



City of Tualatin

www.tualatinoregon.gov

November 13, 2019

Analysis and Findings for PTA 19-0004

Case #: PTA 19-0004.
Project: Sewer Master Plan Update

TABLE OF CONTENTS

I.	INTRODUCTION	2
A.	Applicable Criteria	2
B.	Project Description	2
C.	Exhibit List.....	2
D.	Proposed Amendments	2
II.	FINDINGS.....	3
A.	Oregon Statewide Planning Goals	3
B.	Oregon Administrative Rules	4
C.	Metro Code	4
D.	Tualatin Comprehensive Plan	5
E.	Tualatin Development Code.....	7
III.	CONCLUSION AND RECOMMENDATION.....	9

I. INTRODUCTION

A. Applicable Criteria

Applicable Statewide Planning Goals; Division 11 of the Oregon Administrative Rules Chapter 660; Metro Chapter 3.02 (Waste Water Management Plan); City of Tualatin Comprehensive Plan Chapter 13; City of Tualatin Development Code, Section 33.070: Plan Amendments.

B. Project Description

On August 12, 2019, the City Council adopted the Sewer Master Plan (No. 5457-19). At that time, the Council directed staff to update the Community Plan consistent with the Master Plan. The proposed Plan Text Amendment (PTA-19-0004) would update Chapter 13 (Sewer Service) of the Community Plan consistent with the 2019 Sewer Master Plan. The 2019 Master Plan, Community Plan Chapter 13, and Map 13-1: Sewer Plan, identify and detail existing and future sanitary sewer infrastructure, and associated standards and requirements, needed to serve the existing and future population and economy of the City of Tualatin.

C. Exhibit List

- (a) Amended Tualatin Development Code Text for Sewer Master Plan (2019)
- (b) Sewer Master Plan (2019)
- (c) Map 13-1: Sewer Plan (existing)

D. Proposed Amendments

The following Plan Text Amendments have been proposed (Figure 1). The full text amendments are provided in Exhibit A.

Figure 1: Summary of Proposed Amendments

Section	Proposed Action
TDC 13.010(9)	Update with reference to current Master Plan
TDC 13.015	Update with reference to current Master Plan
TDC 13.020	Replace outdated information about the hydraulic model underpinning the Sewer Master Plan
TDC 13.030	Replace outdated information about the hydraulic model underpinning the Sewer Master Plan
TDC 13.050	Replace outdated information about Clean Water Services data
TDC 13.055	Remove outdated forward-looking information regarding federal action in 2003
TDC 13.060	Remove outdated information about a temporary pump station
TDC 13.070	Remove outdated references to 2010 Master Plan and Concept Plan areas
TDC 13.080	Replace project list and cost estimates with information from 2019 Sewer Master Plan Tables 4-1 and 4-2

II. FINDINGS

A. The following Oregon Statewide Planning Goals are applicable to the proposed amendments:

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding:

The Sewer Master Plan was adopted by City Council in August 2019 after an 18-month public involvement process involving a project advisory committee. The proposed amendments conform to Goal 1.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

[...]

Finding:

The proposed amendments have been reviewed pursuant to the City's established land use planning process and procedures. The existing land use plan references the previous version of the Sewer Master Plan, and it is appropriate to incorporate changes into the Comprehensive Plan. The proposed amendments conform to Goal 2.

Goal 6 – Air, Water and Land Resources Quality

Finding:

A functioning wastewater management system is in the best interest of water quality and the protection of other natural resources. The Sewer Master Plan has been developed in coordination with the applicable regional agencies, including Clean Water Services. The proposed amendments conform to Goal 6.

Goal 11 – Public Facilities and Services

Finding:

The Sewer Master Plan is intended to serve the needs of present and future development. No changes are proposed to Tualatin Development Code Map 13-1: Sewer Plan (Exhibit C); changes are proposed to the supporting text references and the scope of future projects in support of the Sewer System Master Plan map. No extension of sewer is proposed beyond the Tualatin Urban Planning Area, which is within the Urban Growth Boundary. The proposed amendments conform to Goal 11.

B. The following Oregon Administrative Rules (OAR) are applicable to the proposed amendments:

**Chapter 660-011-0000
Public Facilities Planning**

**660-011-0010
The Public Facility Plan**

(1) The public facility plan shall contain the following items:

- (a) An inventory and general assessment of the condition of all the significant public facility systems which support the land uses designated in the acknowledged comprehensive plan;**
- (b) A list of the significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. Public facility project descriptions or specifications of these projects as necessary;**
- (c) Rough cost estimates of each public facility project;**
- (d) A map or written description of each public facility project's general location or service area;**
- (e) Policy statement(s) or urban growth management agreement identifying the provider of each public facility system. If there is more than one provider with the authority to provide the system within the area covered by the public facility plan, then the provider of each project shall be designated;**
- (f) An estimate of when each facility project will be needed; and**
- (g) A discussion of the provider's existing funding mechanisms and the ability of these and possible new mechanisms to fund the development of each public facility project or system.**

[...]

Finding:

The Sewer System Master Plan Map (Map 13-1), will remain unchanged. For all projects that are being updated in the Master Plan, the plan amendment includes rough cost estimates of each public facility project (TDC 13.080). These standards are met.

C. The following Chapter and Titles of Metro Code are applicable to the proposed amendments:

Chapter 3.02, Waste Water Management Plan

[...]

3.02.003 Conformity to the Regional Plan

(a) Management agencies shall not take any land use related action or any action related to development or provision of public facilities or services which are not in conformance with the Regional Plan.

(b) For purposes of this chapter "management agencies" shall mean all cities, counties and special districts involved with the treatment of liquid wastes within the Metro jurisdiction.

[...]

Finding:

The proposed set of amendments make no revision to Map 13-1: Sewer Plan and remains in conformance with the Regional Plan. This standard is met.

D. The following Chapters of the Tualatin Comprehensive Plan are applicable to the proposed amendments:

TDC 13.015. - Sanitary Sewer System Objectives.

- (1) Plan and construct a City sewer system that protects the public health, protects the water quality of creeks, ponds, wetlands and the Tualatin River, provides cost-effective sewer service, meets the demands of users, addresses regulatory requirements and supports the land uses designated in the Tualatin Community Plan.**

Finding:

The Sewer Master Plan has been developed to address the land uses designated in the Tualatin Community Plan, including Concept Plans for Urban Planning Areas. Objective (1) is met.

- (2) Provide a City sanitary sewer system in cooperation with Clean Water Services (CWS). The City is responsible for the collection system's smaller lines and the 65th Avenue pump station and CWS is responsible for the larger lines, pump stations and treatment facilities.**
- (3) Work with CWS to ensure the provisions of the intergovernmental agreement between the City and CWS are implemented.**

Finding:

The City has developed the Sewer Master Plan working closely with Clean Water Services and working to ensure that terms of the existing intergovernmental agreement are met. Objectives (2) and (3) are met.

- (4) Prohibit the extension of sewer service to areas outside the City limits, unless it is provided to an area inside the city limits of an adjacent city.**
- (5) Require developers to aid in improving the sewer system by constructing facilities to serve new development as well as adjacent properties.**

Finding:

Sewer service is only to be provided within incorporated areas. Amendments to the Sewer Master Plan do not extend sewer services beyond the City limits, and do not change standards related to sewer system facilities associated with new development. By articulating needed projects, the proposed amendments help clarify what facilities will be necessary to serve future development. Objectives (4) and (5) are met.

- (6) Improve the existing sewer system to provide adequate service during peak demand periods.**
- (7) Improve the existing sewer system to control and eliminate sanitary sewer overflows such as basement flooding to the extent possible.**

Finding:

The Sewer Master Plan (2019) employs detailed analysis to ensure adequate service during peak demand periods and improvements toward controlling sanitary overflows. Objectives (6) and (7) are met.

- (8) The "Report, Tualatin Sewer Master Plan," December 2002, is adopted by reference as a supporting technical document to the Tualatin Community Plan.**
- (9) The Northwest Tualatin Concept Plan 2005 is adopted by reference as a supporting technical document to the Tualatin Community Plan.**
- (10) The Southwest Tualatin Concept Plan 2010 is adopted by reference as a supporting technical document to the Tualatin Community Plan.**

Finding:

The Concept Plans enumerated in Objectives (8) through (10) are reflected in the existing Map 13-1: Sewer Plan. No changes to that map are proposed. The subject text amendments proposes to remove these statements from the objectives section as they are not true objectives and any analysis related to these former plan areas is now incorporated into the Sewer Master Plan (2019) or Map 13-1. Objectives (8) through (10) are met.

- (11) Review and update the "Report, Tualatin Sewer Master Plan," December 2002, on a regular basis in coordination with CWS.**
- (12) Perform a cost of service rate study and study funding methods to ensure sufficient City funds exist to construct planned improvements.**
- (13) Work with CWS to update CWS's and the City's plans and regulations once new sanitary sewer overflow (SSO) and capacity, management, operation and maintenance (CMOM) regulations are published in the Federal Register.**

Finding:

The Sewer Master Plan (2019) is an update of the 2002 Master Plan and has been conducted in coordination with CWS. Objectives (11) and (13) are met. The subject text amendment will generalize Objective (11), indicating that further updates are to occur on a regular basis. A cost study will be conducted as a separate project based on information contained within the Sewer Master Plan regarding project cost; while not yet implemented, the proposed amendments are thereby consistent with Objective (12).

E. The following Chapters of the Tualatin Development Code are applicable to the proposed amendments:

Chapter 33: Applications and Approval Criteria

Section 33.070 Plan Amendments

[...]

(2) Applicability. Quasi-judicial amendments may be initiated by the City Council, the City staff, or by a property owner or person authorized in writing by the property owner. Legislative amendments may only be initiated by the City Council.

Finding:

A Plan Text Amendment is proposed. This proposal is legislative in nature and therefore has been processed consistent with the Type IV-B procedures in Chapter 32. This criterion is met.

[...]

(5) Approval Criteria.

a.) Granting the amendment is in the public interest.

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

Finding:

The amendment is updating the Community Plan consistent with the Sewer Master Plan which was adopted by the City Council in August 2019. The existing and future sewer infrastructure identified in the Master Plan is needed to support existing and future development in Tualatin and is therefore in the public interest. This amendment is also timely, given that Council has already adopted the Sewer Master Plan and directed staff to further implement its contents through the Comprehensive Plan. Criteria (a) and (b) are met.

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

The applicable objectives of the Tualatin Community Plan have been considered, and are discussed above in Section D. Criterion (c) is met.

d.) The following factors were consciously considered:

- i. The various characteristics of areas in the City.**
- ii. The suitability of the area for particular land uses and improvements.**
- iii. Trends in land improvement and development.**
- iv. Property values.**
- v. The needs of economic enterprises and the future development of the area; needed right-of-way and access for and to particular sites in the area;**
- vi. Natural resources of the City and the protection and conservation of said resources.**
- vii. Prospective requirements for the development of natural resources in the City.**
- viii. The public need for healthful, safe, aesthetic surroundings and conditions.**

ix. Proof of change in a neighborhood or area, or a mistake in the Plan Text or Plan Map for the property under consideration are additional relevant factors to consider.

Finding:

Criteria i-vii were consciously considered relative to the proposed amendments, which would not have a detrimental impact thereto. Criterion ix is not applicable. Criterion (d) is met.

e.) If the amendment involves residential uses, then the appropriate school district or districts must be able to reasonably accommodate additional residential capacity by means determined by any affected school district.

Finding:

The amendment does not involve an increase in the City's residential capacity. Criterion (e) does not apply.

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

Finding:

Section C, above, demonstrates compliance with the applicable Oregon Plan Goals, Administrative Rules, and the TPR. Criterion (f) is met.

g.) Granting the amendment is consistent with the Metropolitan Service District's Urban Growth Management Functional Plan.

Finding:

The proposed amendments do not affect any portion of the Urban Growth Functional Management Plan. Criterion (g) is met.

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

Finding:

The proposed amendments do not involve an increase in vehicular trips. Criteria (h) is met.

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

Finding:

The proposed amendments are consistent with all applicable public facilities plans. Criterion (i) is met.

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

Finding:

The proposed amendments are not property specific and this criterion does not apply.

III. CONCLUSION AND RECOMMENDATION

Based on the application and the above analysis and findings, the proposed Plan Text Amendment complies with applicable Oregon Planning Goals, Oregon Administration Rules, Metro Code, and TDC. Accordingly, staff recommends that City Council approved the proposed amendments (PTA-19-0004) and adopt Ordinance No. 1427-19.