RECOMMENDATIONS

- Creation of the Basalt Creek Employment Zoning District and corresponding updates to Tualatin Comprehensive Plan (PTA22-0001 and PMA22-0001). The Planning Commission recommended (5-0) that the Council adopt the proposed amendments, finding them in conformance with the Tualatin Comprehensive Plan.
- Medium- Low Density Residential (RML) and Institutional (IN) to High-Density High Rise (RH-HR) (PMA23-0001 and PTA23-0001). The Planning Commission recommended to (7-0) the Council to deny the proposed amendments.
- Water Master Plan update and corresponding updates with the Tualatin Comprehensive Plan (PTA23-0002 and PMA23-0002). The Planning Commission recommended (5-0) to the Council to approve the proposed amendments finding them in conformance with the Tualatin Comprehensive Plan.

PLANNING COMMISSION ACTION ITEMS

- None in 2023



STAFF UPDATES TO PLANNING COMMISSION

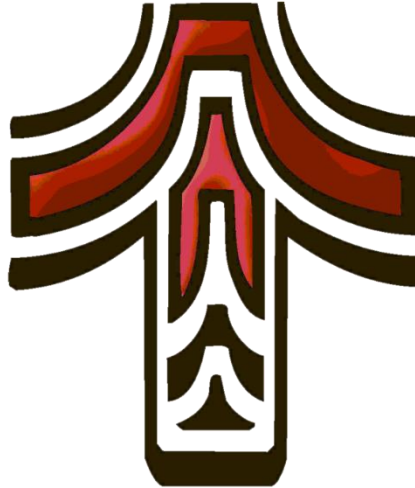
- Update to the Tualatin Planning Commission on the current status of statewide Climate Friendly and Equitable Communities rules
- Informational presentation on Tualatin's Equitable Funding Action Plan
- Metro Regional Transportation Plan (RTP) 2023 Update
- Informational presentation on the Climate Action Plan (CAP)
- Legal Training
- Informational update on Tualatin's Housing Needs Analysis



Equitable Housing Finance Plan -
Potential Actions and Impacts

QUESTIONS?





City of Tualatin

2023 ANNUAL REPORT

TUALATIN PLANNING COMMISSION

February 26, 2024

Planning Commissioners:

Bill Beers, Chair
Janelle Thompson, Vice Chair
Daniel Bachhuber
Ursula Kuhn
Randall Hledik
Zach Wimer
Brittany Valli

2023 ANNUAL REPORT OF THE TUALATIN PLANNING COMMISSION

BACKGROUND

The Tualatin Planning Commission, formerly the Tualatin Planning Advisory Committee, was established on July 26, 1976 (Ord. 1339-12 and Ord. 342-76). The Planning Commission's membership, organization and duties are prescribed in Tualatin Municipal Code Chapter 11-1. The Planning Commission is the official Committee for Citizen Involvement in accordance with Statewide Land Use Planning Goal 1, Citizen Involvement. This annual report covers activities conducted by the Planning Commission in 2022.

This report will address a section of the Tualatin Municipal Code Chapter 11-1.

11-1-080: Not later than April 1 of each year, the Commission shall file its annual report of the activities of the Commission with the City Council. The annual report shall include a survey and report of the activities of the committee during the preceding year, in addition to specific recommendations to the City Council not otherwise requested by the City Council, relating to the planning process, plan implementation measures within the City, or the future activities of the Committee. The report may include any other matters deemed appropriate by the Committee for recommendation and advice to the Council.



2023 Planning Commission

***Left to Right: Daniel Bachhuber, William Beers (Chair), Ursula Kuhn,
Brittany Valli, Zach Wimer, Janelle Thompson (Vice Chair), and Randall
Hledik***

CITIZEN INVOLVEMENT AND INPUT

The Planning Commission is Tualatin's official Committee to fulfill Goal 1: Citizen Involvement of Oregon's statewide land use planning program. The purpose of Goal 1 is to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the land use planning process. Goal 1 is specific to land use and involving citizens in land use decisions. The Planning Commission serves two functions in Tualatin's land use planning program. Their first and original function is to serve as an advisory committee to the City Council by reviewing and making recommendations on comprehensive plan amendments. Plan amendments implement policy direction and are essentially legislative decisions. The second function of the Planning Commission is decision-making authority over a specified set of quasi-judicial land use decisions. In other words, the Planning Commission has the authority to approve or deny projects tied to specific properties.

At all Planning Commission meetings, community members are given the opportunity to make comments either in writing or verbally at the public meeting prior to the Planning Commission making a recommendation to the City Council. All Planning Commission meetings regardless of the agenda items are published on the City website and notices of the meetings are posted in two different locations in City buildings. Lastly, the Planning Commission provides room on each agenda for community members to make comments related to items not on the agenda that are within the Planning Commission's purview. Additionally, the Community Development staff meets with the Citizen Involvement Organization Land Use Officers as topics arise. The purpose of the meetings is to provide updates on land use items such as projects under construction, upcoming decisions and long-range planning. These meetings are held directly before the Planning Commission meetings, and they provide a forum for CIO officers to ask questions and get more information about community development processes.

PLANNING COMMISSION MEETINGS:

In 2023, the Planning Commission met 7 times during the calendar year. 1 meeting was canceled.

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission's role as an Advisory Committee to City Council involves it making recommendations to the Council on Comprehensive Plan amendments such as Plan Map and Plan Text Changes. In 2023, the Planning Commission made a recommendation to the City Council on the following items:

- Creation of the Basalt Creek Employment Zoning District and corresponding updates to Tualatin Comprehensive Plan (PTA22-0001 and PMA22-0001). The Planning Commission recommended (5-0) that the Council adopt the proposed amendments, finding them in conformance with the Tualatin Comprehensive Plan.
- Medium- Low Density Residential (RML) and Institutional (IN) to High-Density High Rise (RH-HR) (PMA23-0001 and PTA23-0001). The Planning Commission recommended to (7-0) the Council to deny the proposed amendments.
- Water Master Plan update and corresponding updates with the Tualatin Comprehensive Plan (PTA23-0002 and PMA23-0002). The Planning Commission recommended (5-0) to the Council to approve the proposed amendments finding them in conformance with the Tualatin Comprehensive Plan.

PLANNING ACTION ITEMS:

In 2023, the Planning Commission did not review any quasi-judicial land use applications.

STAFF UPDATES TO THE PLANNING COMMISSION

- Update to the Tualatin Planning Commission on the current status of statewide Climate Friendly and Equitable Communities rules
- Informational presentation on Tualatin's Equitable Funding Action Plan
- Metro Regional Transportation Plan (RTP) 2023 Update
- Informational presentation on the Climate Action Plan (CAP)
- Legal Training
- Informational update on Tualatin's Housing Needs Analysis



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Lindsay Marshall, Management Analyst II, Public Works

DATE: February 26, 2024

SUBJECT:

Recycling Modernization Act - Informational Overview

EXECUTIVE SUMMARY:

Travis Comfort, one of the City of Tualatin's key partners at Republic Services (the City's franchised solid waste hauler), will present an informational overview of the Recycling Modernization Act and what this state-level legislation will mean for Tualatin over the next several years.

Existing Law: Local governments' key role in recycling falls under the Recycling Opportunity Act (ORS 459A), which states that cities with over 4,000 people, cities in the Metro Service District and areas inside associated urban growth boundaries must provide recycling services. Cities and counties determine how recycling is provided for in their communities, and how other education and waste prevention and reuse programs are provided. Local governments report annually to the Oregon Department of Environmental Quality. Washington County prepares and submits annual reports for the City of Tualatin.

New/Upcoming Law: The Plastic Pollution and Recycling Modernization Act (Senate Bill 582) updates Oregon's recycling system by building on local community programs and leveraging the resources of producers to make the system work for everyone. The Recycling Modernization Act (RMA) was passed by the Oregon Legislature and signed in 2021. It became effective January 2022, and new programs will start July 2025 or later.

The RMA creates new requirements for cities with over 4,000 people, as well as cities in the Metro Service District and associated urban growth boundaries. These additional requirements will be funded by producers through their Producer Responsibility Organization (PRO).

The RMA also creates new voluntary opportunities for communities not currently required to offer recycling programs to receive funding to improve or create recycling services. The new law obligates producers of packaging, food service ware items, and paper products to pay to stabilize and improve the recycling system. PROs will fund some transportation of recyclables to processing facilities, expand collection services, and ensure that collected materials are recycled responsibly. PROs will also compensate commingled recycling processors for a portion of their costs. These changes will protect ratepayers from increased costs, reduce confusion about what can and can't be recycled, and keep plastic out of our rivers and oceans.

In Tualatin: Local governments, including Tualatin, completed a DEQ survey in the spring of 2023 that gauged interest in optional expansion of recycling services in communities to collect the Uniform Statewide Collection List of materials. By completing this survey, local governments will be

eligible to receive first round funding for recycling services from a Producer Responsibility Organization. Specific programmatic impacts to the City and Tualatin's ratepayers are yet to be determined, as the RMA is still in legislative rulemaking sessions. As the program is refined and rolls out over the next several years, City staff and Republic Services will return to Council to provide updates.

ATTACHMENTS:

- Presentation - Recycling Modernization Act - Informational Overview
- RMA DEQ City and County Responsibilities and Benefits
- RMA DEQ Summary of Producer Obligations and Definitions
- RMA DEQ Oregon Adopted Recycling Acceptance Lists Dec 2023
- RMA DEQ Frequently Asked Questions



Senate Bill 582

The Plastic Pollution and Recycling Modernization Act (RMA)

What the RMA means for Tualatin

Presented by

Travis Comfort

Oregon Recycling History 101

1983: Opportunity to Recycle Act (ORS 459A)

1991: Oregon Recycling Act (Senate Bill 66)

Established recycling standards for rigid plastic containers

New Statewide goal of 50% recovery by 2000

Established 8 DEQ Program Elements



Oregon Recycling History 101

2015: Opportunity to Recycle: Goal and Recovery Rate Updates (Senate Bill 263)

DEQ Program Elements went from 9 to 13

Added 7 New Waste Prevention Programs

2021: Recycling Modernization Act (Senate Bill 582)

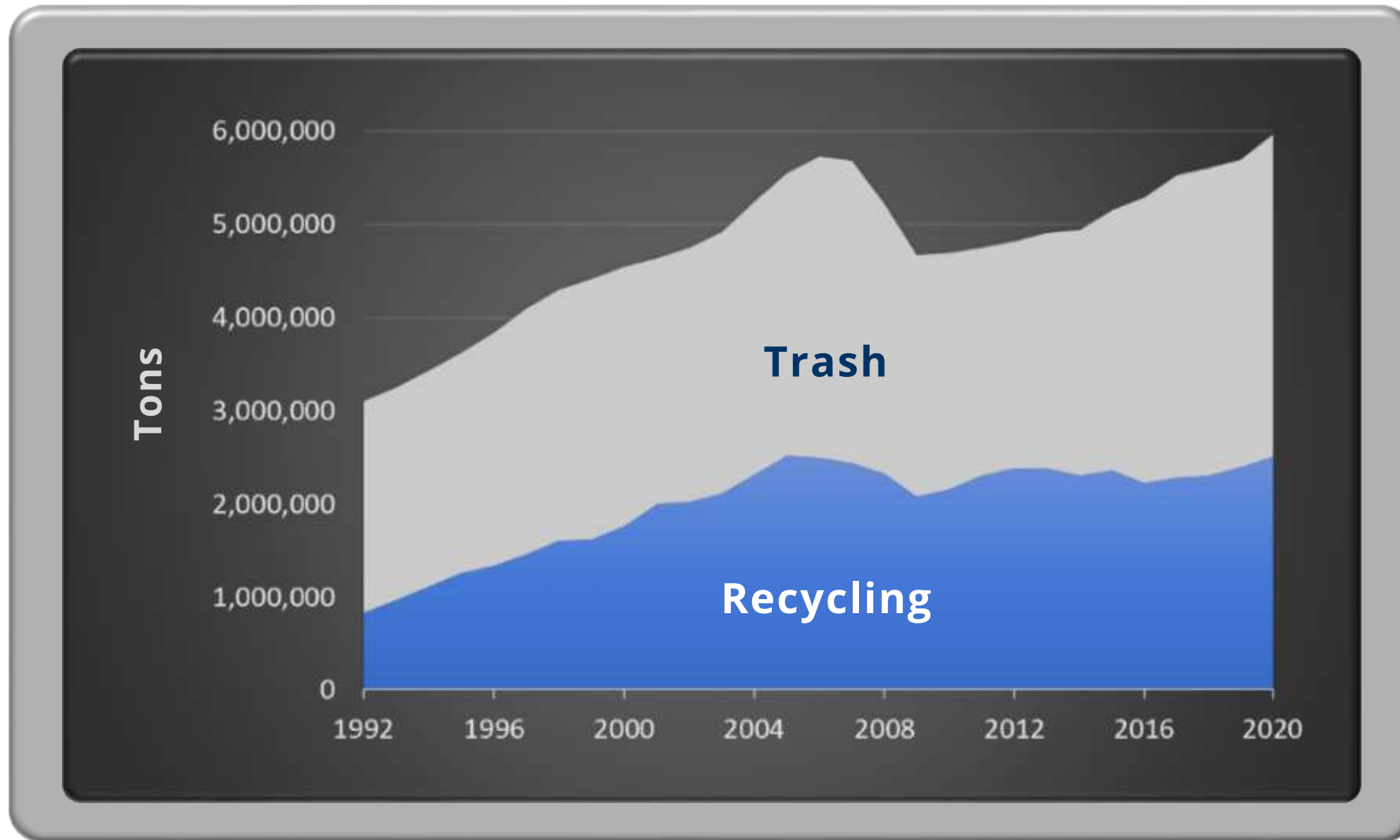
One State-Wide Collection List

Extended Producer Responsibility

Uniform Outreach and Education Materials



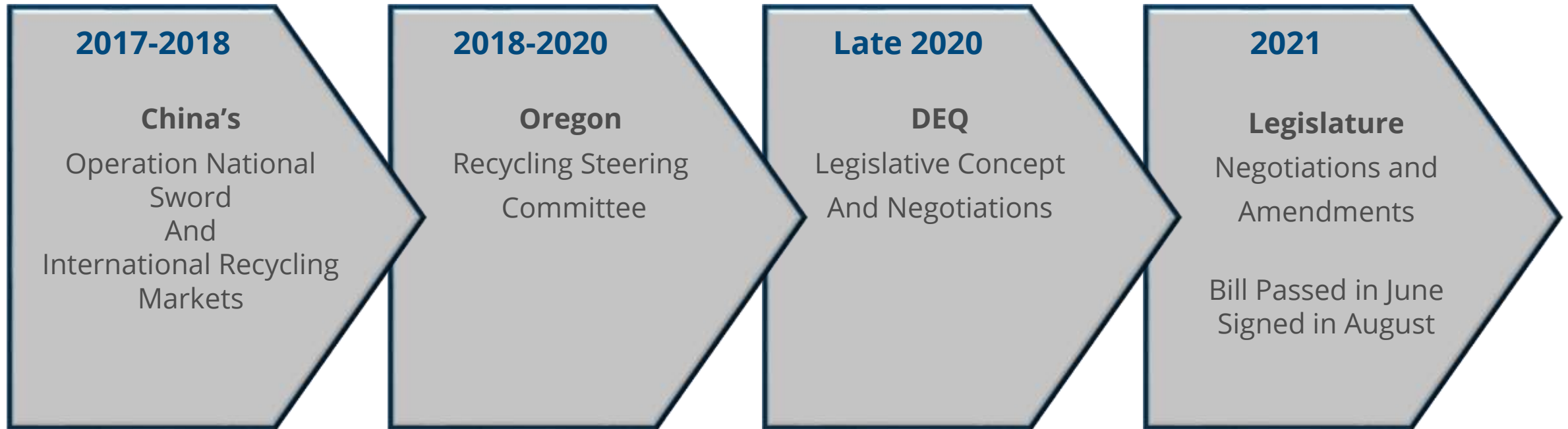
Oregon Recycling History 101



Oregon Recycling History 101



RMA History 101



What is Extended Producer Responsibility (EPR)



Producer Responsible Organizations

Producers and Producer Responsibility Organizations

Producers:

Companies identified as 'Producers' are required to join and pay fees to a Producer Responsibility Organization, or PRO.

Producer Responsibility Organization:

A PRO is a non-profit organization and will be established to administer the statewide program for the management of the covered products. The PRO will use the fees to fund recycling system improvements in communities across Oregon.

Local governments

The RMA creates new funding mechanisms for local governments, who will continue overseeing collection and will receive financial support to expand recycling services and address contamination. The law includes funding to support the creation of:

- New resources to reduce contamination found in the commingled recycling stream.
- New educational resources about the uniform statewide collection list that are culturally responsive and available in multiple languages
- Opportunities to improve and expand existing recycling services and to implement recycling services for communities that do not currently have on-route collection or depot collection.

Collection and processing

Under the new law:

- **DEQ** will publish a uniform statewide collection list for commingled recyclable material, allowing residents and businesses to recycle the same material, regardless of location.
- **PRO** funding will cover the costs of transporting collected recyclables from communities currently 50+ miles from the nearest commingled recycling processing facility or responsible end market.
- **Commingled recycling processing facilities** will meet new performance standards for material quality, reporting, and providing a living wage and supportive benefits to workers, among other things.

Current PROs

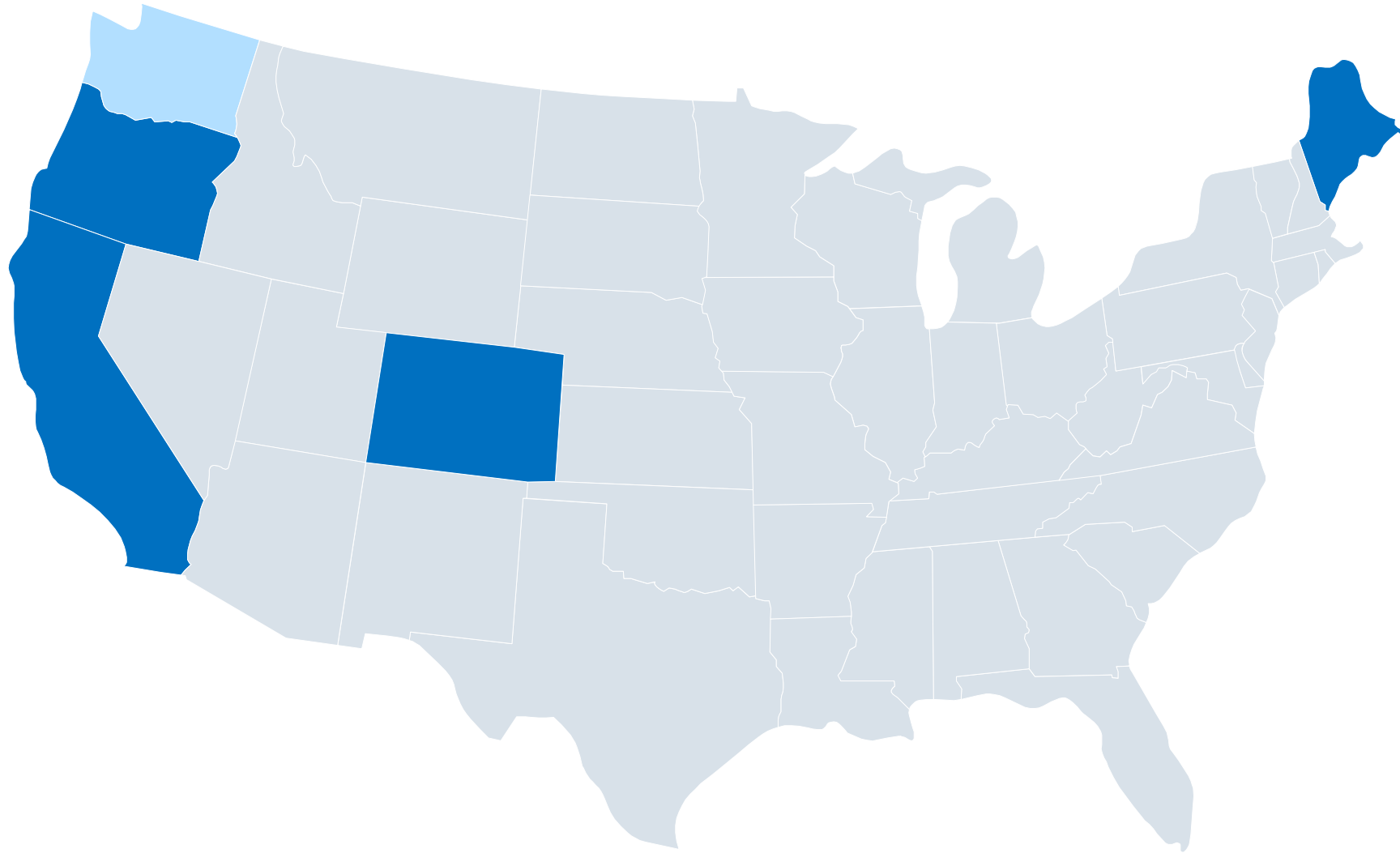
Paint

e-Waste







Medication

Mattresses*

States with EPR Legislation



New Uniform Statewide Collection List – Draft 2

Corrugated cardboard (uncoated and recycle-compatible coated; clean pizza boxes OK)		All kraft paper (brown paper bags, mailers)	
Paperboard packaging (e.g., cereal, cracker and medicine boxes)		Molded pulp packaging (e.g., egg cartons, but not food serveware or flower pots)	
Polycoated cartons (e.g., milk cartons), aseptic cartons.		Tissue paper used as packaging (not facial or sanitary tissue)	




Non-metalized gift wrap (no ribbons or bows)		High-grade office paper (e.g., white and colored ledger)	
Newspaper/newsprint		Magazines, catalogs and similar glossy paper	
Telephone directories		Other printing and writing paper (e.g., envelopes, "junk mail", cards)	
Paperback books		Aluminum food and beverage cans	
Steel cans, including empty/dry paint cans		Scrap metal less than 10 pounds in weight and 18 inches in length; excluding sharp items and "tangles" (e.g., bicycle chains, wire)	
Plastic tubs (e.g., cottage cheese) larger than 2 inches in two dimensions, made of PET (#1), HDPE (#2), or polypropylene (#5)		Plastic bottles larger than 2 inches in two dimensions, made of clear PET (#1), natural or colored HDPE (#2) or clear or colored polypropylene (#5) (caps OK if screwed on)	
Plastic buckets, pails, storage containers and other bulky HDPE (#2) or polypropylene (#5) plastic packaging that fit loosely in the provided on-route collection container		Nursery (plant) packaging: HDPE (#2) and PP (#5) only	

New Uniform Statewide Collection List – Draft 2

Only at depots and collected segregated from other materials (not commingled):

<p>Motor oil</p> 	<p>Scrap metal including large appliances and other items not on the Uniform Statewide Collection List</p> 
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Metro region only:

<p>Glass packaging (bottles, jars): non-residential on-route only</p>	
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PRO Covered Materials – Draft 2

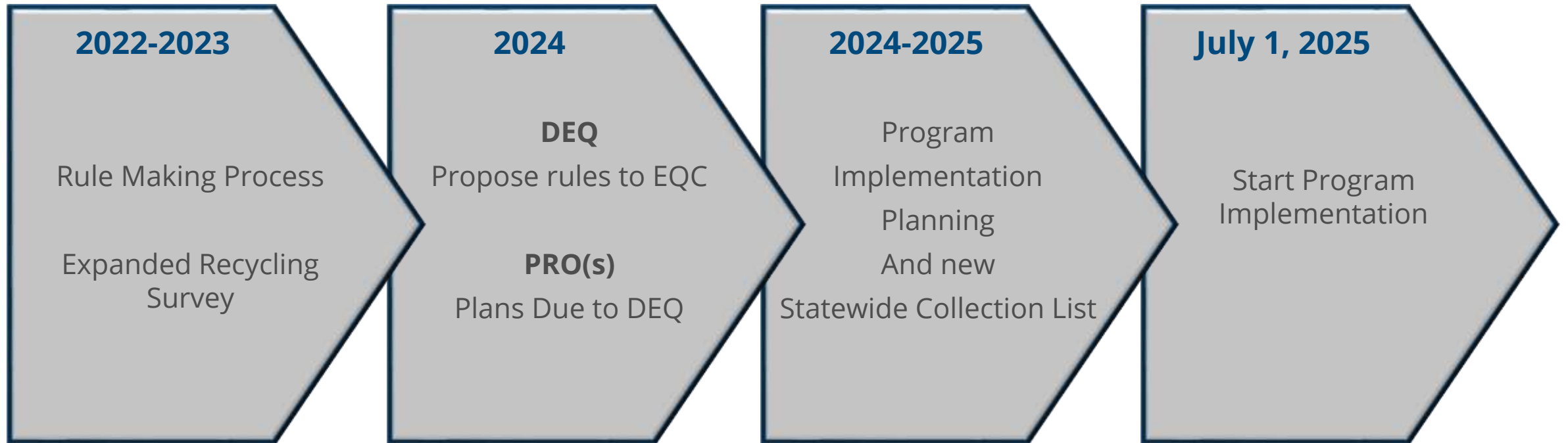
DEQ requires producer responsibility organizations to provide for the recycling of the following materials:

Steel and aluminum aerosol packaging 	Single-use liquid fuel canisters and other pressurized cylinders 
Aluminum foil and pressed foil products 	Glass packaging (e.g., bottles and jars) 
Shredded paper 	Polyethylene film 
Plastic buckets and other bulky HDPE (#2) or polypropylene (#5) packaging 	HDPE package handles (such as 6-pack handles) 

Polyethylene and polypropylene lids 	Block white expanded polystyrene 
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Depot
Collection
Proposed

Moving Forward



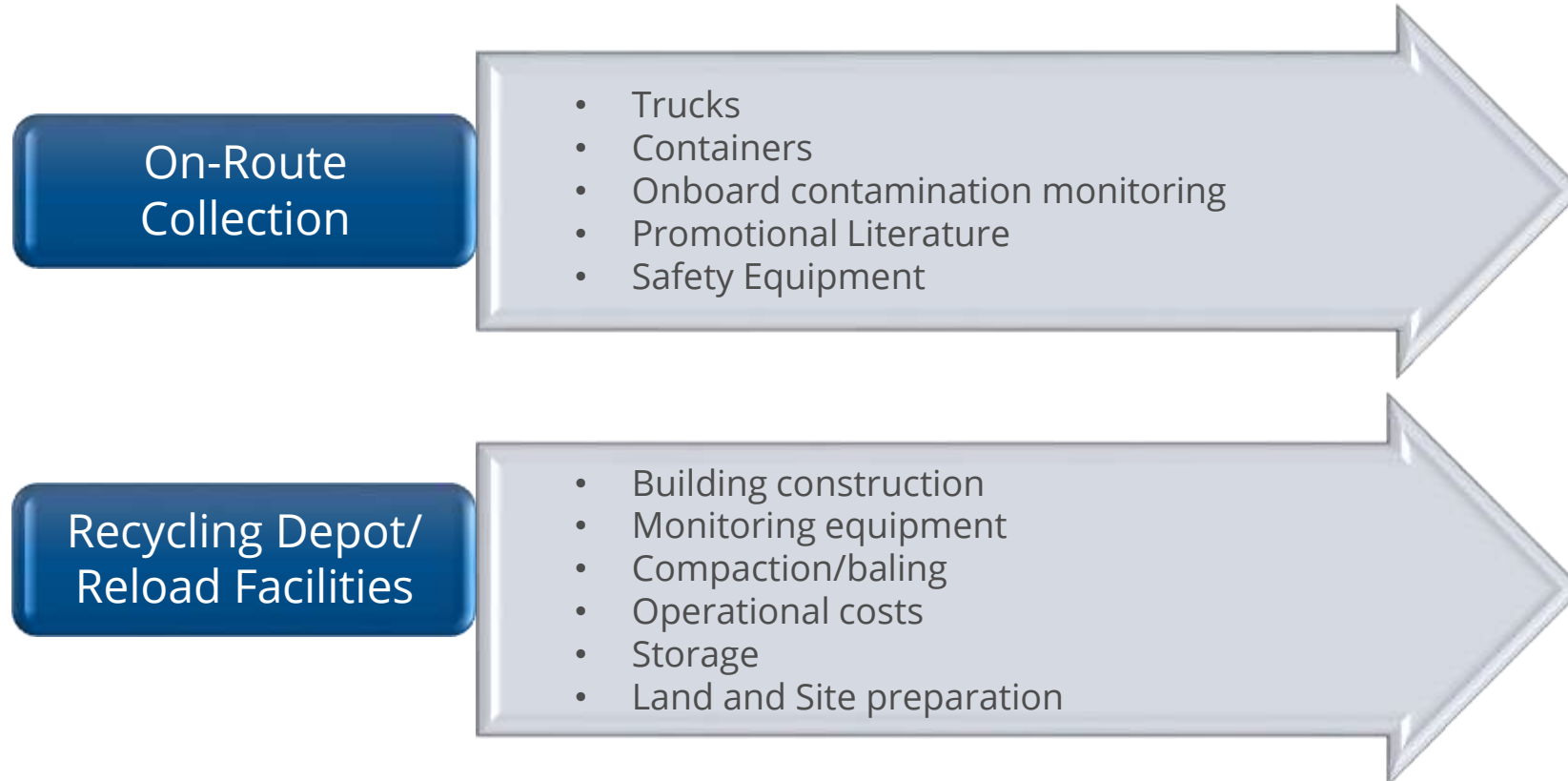
DEQ Needs Assessment Survey



Sent to all Oregon cities, ran January 2023 – April 2023

Determine need/desire to expand recycling opportunities to residents

Most cities responded, those that didn't must wait until 2027 to apply for state funding



Contamination Management Fee

Paid by PRO to compensate facilities for the costs of removing and disposing of covered products that are contaminants.



Contamination Management Fee



As determined by the joint Processor Commodity Risk Fee and Contamination Management Fee study undertaken by Crowe LLP, the Contamination Management Fee to be paid by producer responsibility organizations to commingled recycling processing facilities to compensate the facilities for the costs of removing and disposing of covered products that are contaminants shall be paid as follows:

- At a rate of \$374 per ton for the 2025 and 2026 program years (July 1, 2025 – Dec. 31, 2026);
- At a rate of \$476 per ton for the 2027 program year (January 1, 2027 – December 31, 2027);
- \$246 per ton for the 2028 program year (Jan. 1, 2028 – Dec. 31, 2028) and all years thereafter (until updated by rule).

Processor Commodity Risk Fee

Paid by PROs to commingled recycling processing facilities to ensure that producers share in the costs of fully processing commingled recyclables that are covered products to allow local governments to reduce the financial impacts on rate payers.

Allowable costs

- Sorting
- Handling
- Disposal
- Marketing and shipping
- Administration
- Rent
- Fees
- Depreciation
- Fixed costs
- Profit
- Target price paid for commingled recycling collected from Oregon
- Anticipated program costs

Non-allowable costs

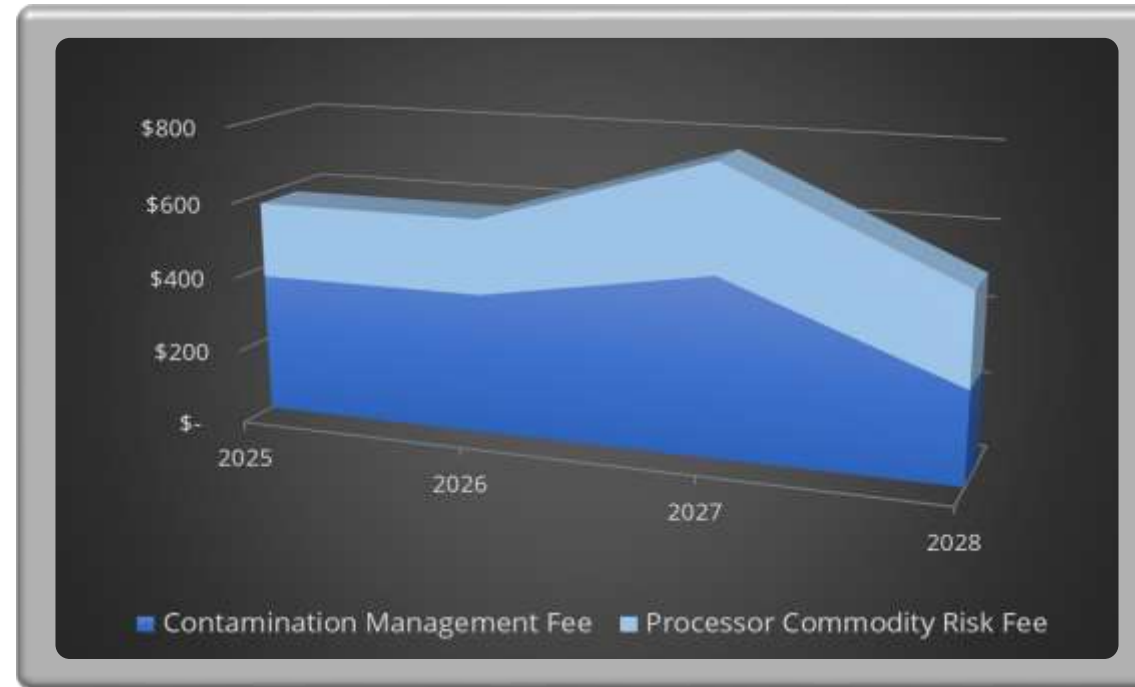
- Charitable contributions
- Costs reimburse by PRO
- Fines/penalties
- Inbound transportation
- Litigation
- Lobbying
- Promotional items increasing scrap value
- Royalty expense
- Revenue from sale of recyclables to end markets
- Settlements
- Taxes
- Grants

Processor Commodity Risk Fee

Based on the most recent draft of the Processor Commodity Risk Fee and Contamination Management Fee study conducted by Crowe LLP, the statewide, per-ton average eligible processing cost at commingled recycling processing facilities that process commingled recycling generated in Oregon is currently recommended to be:

- \$201 per ton for the 2025 and 2026 program years (July 1, 2025 – Dec. 31, 2026);
- \$287 per ton for the 2027 program year (Jan. 1, 2027 – Dec. 31, 2027); and
- \$246 per ton for the 2028 program year (Jan. 1, 2028 – Dec. 31, 2028) and all years thereafter (until updated by rule).

What might those two fees look like?



	2025		2026		2027		2028	
Contamination Management Fee	\$	374	\$	374	\$	476	\$	246
Processor Commodity Risk Fee	\$	201	\$	201	\$	287	\$	246
Totals (per ton):	\$	575	\$	575	\$	763	\$	492
2021 tons recovered: 244,7267	\$	1,407,178,525	\$	1,407,178,525	\$	1,867,264,721	\$	1,204,055,364

Processor Permit and Certification

Requires Recycling Processors send material to responsible end markets

Out-of-state processors must be certified

Workers required to pay living wage

Regular audits to ensure compliance with permits



Depots

Greater public access to depots, target density to match US post offices

Regulated Depots will be required to take all items from the USCL

PROs will help fund depot expansions as identified in the needs assessment



Outreach and Standardized Public Education

PROs will be required to:

- Produce all education materials for Oregon Customers
 - This includes all language translation work
 - Multi-media and paper materials available free of charge
- Standardization of Outreach Materials

DEQ Contacts

Regional Specialist Contact Information

Eastern Region		
Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Milton-Freewater, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco and Wheeler	Laurie Gordon	Office: 541-633-2029 Cell: 541-408-7842 Laurie.Gordon@deq.oregon.gov
Northwest Region		
Clatsop, Clackamas, Multnomah and Washington	Lexi Meek	Office: 503-229-5790 Cell: 503-319-5681 Lexi.Meek@deq.oregon.gov
Columbia, Tillamook Clackamas, Multnomah and Washington	Gretchen Sandau	Cell: 503-915-6786 Gretchen.Sandau@deq.oregon.gov
Western Region		
Coos, Curry, Douglas, Jackson, Josephine and Lane	Cathy Brown	Office: 541-687-7325 Cell: 503-753-6153 Cathy.Brown@deq.oregon.gov
Benton, Lincoln, Linn, Marion, Polk and Yamhill	Cat Rhoades	Office: 503-378-5089 Cell: 503-446-7410 Cathie.Rhoades@deq.oregon.gov



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Questions, Answers, and Resources

Thank You

Travis Comfort

email: tcomfort@RepublicServices.com

Scan for DEQ's
RMA Website



bit.ly/2023-RMA



Oregon Department of Environmental Quality

Recycling Opportunity Act and the Plastic Pollution & Recycling Modernization Act

City and County responsibilities and benefits

Updated August 27, 2021

Existing law: Local governments' key role in recycling

Under the Recycling Opportunity Act (ORS 459A), cities with over 4,000 people, cities in the Metro Service District and areas inside associated urban growth boundaries must provide recycling services. Oregon's recycling laws require local governments to implement recycling programs and, in some jurisdictions, waste prevention and reuse programs. Requirements are further detailed in [administrative rules](#). DEQ regulates the cities, counties and metropolitan service districts (Metro) that provide residents and businesses the opportunity to recycle. Oregon's recycling laws give local governments flexibility in implementing materials management programs and meeting voluntary material recovery goals. The laws require more from local governments with larger populations and from cities closer to Portland. Local governments report annually to DEQ.

As of 2020, 87 cities in Oregon have populations of 4,000 or more, or are located within the Metropolitan Service District. Eighty-one of these cities provide for on-route collection, and six of these cities have DEQ-approved alternative methods (or a pending request for alternative program approval) and provide very limited or no on-route collection. Counties provide for on-route collection in unincorporated areas within the urban growth boundaries of 79 of the 81 cities with on-route collection. All Metro-area cities and about 20 other cities, as well as their counties, must also implement the Recycling Opportunity Act's waste prevention and reuse program requirements. These requirements are not affected by the changes in the Recycling Modernization Act. More information about the Recycling Opportunity Act is available on DEQ's website [here](#).

Plastic Pollution and Recycling Modernization Act

[The Plastic Pollution and Recycling Modernization Act](#) (Senate Bill 582) updates Oregon's recycling system by building on local community programs and leveraging the resources of producers to make the system work for everyone. The Recycling Modernization Act creates new requirements for cities with over 4,000 people, as well as cities in the Metro Service District and associated urban growth boundaries. These additional requirements will be funded by producers through their Producer Responsibility Organization (PRO). The Recycling Modernization Act also creates new voluntary opportunities for communities not currently required to offer recycling programs to receive funding to improve or create recycling services.

The new law obligates producers of packaging, food serviceware items, and paper products to pay to stabilize and improve the recycling system. PROs will fund some transportation of recyclables to processing facilities, expand collection services, and ensure that collected materials are recycled responsibly. PROs will also compensate commingled recycling processors for a portion of their costs. These changes will protect ratepayers from increased costs, reduce confusion about what can and can't be recycled, and keep plastic out of our rivers and oceans. The Recycling Modernization Act was passed by the Oregon Legislature during the 2021 Legislative Session and signed by Governor Kate Brown on August 6, 2021. It becomes effective January 2022, and new programs will start July 2025 or later.

Recycling modernization: New responsibilities for local governments

For cities over 4,000, cities in the Metro Service District and associated urban growth boundaries:

These local governments will maintain their existing roles and responsibilities under the Recycling Opportunity Act listed above. Cities and counties will continue to determine how recycling is provided for in their communities, and how other education and waste prevention and reuse programs are provided. Producer Responsibility Organization(s) (PROs), funded by packaging producers, will protect ratepayers statewide from cost increases as a result of changes created by the new law. Local governments (or their designated service providers where appropriate) will fulfill the following new functions under the new law:

Collect materials on new uniform, statewide list (Section 22)

Receive transportation reimbursement (Section 13)

Begins July 2025

This list will be created by the Environmental Quality Commission (EQC) and DEQ, with involvement from a new Oregon Recycling System Advisory Council (ORSAC). The list will be created based on environmental, social and technical considerations. There may be different lists for on-route and drop-off collections. For communities that are located 50 miles or more from a commingled processing facility or end market, PRO(s) will cover the costs to compact, load and transport covered products collected by local governments and their service providers. Compensation will be based on distance to processing and markets, the capacity to process recyclables and other factors, based on the PRO program plan approved by DEQ.

Ensure that commingled materials are directed to approved processors (Section 19)

Begins July 2025

Local governments will direct materials collected in their communities to commingled recycling processing facilities that have received a DEQ permit, or to an out-of-state processor that meets comparable standards.

Implement new contamination reduction programs (Section 28)

Begins July 2025

Local governments will implement programs to reduce contamination in the recycling streams collected under the requirements listed above. These programs will include setting contamination reduction goals, implementing contamination reduction strategies, and periodically evaluating contamination in the recycling stream. PRO(s) will pay for these programs based on rules established by the EQC, with input from DEQ and ORSAC. EQC will establish eligible costs and formulas for reimbursing costs.

Use education resources created by producers (Section 14)

Begins July 2025

Local governments will maintain their existing responsibilities to conduct community education about recycling. The PRO(s) will fund and develop, in consultation with ORSAC, campaigns and educational resources that local governments can use to promote proper recycling of materials on the statewide

collection list. PRO(s) will provide local governments with resources and campaigns that are culturally responsive and offered in multiple languages.

Ensure adequate collection and access for multifamily residents (Section 20) **Begins July 2026**

Local governments will ensure there is adequate space onsite for collection of recyclables at multifamily properties. Local governments will demonstrate how they plan to ensure that newly constructed properties and properties that undergo significant remodeling provide adequate space for recycling. Local governments will also establish or ensure their service standards for collection include standards for adequate collection through volume, collection frequency or a combination of both. Local governments will also ensure containers are accessible to children and people using wheelchairs.

DEQ will also conduct a needs assessment to determine the challenges facing residents of multifamily housing and make recommendations for improvements. The needs assessment is due no later than September 15, 2024 and may include recommendations for new PRO responsibilities and funding.

Note: The Recycling Modernization Act changes an existing requirement by postponing when local governments are required to provide multitenant recycling service to tenants from July 1, 2022 to July 1, 2026.

Use recycled plastic in recycling and waste containers (Section 21) **Begins January 1, 2026**

Local governments will ensure recycling and waste containers purchased by their service providers contain at least 10 percent verified post-consumer recycled content. Purchasing will begin one year or later after the approval of the first PRO program plan.

Report on activities (Multiple sections) **Begins July 2025**

Local governments will report to PROs or DEQ on the following:

- When PRO-funded expansions or improvements are implemented. (Section 13)
- Requests for reimbursement where programs are not funded in advance. (Section 13)
- Which service providers are authorized to receive compensation from PROs, on behalf of the local government. (Section 13)
- Their activities to expand or improve collection at multifamily properties. (Section 20)

For all communities regardless of size or location:

Optional – Expand collection opportunities (Section 13) **Begins July 2025 or later (following needs assessment in 2022-2023)**

All cities and counties, including cities under 4,000 population and associated counties, which are interested in expanding recycling collection will register their interest when DEQ conducts a periodic statewide needs assessment in 2022-2023. The PRO will propose in its program plan how it will expand collection

opportunities based on the findings of the needs assessment. Local governments that expand on-route collection, recycling depots or both will be eligible for funding from the PRO. Eligible costs include:

- Start-up costs for on-route recycling collection, including but not limited to trucks, containers, promotional literature, and if necessary, an equipped transfer facility for reloading recyclables.
- Start-up costs for recycling depots such as containers, on-site monitoring equipment, and site preparation, and operational costs including staffing.

Optional – Receive transportation reimbursement (Section 13) Begins July 2025

For all communities (regardless of size) that are located 50 miles or more from a commingled processing facility or end market, PROs will cover the costs to compact, load and transport covered products collected by local governments and their service providers. Compensation will be based on distance to processing and markets, the capacity to process recyclables and other factors, based on the PRO program plan approved by DEQ.

Optional – Implement new contamination reduction strategies (Section 28) Begins July 2025

Cities under 4,000 population and associated counties not required to implement strategies to reduce contamination may choose to implement such strategies on a voluntary basis. PROs will provide funding based on rules, eligible costs and formulas established by the EQC.

Optional – Designate service providers that may receive compensation (Section 13 and 28) Begins July 2025

Local governments that choose to seek compensation from PROs for any of the above activities may designate which service providers are authorized to receive compensation directly from PROs.

Required for disposal sites – Collect materials on new uniform, statewide list (Section 22) Begins July 2025

Disposal sites (or more convenient locations) providing a place for collecting source separated recyclable materials under ORS 459A.005 will also be required to collect materials from the uniform statewide list that are designated for collection at a recycling depot.

More information

Additional information is available on DEQ's website here: ordeq.org/sb582. Sign up for email alerts and announcements here: https://public.govdelivery.com/accounts/ORDEQ/subscriber/new?topic_id=ORDEQ_633.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



Summary of Producer Obligations and Definitions

Plastic Pollution and Recycling Modernization Act

[The Plastic Pollution and Recycling Modernization Act](#) updates Oregon's recycling system by building on local community programs and leveraging the resources of producers to create an innovative system. The law requires certain companies that sell packaged items, food serviceware or paper products into Oregon to share responsibility for effective management of their products after use. **The new law goes into effect January 1, 2022, and program changes will start in July 2025.**

This new law creates several compliance obligations for producers of covered products. This document provides a high-level summary to help businesses understand: 1) what is a "covered product," 2) who is the "producer" for any given covered product, and 3) what producers will need to do to comply with the law. *This high-level overview does not describe every possible scenario nor is it offered as a substitute for the [statutory language](#) or intended as legal advice. More detailed information will be available in the future on DEQ's website at [RecyclingAct.Oregon.gov](#).*

What is a "Covered Product"?

The Recycling Modernization Act defines three types of "covered products" in Section 2: packaging, food serviceware, and printing and writing paper. It also defines producer obligations differently for different types of covered products, so it is important to understand what type of covered product(s) your materials are. Specifically, food serviceware is not packaging.

The recyclability of a material has no bearing on whether a material is a covered product or not. All types of packaging, food serviceware, and printing and writing paper have potential impacts on Oregon's recycling system and are included as covered products, unless exempted. Oregon's law applies to all covered products, regardless of whether they are discarded by households or others (businesses, etc.).

Exemptions for Certain Materials

The law exempts several materials, including:

- beverage containers covered by [Oregon's Bottle Bill](#);
- books;
- napkins and paper towels;
- pallets;
- specialty packaging used exclusively in industrial processes (such as cores for rolls of packaging sold to a packaging convertor);
- refillable propane tanks;
- items sold and used exclusively on farms;
- certain items used by nurseries;
- packaging hazardous substances that are required to be labeled with a prohibition on recycling;
- packaging and paper products supplied in connection with prescription and nonprescription drugs, animal medicines, infant formula and medical food

Also exempted are all items that are not ultimately discarded inside Oregon, architectural paint cans recovered through [Oregon's paint stewardship program](#), and materials that meet other conditions involving recycling outside of the publicly-managed commingled recycling collection systems in Oregon. In these cases, the fraction of covered products that meet criteria (e.g., sold into Oregon but then redistributed to another state) are exempted, while the remainder are covered products.

Who is the Producer?

Every non-exempt covered product must have one designated producer, unless that producer is exempted, as described below.

A producer is not required to be a member of a producer responsibility organization if, for all covered product the producer sells, offers to sell or distributes in or into this state, another person (such as another company in the supply chain) has registered with a producer responsibility organization as the producer responsible for that covered product (Section 4(4)). This allows producers to enter into voluntary agreements with other companies and reassign compliance obligations for some or all of their products.

Anyone who makes or sells into Oregon multiple covered products may have obligations for none, some, or all of them, depending on the circumstances described here. The exemption of one covered product does not exempt a producer from obligations for other covered products.

The law assigns obligations to producers differently for different types of covered products:



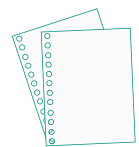
For **food serviceware**: The obligated “producer” is the person that first sells the food serviceware into Oregon. In most cases, this will be the manufacturer of the food serviceware or a distributor.



For **packaged items sold via physical retail sale**: The obligated producer is typically the manufacturer of the packaged item (not the packaging itself), regardless of whether the manufacturer owns or licenses the brand under which the product is packaged. For example, a bakery that makes bagels under its own brand is the producer of the bagel packaging. It is also the producer of the bagel packaging if it makes bagels that are sold under a different brand, such as a retailer’s house brand. However, if the manufacturer of the packaged item (in this case, the bagel) is not located in the U.S., then the obligated producer is the entity that imports the packaged item into the country.



For **packaging or packaged items sold via remote sale**: The person that packages and ships the item for sale into Oregon is the obligated producer of the packaging used in shipping. The producer of the original packaging of the sold product is the same as if the item were sold via physical retail sale.



For **newspapers, magazines, catalogs, telephone directories and similar publications**: The obligated producer is the publisher.

For all other **printing and writing paper**: The manufacturer of the printing and writing paper, if domestic, is the producer. If the paper is produced in another country, the importer into the U.S. is the producer.

Exemptions for Certain Producers

Even if a material is a “covered product,” its producer may be exempted from compliance obligations (Sections 5 and 2(32)). The law exempts:

- 503(c)(3) nonprofit organizations, public bodies, restaurants that are not producers of food serviceware;
- Persons that operate a single retail sales establishment, have no online sales, and are not supplied or operated as part of a franchise or a chain;
- Entities that had gross (global) revenue of less than \$5 million in their most recent fiscal year, or sold in or into Oregon less than one metric ton of covered products in the most recent calendar year;
- Manufacturers of beverages sold in containers covered by Oregon’s Bottle Bill that sold in or into Oregon less than five metric tons of other covered products in the most recent calendar year. While Bottle Bill materials are already exempted under Section 2(6), secondary and tertiary packaging (such as wine boxes and six-pack rings) will still be a covered product in most cases.

How do Producers Comply?

By July 1, 2025, individual producers must:

- ✓ Register with and be a member of a producer responsibility organization (PRO) that administers a state-approved producer responsibility program.
- ✓ Pay an annual membership fee to its PRO. The PRO will set fee schedules each year. Fees will be based on the quantity and type of each covered product, environmental considerations, and the impacts of each material type on the PRO's cost obligations.
- ✓ Upon request, provide the PRO with records or other information necessary for the organization to meet its obligations.

Note: For packaged items sold into Oregon via remote sale, the obligated producer of the packaging used for shipping (e.g., Amazon) must notify the producer of the sold covered product (e.g., L'Oreal) of the sale, so that they are aware of their own compliance obligations. The shipper/seller must also notify the PRO to which the producer of the sold covered product belongs.

The largest 25 producers are also required to perform and disclose evaluations of the life cycle impacts of at least one percent of their covered products sold or distributed into the state every two years (Section 33).

More Information

There are many different types of producers, products and supply chains, and this document may not have covered every possible scenario. Additional details regarding producer obligations may be provided through subsequent administrative rulemakings.

Alternative Formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.





Fact Sheet

Oregon Adopted Recycling Acceptance Lists

Updated December 2023







Beginning July 2025, all Oregon community members and businesses throughout the state can recycle a consistent set of materials. The Oregon Environmental Quality Commission adopted the following recycling acceptance lists on Nov. 16, 2023. These lists may change over time. For example, producer responsibility organizations may propose to add materials to the Uniform Statewide Collection List in their program plans.

Local government acceptance lists

DEQ requires local governments to collect the following materials under their Opportunity to Recycle obligations in the modernized system.

Uniform statewide collection list

To be collected at depots and on-route collection, and suitable for commingled collection:

<p>Corrugated cardboard (uncoated and recycle-compatible coated; clean pizza boxes OK)</p> 	<p>All kraft paper (brown paper bags, mailers)</p> 
<p>Paperboard packaging (e.g., cereal, cracker and medicine boxes)</p> 	<p>Molded pulp packaging (e.g., egg cartons, but not food serveware or flower pots)</p> 
<p>Polycoated cartons (e.g., milk cartons), aseptic cartons.</p> 	<p>Tissue paper used as packaging (not facial or sanitary tissue)</p> 



Translation or other formats

Español | 한국어 | 繁體中文 | Русский | Tiếng Việt | العربية


800-452-4011 | TTY: 711 | deqinfo@deq.oregon.gov

Non-metalized gift wrap (no ribbons or bows)		High-grade office paper (e.g., white and colored ledger)	
Newspaper/newsprint		Magazines, catalogs and similar glossy paper	
Telephone directories		Other printing and writing paper (e.g., envelopes, "junk mail", cards)	
Paperback books		Aluminum food and beverage cans	
Steel cans, including empty/dry paint cans		Scrap metal less than 10 pounds in weight and 18 inches in length; excluding sharp items and "tanglers" (e.g., bicycle chains, wire)	
Plastic tubs (e.g., cottage cheese) larger than 2 inches in two dimensions. made of PET (#1), HDPE (#2), or polypropylene (#5)		Plastic bottles larger than 2 inches in two dimensions, made of clear PET (#1), natural or colored HDPE (#2) or clear or colored polypropylene (#5) (caps OK if screwed on)	
Plastic buckets, pails, storage containers and other bulky HDPE (#2) or polypropylene (#5) plastic packaging that fit loosely in the provided on-route collection container		Nursery (plant) packaging: HDPE (#2) and PP (#5) only	

Only at depots and collected segregated from other materials (not commingled):

Motor oil		Scrap metal including large appliances and other items not on the Uniform Statewide Collection List	
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Metro region only:

Glass packaging (bottles, jars): non-residential on-route only	
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PRO acceptance list

DEQ requires producer responsibility organizations to provide for the recycling of the following materials:

Steel and aluminum aerosol packaging		Single-use liquid fuel canisters and other pressurized cylinders	
Aluminum foil and pressed foil products		Glass packaging (e.g., bottles and jars)	
Shredded paper		Polyethylene film	
Plastic buckets and other bulky HDPE (#2) or polypropylene (#5) packaging		HDPE package handles (such as 6-pack handles)	

Polyethylene and
polypropylene lids



Block white expanded
polystyrene



Translation or other formats

[Español](#) | [한국어](#) | [繁體中文](#) | [Русский](#) | [Tiếng Việt](#) | [العربية](#)

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Non-discrimination statement

DEQ does not discriminate on the basis of race, color, national origin, disability, age or sex in administration of its programs or activities. Visit DEQ's [Civil Rights and Environmental Justice page](#).



FAQs

Updated December 2021

Recycling Modernization Act Frequently Asked Questions

Oregon DEQ developed these in-depth FAQs to help people understand the Recycling Modernization Act and how different businesses, organizations and communities may be affected when the law is implemented.

The information provided here does not describe every possible scenario, nor is it offered as a substitute for the statutory language or intended as legal advice. In the case of conflict, the statute shall prevail.

Administrative rulemaking in 2023 and 2024 may provide additional detail. More detailed information will be available in the future on DEQ's website at RecyclingAct.Oregon.gov.

This document is organized with the following categories:

- [Producer Responsibility Organizations](#)
- [Producer Requirements and Definitions](#)
- [Recycling Collection and Material Lists](#)
- [Costs](#)
- [Commingled Recycling Processing Facilities](#)
- [Plastics](#)
- [Rulemaking](#)
- [Education and Labeling](#)
- [Life Cycle Assessment](#)
- [Compostable Packaging](#)
- [Recycled Content](#)
- [Recycling Markets](#)
- [Other Questions](#)

Producer Responsibility Organizations

1. How will the producer responsibility organizations (PROs) be approved?

Individual producers covered by the law are required to join a PRO, which will submit a program plan to DEQ for review and approval. The first PRO program plans are required to be submitted by March 31, 2024. PROs may form any time prior to that date. DEQ will approve program plans that are submitted to the department by the deadline and meet the requirements of the law. PROs that hold a DEQ-approved program plan will begin implementation by July 1, 2025.

Producer Requirements and Definitions

2. When are producers obligated to comply with these new regulations?

Producers are obligated to join a Producer Responsibility Organization (PRO) by July 1, 2025. PROs are

required to submit the first program plan to DEQ for review by March 31, 2024, and must begin implementing an approved plan by July 1, 2025.

3. What is a legal “person”?

“Person” means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

4. How do I know whether my company is a “producer”?

Please consult the [producer obligations summary](#) for information about how to determine who the “producer” is for different types of covered products.

5. What if my company is outside the United States and we are directly selling to end-users in Oregon via remote sale, such as via an online web store?

The foreign company would be the “producer.” It does not matter if the end-user is a household or business, so long as that business is not selling, re-selling or distributing the item further. The obligated “producer” for both the outer packaging used to ship the item(s), and the product packaging that directly contains the purchased item would be the person that first distributes the packaged item in or into Oregon.

6. I work for a company that manufactures a product in packaging and ships them to independent dealers in Oregon. Are the dealers who purchase and request we ship product to them considered the producers (since they are independently owned) or is the corporate brand the producer?

If the company that manufactures the product is a domestic (U.S.) legal “person,” then that company would be the obligated “producer,” not the independent dealers. (See definition of “person” above.)

7. I work for company outside of the United States that manufactures a product and its packaging. We have a sales company based and registered in the United States. The sales company imports into the U.S. products in packaging and sells them to distributors, who in turn sell the product to retailers or end users. Who is the “producer”?

The covered product in this example is the packaging. Regardless of whether the products are ultimately sold into Oregon via physical or remote sale, the “producer” of the product packaging is the importer (the U.S. sales company). Any outer packaging used to ship the packaged item to the buyer in Oregon via remote sale would be the responsibility of the person that packages and ships the item – in this instance, that might be the distributor.

8. What are the penalties for non-compliance with the Recycling Modernization Act?

The penalties for non-compliance are listed in Section 47 of [Senate Bill 582](#), and are added to [ORS 459.995](#). The maximum penalty allowed is \$25,000 per day. This is the same cap that applies in statute to most other violations of solid waste and recycling statute. The actual penalty amount would be determined based on factors in administrative rule including violator size, history, impact, intent and efforts to correct. Economic benefit of non-compliance is also a factor.

9. In the definition of “small producer” in Section 2(32)(c), does gross revenue mean in the state, nationwide or global?

Gross revenue refers to global revenue for that organization.

10. Are producers with an annual gross revenue of less than \$5 million or that place less than 1 metric ton of packaged products onto the market in Oregon a year obligated to join a PRO?

No, because producers with an annual, worldwide gross revenue of \$5 million or less or that place less than 1 metric ton of covered product into Oregon are considered “small producers” (Section 2(32)), and small producers are exempt from the program.

11. Does “market share” mean share within a specific industry or producer group? Section 2(13) refers to “a producer’s percentage of all covered products” while Section 4(12) refers to the “total combined market share of all producers of covered products.”

“Market share” describes an individual producer’s share (on a percentage basis) of covered products sold or distributed into Oregon. The Recycling Modernization Act uses “market share” in two different ways: to represent the producer’s share of all covered products *within* that producer’s producer responsibility organization (PRO), and to represent the producer’s share of all covered products *across* all PROs. Methods for calculating market share will be established by the Environmental Quality Commission through administrative rule (Section 2(13)). The rulemaking will account for the possibility of more than one PRO (Section 4(9)(b)(A)).

12. Where do obligated producers need to register, submit data and pay fees?

Obligated producers will need to register with, submit data to, and pay fees to a producer responsibility organization (PRO) that administers a producer responsibility program approved by the state of Oregon. PROs have until March 31, 2024 to submit program plans for approval. DEQ will approve those plans before July 1, 2025. Producers have until July 1, 2025 to join a PRO.

In addition, if a producer (e.g., an online retailer) is engaged in remote sales of packaged items, and the packaging for such items has a different obligated producer (e.g. a personal care products company), then the producer conducting remote sales into Oregon is obligated to report those sales to the other producer(s), so that they are aware of their compliance obligations.

13. What data will producers need to submit, such as sales units or weight of packaging?

The producer responsibility organizations (PROs) will establish specific reporting requirements for their members. Some reporting requirements will also be defined by DEQ administrative rule in 2023.

14. When will individual producers know the criteria that PROs will use to establish the annual membership fee?

The different categories of material types, materials and formats that producer responsibility organizations (PROs) propose to use to assess membership fees will be available on March 31, 2024. This is the date when PROs are required to submit the first draft of their producer responsibility program plans to DEQ. These plans will include their proposed schedule of membership fees.

15. If there is more than one PRO, will producers need to join all of them?

No. Individual producers are required to register and pay fees for all covered products once. The law allows for multiple PROs in order to encourage competition between them.

16. If there is more than one PRO, how will coordination between them work?

If DEQ approves more than one PRO program plan, then PROs will be required to submit a coordination plan and work through a coordinating body (Section 4(9)). Requirements for the coordination plan will be established by administrative rule in 2023.

17. Will producers be incentivized to design products that are easier to recycle or more sustainable?

PROs are required to establish a graduated fee structure that are charged to members, using several mandatory criteria, including but not limited to recyclability, use of post-consumer recycled content and product-to-package ratio. All other things being equal, producers that incorporate these design features in their covered products will pay lower membership fees.

Recycling Collection and Material Lists

18. For the statewide collection list, will the same materials be collected in on-route commingled recycling programs and at recycling depots?

Not necessarily. The uniform statewide collection list will establish which materials will be collected in on-route commingled recycling programs (curbside) and which materials will be collected at recycling depots. Therefore, drop-off locations may accept additional materials that may not be appropriate for curbside collection.

19. What will be collected at recycling depots?

What is collected depends on the type of recycling depot. There will likely be two different types of depots where community members can drop off recyclables:

1. *Multi-material depots, co-located with solid waste disposal sites.* These depots will be required to accept *at least* the materials on the statewide collection list designated for curbside collection. In addition, they may also accept:
 - Materials on the statewide collection list designated specifically for depot collection
 - Other materials that a specific community may choose to collect at their own cost
 - Additional materials that PROs are required to provide collection services for through drop-off services, collection events or other collection methods
2. *Other depots that accept a smaller number of materials.* The Environmental Quality Commission (EQC) will identify specific materials for which PROs will be required to provide collection. The PROs may meet some collection requirements by working with the operators of depots at disposal sites (described above) to add these materials. They may also operate additional depots or work with other businesses to provide separate drop-off sites. Details will be clarified through administrative rulemaking scheduled to conclude in 2023 and PRO program plans, due March 31, 2024.

20. Does the presence of toxic chemicals in covered products, such as food serviceware, affect whether and how they are recycled?

Not all “covered products,” such as food serviceware will be designated for recycling in Oregon. Many covered products will not be included on the list of recyclable materials for various reasons, such as environmental health and safety considerations, environmental factors from a life cycle perspective and others listed in Section 22(3) of the Recycling Modernization Act. The uniform statewide collection list and producer-collected materials will be determined through an administrative [rulemaking process](#). Please see the estimated [implementation timeline](#) for more information.

Costs

21. Will garbage and recycling collection bills go up as a result of these changes?

Ratepayers who pay a garbage and recycling bill today will not pay more as a result of requirements in the new law. Producers of packaging, printed paper and food serviceware will pay for the costs of improving existing recycling programs. Also, some costs that are currently paid for by ratepayers (such as transportation) will be compensated by the PROs, and this could result in lower bills.

22. How will local governments pay for costs to meet the new requirements?

Local governments will receive funding from PROs to implement the new requirements. Additional funding will also be available to support optional programs that cities and counties may choose to offer. Where communities choose to voluntarily expand recycling collection services, PROs will pay for start-up and ratepayers will pay the ongoing costs of collection. Costs associated with meeting new space requirements at multifamily properties will be borne by the property developer or builder.

PRO funding will support new local government requirements including:

- Implementing contamination reduction programs
- Using new education resources to promote the statewide list
- Additional costs for using recycled plastic in recycling and waste containers
- Start-up costs for ensuring adequate collection service volume for multifamily residents
- Transporting recyclables more than 50 miles to a recycling processing facility or end market
- Start-up costs for expanding recycling collection opportunities (as identified in a statewide needs assessment)

23. How much will the PROs pay for the State’s administrative costs?

DEQ estimates that PROs will collectively pay less than \$2 million annually for the State’s costs to administer, implement and enforce the new law. This amount makes up about 2% of the total estimated PRO costs of compliance.

24. Will consumers be affected by higher prices on the goods they purchase as a result of this new program?

[Research](#) on similar systems throughout Europe and Canada has not found that producer responsibility programs lead to an increase in consumer prices for their products. An overwhelming majority of the

producers that will operate in Oregon's extended producer responsibility (EPR) system are global brands that will likely spread the cost across their very large customer bases.

Commingled Recycling Processing Facilities

25. How will the commingled recycling processing facilities be regulated?

By July 2025, commingled recycling processing facilities will be required to obtain a permit from DEQ, or a similar certification approved by DEQ, to receive recyclable materials from Oregon communities. In order to receive the permit or certification, processing facilities will need to meet new performance standards, including for sorting quality, managing contamination, and reporting on final destination of materials. The specific standards will be established by administrative rule in 2024.

26. When will the new regulations for inbound and outbound quality, as well as destination reporting, be established?

Requirements for outbound quality and destination reporting will be established in administrative rule, scheduled for consideration by the Environmental Quality Commission in 2024. See the [implementation timeline](#) for more details.

27. Is there funding available to improve sorting technology and infrastructure?

PROs will propose in their program plans how they plan to meet requirements for responsible recycling of covered products. The plans must specifically detail investments and other arrangements made with recycling processors (Section 6(2)(a)(H)(v)) such as investing in sorting technology and infrastructure upgrades. The Recycling Modernization Act does not prescribe specific types of investments, but rather requires PROs to pay several fees to commingled recycling processors that will compensate for many of the costs of permit compliance. PROs may also make additional arrangements with commingled recycling processing facilities as necessary to meet the requirements in the law, including effective recycling of covered products that are designated for recycling.

28. What is the contamination management fee?

PROs will pay commingled recycling processing facilities a contamination management fee (Section 24) to cover the costs of removing and disposing of covered products that are not accepted in recycling collection programs. These items, known as contaminants, make it more expensive to sort accepted recyclables. To establish the contamination management fee, an independent consultant will conduct a study to estimate the costs of removing and disposing of covered products that are contaminants. The fee will first be determined through a rulemaking process that is estimated to conclude in late 2024. It will go into effect July 1, 2025 and is subject to future revision.

29. What is the processor commodity risk fee?

PROs will pay commingled recycling processing facilities a commodity risk fee (Section 25) to stabilize the cost of recycling and to protect Oregon ratepayers from paying more as a result of requirements in the Recycling Modernization Act. Today, through garbage and recycling collection bills, ratepayers pay for the costs of sorting collected recyclables into separate material categories before the material is sold

to end markets. In the future, most of these processing costs will be paid by the PROs through the processor commodity risk fee (minus the contamination management fee, described above).

The fee will be set to absorb the volatility of recycling markets that currently make processor costs fluctuate, and will change frequently based on changes in a published commodity prices paid for recyclable materials. A fee formula will first be determined through a rulemaking that is estimated to conclude in late 2024. It will go into effect July 1, 2025, and is subject to future revision.

Together, the contamination management fee and processor commodity risk fee will offset costs that the processors incur as a result of meeting new performance standards in the law, such as improving sorting quality and ensuring materials reach responsible end markets.

Plastics

30. Is all packaging covered, or only plastic?

All packaging and food serveware, unless exempted, is a covered product, regardless of material.

31. How will the recycling rate of plastic packaging be determined?

The recycling rate of plastic will be calculated by DEQ, as prescribed in Section 27(3) and (5) of the Recycling Modernization Act. Recycling data may be obtained through DEQ's periodic material recovery survey and supplemental information required by DEQ. Disposal and generation data may be obtained through annual waste disposal reporting, periodic waste composition studies, and supplemental information required by DEQ.

Rulemaking

32. What will be covered in the first administrative rulemaking?

The first rulemaking process is estimated to begin in late 2022, with draft rules brought to the Environmental Quality Commission (EQC) for consideration in late 2023. The rules will establish more details and requirements related to:

- Producer responsibility organization (PRO) plan requirements (including coordination plans)
- Standards for PRO compensation of local governments (Section 13)
- Material lists for recycling – including collections provided by local governments and collections provided by PROs (Section 22)

33. What will be covered in the second administrative rulemaking?

The second rulemaking process is estimated to begin in 2023, with draft rules brought to the Environmental Quality Commission (EQC) for consideration in mid-2024. The rules will establish more details and requirements related to:

- Commingled recycling processing facility permit and certification requirements, including living wages and benefits for facility workers (Sections 37 & 38)
- Contamination management fee and processor commodity risk fee and (Sections 24 & 25)
- Waste Prevention and Reuse Fee to be paid by PROs (Section 32)

- Life cycle assessment standards – Procedures and requirements to be used by producers when evaluating the life cycle impacts of covered products (Section 33)

Education and Labeling

34. How does the new law improve education for community members?

Starting in 2025, public education about recycling will be expanded and improved in several meaningful ways, including:

- Cities and counties will offer more public education programs funded by producers.
- Local governments will choose and tailor tested strategies to reduce contamination, or trash, in the recycling, including public education.
- Public education will be easier with one uniform statewide recycling list describing what can and can't be recycled.
- PROs will create, distribute and share educational materials to promote the statewide collection list.
- Educational materials will be available in multiple languages, to meet the needs of diverse communities.

35. Will there be any mandatory labeling requirements under the new law?

To address the issue of misleading or confusing product labeling, the Recycling Modernization Act created a Truth in Labeling Task Force to study the issue and make recommendations for possible future legislation (Section 36). The report is due to the Oregon Legislature by June 1, 2022.

Life Cycle Assessment

36. Under Section 33, “large producers” will be required to perform a Life Cycle Assessment (LCA) every two years. How long will this requirement be in place?

Section 33(2) requires the 25 largest producers to perform life cycle assessment for at least one percent of covered products sold or distributed in or into the state every two years. This is an ongoing requirement and it has no sunset date.

37. Are the LCAs industrywide – that is, one study on a particular packaging material across an industry – or for individual covered products?

The requirement applies to individual “covered products,” as defined in the law. Individual producers could choose to work together to share resources and perform a common LCA on the base materials used in their covered products if they share common supply chains.

38. Will LCAs conducted by large producers be made publicly available? Will they be peer reviewed?

Life cycle assessments conducted by large producers will be made available to the public and must be posted to the PRO's website. Other requirements, such as standards for conducting these assessments,

will be established by administrative rule in 2024.

Compostable Packaging

39. Will compostable packaging also be covered by this law, and producers of such packaging required to pay fees?

Yes. All packaging is a covered product, unless exempted in the law, regardless of whether it is "recyclable," "compostable" or not.

Recycled Content

40. Does the new law include any recycled content requirements?

- As of January 1, 2026, local governments will be required to ensure that designated collection service providers purchase roll carts, bins and other collection containers made from at least 10% post-consumer recycled content.
- PROs must also consider the use of recycled content in covered products when determining the annual membership fees charged to their members (Section 11(4)(a)). Among other factors, PROs must incorporate into the graduated fee structure a producer's use of recycled content in its covered products.

Recycling Markets

41. How does the Recycling Modernization Act strengthen recycling markets?

Producer responsibility organizations (PROs) will be required to ensure that covered products collected in Oregon are delivered to responsible end markets. Also, permit or certification standards will require commingled processing facilities to market collected materials to responsible end markets.

- If a responsible end market does not exist, or ceases to exist, then the PROs must take actions to develop alternatives for materials on the statewide collection list.
- If a responsible market exists but requires additional actions to access it (such as paying higher transportation costs or conducting additional processing of materials), then the PRO must also take steps to ensure that materials collected in Oregon can and will be delivered to that market.
- PROs may provide compensation to commingled recycling processors if they incur higher costs to access a market. This is called the processor commodity risk fee.

The Recycling Modernization Act also supports the development of recycling markets by requiring:

- PROs to establish a graduated fee structure that are charged to members, using several mandatory criteria, including use of post-consumer recycled content. All other things being equal, producers that use post-consumer content in their covered products will pay lower membership fees.
- Local governments to ensure that roll carts, bins, and containers purchased by their service providers are manufactured from at least 10 percent post-consumer recycled material.

Other Questions

42. How will independent recycling companies and services be affected by the new law?

Independent recycling companies and services may be addressed through PRO program plans and additional collection opportunities that PROs will provide according to Section 22(1)(b). Local governments that oversee recycling collection services in their communities may also address such services through their own local processes and codes. The Recycling Modernization Act does not prohibit independent companies from operating or offering services, as long as they comply with state and local regulations.

More information

More information is available on DEQ's website at RecyclingAct.Oregon.gov.

Alternate formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

THROUGH: Sherilyn Lombos, City Manager

FROM: Steve Koper, AICP, Assistant Community Development Director
Erin Engman, AICP, Senior Planner

DATE: February 26, 2024 (*Packet materials revised February 22nd*)

SUBJECT:

Update on the Planning Division's development short-term code update bundle.

RECOMMENDATION:

Staff recommends that City Council direct staff to continue through the legislative plan text amendment process for consideration of the proposed amendments.

EXECUTIVE SUMMARY:

Throughout 2023, a handful of property and business owners have reached out to the City with various requests to amend the development code in an effort to support business retention, growth, and attraction (Comprehensive Plan Goal 4.2). Additionally, planning staff held discussions with City Council in 2023 seeking direction of the Planning Divisions' Work Plan. As part of these discussion, staff was directed to implement a "Short-Term Priority Bundle Project" at the January 22, 2024 City Council hearing.

The short-term priority bundle project is a plan text amendment (PTA 24-0001) that would:

- Expand hours of operation for retail sales of cannabis facilities and medical dispensaries;
- Add Commercial Recreation – Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Durable Goods Sales – Retail Sales of Home Improvement Materials and Supplies as a limited use in the Central Commercial (CC) Zone; and
- Add Durable Goods Sales – Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone.

A draft of the code amendments has been included as Exhibit 1. Staff anticipates that the limited scope of the amendment project will maintain the various characteristics of the city identified in the Comprehensive Plan and maintain consistency with the Oregon Planning Goals and applicable Oregon Administrative Rules.

As a next step, staff will begin drafting findings to applicable code criteria and state rules. It is anticipated that the project will be presented to the Tualatin Planning Commission on March 20. The Planning Commission will provide a recommendation to the Council which may include further refinements. Engagement efforts will continue throughout the project, with public noticing in March. Staff is tentatively proposing to return to Council on April 22 for consideration of an Ordinance to codify the proposed changes.

PROJECT SCHEDULE:

TASKS	2024		
	February	March	April
Draft Code			
Public Comment Period			
Planning Commission Recommendation			
City Council Hearing			Adoption

FINANCIAL IMPLICATIONS:

This project can be accomplished with existing staff, time, and budget resources.

ATTACHMENTS:

- Presentation
- Exhibit 1: Draft Code



SHORT-TERM CODE UPDATE

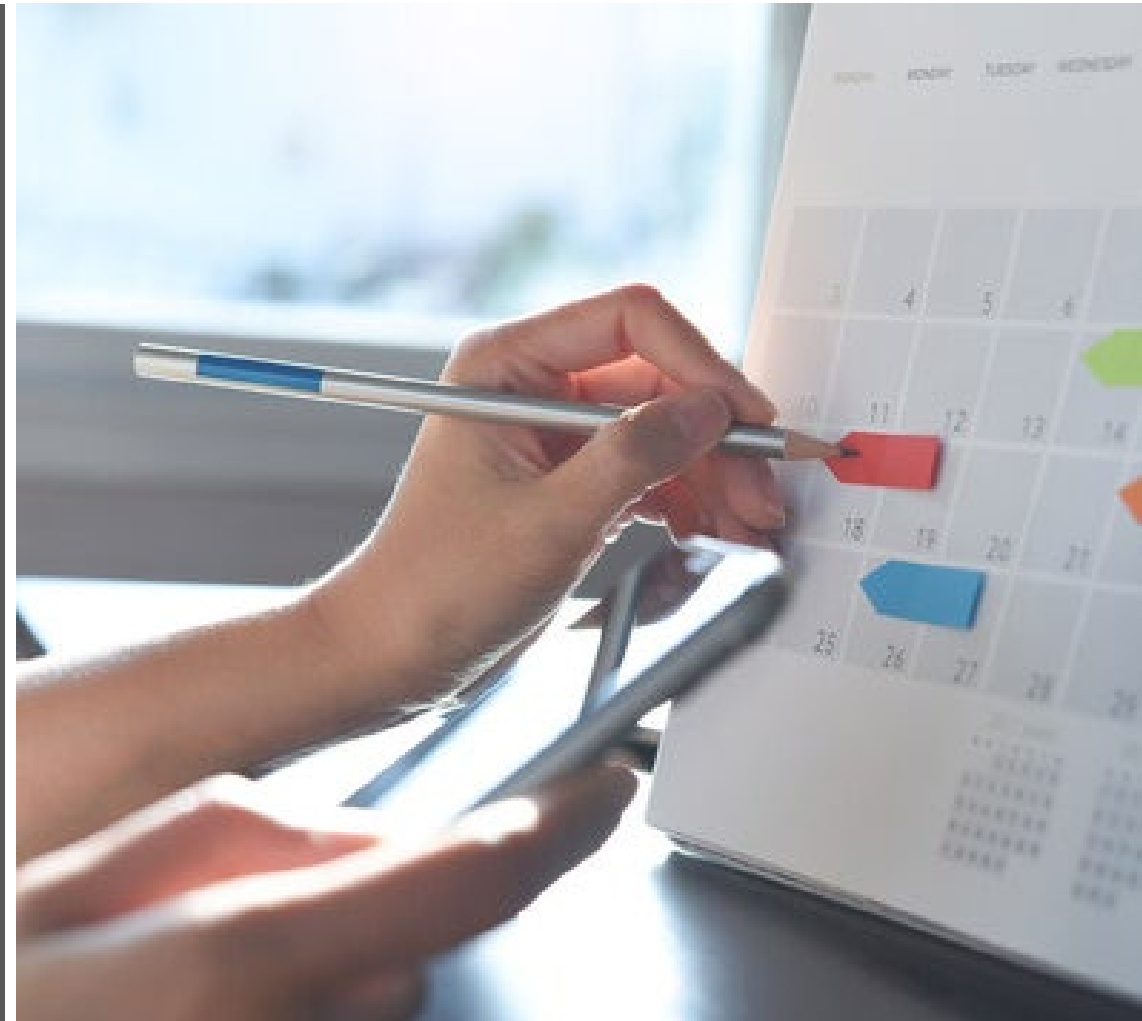
*City Council Meeting
February 26, 2024*

Presented by: Erin Engman, Senior Planner
Steve Koper, Assistant Community Development Director



AGENDA

- Project Purpose
- Overview of Changes
- Next Steps
- Questions and Discussion



PROJECT PURPOSE

Short-term code update

This project is a plan text amendment that would:

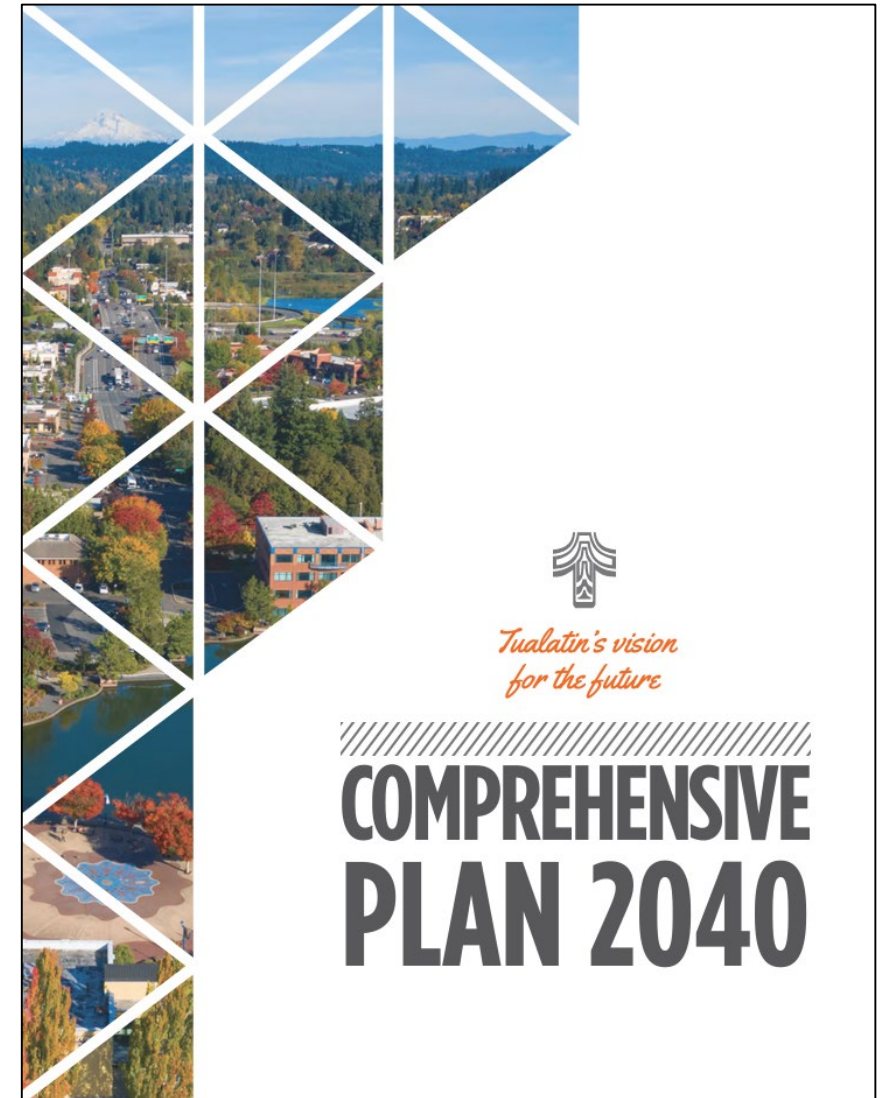
- Expand hours of operation for retail sales of cannabis facilities & medical dispensaries;
- Add Commercial Recreation – Health and Fitness Facility as a limited use in the General Commercial (CG) Zone;
- Add Durable Goods Sales – Retail Sales of Home Improvement Materials as a limited use in the Central Commercial (CC) Zone;
- Add Durable Goods Sales – Battery Electric Vehicle Showroom as a limited use in the Mixed Use Commercial (MUC) Zone.



PROJECT PURPOSE

Background

- Last year staff received various requests to amend the code by property and business owners;
- At the January 22 work session, City Council directed staff to implement this “Short-Term Priority Code Update Bundle” as part of the Planning Division’s work program;
- Supports Comprehensive Plan-Goal 4.2 to encourage business retention, growth, and attraction.



OVERVIEW OF CHANGES

Chapter	Title	Draft Amendment to Code
39	Use Categories	<ul style="list-style-type: none">• Use definition additions in support of amendments.• Adds battery electric vehicle showroom as an example of Durable Good Sales; clarifies that outdoor storage of automobiles or sales of automobiles that are not battery electric vehicle showrooms or automobile leasing offices is not permitted in any zone.
53	Central Commercial Zone	<ul style="list-style-type: none">• Adds retail sales of home improvement materials and supplies as a limited Durable Goods Sales use. This use is subject to a square footage limitation of 65,000 square feet.• Corrects dated code citation for temporary use permit.• Clarifies approval criteria for an outdoor storage conditional use.
54	General Commercial Zone	<ul style="list-style-type: none">• Adds Health and Fitness Facility as a Commercial Recreation use.• Outdoor fitness facility uses are subject to additional standards and limitations.
57	Mixed Use Commercial Zone	<ul style="list-style-type: none">• Adds Battery Electric Vehicle Showroom as a Durable Goods Sales use.• Battery electric vehicle showroom uses are subject to additional standards and limitations.
80	Cannabis Facilities	<ul style="list-style-type: none">• Expands hours of operation for retail sales of cannabis facilities & medical dispensaries.

NEXT STEPS

TASKS	2024	
	March	April
Draft Findings		
Public Comment Period		
Planning Commission Recommendation		
City Council Hearing		Adoption

NEXT STEPS

Public Comment Opportunities

- Planning Commission Meeting open to public testimony
- Public notice published under code procedures includes comment period
- City Council Hearing



DISCUSSION

Questions?

- Expand hours of operation for cannabis facilities & dispensaries;
- Add Health and Fitness Facility as a limited use in CG;
- Add Retail Sales of Home Improvement Materials and Supplies as a limited use in CC; and
- Add Battery Electric Vehicle Showroom as a limited use in MUC.



CHAPTER 39 - USE CATEGORIES

TDC 39.115 - Use Definitions.

[...]

Battery Electric Vehicle Showroom. Means an establishment engaged in the sale or lease of new vehicles designed to operate exclusively on electricity stored in a rechargeable battery, multiple batteries, or battery pack. Showrooms do not include exterior vehicle storage or activities related to vehicle repair and servicing.

Health or Fitness Facility. A facility designed to accommodate indoor or outdoor activities such as racquetball courts, pickleball courts, tennis courts, gymnasiums, weight lifting rooms and other exercise areas, swimming pools and similar uses.

[...]

TDC 39.320. - Durable Goods Sales.

- (1) *Characteristics.* Durable Goods Sales are the sale, rental, or lease of new and used goods having extended utility. Durable Goods Sales may require extensive indoor and/or outdoor display areas.
- (2) *Examples of Uses.*
 - Retail sale of home improvement materials and supplies, including but not limited to: interior/exterior building and construction materials, electrical supplies, plumbing supplies and fixtures, lawn and landscaping equipment, floor coverings, home décor, indoor/outdoor household appliances, paint and painting supplies, and tools and hardware.
 - Retail sale of furniture and large appliances.
 - New and used sales of motorcycles, boats, recreational vehicles, or trailers.
 - Retail nurseries or greenhouses.
 - Battery electric vehicle showroom (as defined in TDC 39.115) and automobile leasing office.
- (3) *Exceptions.*
 - Sales of building and landscaping materials primarily sold to contractors is classified as Wholesale Sales.
 - Sales, leasing, or rental of industrial, farm, or construction equipment is classified as Wholesale Sales.
 - Sales of bicycles are classified as Retail Sales and Service.
 - Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.350. - Quick Vehicle Servicing.

- (1) *Characteristics.* Quick Vehicle Servicing provides direct services for motor vehicles at a drive-through facility, which may include a mini-mart in certain zones, where the service is performed and where the driver generally waits for the service to be performed.
- (2) *Examples of Uses.*
 - Automobile Service Station (as defined in TDC 39.115).
 - Non-Retail Cardlock Fueling Station (as defined in TDC 39.115).
 - Car washes.

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- Quick lubrication services.
- Department of Environmental Quality vehicle emission test sites.

(3) *Exceptions.*

- Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept are accessory to the primary use.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.365 - Vehicle Repair.

- (1) *Characteristics.* Vehicle Repair provides vehicle repair and servicing to passenger vehicles, light and medium trucks, motorcycles, boats, recreational vehicles, and other consumer motor vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

(2) *Examples of Uses.*

- Alignment shop.
- Auto body and/or paint shop.
- Auto detailing.
- Auto upholstery shop.
- Tire sales and mounting.
- Transmission or muffler shop.
- Vehicle repair.

(3) *Exceptions.*

- Repair and service of industrial vehicles and equipment, and of heavy trucks; towing and vehicle storage are classified as Light Manufacturing.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle showrooms or automobile leasing offices, is not permitted in any zone.

[...]

TDC 39.430. - Vehicle Storage.

- (1) *Characteristics.* Vehicle Storage are storage facilities for vehicles including automobiles, boats, buses, recreational vehicles, and trailers.

(2) *Examples of Uses.*

- Vehicle impoundment yards.
- Vehicle fleet storage and maintenance facilities.
- Towing and vehicle storage operations.
- School bus yards.
- Recreational vehicle storage.
- Transit vehicle storage and maintenance yards.

(3) *Exceptions.*

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- Auto wrecking yards are not permitted in any zones.
- Outdoor storage of automobiles or sale of automobiles that are not battery electric vehicle
showrooms or automobile leasing offices, are is not permitted in any zones.

CHAPTER 53 CENTRAL COMMERCIAL ZONE (CC)

TDC 53.100. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a full range of retail, professional and service uses of the kind usually found in downtown areas patronized by pedestrians. The district also provides areas suitable for civic, social, and cultural functions serving the general community.

TDC 53.200. Use Categories.

- (1) *Use Categories.* Table 53-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CC zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 53-1 and restrictions identified in TDC 53.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 53-1
Use Categories in the CC Zone

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink;• Private meeting hall, club or lodge hall, or fraternal organizations; and• Health studio.
Commercial Parking	P	—
Durable Goods Sales	P (L)	Permitted uses limited to: <ul style="list-style-type: none">• Furniture store, including antiques and second-hand furniture; and• Appliance store, subject to TDC 53.210(12); and• <u>Retail sales of home improvement materials and supplies, subject to TDC 53.210(3).</u>
Eating and Drinking Establishments	P	Some restrictions in the Central Tualatin Overlay Zone see TDC Chapter 58.
Medical Office	P	—
Office	P	—
Retail Sales and Services	P/C	Conditional use permit required for veterinary clinic. Memorial Planning and Products Center (as defined in TDC 39.115) not permitted.

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		All other uses permitted outright. All uses subject to TDC 53.210(4).
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C	—
Colleges, Universities and Private Career Schools	P/C (L)	Permitted uses limited to business college. All other use are conditional uses.
Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations and pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P	—
Public Safety Facilities	P/C (L)	Conditional uses limited to publicly- and privately-operated ambulance facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facilities	P(L)	Permitted uses limited to: <ul style="list-style-type: none"> • Wireless Communication Facility Attached; and • Wireless Communication Facility, located within 300 feet of the centerline of I-5.

TDC 53.210. Additional Limitations on Uses.

[...]

- (3) Retail Sales of Home Improvement Materials and Supplies. The retail sales of home improvement materials and supplies use is limited to a maximum allowed gross floor area of 65,000 square feet per building or tenant. ~~Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a) — (c), below.~~
- (a) ~~Outside storage or sales requires a conditional use permit.~~
- (b) ~~Outdoor sales, as defined in TDC 31.060 and as provided for in TDC 34.011, are permitted as a temporary use.~~
- (c) ~~Portable collection facilities as an accessory use require a conditional use permit, and are subject to the following standards:~~
- (i) ~~The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;~~
 - (ii) ~~If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;~~
 - (iii) ~~Items must not be stored outside the facility, except for temporary storage of oversized goods;~~
 - (iv) ~~Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and~~

- ~~(v) Adequate receptacle must be provided for items dropped off during times the facility is not attended.~~
- (4) Outdoor Uses. All uses must be conducted wholly within a completely enclosed building, except off-street parking and loading, Basic Utilities, Wireless Communication Facilities, outdoor play areas of child day care centers, as required by state day care certification standards, and as provided in (a)–(b), below.
- (a) Temporary Uses. Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
- (b) Conditional Uses.
- (i) Any outdoor storage, display, and sales use requires a conditional use permit and is subject to the following standards:
- (A) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
- (B) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
- (C) The outdoor area must abut a wall of the store.
- (D) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
- (E) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.
- (ii) Portable collection facilities, as an accessory use, require a conditional use permit and are subject to the following standards:
- (A) The facility must be sited such that it is either adjacent to existing vegetation or in a location where vegetation can be installed to enhance the appearance of the facility;
- (B) If vegetation is not already in place, landscaping, as approved through the Architectural Review process, must be installed adjacent to the location of the portable collection facility;
- (C) Items must not be stored outside the facility, except for temporary storage of oversized goods;
- (D) Oversized goods stored outside must be collected daily and removed from the premises or stored inside the portable collection facility; and
- (E) Adequate receptacle must be provided for items dropped off during times the facility is not attended.
- [...]

CHAPTER 54 - GENERAL COMMERCIAL ZONE (CG)

TDC 54.100. Purpose.

The purpose of this district is to provide areas in the City that are suitable for the widest range of commercial uses and retail businesses. This district is particularly suitable for automobile-related businesses and businesses needing direct freeway access.

TDC 54.200. Use Categories.

- (1) *Use Categories.* Table 54-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the CG zone. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 54-1 and restrictions identified in TDC 54.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.
- (2) *Overlay Zones.* Additional uses may be allowed in a particular overlay zone. See the overlay zone Chapters for additional uses.

Table 54-1
Use Categories in the CG District

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Residential Accessory Uses	P (L)	Permitted uses limited to Family Child Care Home, subject to ORS 329A.440.
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P/C (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none">• Amusement enterprise, including pool hall, bowling alley, dance hall or skating rink; and• Health studio or fitness facility, <u>outdoor uses limited subject to TDC 54.220(2).</u> <p>Conditional uses limited to:</p> <ul style="list-style-type: none">• Family recreation center, as defined in TDC 31.060; and• Private meeting hall, club or lodge hall, or fraternal organizations.
Commercial Parking	P	—
Durable Goods Sales	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none">• Furniture store, including antiques and second-hand furniture;• Appliance store, subject to TDC 54.210(2);• Home improvement store, subject to TDC 534.210(3) and TDC 54.220(34);• Auto leasing office, subject to TDC 54.210(4) and TDC 54.220(34); and• Boat, boat motor and boat trailer sales subject to TDC 54.210(5) and TDC 54.220(34). <p>All uses subject to TDC 54.210(1).</p>

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Eating and Drinking Establishments	P	—
Medical Office	P	—
Office	P	—
Other Educational and Vocational Services	P	—
Quick Vehicle Servicing	P (L)	Permitted uses limited to Automobile Service Stations subject to TDC 54.210(6).
Retail Sales and Services	P/C (L)	Conditional use permit required for outdoor pet activity area associated with Pet Day Care, subject to subject to TDC 54.220(34). Pet Day Care without outdoor activity area is permitted outright. Mortuary not permitted. All other retail sales and service uses permitted outright. All uses subject to TDC 54.210(1).
Vehicle Repair	P	—
INDUSTRIAL USE CATEGORIES		
Light Manufacturing	P (L)	Permitted uses limited to: Optical lens grinder; and Testing laboratory.
Vehicle Storage	P (L)	Permitted uses limited to automobile towing company office and dispatch office, subject to TDC 54.220(34).
Warehouse and Freight Movement	P (L)	Permitted uses limited to frozen food locker.
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	Conditional uses limited to: • Auditoriums, exhibition halls, or rooms for public assembly; • Churches, synagogues, mosques, temples or other places of worship; and • Theaters.
Colleges, Universities, and Private Career Schools	P/C	Permitted uses limited to a private career school. All other uses require conditional use permit.
Community Services	P	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES USE CATEGORIES		
Basic Utilities	P/C (L)	Permitted uses limited to sewer and water pump stations, pressure reading stations. Conditional uses limited to utility substations.
Greenways and Natural Areas	P	—
Parks and Open Space	P (L)	Golf courses and country clubs prohibited. All other uses permitted outright.
Public Safety Facilities	P/C (L)	Conditional uses limited to: • Fire stations; and • Publicly- and privately-operated ambulance

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		facilities. All other uses permitted outright.
Transportation Facilities	P	—
Wireless Communication Facility	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none">• Wireless Communication Facility, if located within 300 feet of the centerline of Interstate 5; and• Wireless Communication Facility Attached. Conditional uses limited to Wireless Communication Facility. Subject to maximum height and minimum setback standards defined by TDC Chapter 73F.

[...]

TDC 54.220. Outdoor Uses.

All uses must be conducted wholly within a completely enclosed building, except as provided by this section.

- (1) *Permitted Uses.* Off-street parking and loading, outdoor play areas of child day care centers as required by state day care certification standards, Basic Utilities, Wireless Communication Facilities, and nursery or greenhouse uses are permitted outright as outdoor uses.
- (2) *Limited Uses.* Health and Fitness Facility uses that include outdoor activities are limited and subject to additional standards.
 - (a) The subject lot is not within 500 feet of a residential planning district.
 - (b) The outdoor area must:
 - (i) Be completely enclosed with a minimum 8-foot-tall sight-obscuring fence. Slatted chain link fencing is not an appropriate screening measure; and
 - (ii) Outdoor activities must not occur between the hours of 10:00 pm and 7:00 am.
- (23) *Temporary Uses.* Temporary outdoor sales, as defined in TDC 31.060, are permitted as a temporary use subject to TDC 33.090.
- (34) *Conditional Uses.* ~~Any outdoor storage, display, and sales use requires a conditional use permit.~~ The following specific outdoor uses require a conditional use permit and are subject to additional standards.
 - (a) Outdoor Storage, Display, and Sales.
 - (i) The outdoor area must not exceed ten percent of the store's gross floor area or 15,000 square feet, whichever is less.
 - (ii) Not less than 50 percent of the outdoor area must be covered by a permanent roof.
 - (iii) The outdoor area must abut a wall of the store.
 - (iv) All sides of the outdoor area not abutting a wall of the store must be screened with a sight obscuring fence, wall, berm, or dense evergreen landscaping not less than six feet in height.
 - (v) Stored materials must not exceed the height of the sight obscuring barrier when viewed from street level.

[...]

CHAPTER 57 MIXED USE COMMERCIAL ZONE (MUC)

TDC 57.010. Purpose.

The purpose of this district is to provide areas of the City that are suitable for a mix of office, retail commercial, and high-density housing. Retail uses should be located on the ground floor to encourage an interesting and active streetscape. Buildings should be oriented toward the street with clearly marked entrances. The use of alternative modes of transportation such as transit, pedestrian, and bicycle activity are to be promoted within the district.

TDC 57.200. Use Categories.

- (1) *Use Categories.* Table 57-1 lists use categories Permitted Outright (P) or Conditionally Permitted (C) in the MUC. Use categories may also be designated as Limited (L) and subject to the limitations listed in Table 57-1 and restrictions identified in TDC 57.210. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Limitations may restrict the specific type of use, location, size, or other characteristics of the use category. Use categories which are not listed are prohibited within the zone, except for uses which are found by the City Manager or appointee to be of a similar character and to meet the purpose of this zone, as provided in TDC 31.070.

Table 57-1
Use Categories in the MUC

USE CATEGORY	STATUS	LIMITATIONS AND CODE REFERENCES
RESIDENTIAL USE CATEGORIES		
Household Living	P/C	Permitted housing types subject to TDC 57.220
COMMERCIAL USE CATEGORIES		
Commercial Lodging	P	—
Commercial Recreation	P	—
Commercial Parking	P	—
Durable Goods Sales	P/C (L)	Permitted uses limited to: <ul style="list-style-type: none">• Retail sale of furniture and large appliances, pursuant to TDC 57.210; and• <u>Battery electric vehicle showroom, subject to TDC 57.210.</u> Conditional uses limited to: <ul style="list-style-type: none">• Outdoor sales subject to TDC 57.210.
Eating and Drinking Establishments	P	P
Medical Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Office	P (L)	Accessory research and development square footage must be less than the primary office use square footage.
Other Educational and Vocational Servicing	P	—
Quick Vehicle Servicing	C (L)	Conditional uses limited to: <ul style="list-style-type: none">• Automobile service station subject to TDC 57.210.

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Retail Sales and Services	P/C (L)	<p>Pet day care without outdoor activity area is permitted outright.</p> <p>Mortuary not permitted.</p> <p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Outdoor sales subject to TDC 57.210. <p>All other retail sales and service uses permitted outright.</p>
INSTITUTIONAL USE CATEGORIES		
Assembly Facilities	C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Religious institutions or major event entertainment.
Colleges, Universities, and Private Career Schools	C	—
Community Services	P	—
Medical Centers	C	—
Schools	C	—
INFRASTRUCTURE AND UTILITIES CATEGORIES		
Basic Utilities	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Sewer and water pump stations; • Pressure reading stations.
Greenways and Natural Areas	P	P
Parks and Open Space	P (L)	<p>Golf courses and country clubs prohibited.</p> <p>All other uses permitted outright.</p>
Public Safety Facilities	P/C (L)	<p>Conditional uses limited to:</p> <ul style="list-style-type: none"> • Fire stations; and publicly- and privately-operated ambulance facilities. <p>All other uses permitted outright.</p>
Transportation Facilities	P	—
Wireless Communication Facility	P (L)	<p>Permitted uses limited to:</p> <ul style="list-style-type: none"> • Wireless communication facility attached.

TDC 57.210. Additional Limitations on Uses.

- (1) *Durable Goods Sales.* Uses are limited to the retail sale of furniture and large appliances and battery electric vehicle showroom subject to the following standards:
 - (a) Retail sale of furniture and large appliances. ~~The building footprint is less than 60,000 square feet of gross floor area.~~
 - (i) The building footprint is less than 60,000 square feet of gross floor area.
 - (ii) Incidental repair of appliances is permitted as an accessory use.
 - (b) Battery Electric Vehicle Showroom. ~~Incidental repair of appliances is permitted as an accessory use.~~
 - (i) The gross floor area must not exceed 10,000 square feet and the showroom must not exceed 7,500 square feet;
 - (ii) Must contain all sales inventory, materials, and equipment areas inside a building.
- [...]

CHAPTER 80 – CANNABIS FACILITIES

[...]

TDC 80.070. Cannabis Facility Operating Restrictions.

- (1) Retail sales and medical dispensary Cannabis facilities are restricted to the following operating hours:
 - (a) The hours of operation that a retail sales Cannabis facility may be open to the public is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
 - (b) The hours of operation that a medical dispensary Cannabis facility may be open to registry identification cardholders is between 7~~10~~:00 a.m. and 10~~8~~:00 p.m. of the same day.
- (2) All Cannabis facilities must comply with the following operating restrictions:
 - (a) Comply with the restrictions on edible Cannabis as provided in TDC 80.100;
 - (b) All Cannabis odors and other objectionable odors must be confined to levels undetectable at the property line;
 - (c) Primary entrances must be located on street-facing facades and clearly visible from a public or private street; and
 - (d) Outdoor storage of merchandise, plants, or other materials is prohibited.

[...]



CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council

FROM: Sherilyn Lombos, City Manager
Steve Koper, Assistant Community Development Director
Kevin McConnell, City Attorney

DATE: February 26, 2024

SUBJECT:
Stafford Area Discussion

RECOMMENDATION:
Staff recommends that the Council consider and discuss the information and provide direction on any appropriate next steps.

BACKGROUND:

The Stafford area is located in northwest unincorporated Clackamas County. It is comprised of over 4,500 acres located, for the most part north of I-205, east of Tualatin, south of Lake Oswego, and west of West Linn (see map). Due to its close proximity to Tualatin's east and south borders, Tualatin has actively engaged in any discussions about the future of the Stafford area for many years, dating back to at least the 1990s.

In early 2000, Metro, the regional government, was actively considering expanding the Urban Growth Boundary (UGB) and was evaluating several areas for inclusion, including a portion of Stafford, closest to Tualatin. Due to the proximity of the area that was being studied, it was determined that Tualatin would likely be the service provider should it be developed. Given the possible responsibility of providing services, Tualatin commissioned a fiscal impact analysis, primarily to determine the fiscal impact to the City's General Fund if the area was annexed, based on several different development scenarios. The analysis concluded that annexation and development would not have a negative impact on the City's General Fund and that revenues generated from the area (property taxes and franchise fees) were enough to cover the costs of extending general government services to that area.

While that study has been referenced in the years following, up until quite recently, as a reason for Tualatin to want to annex into Stafford, the study was actually quite narrow in its purview and assumptions, not taking into account any of the costs and complexities of infrastructure associated with new development, including water, sewer, and transportation, or the impacts of development on existing infrastructure and the built environment (such as traffic). Besides its narrow scope, which limited its usability even then, it is now well over 20 years old, and is no longer relevant in any way. In fact, Tualatin's concerns have remained fairly consistent over the years: the high cost of providing the necessary public infrastructure including functional transportation infrastructure, as well as the potential for severe negative impacts on existing community character and livability based on various development scenarios.

Ultimately, Metro did not expand the Urban Growth Boundary to include the Stafford area in 2000, and the issue went into hiatus of sorts (at least for Tualatin) until approximately 2010 when the entire Metro region went through what is known as the Urban/Rural Reserves process, which was an exercise to agree on a 50-year plan to designate lands that would ultimately be developed to urban standards, and lands that would remain rural in function and character. Through this process, in 2012 the Stafford area was designated by Metro (and approved by the State agency) as an Urban Reserve. The cities of Tualatin and West Linn (among many other interested parties) appealed this designation asserting that Metro did not use the proper criteria in their analysis (essentially that the analysis did not evaluate the transportation criteria adequately), and that it should have been designated as a Rural Reserve. The Court of Appeals agreed with the cities and sent the matter back to the State agency in charge of approving the designation (Land Conservation Development Commission-LCDC) to be relooked at. In 2015, after several years of legal action involving Tualatin, LCDC remanded the decision back to Metro and Clackamas County for proceedings and action consistent with the Court of Appeals opinion.

Based on this remand from LCDC, a series of "facilitated dialogues" were convened in 2015 and 2016 that included Metro, Clackamas County, Tualatin, Lake Oswego, and West Linn. These dialogues covered a lot of ground, but ultimately the 3 cities agreed to drop the litigation efforts contingent on a series of agreements that were memorialized in a 5-party Intergovernmental Agreement. The cities believed that the concessions that were agreed upon provided enough certainty and surety that the cities would be in control of timing and pace of planning and development in the area.

5-Party IGA

The 5-party IGA (attached), which was signed in June 2017 provides for governance of Stafford by one or more of the cities upon expansion of the urban growth boundary and annexation (in other words, there will be no new City and the area will not urbanize as unincorporated Clackamas County). The agreement also requires concept planning and public facilities planning prior to the addition of any part of the Stafford area into the Metro Urban Growth Boundary. Per the 5-party IGA, the timing for commencement and

completion of a concept plan is left to the governing city, as well as the pace and timing of future development with an area to be incorporated onto the Metro UGB. The agreement is effective until 2060.

3-Party IGA

Once the 5-party IGA was signed, the three cities convened to discuss specifics. The goal was to agree on the terms and conditions that the 5-party IGA did not cover, and did not necessarily pertain to Metro and the County. The 3-party Intergovernmental Agreement (attached) was signed in February 2019 and expires, like the 5-party IGA, in 2060.

The cities have always agreed that one of the most significant challenges for urbanization of Stafford in terms of cost and the potential for severe, negative community impacts is providing for adequate transportation infrastructure and transit service (going back to the original legal action on the Urban/Rural Reserves). This concern has long centered on the traffic congestion around I-205. Acknowledging this, the 3-party IGA explicitly states that before the cities can complete concept planning, I-205 must be widened to three lanes in each direction from Oregon City to Stafford Road, and the Abernethy Bridge must be replaced or reconstructed. The area was divided into South and North of the Tualatin River and it was agreed that a city will not complete or adopt a concept plan for any part of Stafford until:

- South of the Tualatin River: the I-205 project has received preliminary design approval; funding has been identified and appropriated; and construction is scheduled to begin in 2 years or less.
- North of the Tualatin River: nothing can happen until December 2028 (even if the I-205 project moves forward before then); after December 2028, the I-205 project conditions listed above must be met.

The 3-party IGA also explicitly outlines coordination of concept planning, appropriate notice, citizen involvement, and factors to consider when entering into concept planning. Finally, the IGA contemplates establishing boundaries, or “areas of interest” for each of the 3 cities who would be doing concept planning; criteria are included for how those boundaries or areas of interest could be drawn. As of this date, no boundaries or areas of interest have been identified, and there are no additional amendments to the 3-party IGA.

Litigation

In 2020, David Marks filed a petition with the Land Conservation and Development Commission (LCDC) requesting that it adopt an enforcement order requiring Metro, Clackamas County, and the Cities to (1) "nullify and invalidate" the 3-Party IGA and (2) amend and clarify the 5-Party IGA to ensure that the concept planning process for Stafford will be implemented in a manner consistent with the applicable statutes, administrative rules and Metro Code. Marks asserted that the IGA's unlawfully created contractual barriers to the development and urbanization of Stafford in violation of Metro's Regional Framework Plan (RFP).

Pursuant to ORS 197.320 (12), the LCDC has authority to issue an enforcement order requiring a local government to take action necessary to bring its land use decisions or actions into compliance with state law, if the LCDC has good cause to believe that a local government within Metro's jurisdiction has engaged in a pattern or practice of decision making that violates the Metro RFP.

After review, the LCDC declined to issue an enforcement order pursuant to ORS 197.320(12), determining that the IGA's did not constitute "land use decisions" under the significant impacts test. Marks sought judicial review of LCDC's decision, appealing the denial to the Court of Appeals. The Court of Appeals reversed the LCDC, agreeing with Marks that the IGA's constituted land use decisions under the significant impact test and remanded the matter back to LCDC for further consideration.

As of today's date, the LCDC has jurisdiction over this matter and we anticipate that a hearing will be set for this spring or early summer.

Current Status

There are a number of interested stakeholders in the Stafford area, besides the parties to the two agreements. Property owners, development interests, residents, the Stafford Hamlet, and others, and opinions vary widely about what should or should not be done in the Stafford area. It is safe to say that there is no coordinated agreement among all of the stakeholders about the appropriate next steps and future of Stafford.

The 3-cities long-standing concerns of cost of public infrastructure (including water, sewer, and stormwater) remain. A study was undertaken in 2017 by Fregonese & Associates along with OTAK that looked at one specific development scenario: developing 1,500 of the 4,500 acres with an estimated 8,000 jobs and 7,000 households. Their estimated cost of public infrastructure for that specific scenario (roads, sewer, water, stormwater) was \$800 million (see attached). Concept planning could certainly give us a more accurate estimate, but there is no question that infrastructure costs and delivery are a vital concern and challenge of who would pay. There is of course the continued concern of traffic and transportation infrastructure that would be needed to serve growth and development in the area. Tolling and diversion are already top of mind in terms of how they will impact the existing environment, much less with added growth and development. The ODOT plans to widen I-205 are now unfunded with no certainty of when that project conversation will be revisited.

The question has been raised as to whether the Stafford area is a needed component for our housing needs, or future job needs. Tualatin's 2019 Housing Needs Analysis (HNA) identified the need for 1,014 dwelling units over the next 20 years. The HNA showed that that within Tualatin's existing city limits and its Basalt Creek urban planning area, there is buildable land with the capacity to accommodate approximately 1,207 new dwelling units. While there were certain individual zoning designations that had a deficit of buildable acres, there were other zoning designations with a surplus of buildable acres, meaning that Tualatin's housing needs over the next 20 years could be

accommodated by rezoning existing land, rather than by urban growth boundary expansion.

Tualatin's 2019 Economic Opportunities Analysis (EOA) identified the need for 634 acres of employment land over the next 20 years. The EOA showed that within Tualatin's existing city limits and its Basalt Creek and Southwest Concept urban planning areas, there is a deficit of 249 acres of employment land. However, the EOA did not recommend that Tualatin meet its employment land needs by urban growth boundary expansion and rather concluded that Tualatin has substantial redevelopment potential due to a majority of redevelopable lots being in areas zoned for employment.

Conclusion & Next Steps

As outlined above, the existing 5-party IGA gives control to the three cities to plan and annex the Stafford area and the 3-party IGA outlines the conditions under which the cities will enter into concept planning. We are still engaged in active and unresolved litigation, and it does not appear (at least according to our Housing Needs Analysis, and Economic Opportunities Analysis) that the Stafford area is required to meet our goals. Concerns remain over provision and cost of public utilities, as well as traffic and transportation needs. One unknown is how the current legislative priority of housing will impact this area; however, the anticipated costs of bringing public infrastructure to the area before any development (housing or otherwise) could happen would most likely dampen the ability to build that housing in Stafford for the foreseeable future, even if dictated by the Governor herself.

A possible next step, should the Council desire, would be to convene with the other cities and Clackamas County to discuss the current status and any short, or long-term plans that include the Stafford area. One possible topic that is called for in the 3-party IGA is setting of boundaries or areas of interest, leading to an amendment of the IGA. Informal conversations with the other cities have gleaned that there is not an immediate desire on their part to move forward with concept planning, or even designating areas of interest, and on Tualatin's part, it is unknown what the staff needs would be to accommodate that discussion and this is not on the current work plan.

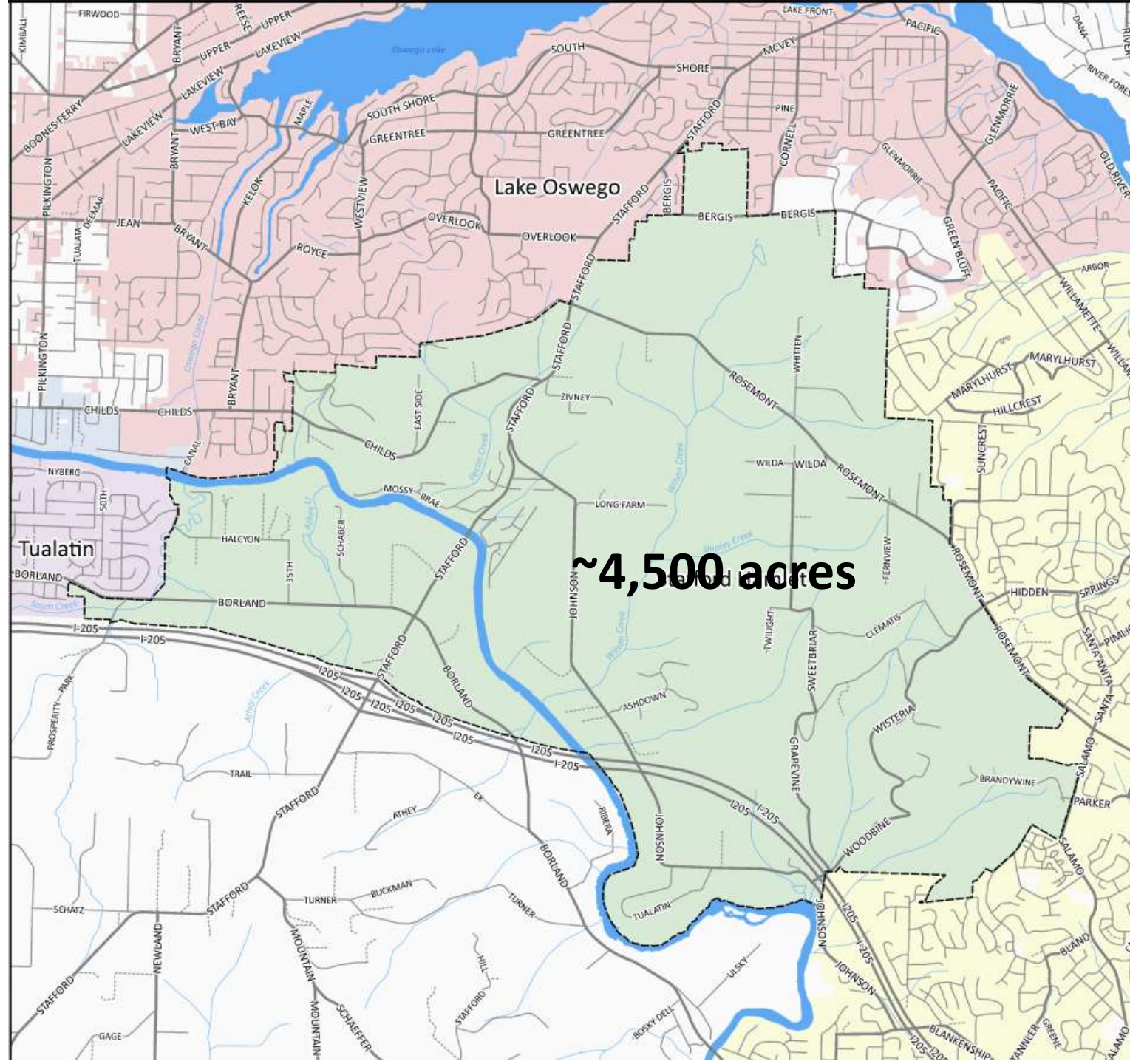
ATTACHMENTS:

- A. Stafford Area Map
- B. 5-Party Intergovernmental Agreement
- C. 3-Party Intergovernmental Agreement
- D. Infrastructure Costs from 2017 Scenario Study

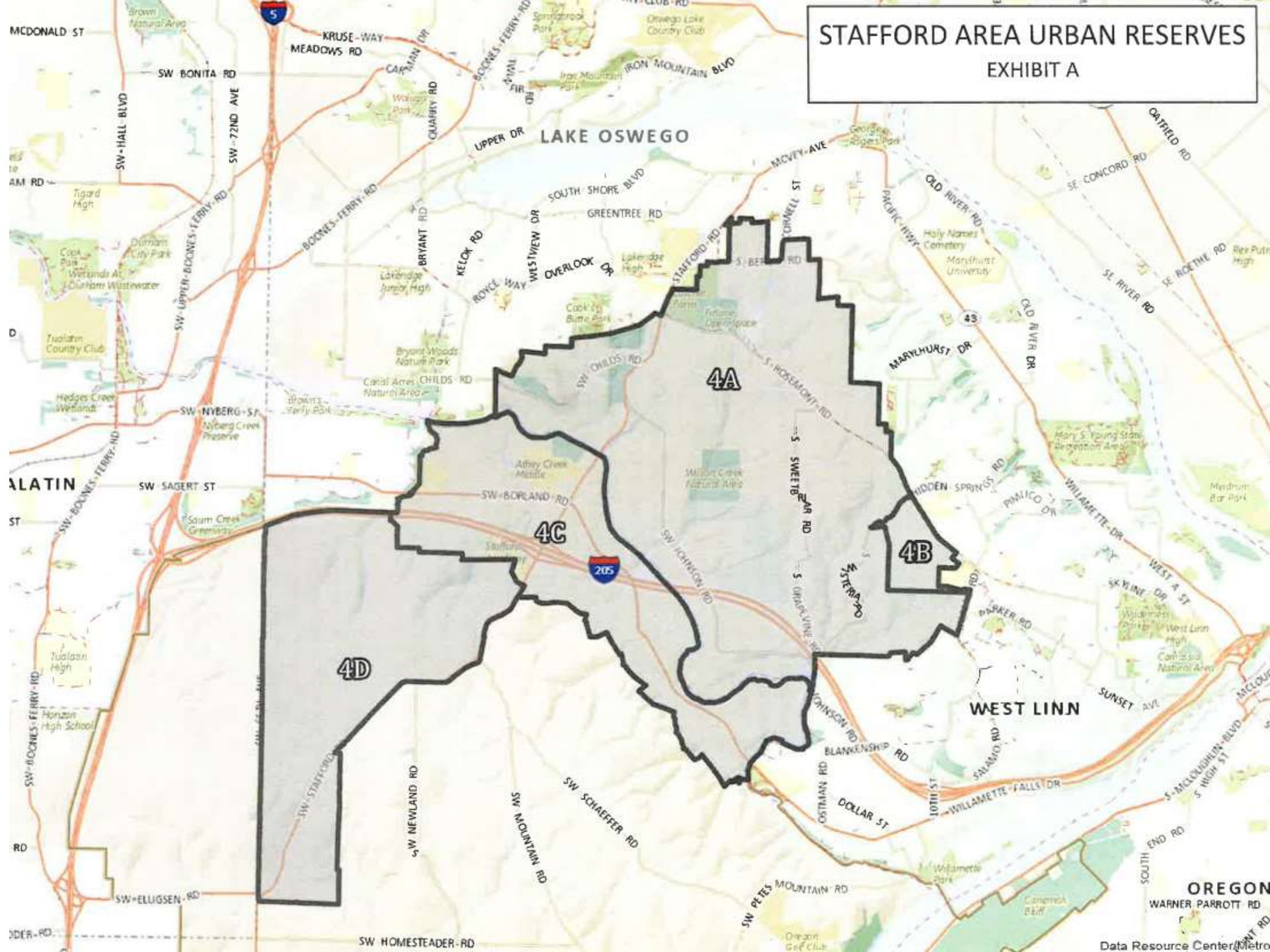


Stafford Area Update

February 26, 2024



STAFFORD AREA URBAN RESERVES
EXHIBIT A



5-Party Facilitated Dialogue



STAFFORD URBAN RESERVES FACILITATED DIALOGUE
NOVEMBER 2, 2015; 1:00 PM – 4:00 PM
Clackamas County Public Services Building, Room 119

STAFFORD URBAN RESERVES FACILITATED DIALOGUE
NOVEMBER 16, 2015; 10:00 AM – 12:00 NOON
Tualatin Police Department, Police Training Room

STAFFORD URBAN RESERVES FACILITATED DIALOGUE
DECEMBER 16, 2015; 1:00 PM – 3:00 PM
Clackamas County Development Services Building (DSB)



5-Party Agreement



Approved June 2017:

- ✓ Cities control timing of planning & urbanization
- ✓ No new city; area will not urbanize as unincorporated county
- ✓ Concept plan & public facilities planning required before area added to the Urban Growth Boundary
- ✓ Cities dropped litigation around urban reserve designation
- ✓ Effective until December 31, 2060



3-Party Agreement



Approved February 2019:

- ✓ Implements the 5-party agreement
- ✓ Requires coordination of concept planning, notice, and public involvement
- ✓ Contemplates “areas of interest” for each city and criteria for establishing the boundaries
- ✓ Method for dispute resolution
- ✓ Effective until December 31, 2060

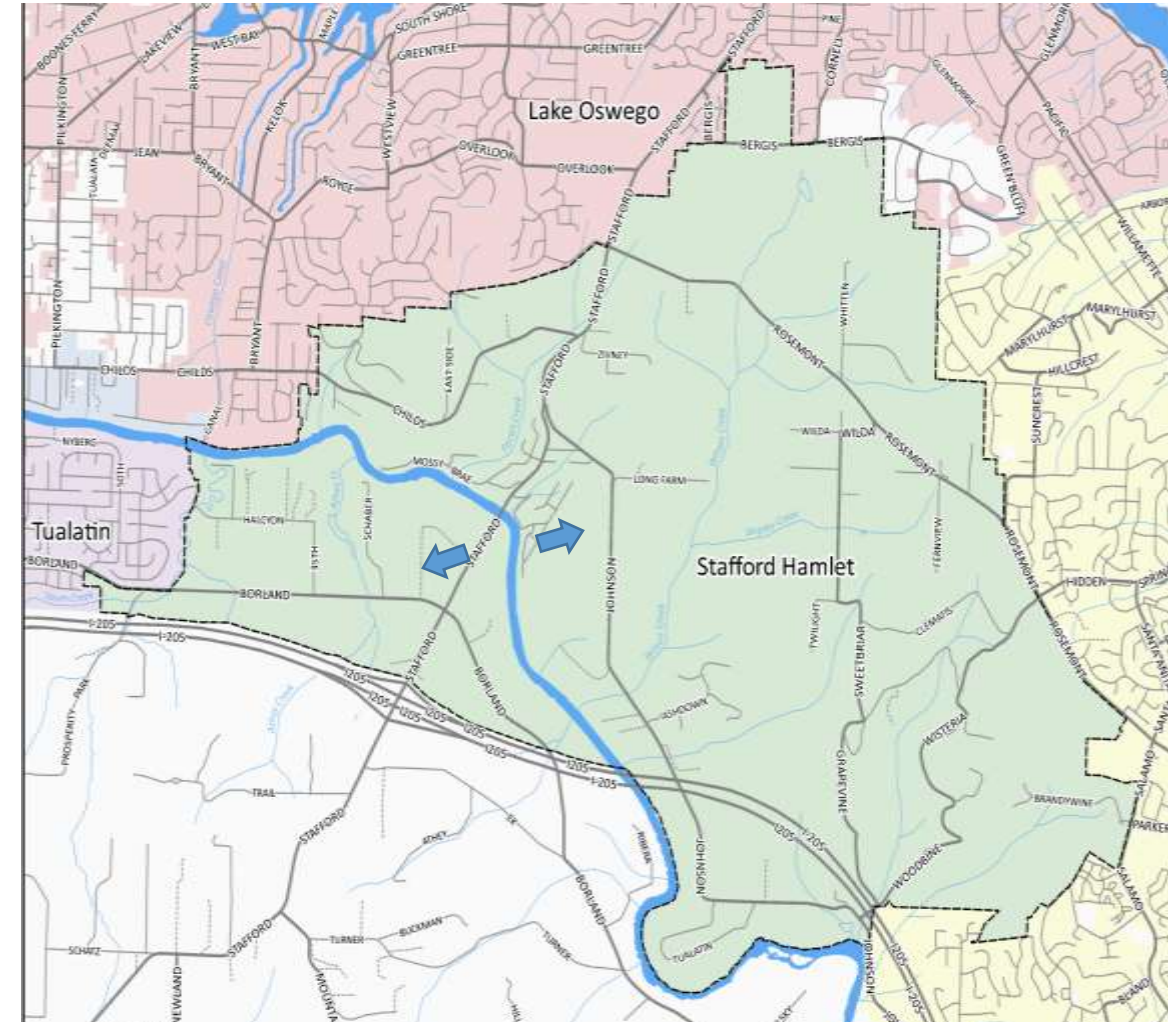
3-Party Agreement



CITY OF
West
Linn

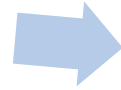


CITY OF
**West
Linn**



Active Litigation

Marks files
petition in 2020
with LCDC



LCDC: IGA's did not
constitute "land
use decisions"



Marks appealed
to the Court of
Appeals



Court of Appeals
reversed the LCDC;
remanded back to LCDC



LCDC has jurisdiction
Expect a hearing this year

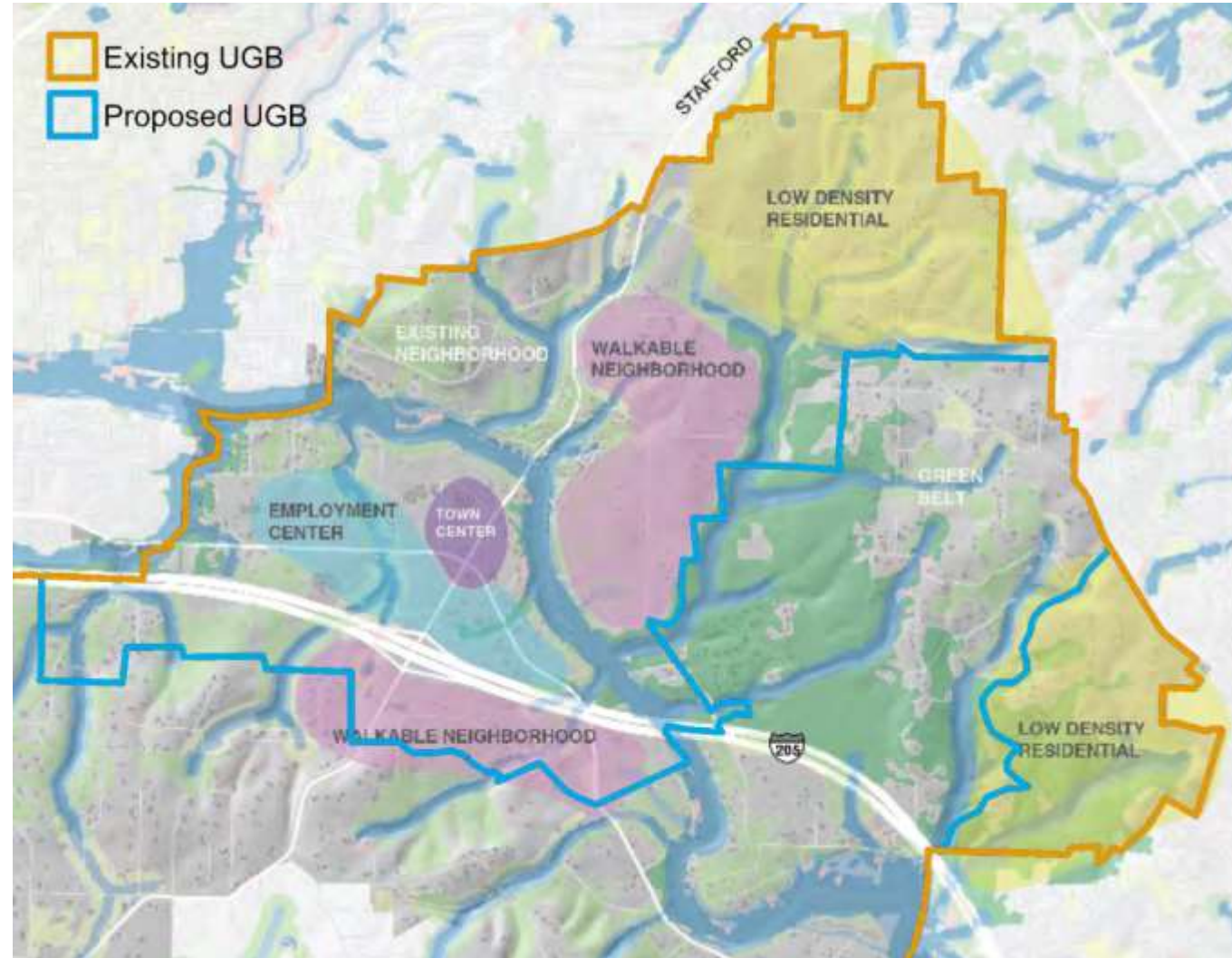


We are here

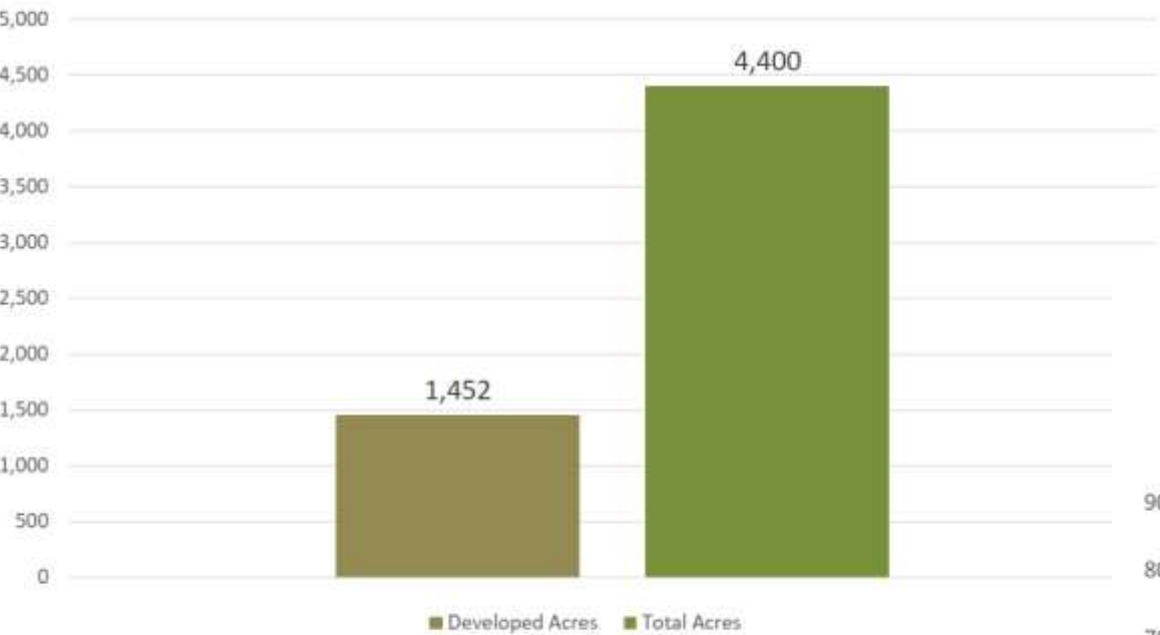
- IGAs violate Metro rules
- Nullify & invalidate the 3-party IGA
- Amend & clarify the 5-party IGA

Current Status

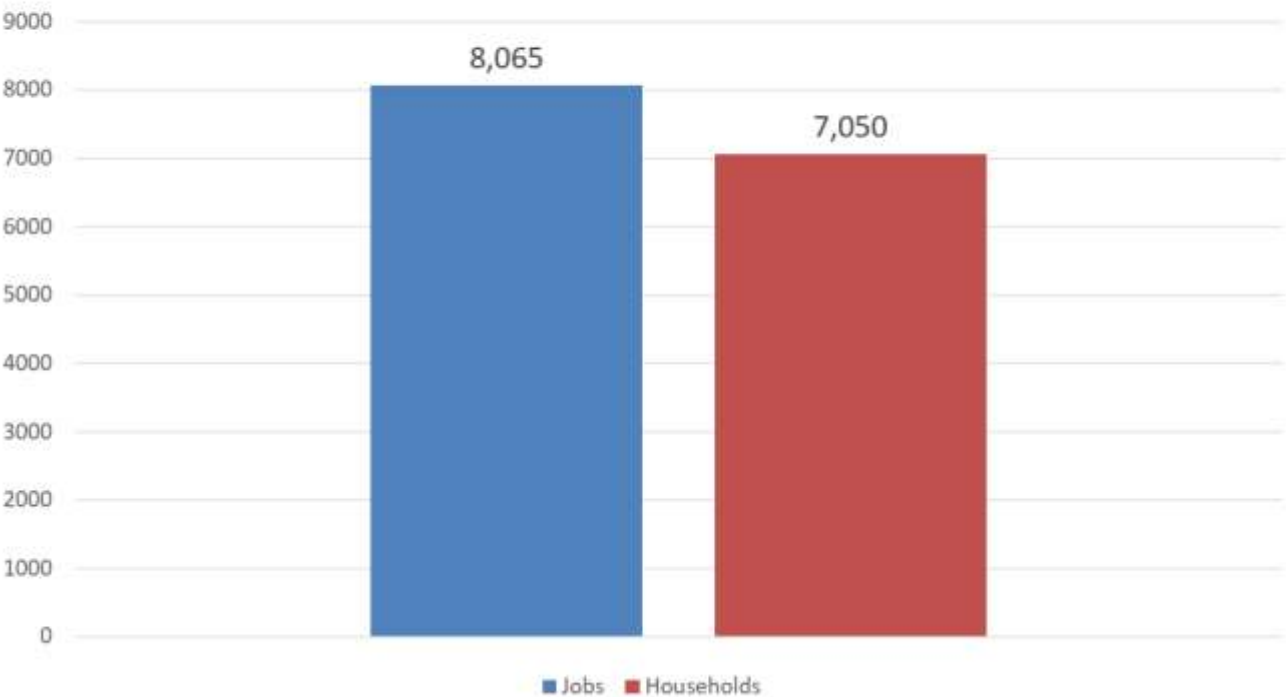
- Concern over cost of public infrastructure (water, sewer, stormwater, transportation)
- Fregonese / OTAK study in 2017



Scenario Results – Developed Acres



Scenario Results – Jobs & Households



Infrastructure

(Costs in Millions)	Borland	Rosemont	Stafford	Totals
Roads	\$159.5	\$17.2	\$450.8	\$627.5
Sewer	\$10.9	\$0.3	\$11.5	\$22.7
Water	\$15.6	\$1.1	\$38.7	\$55.3
Stormwater	\$20.7	\$4.5	\$66.2	\$91.4
Totals	\$206.7	\$23.0	\$567.1	\$796.8

Current Status

- Concern of existing traffic
- Concern for transportation infrastructure needed to serve growth and development
- Question of the future impacts of tolling and diversion
- I-205 project now unfunded



Housing & Employment Needs

- Tualatin's 20-year housing needs can be accommodated with existing land
- Redevelopment potential within existing zones to accommodate employment land needs
- Question of impacts of current legislation, mandates from the State



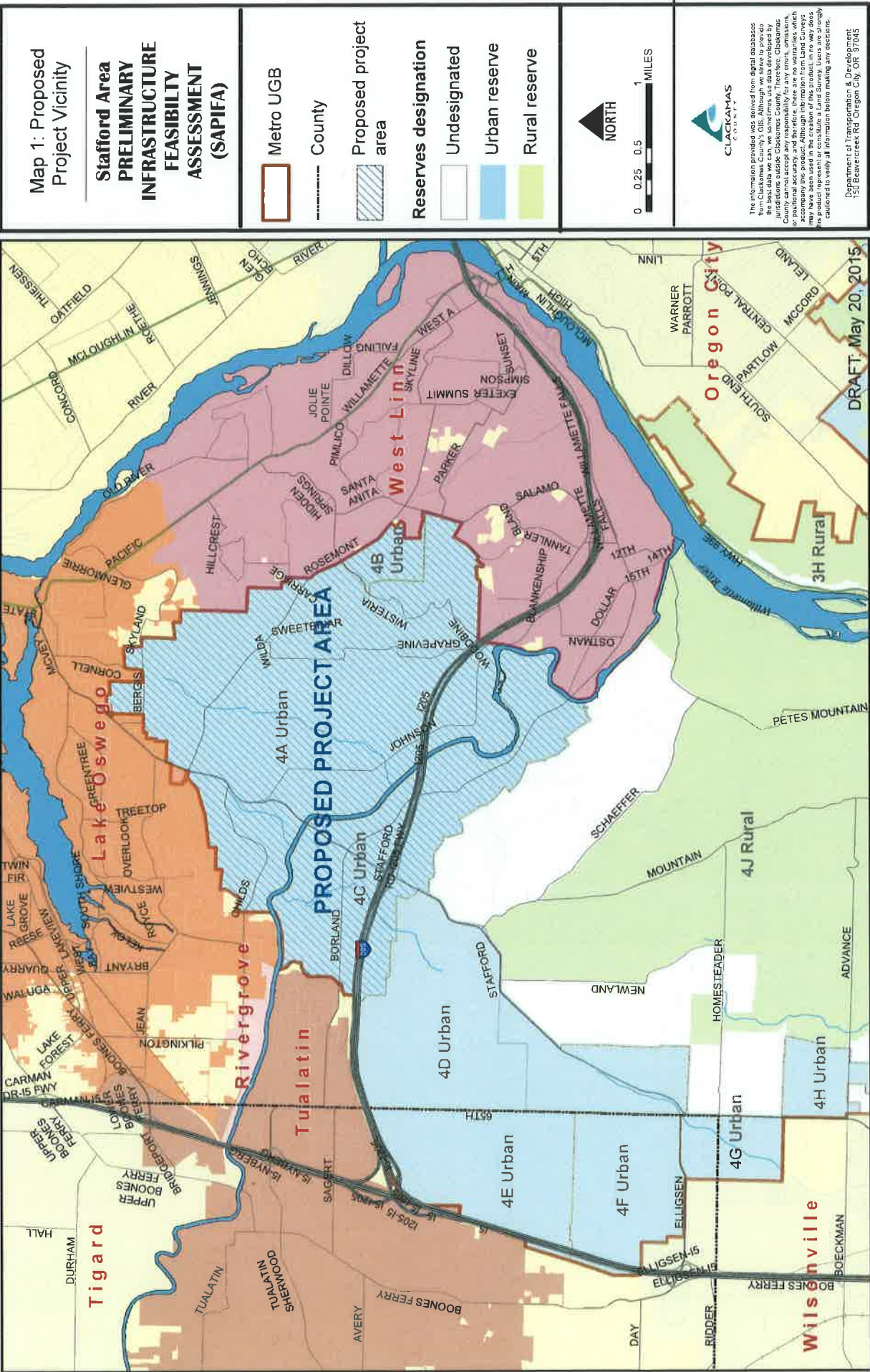
Possible Next Steps

- Convene with West Linn, Lake Oswego, and Clackamas County
 - Discuss current status
 - Discuss any short or long-term plans
 - Discuss current legislative session
 - Discuss boundaries or areas of interest

THREE CITY INTERGOVERNMENTAL AGREEMENT

PLANNING FOR THE STAFFORD URBAN RESERVE

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this 21st day of February, 2019, by the City of Lake Oswego ("Lake Oswego"), the City of Tualatin ("Tualatin"), and the City of West Linn ("West Linn") (together, the "Cities" or the "Parties"). This Agreement is entered into pursuant to ORS 190.010 to 190.110.



INTERGOVERNMENTAL AGREEMENT STAFFORD URBAN RESERVE AREAS

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this 28th day of June 2017, by Clackamas County ("County"), Metro, the City of Lake Oswego, the City of Tualatin, and the City of West Linn (individually a "City", collectively the "Cities") (together the "Parties"). This is an addendum to the Intergovernmental Agreement between Metro and Clackamas County To Adopt Urban and Rural Reserves entered into pursuant to ORS 195.141 and ORS 190.010 to 190.110 and dated March 3, 2010 ("Reserves IGA").

RECITALS

1. The Metro Council and the Clackamas County Commission are working together to finalize the designation of urban and rural reserves by adopting findings in support of the decisions made by Metro, Clackamas County, Multnomah County, and Washington County in 2010;
2. Under state law, Metro and the three counties in the region are tasked with identifying those areas adjacent to the existing urban growth boundary (UGB) that are best suited for providing land to accommodate urban growth in the region over the next 40 to 50 years;
3. The Cities have long opposed the designation of Metro study areas 4A, 4B, 4C and 4D ("Stafford") as urban reserve because of concerns with regard to efficient use of existing and currently planned future public infrastructure investments and whether urban level public services can be efficiently and cost-effectively provided by appropriate and financially capable service providers;
4. The Parties recognize that resolving the dispute over the designation of Stafford will enable the parties to focus collaboratively on planning for and providing urban services and prioritizing the needed regional improvements to the transportation system, such as the widening of I-205 from Oregon City to Stafford Road;
5. The Parties enter into this IGA in order to alleviate the concerns of the Cities and better support the designation of Stafford under the Factors by ensuring an orderly process for any urbanization of Stafford where the Cities will have control over the planning, process and timing for the urbanization of Stafford, that the Parties will coordinate with one another and with any affected special districts serving Stafford on the effective date of this Agreement, and that Stafford will not be urbanized before appropriate urban services will be available; and
6. The Parties also desire to recognize that the Stafford Hamlet and surrounding area is a unique enclave in Clackamas County that has a long standing agricultural heritage, significant environmental assets, and valued open space that should be preserved through the concept planning process;

NOW, THEREFORE, it is mutually agreed that the Parties voluntarily enter into this Intergovernmental Agreement addressing issues and concerns raised by the Cities regarding the designation of Stafford as an urban reserve. Specifically, the Parties agree as follows:

1. **City Governance.** The Parties agree that Stafford will be governed by one or more of the Cities upon expansion of the urban growth boundary and annexation. The governing City will have the authority to decide what land uses should be planned for, and when and how municipal services will be provided. Notwithstanding anything to the contrary in the Reserves IGA, Exhibit B, Section 4, or Metro Code Sections 3.07.1105 to 3.07.1130 ("Title 11"), Metro and the County will oppose any future effort to incorporate a new city. Metro and the County will similarly oppose creation of any service district to provide water or sanitary sewer services in Stafford outside of a city, unless there is no practicable alternative to creation or expansion of a sewer district in order to remediate a health hazard created by development in existence on the effective date of this IGA.
2. **Completion of a City Concept Plan.**
 - a. The Parties recognize that the Cities will be the public bodies that have the responsibility to plan for any future urbanization of Stafford and that the urbanization of Stafford will only occur upon annexation to one or more of the Cities. Prior to adding any part of Stafford to the UGB, the City that will be responsible for annexing that part of Stafford must first have developed a concept plan for the area describing how the area will be planned and developed after inclusion in the UGB. The timing for commencement and completion of a concept plan will be up to the City.
 - b. The Cities will coordinate concept planning with one another and with the County and special districts serving Stafford on the effective date of this Agreement to determine which City or special district is the appropriate urban services provider for each part of Stafford. The Parties agree to develop a preliminary concept plan to address transportation, density, community character, and infrastructure issues to help ensure that future, more detailed sub-area "concept plans" can be developed and coordinated. The parties agree to participate in good faith in future planning efforts for Stafford, in coordination with each other, and with other public, private, and community stakeholders.
 - c. Each governing City will be responsible for determining the pace and timing of future development within an area to be incorporated into the UGB. The form and character of development will be determined through the concept planning process under Title 11 and Section 2 of this Agreement, and will be consistent with community values and environmental requirements.
 - d. The County shall not amend the Comprehensive Plan or Zoning and Development Ordinance or the Comprehensive Plan Map or zoning designations:
 - i. To allow within Urban Reserve areas, new uses that were not allowed on the date the Urban Reserve areas were designated, except those

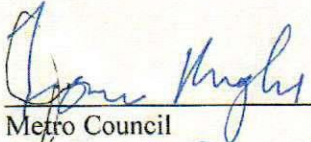
uses mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves.

- ii. To allow within Urban Reserve areas, the creation of new lots or parcels smaller than allowed on the date Urban Reserve areas were designated, except as mandated by amendments to the Oregon Revised Statutes or Oregon Administrative Rules enacted after designation of Urban Reserves. The purpose of the designation is to preserve lands for potential future urban development, not to facilitate or expedite their development under County zoning.
 - e. Notwithstanding anything to the contrary in Metro Code 3.07.1110(d), Metro agrees that the concept plan or plans developed pursuant to Section 2 of this Agreement will be used to designate 2040 design types for Stafford and to develop conditions in the Metro ordinance that adds any Stafford territory to the UGB. The Parties agree that the concept plans will govern amendments to the Cities and County comprehensive plans and land use regulations following addition of the area to the UGB.
3. **Citizen Involvement.** The Parties agree that future decision-making regarding the timing and content of concept planning and the expansion of the UGB must involve the participation of citizens from the Stafford community, as well as other stakeholders, and will take into account public testimony about desired community character, preservation of natural features, and other community concerns when developing the concept plans.
 4. **Urban Services Agreements.** At such point in time that any portion of Stafford is included within the UGB, the City that is responsible for urbanization of that area will negotiate and enter into an urban services agreement pursuant to ORS 195.065 with any special district that is providing services to that area of Stafford on the effective date of this Agreement or that may be created thereafter pursuant to Section 1 of this Agreement.
 5. **Grant Funding for Transportation Planning.** Metro and the County will undertake a transportation planning project using the \$170,000 Community Planning and Development Grant from Metro to the County to study and plan for transportation and other public infrastructure conditions and needs in the Stafford area. Work on this planning project is anticipated to begin once Metro and the County have finalized the decision on urban reserves.
 6. **Support for Widening I-205.** The Parties agree to continue to support the Joint Policy Advisory Committee on Transportation's decision to make widening I-205 from Oregon City to Stafford Road a top priority for regional transportation projects in order to help address the significant transportation infrastructure issues related to future urbanization of Stafford as well as other regional transportation needs.

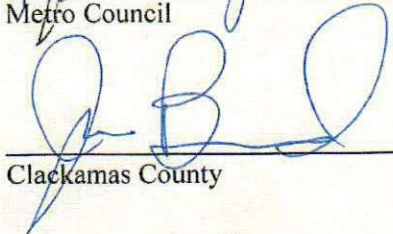
7. **Transportation and Infrastructure Improvements.** Urbanization and urban development will be planned to coincide with transportation and infrastructure improvement necessary to serve such development.
8. **The Findings.** This IGA will be entered into the record of the Metro and Clackamas County proceedings on the remand of the 2010 Stafford urban reserve designation. The Metro and County remand findings will cite this IGA as evidence necessary to meet the designation requirement under ORS 195.145(5)(c) and OAR 660-027-0050(3) that the Stafford area can be served by urban level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers.
9. **No Appeal by the Cities.** In consideration for the promises and commitments made herein, the Cities agree that the Cities will not challenge the designation of Stafford as Urban Reserve either before the State of Oregon Land Conservation and Development Commission or by appeal to the Oregon Court of Appeals.
10. **Governing Law.** The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon.
11. **Amendments.** This Agreement may be amended at any time with the written consent of all Parties.
12. **Severability.** If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.
13. **Term.** This Agreement shall be effective upon execution by all Parties identified herein. This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in a good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.

[Signatures on Following Page]


IN WITNESS WHEREOF, each party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the date first mentioned above.


Metro Council


Dated: June 28, 2017


Clackamas County

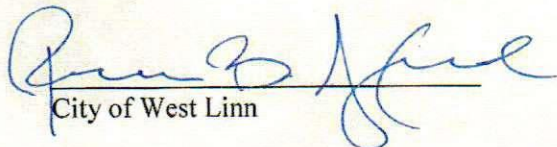
Dated: June 28, 2017


City of Lake Oswego

Dated: June 28, 2017


City of Tualatin

Dated: June 28, 2017


City of West Linn

Dated: June 28, 2017

**THREE CITY INTERGOVERNMENTAL AGREEMENT
PLANNING FOR THE STAFFORD URBAN RESERVE**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made this 21st day of February, 2019, by the City of Lake Oswego ("Lake Oswego"), the City of Tualatin ("Tualatin"), and the City of West Linn ("West Linn") (together, the "Cities" or the "Parties"). This Agreement is entered into pursuant to ORS 190.010 to 190.110.

RECITALS

1. By intergovernmental agreement dated June 28, 2017, among the Cities, Clackamas County (the "County"), and Metro (the "Five-Party IGA"), the Cities agreed to end their long-standing opposition to designation of Metro study areas 4A, 4B, 4C, and 4D ("Stafford") as urban reserve in return for recognition by the County and Metro that the Cities will be responsible for and have control over the planning and timing of any urbanization of Stafford. Consequently, the Cities did not file an objection or appeal of Metro's submittal to the State of Oregon Land Conservation and Development Commission ("LCDC"). LCDC acknowledged Metro's designation of urban reserves (including Stafford) and Clackamas County's and Multnomah County's designation of rural reserves on May 16, 2018.
2. The Cities had long opposed the designation of Stafford as urban reserve because of concerns with regard to the high cost of providing the necessary public infrastructure, including the feasibility of providing functional transportation infrastructure, and the potential for severe negative impacts on community character and livability, if urbanization were to occur in an uncoordinated manner before the necessary infrastructure is planned for and funded.
3. The purpose of Metro's urban reserves designation is to provide for a 20- to 30-year supply of land for employment and residential land needs beyond the 20-year supply of those lands provided for in the Metropolitan Urban Growth Boundary ("UGB"). Given the infrastructure challenges, any urbanization of Stafford is not likely to occur until the latter part of this period.
4. Section 2 of the Five-Party IGA and Section 3.07.1110 of the Metro Code require that the Cities must have adopted a concept plan or plans for Stafford, or any portion thereof, before it can be considered for addition to the UGB. Section 2.a of the Five-Party IGA states that the timing for commencement and completion of a concept plan is up to the affected city.
5. The Parties recognize that uncoordinated decisions by one Party could have severe, negative impacts on the other Parties. The purpose of this Agreement is to identify the prerequisites for concept planning, to provide for coordination of concept planning, and to adopt a method for dispute resolution in order to ensure the orderly and coordinated process for any urbanization of Stafford, concurrent with the provision of required urban services, to provide for citizen involvement, and to ensure preservation of community character and important natural resources.

6. The Parties also recognize that this Agreement is consistent with and implements the Five-Party IGA and, therefore, is necessary to support the determination by Metro and Clackamas County that the designation of Stafford as an urban reserve is supportable under the urban reserve factors contained in ORS 195.145(5) and OAR 660-027-0050.

NOW, THEREFORE, the Parties agree as follows:

1. **Timing of Concept Planning**

1.1 The Parties agree that a very significant challenge for urbanization of Stafford in terms of cost and the potential for severe, negative community impacts is providing for adequate transportation infrastructure and transit service.

1.2 The Parties further agree that a key piece of infrastructure that must be planned for and funded before the Parties can complete meaningful concept planning is the widening of Interstate 205 to three lanes in each direction from Oregon City to Stafford Road and the replacement or reconstruction of the Abernethy Bridge ("I-205 Widening Project"). Given the jurisdiction over and the cost of this project, it will have to be a regional project funded by state and federal funds.

1.3 The Parties, therefore, agree that no Party will complete or adopt any concept plan for any part of Stafford under Title 11 of the Metro Urban Growth Management Functional Plan (Metro Code Section 3.07), or that otherwise constitutes a concept plan under the terms of the Five-Party Agreement, or that otherwise constitutes a criterion for UGB expansion, nor will any Party apply for, promote or support any expansion of the UGB into any part of Stafford, until:

1.3.1 **South of Tualatin River.** For any concept plan proposal involving a portion of Stafford that is south of the Tualatin River:

(a) The I-205 Widening Project has received preliminary design approval; and

(b) Funds to construct the I-205 Widening Project have been identified and appropriated; and

(c) Construction of the I-205 Widening Project is scheduled to begin in two years or less.

1.3.2. **North of the Tualatin River.** For any concept plan proposal involving any portion of Stafford that is north of the Tualatin River, the later of:

(a) December 31, 2028; or

(b) until all the conditions in subsections 1.3.1 (a), (b) and (c) are met.

1.4 By mutual written amendment to this Agreement, the Parties may substitute an alternative I-205 improvement project in place of the I-205 Widening Project as used in Section 1.3, if all the Parties determine in the discretion of each that the alternative project includes high-

capacity transit or other features that enhance capacity and mitigate impacts in a substantially equivalent or superior manner to the I-205 Widening Project.

2. Coordination of Concept Planning

2.1 Notice of Intent to Initiate Concept Plan. Before initiating concept planning for any portion of Stafford, the planning Party will provide not less than 90 days' written notice to the other Parties. Representatives of all three Parties will meet simultaneously at least twice before the end of the 90-day period to discuss the process, including an approach to addressing any concerns. If one or more Parties refuse to meet during the 90-day period, the initiating Party may begin concept planning, but must still meet the other obligations of coordination under this Agreement.

2.2 Coordination among the Cities. The planning Party will coordinate with the other Parties in developing the concept plan, and will provide ample opportunities for the other Parties to evaluate and meaningfully participate and comment on the proposed plan. Further, if a Party (the "objecting Party") presents to the planning Party substantial evidence that a proposed concept plan or concept plan element will materially impair or degrade the functionality of a transportation or utility facility or any other system of the objecting Party or of a service provider providing service within the objecting Party's planning and service area as determined under Section 3 of this Agreement, the planning Party will, in good faith, address the alleged impacts and revise its concept plan or include mitigation measures or requirements that specifically and effectively address the impacts.. For the purposes of this section, substantial evidence includes without limitation evidence that the objecting Party's standards for transportation level of service, operations and safety will be impaired or degraded.

2.3 Citizen Involvement. Each Party's consideration and approval of its concept plan will follow the citizen involvement procedures and requirements for comprehensive plan amendments contained in that Party's comprehensive plan and land use regulations. Each Party will coordinate with the Stafford Hamlet and other Clackamas County citizen participation organizations within Stafford in the same manner as a city neighborhood association or other city-recognized citizen involvement organization with relation to providing involvement opportunities during the concept plan adoption process, but shall not be required to provide fee waivers or any other financial or in-kind support.

2.4 Concept Planning Criteria in Addition to Metro Code. In addition to concept planning criteria under Metro Code Section 3.07.1100 that is consistent with the Five-Party IGA, the Parties agree that the following criteria will apply to Stafford area concept plans:

- (a) Consider community character;
- (b) Provide separation between communities and understandable borders;
- (c) Preserve natural features;
- (d) Maintain functionality of transportation and other systems. Unless mitigated and addressed as provided in Section 2.2, no material impairment or degradation of the functionality of a transportation or utility facility or system of another Party.

3. **Determination of Concept Planning and Urban Services Areas.** Commencing no earlier than the year 2020, the Parties will develop and enter into an amendment to this Agreement establishing boundaries for each Party's concept planning and Urban Services Area in Stafford. The boundaries will be based upon the considerations listed in Section 2.4 and in Exhibit A. The Parties agree to work with each other to develop and employ a coordinated public review and involvement process in each City before approving the boundaries and the amendment.

4. **Adjustments for Certain Public Facilities or Services.**

4.1 Notwithstanding the timing requirements of Section 1 of this Agreement, provided that all three Parties agree in writing in advance, a Party may approve a concept plan and apply for or support a UGB expansion at any time to include an area of less than 120 acres in Stafford, provided that the area is publicly-owned, and use of the area is limited to parks, recreation, open space, or agricultural uses. Concept plans under this Section 4 are subject to the noticing, coordination and citizen involvement provisions in Sections 2.1, 2.2, and 2.3 of this Agreement. Nothing shall prohibit a Party from including an area that has been concept planned or brought into the UGB under this Section 4 in subsequent concept planning for a larger area in compliance with the terms of this Agreement.

4.2 The Parties hereby agree to Lake Oswego concept planning and requesting UGB expansion under this Section 4 to include all or part of the Luscher Farm/Rosemont Open Space properties consisting of approximately 110.5 acres at 125-385 S. Rosemont Road in Stafford, depicted in Exhibit B with tax lot numbers 21E16AD 03000, 03001; 21D16D 00100, 00300; 21D16E 00200; and 21E15C 00700, 00300, provided that the Luscher Farm/Rosemont Open Space properties are publicly-owned, and use of the Luscher Farm/Rosemont Open Space properties is limited to parks, recreation, open space, or agricultural uses. In the event Lake Oswego acquires the private parcels north of Rosemont Road surrounded on three sides by the listed properties, or the parcels north of Rosemont Road that lie between 21E15C 00700 and 00300, as shown on Exhibit B, Lake Oswego may include those additional parcels as part of the concept planning and proposed UGB expansion together with the other properties approved under this subsection, provided that the parcels are publicly-owned, and use is limited to parks, recreation, open space or agricultural uses.

5. **Enforcement/Dispute Resolution.** If any dispute arising out of or relating to this Agreement, including the alleged breach, validity, interpretation and performance thereof ("Dispute"), is not resolved through negotiation within 30 days of written notice of a Dispute sent by one of the Parties to the others, the Parties agree to then use their best efforts in good faith to settle the Dispute by mediation before resorting to litigation or some other dispute resolution procedure. The mediator will be an individual acceptable to all three Parties, but in the absence of agreement each Party will select a temporary mediator and the temporary mediators will jointly select the permanent mediator. Each Party will pay its own costs for the time and effort involved in mediation. The cost of the mediator will be shared equally among the Parties. The mediation session will be held within 45 days of the retention of the mediator, and last for at least one full day before any Party has the option to terminate the process. The process will continue until a Party or the mediator states there is no reason to continue because of an impasse that cannot be overcome and sends a "notice of termination of mediation" to the (other)

Parties. Upon termination of mediation, each Party will have the right to exercise all legal remedies available at law or equity. If the Parties reach agreement in mediation, the agreement will be reduced to writing and signed by all Parties.

6. Miscellaneous Provisions.

6.1 Governing Law. The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon.

6.2 Amendments. This Agreement may be amended at any time with the written consent of all Parties.

6.3 Severability. If any covenant or provision of this Agreement is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.

6.4 Term. This Agreement shall be effective upon execution by all Parties identified herein. This Agreement will terminate on the same date as the Reserves IGA, December 31, 2060, unless terminated earlier by agreement of the Parties. If during the term of this Agreement there is a change in applicable law or other circumstance that materially affects compliance with one or more provisions of this Agreement, the Parties agree to negotiate in good faith a revision to this Agreement to address such law or circumstance in manner consistent with the intent of this Agreement.


IN WITNESS WHEREOF, each Party has caused this Intergovernmental Agreement to be executed by its duly authorized representative on the dates below. This agreement has been executed in triplicate originals, with one to be held by each of the Parties.

CITY OF LAKE OSWEGO


By: Kent Studebaker, Mayor

Dated: February 6, 2019

CITY OF TUALATIN


By: Frank Bubenik, Mayor

Dated: February 11, 2019

CITY OF WEST LINN


By: Russ Axelrod, Mayor

Dated: February 21, 2019

EXHIBIT A- Three City Intergovernmental Agreement

Considerations in drawing boundaries

1. Efficient and effective use of existing and planned public investments
 - Transportation
 - Sanitary and Storm Sewer
 - Water
 - Open space
 - Emergency response
 - Schools
2. Existing parcelization and committed land uses
3. Separation of cities and understandable boundaries

Although it is too early to consider land use and urban design, boundaries should support each city in maintaining its distinct identity and sense of place.

Avoid splitting properties between cities and support efficient operations and maintenance of city infrastructure

4. Natural areas
 - Promote efficient management of natural resources, e.g., avoid fragmentation of major stream corridors.
 - Use natural areas and natural features as buffers/greenbelt for separation between cities.
 - Provide equitable distribution of regional open spaces among cities.
5. Development costs and fiscal impact
 - Equitable distribution of buildable land for housing and employment
 - Consider relative cost of serving areas; avoid creating areas that are isolated or not fiscally feasible to serve (topography, transportation access, parcelization)

EXHIBIT B – Three City Intergovernmental Agreement
“Luscher Farm” Parcels



Infrastructure

(Costs in Millions)	Borland	Rosemont	Stafford	Totals
Roads	\$159.5	\$17.2	\$450.8	\$627.5
Sewer	\$10.9	\$0.3	\$11.5	\$22.7
Water	\$15.6	\$1.1	\$38.7	\$55.3
Stormwater	\$20.7	\$4.5	\$66.2	\$91.4
Totals	\$206.7	\$23.0	\$567.1	\$796.8