

ORDINANCE NO. 1477-23

AN ORDINANCE ADOPTING THE 2023 WATER SYSTEM DEVELOPMENT CHARGE (SDC) METHODOLOGY; AMENDING TUALATIN MUNICIPAL CODE CHAPTER 2-06; AND UPDATING WATER SDC AMOUNTS.

WHEREAS, ORS 223.297 to 223.316 authorize local governments to impose, assess, collect, and utilize System Development Charges (SDCs), and the City of Tualatin has implemented SDCs in the City through Tualatin Municipal Code Chapter 2-06; and

WHEREAS, SDC amounts are set based on a methodology that analyzes remaining capacity in City systems, the value of that capacity, future demands, and the need for and cost of future capital improvements; and

WHEREAS, FCS Group developed an updated Water System Development Charge Methodology for the City, which was completed in May 2023; and

WHEREAS, a public hearing was held before the City Council of the City of Tualatin on July 10, 2023 to consider adopting the updated methodology and associated changes to the Tualatin Municipal Code and SDC amounts; and

WHEREAS, the City provided public notice as required by ORS 223.304(7)(a); and

WHEREAS, at the public hearing, the City Council heard and considered the testimony and evidence presented by City staff and the public, adopted the updated methodology, and approved the proposed changes to SDCs fees and the municipal code; and

WHEREAS, the Council finds the foregoing to be in the best interest of the residents and inhabitants of the City and the public, that the public interest will be served, and that the foregoing are in conformance with the requirement of state law and the Tualatin Development Code.

THE CITY OF TUALATIN ORDAINS AS FOLLOWS:

**Section 1.** The City hereby adopts as its Water System Development Charge Methodology the *Water Rates and SDCs Study* prepared by FCS Group, dated May 2023, a copy of which is attached hereto as Exhibit 1 and incorporated herein by reference (the "Methodology").

**Section 2.** Tualatin Municipal Code 2-06-010(4) is hereby amended as follows:

(4) The report entitled, "~~Water Rates and SDCs Study Report of Water Supply System Improvements Through a Systems Development Charge for the City of Tualatin,~~" dated ~~May 2023~~ June 24, 1991, and prepared by ~~FCS Group~~ the Engineering and Building Department of the City, ("Water SDC Methodology") sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need and costs for additional water system improvements.

**Section 3.** Tualatin Municipal Code 2-06-010(13) is hereby repealed.

**Section 4.** Tualatin Municipal Code 2-06-060 is hereby amended as follows:

**TMC 2-6-060 - System Development Charges Established.**

- (1) Unless otherwise exempted by this ordinance or other local or state law, a Park System Development Charge is established, based upon the Parks SDC Methodology adopted in TMC 2-6-010(5) and is imposed upon all new development within the City. The Parks SDC charge imposed will be the amount as established by resolution of the Council.
- (2) Unless otherwise exempted by this ordinance or other local or state law, a Water System Development Charge in the amount of \$2,758.00 per future meter equivalent (FME) is established, based upon as more specifically set forth in the Water SDC Methodology approved on December 8, 2003, which is attached and incorporated into this ordinance, and is imposed upon all new development within the City. The charge may be revised by resolution of the Council. The Water SDC charge imposed will be in the amount as established by resolution or ordinance of the Council.
- (3) Systems development charges for each type of capital improvement provided by the City may be created and shall be established by resolution of the Council. When required by Council resolution or Council-authorized intergovernmental agreement to collect, a systems development charge for a capital improvement provided by another government shall be established and may be revised by resolution of the Council.
- (4) ~~On February 1, 2005 and each February 1 thereafter, the water SDC shall automatically increase. The amount of increase shall be the change in Engineering News Record Construction Cost Index for Seattle, Washington. This increase shall not require further action by the City Council.~~

**Section 5.** Tualatin Municipal Code 2-06-085 is hereby amended to add a new subsection (3) as follows:

- (3) On February 1 of each year, the water SDC shall automatically increase based on the change in the Engineering News Record Construction Cost Index for Seattle, Washington, without requiring further action by the City Council.

**Section 6.** The City hereby adopts the SDC schedule set forth in Exhibit 3.8 of the Methodology.

**Section 7. Severability.** Each section of this ordinance, and any part thereof, is severable. If any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

**Section 8. Effective Date.** As provided in the Tualatin Charter, this ordinance is effective 30 days from the date of adoption.

ADOPTED by the City Council this 10<sup>th</sup> day of July, 2023.

CITY OF TUALATIN, OREGON

BY *Frank Babis*  
Mayor

ATTEST:

BY *Sherilyn Lombos*  
Sherilyn Lombos (Jul 11, 2023 16:57 PDT)  
City Recorder











# Ordinance No. 1477-23

Final Audit Report

2023-07-11

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**ANALYSIS AND FINDINGS**  
**COMPREHENSIVE PLAN AMENDMENT: WATER SERVICE**

July 10, 2023

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Case #:	PTA/ PMA 23-0002
Project:	Comprehensive Plan Amendment: Water Service
Procedure:	Type IV-B, Legislative

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## I. INTRODUCTION

### A. Applicable Criteria

Applicable Statewide Planning Goals; Division 11 of the Oregon Administrative Rules Chapter 660; City of Tualatin Comprehensive Plan Chapter 9; City of Tualatin Development Code, Section 33.070: Plan Amendments.

### B. Project Description

On July 10, 2023, the City Council will consider adoption of the 2023 Water Master Plan by ordinance. The proposed Plan Text and Map Amendments (PTA/ PMA 23-0002) would update Chapter 9 (Public Facilities and Services) of the Comprehensive Plan and Chapter 74 of the Development Code consistent with the 2023 Water Master Plan. In sum, the 2023 Water Master Plan, Comprehensive Plan Chapter 9, and Map 9-1: Water Plan identify and detail existing and future water system infrastructure, as well as associated goals and policies needed to serve both the existing and future population and economy of the City of Tualatin.

### C. Proposed Amendments

The following Plan Text Amendments have been proposed (Figure 1). The full text amendments are provided in Exhibit 4.

**Figure 1: Summary of Proposed Amendments**

<b>Chapter 9: Public Facilities &amp; Services</b>
Update “Water Service” statement to reflect the latest Master Plan findings and figures
Expand Water Service Goals from one to three. These three goals align with the top three values identified in the Water Master Plan (Water Quality, Water Supply, and Resiliency).
Modified policies to align with the newly created Goals based on the latest Master Plan findings.
<b>TDC Chapter 74.610: Water Service</b>
Correct error in Comprehensive Plan reference

## II. FINDINGS

### **A. Oregon Statewide Planning Goals:**

#### **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 proposed amendments have been reviewed the Tualatin Planning Commission on May 18, 2023 which is the City's acknowledged Committee for Citizen Involvement (CCI), in compliance with Goal 1. The Water Master Plan will also undergo a month long public involvement process, prior to the City Council hearing scheduled on July 10, 2023. The public engagement plan includes a mass mailer, utility bill notice, online advertising on social media and the City website, as well as an online open house. The community was also engaged to comment on Tualatin's Water Supply strategy in 2019 as part of the Master Plan efforts, and prioritized the community values which have been memorialized through Comprehensive Plan goals: Provide safe, high-quality water (water quality); provides enough water for future needs (water supply); and prepares the community for a natural disaster (resiliency). More information may be found in the 2023 Master Plan, Attachment A: Community Conversation Summary included as Exhibit 2. 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 City of Tualatin's Comprehensive Plan and Development Code provide an acknowledged and established land use planning process and policy framework which service as the basis for all decisions and actions related to land use, and include approval criteria to assure than an adequate factual base is provided for those decisions and actions. The proposed text and map amendments (PTA/PMA 23-0002) to the Tualatin Comprehensive Plan Chapter 9 have been processed in accordance with the Tualatin Development Code. The proposed amendments conform to Goal 2.*

#### **Goal 5 – Open Spaces, Scenic and Historic Area, and Natural Resource**

**To protect natural resources and conserve scenic and historic areas and open spaces.**

**Finding:**

*There are no text changes that modify the City's existing open space and natural resources requirements. The proposed PTA does not include any map changes or changes to the regulations for those Goal 5 resources regulated by TDC Chapter 71 (Wetlands Protection District) and TDC Chapter 72 (Natural Resource Protection Overlay District).*

The proposed amendments conform to Goal 5.

### **Goal 6 – Air, Water and Land Resources Quality**

**To maintain and improve the quality of the air, water and land resources of the state.**

**Finding:**

*The Water Master Plan Update will not affect waste and process discharge of development, nor air, water and land resource quality. Tualatin’s water system will continue to comply with the Safe Drinking Water Act (SDWA) the EPA requirements. The proposed amendments conform to Goal 6.*

### **Goal 7 – Areas Subject to Natural Disasters and Hazards**

**To protect people and property from natural hazards.**

**Finding:**

*The Comprehensive Plan text amendment includes the addition of Water Goal to provide a resilient water system to reduce risk posed by natural disaster events in Exhibit 4. The proposed amendments conform to Goal 7.*

### **Goal 8 – Recreation Needs**

**To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**Finding:**

*Tualatin’s recreation needs, as well as those of the citizens of the state and visitors thereto, are addressed in the 2019 Tualatin Parks and Recreation Master Plan, the Comprehensive Plan, and also in Ordinance 1427-19. The proposed amendments do not affect policies associated with recreational needs. The proposed amendments conform to Goal 8.*

### **Goal 9 – Economy of the State**

**To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**Finding:**

*Tualatin’s goals addressing the local economy are found in Chapter 4 (Economy, Commercial, and Industrial Development) of the Comprehensive Plan. These proposed amendments do not affect policies related to economic activities. The proposed amendments conform to Goal 9.*

### **Goal 10 – Housing**

**To provide for the housing needs of citizens of the state.**

**Finding:**

*Tualatin’s goals addressing housing are found in Chapter 3 (Housing & Residential Growth) of the Comprehensive Plan. The proposed amendments do not affect policies related to housing. The proposed amendments conform to Goal 10.*

### **Goal 11 – Public Facilities and Services**

**To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**



**Finding:**

*The Water Master Plan is intended to serve the needs of present and future development. The Comprehensive Plan text amendment includes the addition of Water Goal to provide a reliable and economical supply of water to meet current and future needs (Exhibit 4), as well as amendments to Comprehensive Plan Map 9-1: Water Plan (Exhibit 1) that illustrate future system improvements that were identified in the 2023 Water Master Plan. No extension of water is proposed beyond the Tualatin Urban Planning Area, which is within the Urban Growth Boundary. The proposed amendments conform to Goal 11.*

**Goal 12 – Transportation**

**To provide and encourage a safe, convenient and economic transportation system.**

**Finding:**

*The proposed amendments do not include any changes that are related to the transportation system. The proposed amendments conform to Goal 13.*

**Goal 13 – Energy**

**To conserve energy.**

**Findings:**

*The proposed amendments do not include any changes that are related to or intended to impact Tualatin's land use regulations pertaining to energy consumption. The proposed amendments conform to Goal 13.*

**B. Oregon Administrative Rules (OAR)**

**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:**

*Amendments are proposed to the Map 9-1: Water Plan (Exhibit 1) that illustrate future system improvements that were identified in the 2023 Water Master Plan. Corresponding inventories, cost estimates, and timeframes may be found in the 2023 Water Master Plan, Section 8 as included in Exhibit 2. These standards are met.*

**660-011-0045: Adoption and Amendment Procedures for Public Facility Plans**

**(1) The governing body of the city or county responsible for development of the public facility plan shall adopt the plan as a supporting document to the jurisdiction’s comprehensive plan and shall also adopt as part of the comprehensive plan:**

- (a) The list of public facility project titles, excluding (if the jurisdiction so chooses) the descriptions or specifications of those projects;**
- (b) A map or written description of the public facility projects’ locations or service areas as specified in sections (2) and (3) of this rule; and**
- (c) The policy(ies) or urban growth management agreement designating 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.**

**Finding:**

*Plan Text and Map Amendment PTA/PMA 23-0002 adopt the 2023 Water Master Plan as a supporting document to the Tualatin Comprehensive Plan. Map 9-1: Water Plan (Exhibit 1) amendments illustrate future system improvements that were identified in the 2023 Water Master Plan. These standards are met.*

**C. Tualatin Development Code**

**Chapter 33: Applications and Approval Criteria**

**Section 33.070 Plan Amendments**

[...]

**(3) Procedure Type.**

**(b) Map or text amendment applications which are legislative in nature are subject to Type IV-B Review in accordance with TDC Chapter 32.**

**Finding:**

*A legislative plan text and map amendment is proposed 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 proposed amendments include updates to Comprehensive Plan Chapter 9 consistent with the Water Master Plan. The existing water system and future system improvements identified in the amended Map 9-1 are needed to support existing and future development in Tualatin; and are therefore in the public interest. This amendment is also timely, providing Council with a concurrent review of the amendments while considering adoption of the 2023 Water Master. Criteria (a) and (b) are met.*

**(c)The proposed amendment is in conformity with the applicable goals and policies of the Tualatin Comprehensive Plan.**

**Finding:**

*The amendments serve as a periodic update to the Comprehensive Plan in support of the recent findings included in the 2023 Water Master Plan. The amendments are specific to Chapter 9 of the Comprehensive Plan and are included in Exhibit 4. In summary, these amendments:*

- *Water Service statement updated to reflect the latest Master Plan findings and figures.*
- *Water Service Goals expanded from one goal to three. These goals align with the top values identified in the Water Master Plan; which are Water Quality, Water Supply, and Resiliency.*
- *Policies have been modified to align with the newly created goals based on the Master Plan findings.*

*The proposal complies with criterion (c).*

**(d)The following factors were consciously considered:**

- (i)The various characteristics of the areas in the City;**
- (ii)The suitability of the areas for particular land uses and improvements in the areas;**
- (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, esthetic surroundings and conditions; and**
- (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 B, 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 (Comprehensive Plan Map 10-4), 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 applicable goals and policies in the Tualatin Comprehensive Plan, water management issues are adequately addressed during development or redevelopment anticipated to follow the granting of a plan amendment.**

**Finding:**

*The amendments serve as a periodic update to the Comprehensive Plan in support of the recent findings included in the 2023 Water Master Plan. The amendments are specific to Chapter 9 of the Comprehensive Plan and are included in Exhibit 4. In summary, these amendments:*

- *Water Service statement updated to reflect the latest Master Plan findings and figures.*
- *Water Service Goals expanded from one goal to three. These goals align with the top values identified in the Water Master Plan; which are Water Quality, Water Supply, and Resiliency.*
- *Policies have been modified to align with the newly created goals based on the Master Plan findings.*

*The proposal complies with criterion (i).*

**(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.**

**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 the Planning Commission forward a recommendation of approval of the proposed amendments (PTA/PMA 23-0002) to the City Council.*