

INTERGOVERNMENTAL AGREEMENT

City of Tualatin

This Agreement is between the State of Oregon acting by and through its **Department of Land Conservation and Development (“DLCD”)** and **City of Tualatin (“City”)**, each a “Party” and, together, the “Parties.”

I. AUTHORITY

This Agreement is authorized by ORS 190.110.

II. EFFECTIVE DATE

This Agreement is effective on the date of the last signature (“Effective Date”), and terminates on **June 30, 2025**, unless terminated earlier.

III. BACKGROUND

During the 2023 legislative session, the legislature appropriated funds to DLCD for the purpose of allowing the DLCD to assist participating cities and counties (collectively, “local government”) implement the Climate-Friendly and Equitable Communities rules. The rules require that cities and counties update their land use regulations to meet updated requirements provided in Oregon Administrative Rules (OAR) 660-012.

The projects are financed with State of Oregon General Funds. State funds are paid under this Agreement by DLCD to **MIG Inc.** (“Consultant”), who will assist the City as described in the Statement of Work (“SOW”) below. No funds will be given to the City for tasks outlined in this Intergovernmental Agreement (“IGA”) or any expenses incurred by the City as a result of this Agreement.

IV. PROJECT OBJECTIVE AND MAJOR DELIVERABLES

Code Update

The primary objective of this Agreement is to assist a participating City with implementation of OAR 660-012-0330, which requires local governments to adopt land use regulations to support compact, pedestrian-friendly mixed-use land development patterns.

V. ROLES AND RESPONSIBILITIES

City: Overall management of the Project will be the responsibility of the City. The City shall appoint a Project Manager to be the principal contact person representing the City on all matters relating to the Project.

Specific project management duties of the City will include:

- a. Coordinating project schedule and deliverables with Consultant;
- b. Coordinating City staff;
- c. Ensuring the timely completion of tasks and delivery of supporting data/information to Consultant;
- d. Reviewing and editing Consultant work;
- e. Appointing a project advisory committee with representation from the community;

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- f. Noticing, scheduling, and managing advisory committee meetings and public official work sessions and public hearings, if any. Activities include but are not limited to preparing and distributing meeting notices, agendas, and summaries; and assisting the Consultant with meeting facilitation.

DLCD: DLCD will provide financial, administrative, and technical assistance to the Project. DLCD will participate in advisory committees. Additional technical assistance may be provided as requested by the City or Consultant. DLCD will review Consultant’s work, invoices, and progress reports. Additionally, DLCD will review the Consultant’s performance and deliverables with the City prior to paying invoices received by the Consultant. DLCD will assist in the mediation of Consultant/ City conflicts, or issues with the project or deliverables.

VI. COMPENSATION AND COSTS

Each Party shall assume its own costs of carrying out the tasks and responsibilities assigned to it under this Agreement. Under no circumstances is the Local Government responsible for payment of costs incurred under the contract between DLCD and the chosen Consultant.

VII. KEY CONTACTS

City

Steve Koper, Assistant Community Development Director
City of Tualatin
10699 SW Herman Road
Tualatin, OR 97062

Email: skoper@tualatin.gov
Phone: 503-691-3028

Department of Land Conservation and Development

Project Administrator
Cody Meyer
635 Capitol St. NE, Suite 150
Salem, OR 97301

Email: cody.meyer@dlcd.oregon.gov
Phone: 971-239-9475

Regional Representative

Laura Kelly
1600 SW Fourth Avenue, Suite 109
Portland, OR 97201

Email: laura.kelly@dlcd.oregon.gov
Phone: 503-798-7587

Consultant

Darci Rudzinski, Principle in Charge
MIG, Inc.
506 SW 6th Ave. #400
Portland, OR 97204

Email: drudzinski@migcom.com
Phone: 503-297-1005

A Party may designate a new authorized representative by written notice to the other Party.

VIII. TERMINATION

- a) This Agreement may be terminated at any time by mutual written agreement of the Parties.

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- b) This Agreement may be terminated by DLCD upon 45 days advance written notice and by Local Government upon 45 days advance written notice.

IX. NON-APPROPRIATION

DLCD's obligation to perform its duties under this Agreement is conditioned upon DLCD receiving funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow DLCD, in the exercise of its reasonable administrative discretion, to meet its obligations under this Agreement. Nothing in this Agreement may be construed as permitting any violation of Article XI, Section 7 of the Oregon Constitution or any law limiting the activities, liabilities, or monetary obligations of DLCD.

X. STATEMENT OF WORK

Tualatin Walkable Design Standards Code Amendments Project Purpose: To identify any gaps in the City of Tualatin's code and develop adoption ready code amendments to meet updated land use regulation requirements in the OAR 660-012-0330. Consultant shall review existing codes for barriers to compact, pedestrian and active transportation centered mixed use development. Consultant shall evaluate alternate solutions and prepare adoption ready code amendments to enable the City of Tualatin to create communities with places to live, work, and play in pedestrian scale proximity. Consultant shall submit deliverables to the Agency Project Manager and City of Tualatin upon completion of each Task.

TASK 1: Kick-off and Project Management

Consultant shall hold a kickoff meeting via video conference with City of Tualatin ("City") to become familiar with local conditions and planning documents, confirm the project objectives and expectations, identify relevant policies and regulations for inclusion in the Code Audit, and refine the project schedule. Consultant shall summarize updated priorities identified during kick-off meeting. Consultant shall develop and share a proposed schedule for the actions required for the completion of all tasks, building on the task timeline included in this statement of work. This shall include preparation of a simplified Gantt chart of the overall project schedule that is suitable for sharing with City Council and the public. Consultant shall facilitate monthly phone calls or virtual meetings with City staff to monitor progress on key tasks throughout the course of the project. Consultant shall prepare brief summary notes summarizing action items resulting from these meetings.

Task 1 City Deliverables:

- 1.1 Copy of relevant comprehensive plan and code sections, and other relevant City data or documents; and*
- 1.2 PDF maps of zoning and comprehensive plan designations.*

Task 1 Timeline: Month 1 and through end of project for PMT meetings

TASK 2: Code Audit and Code Concepts

Consultant shall review City's comprehensive plan, zoning ordinance, policies, and other land development documents and regulations identified in Task 1 to identify legal and policy issues related to the updated requirements. Consultant shall prepare Draft Code Audit and Code Concepts Memo which must identify gaps in how the comprehensive plan and zoning code:

- Meets requirements in Administrative Rules (OAR-660-012-0330)

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- Provides regulations consistent with those recommended in Agency’s CFEC 0330 Model Code

Draft Code Audit and Code Concepts Memo must include recommended code concepts to respond to findings from the assessment. It is assumed that the code concepts will incorporate recommendations from the Agency CFEC 0330 Model Code.

Consultant shall attend one virtual work session with Tualatin City Council to get initial input and direction on desired outcomes of the project. Consultant shall also hold up to four meetings with individual stakeholders or focus groups, with participants identified by City staff, to help identify issues and desired outcomes. Consultant shall meet with Tualatin staff in current planning and long-range planning to review current code and gaps identified in the Draft Code Audit and Code Concepts Memo, building upon issues raised at the kickoff meeting, and to discuss potential solutions to addressing those gaps.

Following consultation with City Council, stakeholders, and City staff, Consultant shall develop Final Code Audit and Code Concepts Memo.

As part of the final memo, Consultant shall create a one-page informational flyer that can be shared with the general public (e.g., on the City website), that will include translation of the requirements and goals of the project into clear non-jargon language and a summary of results of the Code Audit and Code Concepts.

Task 2 City Deliverables:

2.1 Scheduling and participation in City Council, City staff, and stakeholder meetings;

2.2 Written comments on Draft Code Audit and Code Concepts Memo; and

2.3 Written review comments on draft informational materials.

Task 2 Timeline: Months 2-5

TASK 3: Draft Code and Plan Amendments

Based upon the Final Code Audit and Code Concepts Memo, Consultant shall prepare Draft Code and Plan Amendments, including updates to City’s zoning ordinance and comprehensive plan required to address the issues identified in Task 2. Upon guidance from City staff, this may include incorporating policy language from the City’s Climate Action Plan into the Comprehensive Plan. Consultant shall collect input from City staff on the Draft Code and Plan Amendments. Consultant shall prepare a revised draft of the amendments that addresses City staff review comments. Following Revised Draft Code and Plan Amendments, Consultant shall provide up to two display posters, infographics, or informational flyers that summarize the project purpose and major changes to the City’s code and comprehensive plan. City staff shall determine which format of the information is preferred. Consultant shall coordinate with City staff to determine which format of the information is preferred. The display posters or flyers will be posted on the City’s website and could also be used by City staff for additional community outreach and education around proposed changes.

Task 3 City Deliverables:

3.1 Written comments on Draft Code Amendments

Task 3 Timeline: Months 6-9

TASK 4: Final Code and Plan Amendments

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Consultant shall attend one work session with Tualatin City Council to seek input on the Revised Draft Code and Plan Amendments. Following this work session, Consultant shall prepare final updates to City’s zoning ordinance and comprehensive plan, incorporating input received from the City Council. The Final Code and Plan Amendments shall be delivered in two formats:

- Legislative formatting to indicate changes from the existing code and plan in a format used by City for staff reports, and
- Clean text.

Consultant shall prepare draft findings for the City staff report.

Task 4 City Deliverables:

4.1 Written review comments on Final Amendments.

Task 4 Timeline: Months 9-10

XI. OTHER CONSIDERATIONS

Except as provided herein, nothing in this agreement shall be construed as obligating the other party to expend funds or obligate future payment of money authorized by law and administratively available for this work.

SIGNATURE BLOCK

City Official

Authorized to sign on behalf of the City

Date

Printed Name

Department of Land Conservation & Development

Matthew Crall, Planning Services Division Manager

Date