Tigard Business Meeting
AGENDA

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

MEETING DATE AND TIME:	JULY 1, 2025 - 6:30 p.m. Business Meeting **Revised 6/30/2025: Agenda Item 3.B added**
MEETING LOCATION:	Hybrid - City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223 - See PUBLIC NOTICE below

PUBLIC NOTICE: In accordance with Oregon House Bill 2560, this will be a hybrid meeting where some Council, staff or public will participate in person and some will participate remotely.

How to comment:

- Written public comment may be submitted electronically at www.tigard-or.gov/Comments by noon the day before the meeting date.
- If attending the meeting in person, please fill out the public comment sign-in sheet at the front of the room and come to the microphone when your name is called.
- If you prefer to call in, please call 503-966-4101 when instructed to be placed in the queue. We ask that you plan on limiting your testimony to two minutes.
- You may comment by video through the Teams app. Go to this link to learn how to participate by video: Video Testimony Registration (https://www.tigard-or.gov/your-government/video-public-testimony-registration).

Upon request, the City will endeavor to arrange for the following services:
- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by contacting: City Recorder Carol Krager at 503-718-2419 (voice) / carolk@tigard-or.gov or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

CABLE VIEWERS: The City Council meeting will be shown live on Channel 21 (1st Tuesdays) and Channel 28 (2nd & 4th Tuesdays) at 6:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday 6:00 p.m. Friday 10:00 p.m. Saturday 7:30 p.m. Sunday 11:30 a.m. Monday 6:00 a.m.

Tigard Business Meeting AGENDA

TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD **Revised 6/30/2025: Agenda Item 3.B Added**

MEETING DATE AND TIME: JULY 1, 2025 - 6:30 p.m. Business Meeting

MEETING LOCATION: Hybrid - City of Tigard - Town Hall - 13125 SW Hall Blvd., Tigard, OR 97223

6:30 PM

1. BUSINESS MEETING

   A. Call to Order

   B. Roll Call

   C. Pledge of Allegiance

   D. Call for Non-Agenda Items

2. APPOINT ASHER HELLHAKE AS YOUTH CITY COUNCILOR FOR A JULY 1, 2025-JUNE 30, 2026 TERM **6:35 p.m. estimated time**

3. PROCLAMATIONS AND RECOGNITION **6:40 p.m. estimated time**

   A. PROCLAIM PARK & RECREATION MONTH

   B. INDEPENDENCE DAY: A CELEBRATION OF FREEDOM

4. PUBLIC COMMENT

   A. Public Comment – Written

B. Public Comment – In Person

C. Public Comment – Phone-In

D. Public Comment – Video

5. CITY MANAGER REPORT **6:50 p.m. estimated time**

6. CONSENT AGENDA: (Tigard City Council & Local Contract Review Board) The Consent Agenda is used for routine items including approval of meeting minutes, contracts or intergovernmental agreements. Information on each item is available on the city's website in the packet for this meeting. These items may be enacted in one motion without separate discussion. Council members may request that an item be removed by motion for discussion and separate action.

A. OREGON DEPARTMENT OF TRANSPORTATION (ODOT) AGREEMENT FOR FANNO CREEK TRAIL - BONITA ROAD TO DURHAM ROAD PROJECT DEVELOPMENT

B. RADIO READ WATER METERS AND ASSOCIATED COMPONENTS CONTRACT

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

7. QUASI-JUDICIAL PUBLIC HEARING: TIGARD STREET BRIDGE REPLACEMENT COMPREHENSIVE PLAN MAP AMENDMENT, SENSITIVE LANDS REVIEW AND MINOR MODIFICATION **6:55 p.m. estimated time**

8. COMPENSATION FOR CITY OFFICERS **7:35 p.m. estimated time**

9. NON-AGENDA ITEMS

10. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss Labor Negotiations, under ORS 192.660(2) (d). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. The Tigard City Council will adjourn immediately after conclusion of the Executive Session. **7:55 p.m. estimated time**

11. ADJOURNMENT **8:40 p.m. estimated time**

AIS-5872 **2.**

Business Meeting

Meeting Date: 07/01/2025

Length (in minutes): 5 Minutes

Agenda Title: Appoint Youth City Councilor Asher Hellhake for a July 1, 2025-June 30, 2026 Term

Authored By: Corinne Alladin

Presented By: Nicole Hendrix, Assistant to the City Manager

Item Type:

Public Hearing Legal Ad Required?:

Publication Date:

Information

EXPLANATION OF ISSUE

The Tigard City Council has the opportunity to appoint the next Youth City Councilor to serve from July 1, 2025 to June 30, 2026.

The aim of the Youth City Councilor program is to advise the City Council on community issues from a youth perspective, increase student participation in local government, and provide input on issues of importance to Tigard youth.

To be considered, a student must be a resident of Tigard at the end of their sophomore or junior year of high school and attend a public or private school where they have and maintain, passing grades in their classes.

The appointed Youth City Councilor attends City Council meetings and is invited to participate in City Council activities outside regularly scheduled meetings as long as the activity does not interfere with school commitments.

ACTION REQUESTED

Consider appointment of Asher Hellhake as the next Youth City Councilor to begin service on July 1, 2025.

BACKGROUND INFORMATION

In April 2025, the City began recruitment for the next Youth City Councilor. The City received interest from three individuals by the June 1 deadline; however, only one was eligible due to residency requirements.

The eligible applicant, Asher Hellhake (pronounced hel-ick), was interviewed in June by Mayor Lueb and Council President Wolf. Asher will enter his junior year in fall 2025 at Tigard High School.

Dates of Previous and Potential Future Considerations

This is the seventh year of the Youth City Councilor program. Council created the role with Resolution

19-13 on April 2, 2019.

Public Involvement
Recruitment efforts were widely shared in local newspapers, on social media, and via email to public, private, and home school contacts throughout the area. The City also recruited at the Tigard Area Farmers Market city booth and through the Youth Advisory Council meetings and membership.

Impacts (Community, Budget, Policies and Plans/Strategic Connection)
The 1-year position has a $2,500 allocation to send the Youth City Councilor to the National League of Cities Congressional Cities Conference in Washington, DC.

ALTERNATIVES & RECOMMENDATION

City teammates are recommending a candidate be selected for the role. The Council may choose not to appoint the applicant and re-open recruitment.

ADDITIONAL RESOURCES

N/A

Attachments

Tigard YCC Program Overview
Youth City Councilor Essay Questions
2025 YCC Recruitment Campaign
Application - Asher Hellhake

TIGARD YOUTH CITY COUNCILOR PROGRAM

Overview: This program allows the Mayor to appoint one Tigard student to serve as a de facto member of the Tigard City Council. The aim of the program is to advise the City Council on community issues from a youth perspective, increase student participation in local government, and provide input on issues of importance to Tigard youth.

Responsibilities:

- Attend City Council Meetings (1st, 2nd, 3rd and 4th Tuesday of each month at 6:30 p.m. at Tigard City Hall, Town Hall).
    - Will not attend executive sessions or be given confidential information for executive sessions.
- The Youth Councilor must comply with council rules of procedure and conduct themselves in a professional manner.
- The Youth Councilor provides an advisory vote for all items except for consent items, personnel, land use, budget, and adjournment.
- Participate in City Council activities outside of regularly scheduled council meetings (State of Our City, National Night Out, Meet & Greets, Holiday Tree Lighting Ceremony, etc.) as long as the activity does not interfere with school commitments.
- The Youth City Councilor serves without pay but may be reimbursed for out-of-pocket expenses incurred in the performance of their duties when such expenses have been authorized in advance.
- If possible, attend the annual National League of Cities Congressional Cities Conference in Washington, D.C. with City staff and other members of Council. (Expenses are covered by City budget).
- Serve as Council liaison and attend twice-monthly meetings for Tigard Youth Advisory Council (every other Monday from 5-6pm).

Eligibility:

- Only one (1) Youth City Councilor will be appointed to Council at any given time.

- Students are invited to apply at the end of their sophomore or junior year for participation in the following school year.
- Student must be a resident of the City of Tigard but may attend a public or private school serving Tigard residents (*Tigard High School, Westview High or Muslim Educational Trust, Jesuit, St. Mary's of the Valley, etc.*) and maintain passing grades in their classes.
- The student's parent or guardian must give permission for the student to be appointed.

Term:

- The Youth City Councilor shall serve a one-year term that commences after July 1 of each year and ends on June 30 of the following year.
- The Youth Councilor is required to have at least 75 percent attendance at council meetings but during the summer may be excused for family vacation, travel or school commitments.

Application Process:

- Vacancy should be publicized on the city's website and through outreach to local high schools.
- City Council will identify the questions and form for application.
- Applications shall be forwarded to the Mayor and Council President for consideration and the Youth Councilor will be confirmed by City Council.
- The Youth Councilor may apply for reappointment to the position for a second term, provided they meet eligibility requirements.
- A Youth Councilor may be removed for cause prior to the end of the term with a majority vote of the full City Council.

Time Commitment:

- The student selected to serve as the Youth Councilor will be required to attend an orientation to acquaint student with activities of City Council no later than August 1.
- Students can expect to spend between 12 – 20 hours a month in meeting preparation and attendance.

Program Impact

- Position Support
    - The Mayor will serve as the Youth Councilor mentor to assist with questions and advice
    - The Mayor/Council Assistant will assist with scheduling, travel, etc.

- Budget:
    - $2,500: National League of Cities Congressional Cities Conference (Washington, D.C. annual trip) travel/training expenses
- Effectiveness Measure:
    - Youth engagement will increase as noted in a yearly evaluation.

TIGARD YOUTH CITY COUNCILOR Essay Questions with application

If you're selected, you'll be expected to attend (*either virtually or in-person)* Tigard City Council meetings on the 1st, 2nd, 3rd and 4th Tuesday night of each month. **Considering your clubs or activities, can you commit to attending?**

Yes ____ No ____

1. Why are you interested in serving as the city's next Youth City Councilor?

2. How would you plan to represent all Tigard youth if you're selected for this position?

3. Pick one thing the City of Tigard is responsible for that you would like to change.
    a. What is it?
    b. Why would you change it?
    c. How would you recommend changing it?

2025 Tigard Youth Councilor Recruitment Timeline

April 16 - May 31, 2025: Active Recruitment for Applications

- Methods:
    - Press release
    - Flyer
    - Social media campaign
        - Shareable video with YC Myneni
    - City Newsletters and Website: Cityscape, Spanish newsletter, Books and Bits
    - City reader and digital boards
    - City events and Farmers Market
    - Advertisement in Valley Time and Tigard Life
    - Collaborate with TYAC to promote
    - Notify:
        - Chamber of Commerce
        - TTSD Superintendent, Public and Private High Schools serving Tigard residents
        - Muslim Educational Trust
        - Westside Christian HS
        - Tigard HS
        - Tualatin HS
        - Mountainview HS
        - Sherwood HS
        - Creekside Community HS
        - Southridge HS
        - St. Mary of the Valley
        - St. Mary's Academy
        - Youth Advisory Council members, Teen Library Council member

June 1: Applications due

June 2-5: City team verify residency and forward eligible apps to interview panel

Week of June 9: Interviews conducted

June 12: Submit Agenda Item for inclusion in June 24 Council Packet

June 24: Appointment of new YACC and Resolution of Thanks for YCC Myneni

July 1: Term begins

Youth City Councilor Application 2025

* Full Name
Asher/Zoe Hellhake

* **Mailing Address (Street, City, State, Zip)**
[redacted]

Do you live within Tigard City limits?
Yes

If yes, how long?
15 Years

* Phone
[redacted]

* **Email**
[redacted]

Previous Community Activity
I haven't done a lot of volunteer work within Tigard, but I have put in a lot of volunteer hours at the Tigard High School Theater. I have worked there with a lot of fundraising opportunities, such as playing music at a Brewery to raise money, hanging up posters for plays at local businesses, and spending time decorating the lobby and selling concessions and flowers to make money for the theater. I do plan to volunteer for the balloon festival this year as well, as I have gone every year I can remember, and this year I'm going to play music at the Tigard Pride festival.

Other Relevant Information
I have worked at West End Dental at their front desk, and I have volunteered to help my guitar teacher schedule and track things. I'm extremely comfortable talking to people and respectfully advocating for myself as well as things I believe in. I am skilled in helping organize people and their schedules by keeping things equal and equitable for every person there.

How did you hear about us?
My school sends out weekly emails, and when I was reading this week's, I noticed the ad to apply!

If you're selected, you'll be expected to attend (remotely or in-person) Tigard City Council meetings on the 1st, 2nd, 3rd and 4th Tuesday night of each month. Considering your clubs or activities, can you commit to attending?
Yes

Please respond to the three questions below. Please attach as a Word doc or PDF file.

1. Why are you interested in serving as the city's next Youth City Councilor?
2. How would you plan to represent all Tigard youth if you're selected for this position?
3. Pick one thing the City of Tigard is responsible for that you would like to change.
   a) What is it?
   b) Why would you change it?
   c) How would you recommend changing it?

Attachment
Tigard.pdf

1) I want to serve as the next Youth Counselor because I believe that every person of every age deserves a voice. I'm confident in talking to people whom I need to have conversations with, and I'm able to speak to authority figures in my life without being disrespectful or causing problems. There are lots of ways I want to improve in the community, but there are also a lot of things in Tigard I love that I want to advertise better to increase attraction. I was born one city over, and raised my whole life in Tigard, and I have loved every second of it. When I found out about this position, I told my parents I wanted to apply, and they agreed it sounded exactly like something I would be capable of doing and something I would enjoy. I want to give my fellow peers a voice, asking their opinions on the city, so I can advocate for them.
2) I would represent all of Tigard's youth by using my connections both in my school and outside of my school. I can email the admin at the middle and high schools in the district to ask them to send out surveys to their students about the city and their opinions on issues we would be currently facing when I would be in office. I can communicate with students and even broaden my range to asking young people and their parents at places such as Conestoga to learn what the people need.
3) One thing that I think Tigard needs to change is its social media presence. I have heard a lot of peers around me refer to the accounts as "cringe" or "bland". I think this needs to be changed because with the ever-growing importance of social media in our society, paper advertisements for events are no longer cutting it, and we need a fresh outlook on how Tigard is seen online. Keeping things professional but relatable is an important skill to have when it comes to online presence. There are so many ways the internet can be used to create a larger sense of community within the city, and I think that it should be used to its fullest potential. I would change this by keeping up with trends online and giving people on the council a chance to show the

youth who they are and what they care about. Giving people a chance to care about their government, while still letting it be easy, is so important to creating a new wave of people who are passionate about their city. If I asked any random student at my school the names of people on the Tigard council, I doubt any of them would be able to name anyone, beyond the mayor at best. I want to give young people the opportunity to understand who runs their city, and I would do that by using the Tigard social media platforms to show off the people who work for our city government.

AIS-5853 **3. A.**

Business Meeting

Meeting Date: 07/01/2025

Length (in minutes): 5 Minutes

Agenda Title: Park & Recreation Month

Authored By: Jessica Love

Presented By: Communications Program Coordinator, Jessica Love

Item Type: Proclamation

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

For 40 years, our country has celebrated Park and Recreation Month in July to promote building strong, vibrant and resilient communities through the power of parks and recreation. This year's theme, "Build Together, Play Together," reminds us of the contributions of more than 160,000 full-time park and recreation professionals — along with hundreds of thousands of part-time and seasonal workers and volunteers — who maintain our country's close-to-home parks.

We celebrate park and recreation professionals and how they improve the lives of tens of millions of people, making a lasting impact in communities across the country. Park and recreation programs are essential to community health and well-being and help cultivate lifelong friendships, memories and family bonds that people hold dear decades later.

ACTION REQUESTED

The Tigard team recommends the Mayor proclaim July as Park & Recreation Month.

BACKGROUND INFORMATION

Dates of Previous and Potential Future Considerations

The City of Tigard has proclaimed Park & Recreation Month in years past.

Public Involvement

To help celebrate Parks & Recreation Month, our Recreation Division will be hosting weekly "Pop Up in the Park" events at various parks throughout Tigard in July. These smaller, focused recreation events are quite popular and provide a fun and free way for Tigard families to connect with the program. Additionally, we will be hosting a social media campaign spotlighting Tigard's parks and our Parks & Recreation teammates throughout the month.

Impacts (Community, Budget, Policies and Plans/Strategic Connection)

N/A

ALTERNATIVES & RECOMMENDATION

The Mayor may choose not to publicly proclaim Park & Recreation Month.

ADDITIONAL RESOURCES

N/A

Attachments

Parks & Recreation Month Proclamation

Proclamation

City of Tigard

PARK AND RECREATION MONTH
JULY 2025

WHEREAS, parks and recreation programming is critical to Tigard's livability and important to healthy, welcoming communities throughout the country; and

WHEREAS, parks and recreation promote health and wellness, improving the physical and mental health of residents living near community parks; and

WHEREAS, park and recreation activities promote time spent in nature and may positively impact mental health by increasing cognitive performance and well-being, alleviating symptoms of conditions like depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourage physical activity by providing space for popular sports, pedestrian trails, and activities designed to support active lifestyles; and

WHEREAS, educational recreation activities provide youth with structured out-of-school time programming that offers opportunities to learn sports, team activities, and environmental awareness that support childhood development; and

WHEREAS, parks and recreation programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and even reduced crime in public spaces; and

WHEREAS, parks and recreation are fundamental to the environmental well-being of our community and essential to adaptable infrastructure that makes a community resilient in the face of natural disasters and climate change; and

WHEREAS, Tigard's parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the U.S. House of Representatives has designated July as Parks and Recreation Month in recognition of the benefits derived from parks and recreation resources.

NOW THEREFORE BE IT RESOLVED, the City of Tigard Mayor does hereby proclaim the entire month of July as

PARK AND RECREATION MONTH

in Tigard, Oregon, and encourages people throughout the city to explore our parks, trails, and greenspaces and participate in the summer's recreational events.

Dated this 1st day of July, 2025

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Heidi Lueb, Mayor
City of Tigard

Attest:

_____
Carol A. Krager, City Recorder

AIS-5899 **3. B.**

Business Meeting

Meeting Date: 07/01/2025

Length (in minutes): 5 Minutes

Agenda Title: Proclamation on Independence Day: A Celebration of Freedom

Authored By: Rebecca Hathaway

Presented By: Mayor Heidi Lueb

Item Type: Proclamation

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

Independence Day is a nationally significant holiday celebrating the United States' founding principles of liberty and democracy. The proclamation aims to inspire community reflection on the nation's progress since 1776 and to encourage participation in city-sponsored events that bring residents together to honor shared American values.

ACTION REQUESTED

It is being requested that the Mayor issue a proclamation celebrating the adoption of the Declaration of Independence on July 4, 1776. This year's proclamation reaffirms the city's commitment to the values of freedom, equality, and justice, while inviting the community to celebrate these ideals through the planned "Tigard Through the Decades" event at Cook Family Park.

BACKGROUND INFORMATION

Dates of Previous and Potential Future Considerations

This is the first Independence Day proclamation the City has issued.

Public Involvement

In alignment with the proclamation, the City of Tigard will host a special "Tigard Through the Decades" community celebration at Cook Family Park. This event will connect residents to the city's own history, from Tigard's founding in 1961 to its present-day diversity, fostering a sense of unity and shared purpose.

ALTERNATIVES & RECOMMENDATION

N/A

ADDITIONAL RESOURCES

https://www.archives.gov/founding-docs/declaration-transcript

https://www.tigard-or.gov/explore-tigard/community-events/4th-of-july-celebration

Attachments

Proclamation on Independence Day: A Celebration of Freedom

Proclamation

City *of* Tigard

A PROCLAMATION ON INDEPENDENCE DAY: A CELEBRATION OF FREEDOM JULY 4, 2025

WHEREAS, Independence Day commemorates the adoption of the Declaration of Independence on July 4, 1776; and

WHEREAS, the Declaration of Independence contains timeless principles of equality, natural rights, and government by consent; and

WHEREAS, the journey to fulfill these ideals has required generations of persistence, perseverance and progress toward a more perfect union; and

WHEREAS, our country is made stronger through a recognition of the value of all people, and a commitment to addressing inequalities and injustices wherever they occur; and

WHEREAS, we acknowledge the contributions of those who have served their country to protect our freedoms, including our ancestors who served in the American Revolutionary War; and

WHEREAS, we encourage the people of Tigard to reflect on our country's history, our progress, and the continued work needed toward the important ends of liberty and justice for all; and

WHEREAS, this Independence Day, we invite the community to journey through time—from Tigard's founding in 1961 to the vibrant, diverse city of today in our "Tigard Through the Decades" celebration at Cook Family Park;

NOW, THEREFORE, BE IT RESOLVED that I, Heidi Lueb, Mayor of the City of Tigard, do hereby proclaim July 4th, 2025, as

INDEPENDENCE DAY: A CELEBRATION OF FREEDOM IN THE CITY OF TIGARD

Dated this 1st day of July, 2025

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

_____
Heidi Lueb, Mayor
City of Tigard

Attest:

_____
Carol A. Krager, City Recorder

AIS-5877 **6. A.**

Business Meeting

Meeting Date: 07/01/2025

Length (in minutes): Consent Item

Agenda Title: Agreement No. 73000-00038775 with ODOT for Fanno Creek Trail Bonita Road to Durham Road Project Development

Authored By: Zach Morris

Presented By: Zach Morris, Senior Project Engineer, City of Tigard Public Works Engineering

Item Type: Motion Requested

Public Hearing Legal Ad Required?:

Publication Date:

Information

EXPLANATION OF ISSUE

Capital Improvement Plan (CIP) Project 92080 Fanno Creek Trail Bonita Road to Durham Road Project Development (Project) has been awarded Regional Flexible Fund Allocation (RFFA) grant funding. RFFA funds are federal aid, which require a certified agency to administer the funds. The City of Tigard is not a certified local agency, and therefore must enter into an agreement with an agency that is in order for said agency to deliver the project on its behalf. The subject agreement is with the Oregon Department of Transportation (ODOT) for ODOT to administer the project on Tigard's behalf, and describes funding, scope, roles and responsibilities, and other requirements including standard federal-aid provisions.

ACTION REQUESTED

Approve Agreement No. 73000-00038775 with ODOT and authorize the Mayor to sign on the City's behalf.

BACKGROUND INFORMATION

With the recent completion of the Fanno Creek Trail Connections Project, which constructed three new segments of Fanno Creek Trail (Woodard Park to Grant Avenue, Tigard Library to Milton Court, and 85th Avenue to Ki-a-Kuts Bridge) and improved the existing segment from Ash Avenue to Hall Boulevard, there remains a gap between Bonita Road and Cook Family Park. In 2022, Tigard completed the Fanno Creek Trail Alignment Study, which looked at possible trail alignments between Bonita Road and the Tualatin River. The outcome of the study was a preferred alignment following the Fanno Creek greenway between Bonita Road and Durham Road, and then a multi-use path following the public rights-of-way along Durham Road and 85th Avenue, ultimately tying into the new 85th Avenue to Ki-a-Kuts trail segment constructed by the Connections Project. Delivering this last gap of the trail will require significant funding, and therefore will require Tigard to pursue grant opportunities.

Prior to applying for the final design, easement acquisition, and construction funding for the preferred alignment identified by the Alignment Study, Tigard decided to pursue grant funding to take the results of the Alignment Study (which are considered to be 10% design completion) to something

closer to 30% design, to better understand project impacts, constraints, risks, and ultimately – costs. The portion of the preferred alignment through the creek greenway is vastly different than the portion proposed along the public roadways; they have different site conditions, environmental impacts and permitting implications, and traffic control. The greenway portion has more risk and uncertainty to it than the roadway portion. To balance the need for wanting to reduce project risk going forward with the need to submit a grant application that was at a dollar amount expected to be competitive in the region, Tigard applied for RFFA funds to further assess only the greenway portion at this time.

Tigard was successful in its RFFA grant application pursuit to further develop the greenway portion, and now needs to enter into an agreement with a certified agency to deliver the project on its behalf and to have the funds obligated with the Federal Highway Administration.

The Project aligns with the Trail System Master Plan as well as supports the City's strategic vision of becoming a walkable, healthy, and accessible community for everyone.

ALTERNATIVES & RECOMMENDATION

Council could elect to not approve signing of the Agreement. While there are other certified local agencies in Oregon, it would be atypical to attempt to pursue entering into agreement with any other than ODOT at this time. Entering into the agreement with ODOT will allow for the RFFA funds to be obligated with the Federal Highway Administration in the current Federal Fiscal Year 2025 – the implications of not doing so are not fully known, but would be expected to be of some detriment to the region and likely have future implications for Tigard with regard to federal funding. Even if another certified local agency would agree to do this Project in-lieu of ODOT, it is not feasible for an agreement to come about in time to meet funding obligation as just described. As such, not entering the agreement with ODOT could put the RFFA grant funding at risk, as well as jeopardize Washington County MSTIP Opportunity Funds Tigard was awarded to put towards the RFFA grant local match requirement. Lastly, should these external funds be lost, Tigard does not currently have funds to replace them, and the Project would likely not proceed.

The team recommends Council approve Agreement No. 73000-00038775 and authorizes the Mayor to sign on the City's behalf, allowing the Project to move forward.

ADDITIONAL RESOURCES

Information on the previously completed Alignment Study can be found at the following URL: https://www.engage.tigard-or.gov/alignment

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Fiscal Impact

Cost:	See below.
Budgeted (yes or no):	See below.
Where Budgeted (department/program):	CIP Project 92080 – Fanno Creek Trail Bonita Road to Durham Road Project Development
Additional Fiscal Notes:	

The total Project cost reflected in the Agreement is as viewed by ODOT for its programming of the Statewide Transportation Improvement Program (STIP). There are additional City costs not accounted for in this total. The Fiscal Year 2026 Budget reflects the full project funding needs, including these Tigard costs not captured by the Agreement as well as Washington County having committed $172,792 of MSTIP Opportunity Fund to go towards the City's local match on the RFFA grant.

Attachments

Agreement 73000-00038775

A156-G092921

ODOT Delivered Federal Project
On Behalf of City of Tigard
Project Name: Fanno Creek: SW Durham Rd - SW Bonita Rd project development
Key Number: 23253

THIS AGREEMENT ("Agreement") is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" or "ODOT," and the City of Tigard, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually as "Party" and collectively as "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, state agencies may enter into cooperative agreements with counties, cities and units of local governments for the performance of any or all functions and activities that a party to the Agreement, its officers, or agents have the authority to perform.

2. The project area is situated between SW Durham Rd and SW Bonita Rd, both of which are part of the city street system under the jurisdiction and control of Agency. The project contemplates trail facilities that would be under the jurisdiction and control of Agency.

3. Agency has agreed that State will deliver this project on behalf of the Agency.

4. The Project was selected as a part of the 2025-27 Regional Flexible Fund Allocation (RFFA) and may include a combination of federal and local funds. "Project" is defined under Terms of Agreement, paragraph 1 of this Agreement.

5. The Stewardship and Oversight Agreement on Project Assumption and Program Oversight By and Between Federal Highway Administration, Oregon Division and the State of Oregon Department of Transportation ("Stewardship Agreement") documents the roles and responsibilities of the State with respect to project approvals and responsibilities regarding delivery of the Federal Aid Highway Program. This includes the State's oversight and reporting requirements related to locally administered projects. The provisions of that agreement are hereby incorporated and included by reference.

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to State delivering Fanno Creek: SW Durham Rd - SW Bonita Rd project development on behalf of Agency, hereinafter referred to as "Project." Project consists of a planning phase for Fanno Creek (Durham Rd to Bonita Rd) project development study which will provide site analysis to prepare

for funding, easement acquisition, design, and construction for this commuter trail segment. The location of the Project is approximately as shown on the map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. Agency agrees that, if State hires a consultant to design the Project, State will serve as the lead contracting agency and contract administrator for the consultant contract related to the work under this Agreement.

3. Project Costs and Funding.

   a. The total Project cost is estimated at $1,981,600.00, which is subject to change. Federal funds for this Project shall be limited to $1,509,705.00. Agency shall be responsible for all remaining costs, including any non-participating costs, all costs in excess of the federal funds, and the 10.27 percent match for all eligible costs. Any unused Federal funds obligated to this Project will not be paid out by State and will not be available for use by Agency for this Agreement or any other projects. “Total Project Cost” means the estimated cost to complete the entire Project, and includes any federal funds, state funds, local matching funds, and any other funds.

   b. With the exception of Americans with Disabilities Act of 1990-related design standards and exceptions, State shall consult with Agency on Project decisions that impact Total Project Cost involving the application of design standards, design exceptions, risks, schedule, and preliminary engineering charges, for work performed on roadways, or future trails that would be, under local jurisdiction. State will allow Agency to participate in regular meetings and will use all reasonable efforts to obtain Agency’s concurrence on plans. State shall consult with Agency prior to making changes to Project scope, schedule, or budget. However, State may award a construction contract up to ten (10) percent (%) over engineer’s estimate without prior approval of Agency.

   c. Federal funds under this Agreement are provided under Title 23, United States Code.

   d. ODOT does not consider Agency to be a subrecipient or contractor under this Agreement for purposes of federal funds. The Assistance Listing (AL) number for this Project is 20.205, title Highway Planning and Construction. Agency is not eligible to be reimuibursed for work performed under this Agreement.

   e. State will submit the requests for federal funding to the Federal Highway Administration (FHWA). The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed outside the period of performance or scope of work approved by FHWA will be considered nonparticipating and paid for at Agency expense.

   f. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency’s share of the Project.

4. The term of this Agreement shall begin on the date all required signatures are obtained

and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.

5. Termination.

   a. This Agreement may be terminated by mutual written consent of both Parties.

   b. State may terminate this Agreement upon 30 days' written notice to Agency.

   c. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

      i. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

      ii. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

      iii. If Agency fails to provide payment of its share of the cost of the Project.

      iv. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

      v. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.

   d. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

6. Americans with Disabilities Act Compliance:

   a. The Parties agree that the Project, including all sidewalks, curb ramps, and pedestrian-activated signals, will be designed according to current ODOT Highway Design Manual standards. The Parties further agree that all Project sidewalks, curb ramps, and pedestrian-activated signals will be designed using ODOT Standard Drawings, and that the ODOT Design Exception process will be followed for any sidewalk, curb ramp, or pedestrian-activated signal that cannot be designed to the ODOT standards. The Project design will include temporary pedestrian routes through or around any work zone. All such temporary pedestrian routes will include directional and informational signs, comply with ODOT standards, and include accessibility features equal to or better than the features present in the existing pedestrian facility.

7. State shall ensure compliance with the Cargo Preference Act and implementing regulations (46 CFR Part 381) for use of United States-flag ocean vessels transporting materials or equipment acquired specifically for the Project. Strict compliance is required, including but not limited to the clauses in 46 CFR 381.7(a) and (b) which are incorporated by reference. State shall also include this requirement in all contracts and ensure that contractors include the requirement in their subcontracts.

8. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.

9. The Parties acknowledge and agree that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of the Parties which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after completion of the Project and final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by the requesting party.

10. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are incorporated by this reference and made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.

11. Agency shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement.

12. Agency and State are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.

13. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

14. Notwithstanding anything in this Agreement or implied to the contrary, the rights and obligations set out in the following paragraphs of this Agreement shall survive Agreement expiration or termination, as well as any provisions of this Agreement that by their context are intended to survive: Terms of Agreement Paragraphs 3.e

(Funding), 5.d (Termination), 9-14, 17 (Integration, Merger; Waiver); and Attachment 2, paragraphs 1 (Project Administration), 7, 9, 11, 13 (Finance), and 38-42 (Maintenance and Contribution).

15. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

16. This Agreement may be executed in several counterparts all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

17. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision. Notwithstanding this provision, the Parties may enter into a Right Of Way Services Agreement in furtherance of the Project.

18. State's Contract Administrator for this Agreement is Katie Gillespie, Local Agency Liaison, 123 NW Flanders St., Portland, OR 97209, 971-264-4290, katie.j.gillespie@odot.oregon.gov or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

19. Agency's Contract Administrator for this Agreement is Zach Morris, Senior Project Engineer, 13125 SW Hall Boulevard, Tigard, OR 97223, 503-718-2467, zacharym@tigard-or.gov or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2024-2027 Statewide Transportation Improvement Program (STIP), (Key #23253) that was adopted by the Oregon Transportation Commission on July 13, 2023 (or subsequently by amendment to the STIP).

City of Tigard, by and through its elected officials

By _____

Title _____

Date _____

LEGAL REVIEW APPROVAL (If required in Agency's process)

By _____
Agency Counsel

Date _____

Agency Contact:
Zach Morris, Senior Project Engineer
13125 SW Hall Boulevard
Tigard, OR 97223
503-718-2467
zacharym@tigard-or.gov

State Contact:
Katie Gillespie, Local Agency Liaison
123 NW Flanders St
Portland, OR 97209
971-264-4290
katie.j.gillespie@odot.oregon.gov

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 1 Manager

Date _____

APPROVAL RECOMMENDED

By _____N/A_____
State Traffic Roadway Engineer

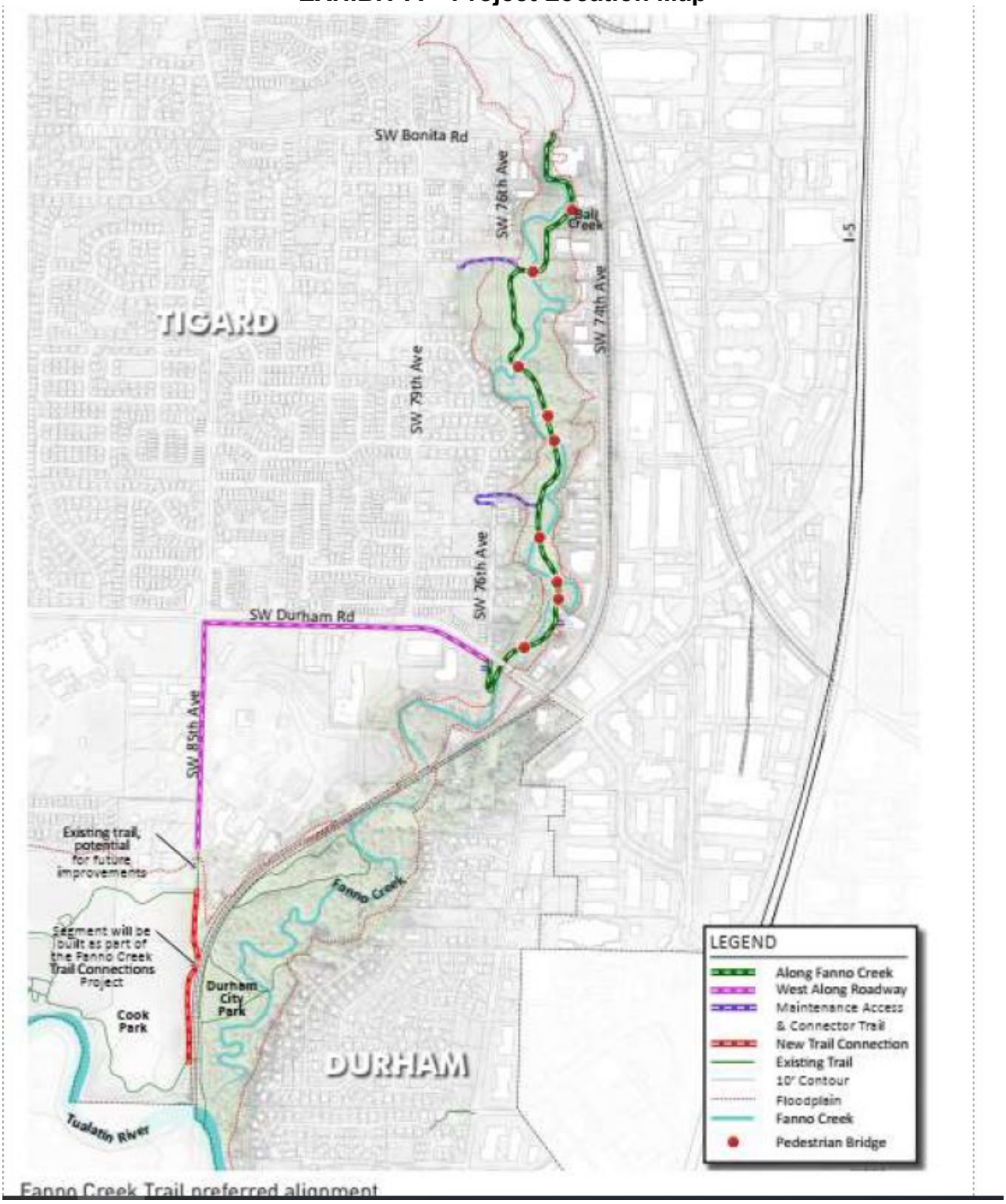
Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By ___Serena Hewitt___
Assistant Attorney General (If Over $250,000)

Date__via email dated 6/6/2025_____

EXHIBIT A – Project Location Map



Fanno Creek Trail preferred alignment

ATTACHMENT NO. 1 to AGREEMENT NO. 73000-00038775
SPECIAL PROVISIONS

1. State or its consultant shall conduct all work components necessary to complete the Project, except for those responsibilities specifically assigned to Agency in this Agreement.

   State will perform project management and oversight activities throughout the duration of the Project. The cost of such activities will be billed to the Project.

2. State and Agency agree that the useful life of this Project is defined as 20 years.

3. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach.

4. State will purchase right of way in State's name. Upon completion of the Project, State and Agency agree that any right of way purchased outside of State jurisdiction will be transferred to Agency. Agency agrees to take title to the property and shall maintain the property pursuant to this Agreement. Agency shall use the property for public road purposes. If the property is no longer used for public road purposes, it shall revert to State.

5. To reflect the changes made to 23 U.S.C. 102 by the Infrastructure Investment and Jobs Act of 2021 (Public Law 117-58), Paragraph 11.b. of Attachment No. 2 Federal Standard Provisions is deleted in its entirety.

ATTACHMENT NO. 2
FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.

2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

3. State will provide or secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. A State-approved consultant may be used to perform preliminary engineering, right of way and construction engineering services.

4. Agency may perform only those elements of the Project identified in the special provisions.

PROJECT FUNDING REQUEST

5. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. State, its consultant or Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

6. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or contractor, using the criteria in 2 CFR 200.331.

7. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.

8. Agency's estimated share and advance deposit.

   a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.

   b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid, must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.

   c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash or check submitted to the Oregon Department of Transportation.

9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.

10. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.

11. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:

    a) Right of way acquisition is not undertaken, or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the

federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

b) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized. Agency may submit a written request to State's Liaison for a time extension beyond the ten (10) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

12. State shall, on behalf of Agency, maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.

13. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the final total cost of the Project has been computed, State shall furnish Agency with an itemized statement. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total cost of the Project. Any portion of deposits made in excess of the final total cost of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the final total cost of the Project.

DESIGN STANDARDS

14. Agency and State agree that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with State's Oregon Bicycle & Pedestrian Design Guide (current version). State or its consultant shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. State or its consultant may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.

15. Agency agrees that if the Project is on the Oregon State Highway System or a State-owned facility, that design standards shall be in compliance with standards specified in the current ODOT Highway Design Manual and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction and current Contract Plans Development Guide.

16. State and Agency agree that for all projects on the Oregon State Highway System or a State-owned facility, any design element that does not meet ODOT Highway Design Manual design standards must be justified and documented by means of a design exception. State and Agency further agree that for all projects on the NHS, regardless of funding source; any design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retain authority for

said approval. FHWA shall review any design exceptions for projects subject to Project of Division Interest and retains authority for their approval.

17. ODOT agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices and Oregon Supplement as adopted in Oregon Administrative Rule (OAR) 734-020-0005. State or its consultant shall, on behalf of Agency, obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.

PRELIMINARY & CONSTRUCTION ENGINEERING

18. Preliminary engineering and construction engineering may be performed by either a) State, or b) a State-approved consultant. Engineering work will be monitored by State to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, or b) a State-approved consultant. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State shall offer Agency the opportunity to review the documents prior to advertising for bids.

19. Architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects must follow the State's processes to ensure federal reimbursement. State will award, execute, and administer the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 731-148-0130, OAR 731-148-0220(3), OAR 731-148-0260 and State Personal Services Contracting Procedures, as applicable and as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the state approved consultant prior to receiving authorization from State to proceed.

20. The State or its consultant responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.

21. State shall prepare construction contract and bidding documents, advertise for bid proposals, award all construction contracts, and administer the construction contracts.

22. Upon State's award of a construction contract, State shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's Manual of Field Test Procedures, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.

23. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

Disadvantaged Business Enterprises (DBE) Obligations

24. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts

entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

"*The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).*"

25. State and Agency agree to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.

26. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; , 2 CFR 1201; Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide*. State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

27. Right of Way activities shall be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the *ODOT Right of Way Manual*, Title 23 CFR part 710 and Title 49 CFR part 24.

28. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. State or its consultant may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project in accordance with the *ODOT Right of Way Manual*, and with the prior approval from State's Region Right of Way office.

29. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be entirely responsible for project acquisition and coordination of the right of way certification.

30. State or its consultant shall ensure that all project right of way monumentation will be conducted in conformance with ORS 209.155.

31. State and Agency grant each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.

RAILROADS

32. State shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others.

UTILITIES

33. State or its consultant shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. State or its consultant shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility & Railroad Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

34. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

35. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.

36. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

37. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

38. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal

pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third-Party Claim, and to defend a Third-Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third-Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third-Party Claim.

39. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

40. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

41. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

42. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand ($500,000) must be included. State and Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS

43. Agency certifies by signing the Agreement that:

a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed one hundred thousand dollars ($100,000), and that all such subrecipients shall certify and disclose accordingly.

d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.

e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars ($10,000) and not more than one hundred thousand dollars ($100,000) for each such failure.

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND VOLUNTARY EXCLUSION – LOWER TIER COVERED TRANSACTIONS

By signing this Agreement, Agency agrees to fulfill the responsibility imposed by 2 CFR Subpart C, including 2 CFR 180.300, 180.355, 180.360, and 180.365, regarding debarment, suspension, and other responsibility matters. For the purpose of this provision only, Agency is considered a participant in a covered transaction. Furthermore, by signing this Agreement, Agency is providing the certification for its principals required in Appendix to 2 CFR part 180 – Covered Transactions.

AIS-5864	**6. B.**
Business Meeting	
Meeting Date:	07/01/2025
Length (in minutes):	Consent Item
Agenda Title:	Radio Read Water Meters and Associated Components
Authored By:	Rosie McGown
Presented By:	Aaron Beattie, Water Operations Supervisor
Item Type:	Motion Requested
Public Hearing Newspaper Legal Ad Required?:	
Public Hearing Publication Date in Newspaper:	

Information

EXPLANATION OF ISSUE

The purpose of this action is to approve the award of a contract to Consolidated Supply Co. for Radio Read Water Meters and Associated Components.

ACTION REQUESTED

It is recommended that the Tigard City Council, also serving as the Local Contract Review Board, award a contract to Consolidated Supply Co. for Radio Read Water Meters and Associated Components in an amount not to exceed $4,000,000 and direct the City Manager to take the steps necessary to execute the contract.

BACKGROUND INFORMATION

Project Overview:

The city's water utility currently serves more than 23,000 metered accounts throughout Tigard and its surrounding areas. In order to conduct operations and maintenance, the city has a need to enter into a new purchase agreement for water meters and related components. The city needs to purchase meters from 5/8" x ¾" through 2" and new Meter Interface Units (MIUs) that will work within a Radio Frequency (RF)-based Automated Meter Reading (AMR) system that can migrate to a fixed network.

The MIU's and new water meters under this proposed contract will include but not be limited to:

- Meter bodies and registers,
- RF components that must be compatible with and have meter readings capable of being collected with the city's existing Mueller Systems mobile transceiver,
- Mueller Systems EZ Reader data collection software, and/or Mueller Systems Sentryx Water Intelligence platform,
- MIU modules must be migratable to a fixed network, ensuring that the MIU's can expand and provide additional functionality as the needs of the utility continue to evolve, and additional data is required.

While the city's existing residential water meter system is operative and functional, it is the intention of the city in future years to expand the existing RF-based Automated Meter Reading System. This

proposed contract will help set the city up to begin this expansion by including all the necessary components of such a migration. Migratable AMR system advantages include but are not limited to the following:

1. Ease of installation and maintenance
2. Eliminate reading and billing errors
3. Reduce meter reading time
4. Optimize meter reading efficiencies
5. Improve consumption data collection and analysis
6. Improve customer service
7. Capable of expanding and providing additional functionality

Project Timeline:
The proposed purchase agreement may be used by the city over the next five years.

Strategic Vision:
This purchase agreement will help the city ensure that it delivers and maintains a healthy and accessible water system for all the utility's customers.

Procurement Process:
The City issued a Request for Proposals (RFP) for the project on April 30, 2025, with notice published in the Daily Journal of Commerce. Upon closing, the City received one (1) proposal from the following firm, with a proposal score out of a possible 300 points:

Consolidated Supply Co. - 282

A selection committee of 3 teammates from Public Works and Engineering scored the proposal based on the following criteria, as outlined in the RFP:

- Firm Qualifications and Project Team (30%)
- Project Understanding and Approach (20%)
- Project Management (10%)
- Cost Proposal (40%)

While Consolidated Supply Co. was the only proposer, they received a high score, with a proposal meeting the City's needs. Conversations were held with multiple vendors throughout the process. Due to the complexity of Tigard's water system and the need for the system to properly function, the city did use a "name brand or equal" clause due to the prevalence of Mueller products throughout our system. This is a very typical process entities use with such a complex conveyance system. Vendors were encouraged to propose their products and system so long as they could show they were equal and fully compatible with the city's current and future needs.

The City has a history of working with Consolidated Supply Co. and feels confident in their ability to continue to provide high-quality goods at a fair and reasonable price under a new price agreement. Accordingly, Consolidated Supply Co. received the evaluation committee's recommendation for the contract award. As such, and in accordance with ORS279 and Tigard Public Contracting Rules 30.075 and 30.100, the City issued a Notice of Intent to Award. The City intends to enter into a Price Agreement with Consolidated Supply Co. for an amount not to exceed $4,000,000 over a possible five-year period. Prices to remain fixed for year one, as provided in the proposal, with the ability to request annual price increases, with City approval.

ALTERNATIVES & RECOMMENDATION

The Local Contract Review Board may reject this contract award recommendation and direct staff to resolicit for the work.

ADDITIONAL RESOURCES

City of Tigard RFP site - https://www.tigard-or.gov/Home/Components/RFP/RFP/194/199

Fiscal Impact

Cost: $4,000,000

Budgeted (yes or no): Yes

Where budgeted?: Water Fund - 5306500 and Water CIP - 5328000

Additional Fiscal Notes:

The resulting contract is a price agreement for use as needed. Historical, spending on water meters and associated components has ranged from $200k-$600k per year depending on need. Additional flexibility is built into the contract to include the ability to use for aspects of the Water Meter Modernization project (CIP 96065) as needed. The city will only pay for goods received.

Attachments

No file(s) attached.

AIS-5858 **7.**

Business Meeting

Meeting Date: 07/01/2025

Length (in minutes): 40 Minutes

Agenda Title: Quasi-Judicial Public Hearing: Consider Approval of Tigard Street Bridge Replacement Comprehensive Plan Map Amendment, Sensitive Lands Review, and Minor Modification

Authored By: Jenny McGinnis

Presented By: Associate Planner Jenny McGinnis

Item Type: Motion Requested
Ordinance
Public Hearing - Quasi-Judicial

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

Consider the ordinance to:

1. Amend the comprehensive plan (CPA2024-00001) to remove Goal 5 safe harbor protection from 0.59 acres of Tigard significant wetlands and 0.14 acres of vegetated corridor associated with Fanno Creek in order to replace the existing Tigard Street bridge;
2. Approve a Sensitive Lands Review (SLR2024-00002) for impacts to Fanno Creek and FEMA floodway; and
3. Approve a Minor Modification (MMD2024-00002) to construct a bioretention facility in Dirksen Nature Park for stormwater management purposes associated with the bridge project.

The applicant is requesting a comprehensive plan map amendment that requires final approval by the City Council. The applicant is also requesting a Sensitive Lands Review and a Minor Modification that are being processed concurrently with the comprehensive plan map amendment. Because they are reviewed concurrently, all applications are required to come before the City Council.

ACTION REQUESTED

Staff recommends that the City Council approve the comprehensive plan map amendment (CPA2024-00001), sensitive lands review (SLR2024-00002), and minor modification (MMD2024-00002) as recommended by Planning Commission.

BACKGROUND INFORMATION

On January 9, 2024, the applicant submitted a comprehensive plan map amendment, a sensitive lands review, and a minor modification application. The proposal is to amend the comprehensive plan map by removing Goal 5 safe harbor protection from 0.59 acres of Tigard's significant wetlands and 0.14 acres of vegetated corridor associated with Fanno Creek in order to replace the existing Tigard Street bridge, a sensitive lands review for impacts to Fanno Creek and FEMA floodway, and a minor modification to construction a bioretention facility in Dirksen Nature Park associated with the bridge project. The applicant was deemed complete on July 3, 2024. No public comments were received prior

to the Planning Commission public hearing.

On February 3, 2025, the Planning Commission held a public hearing on this case. One member of the public provided public testimony. The citizen expressed support for the project and asked a question about removal of vegetation near the project area. The Commission voted unanimously to recommend approval of the proposal to City Council. There are no previous dates this proposal was considered.

ALTERNATIVES & RECOMMENDATION

Alternative actions include:
- Deny the applications;
- Amend and then approve the applications; or
- Remand the applications back to Planning Commission.

ADDITIONAL RESOURCES

N/A

Attachments

Ordinance

Exhibit A: Significant Wetland and Vegetated Corridor Impacts Map

Exhibit B: PC Recommendation to CC

Exhibit C: ESEE Analysis

Staff Presentation

Applicant Presentation

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 25-

AN ORDINANCE APPROVING COMPREHENSIVE PLAN AMENDMENT, CPA2024-00001, TO REMOVE GOAL 5 PROTECTION FROM 0.59 ACRES OF LOCALLY SIGNIFICANT WETLANDS AND 0.14 ACRES OF FANNO CREEK VEGETATED CORRIDOR FROM THE "TIGARD WETLAND AND STREAM CORRIDOR MAP" INVENTORY.

WHEREAS, Tigard Community Development Code ("TCDC") 18.510.080 includes Special Provisions for Development within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek; and

WHEREAS, TCDC 18.510.080.A. states in order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0040) pertaining to wetlands, all wetlands classified as significant on the City of Tigard "Wetlands and Streams Corridors Map" are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed/approved pursuant to TCDC 18.510.100; and

WHEREAS, TCDC 18.510.100 Plan Amendment Option, provides that any owner of property affected by the Goal 5 safe harbor (1) protection of significant wetlands and/or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek, may apply for a quasi-judicial comprehensive plan amendment, a Type IV land use procedure. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an alternatives analysis, as described in Section 3.02.5 of the CWS "Design and Construction Standards." The applicant must demonstrate that such an amendment is justified by either an ESEE analysis or a demonstration of change; and

WHEREAS, TCDC 18.510.100.B further provides that the applicant must demonstrate that such an amendment is justified by an environmental, social, economic and energy (ESEE) consequences analysis prepared in accordance with OAR 660-23-040; and

WHEREAS, the applicant prepared an ESEE analysis (Exhibit C) prepared in accordance with OAR 60-23-040, to justify removal of Goal 5 protection from 0.59 acres of significant wetlands and 0.14 acres of vegetated corridor from the subject property; and

WHEREAS, on February 3, 2025, the Tigard Planning Commission held a public hearing, which was noticed in accordance with city standards and recommended approval of the proposed CPA2024-00001/ SLR2024-00002/ MMD2024-00002 by a unanimous vote in favor; and

WHEREAS, on July 1, 2025, the Tigard City Council held a public hearing, which was noticed in accordance with city standards, to consider the Commission's recommendation on CPA2024-00001/ SLR2024-00002/ MMD2024-00002, to hear public testimony, and apply applicable decision-making criteria; and

WHEREAS, Council's decision to approve CPA2024-00001/ SLR2024-00002/ MMD2024-00002 and adopt this ordinance was based on the findings and conclusions found in Exhibit "B" and the associated land use record which is incorporated herein by reference and is contained in land use file CPA2024-00001/ SLR2024 -00002/ MMD2024-00002.

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

SECTION 1: The Tigard City Council approves Comprehensive Plan Amendment, Sensitive Lands Review, and Minor Modification (CPA2024-00001, SLR2024-00002, and MMD2024-00002).

SECTION 2: The Tigard City Council adopts the findings recommended by the Planning Commission as contained in the February 3, 2025 Planning Commission Recommendation to the City Council, included as **"Exhibit B"** to this Ordinance, as the basis in support of the corresponding code amendments.

SECTION 3: The Tigard City Council adopts the ESEE analysis as **Exhibit C**, incorporated by reference into the Tigard Comprehensive Plan, and amends the "Tigard Wetland and Stream Corridor Map" to remove the site from the inventory.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2025.

_____
Carol A. Krager, City Recorder

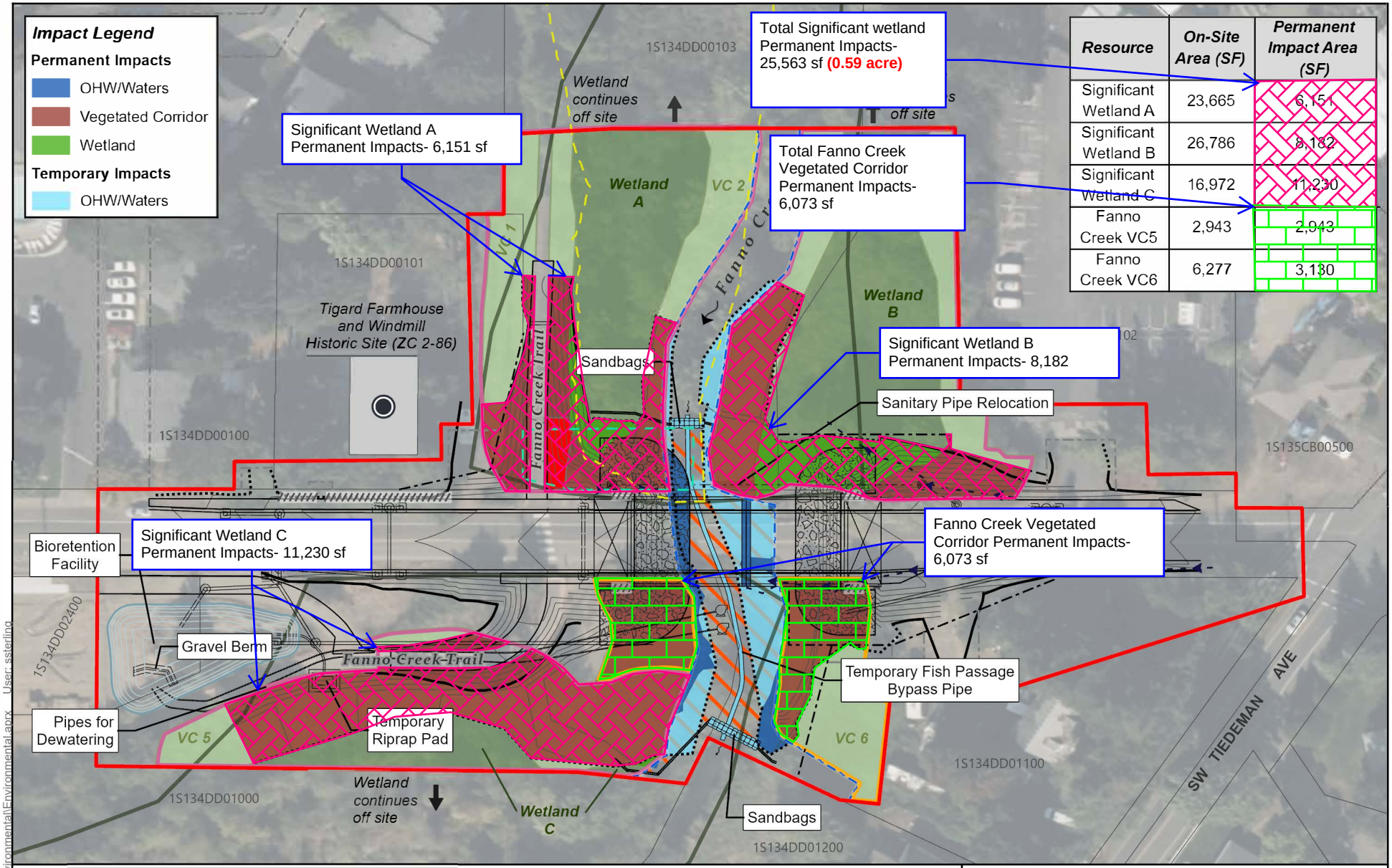
APPROVED: By Tigard City Council this _____ day of _____, 2025.

_____
Heidi Lueb, Mayor

Approved as to form:

_____
City Attorney

_____
Date



Resource	On-Site Area (SF)	Permanent Impact Area (SF)
Significant Wetland A	23,665	6,151
Significant Wetland B	26,786	8,182
Significant Wetland C	16,972	11,230
Fanno Creek VC5	2,943	2,943
Fanno Creek VC6	6,277	3,130

Proposed Conditions

Tigard Street Bridge Replacement
Land Use Application | City of Tigard, Oregon

DOWL

Date: June 2024

Figure 5

Service Layer Credits: Bing Maps Aerial: © 2024 Microsoft Corporation © 2024 Maxar ©CNES (2024) Distribution Airbus DS

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Hearing Date: July 1, 2025 Time: 6:30 PM

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL FOR THE CITY OF TIGARD, OREGON

SECTION I. APPLICATION SUMMARY

FILE NAME:	**TIGARD STREET BRIDGE REPLACEMENT**	
CASE NO.:	**COMPREHENSIVE PLAN AMENDMENT**	**CPA2024-00001**
	SENSITIVE LANDS REVIEW	**SLR2024-00002**
	MINOR MODIFICATION	**MMD2024-00002**

PROPOSAL: The applicant is requesting a Comprehensive Plan Amendment to remove Goal 5 safeharbor protection of 0.59 acres of Tigard significant wetlands and 0.14 acres of vegetated corridor associated with Fanno Creek in order to replace the existing Tigard Street bridge. The applicant is also requesting a sensitive lands review for impacts to Fanno Creek and FEMA floodway. Lastly, a minor modification is requested in order to construct a bioretention facility in Dirksen Nature Park for stormwater management purposes associated with the bridge project.

APPLICANT: City of Tigard
Zach Morris
13125 SW Hall Blvd
Tigard, OR 97233

APPLICANT'S REP: DOWL
Matthew Robinson
5 Centerpointe Drive #350
Lake Oswego, OR 97035

OWNER: Same as applicant

LOCATION: WCTM 1S134DD Tax Lots 100, 101, 102, 103, 1000, 1100, and 2400

COMPREHENSIVE PLAN DESIGNATION: Open Space, Low Density Residential, Medium Density Residential, and Light Industrial

ZONE: RES-B, RES-D, PR, I-P

APPLICABLE PROVISIONS: Statewide Planning Goals 1, 2, 5, 6, 7, 11, and 12; Metro's Urban Growth Management Functional Plan Titles 3 and 8; Tigard Comprehensive Plan

Policies 1.1.2, 1.2.1, 2.1.3, 2.1.8, 2.1.16, 2.1.17, 2.1.22, 2.1.22, 2.1.23, 2.2.3, 2.2.5, 2.2.6, 2.3.7, 2.3.8, 2.3.10, 5.1.1, 5.1.8, 5.1.10, 5.1.12, 6.2.1, 6.2.4, 7.1.4, 7.1.7, 7.1.8, 7.1.10, 7.1.14, 7.2.1, 11.1.1, 11.1.6, 11.4.2, 12.1.1, 12.1.2, 12.2.4, 12.4.1, 12.4.2, 12.5.1, and 12.6.1; and Tigard Community Development Code (TCDC) Chapters 18.140, 18.510, 18.710, 18.765, 18.790, and 18.910.

SECTION II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends to the Tigard City Council **APPROVAL**, subject to conditions of approval, of the Comprehensive Plan Map Amendment, Sensitive Lands Review, and Minor Modification as complying with all applicable comprehensive plan policies and map designations, Statewide Planning Goals, and Metro policies, and that the applicant has demonstrated adequate public services exist to serve the property at the intensity of the proposed zoning.

CONDITIONS OF APPROVAL

THE FOLLOWING CONDITIONS MUST BE SATISFIED PRIOR TO COMMENCING ANY SITE WORK:

The applicant must prepare a cover letter and submit it, along with any supporting documents or plans that address the following requirements to the PLANNING DIVISION, ATTN: Jenny McGinnis (503)718-2427 or Jenny.McGinnis@tigard-or.gov. The cover letter must clearly identify where in the submittal the required information is found:

1. Prior to commencing any site work, the applicant must submit a tree removal permit for all street trees and native trees in sensitive lands areas.

The applicant must prepare a cover letter and submit it, along with any supporting documents or plans that address the following requirements to the ENGINEERING DIVISION, ATTN: Buck Smith, Principal Engineer at (503) 718-2464 or Buck.Smith@tigard-or.gov. The cover letter must clearly identify where in the submittal the required information is found:

2. Improvements associated with public infrastructure including street and right-of-way dedication, utilities, grading, water quality and quantity facilities, streetlights, easements, easement locations, and utility connections must be designed in accordance with the following codes and standards:

   - City of Tigard Public Improvement Design Standards
   - Clean Water Services (CWS) Design and Construction Standards
   - City of Tigard Community Development Codes and Municipal Codes
   - Tualatin Valley Fire and Rescue (TVF&R) Fire Codes
   - Other applicable County, State, and Federal Codes and Standard Guidelines

3. Prior to commencing any site work, the applicant must obtain approval of a Public Facility Improvement (PFI) Permit to cover all improvements associated with public infrastructure work, including stormwater management facilities, or any other work in the public right-of-way. An Engineering cost estimate of improvements associated with public infrastructures including but not limited to street, street grading, utilities, stormwater quality and water quantity facilities, sanitary sewer, streetlights, and franchise utilities are required at the time of PFI permit submittal.

4. Prior to commencing any site work, the applicant must submit plans showing the following required street improvements for approval:

   SW Tigard Street
   - 36-foot Pavement from curb-to-curb
   - 6.5-foot Curb-tight sidewalk (with curb)
   - Minimum 0.5-foot Access Strip
   - Street Lighting

5. Prior to commencing any work, the applicant must provide a final photometric analysis of the proposed development frontages for approval. Photometric analysis will follow the recommended values and requirements described in ANSI/IESNA. The analysis must show the location of streetlights; and the type and color of the pole and light fixture. All public streetlights must be PGE Option B.

6. Prior to commencing any site work, the applicant must obtain all required approvals and permits for construction from all necessary agencies.

7. Prior to commencing any site work, the applicant must obtain a CWS Stormwater Connection Authorization prior to issuance of the City of Tigard PFI Permit. Plans must be submitted to the City of Tigard for review. The City will forward plans and the storm drainage report to CWS after preliminary review for CWS's review and approval.

8. Prior to commencing any work, the applicant must obtain approval for the water system plan as part of the PFI Permit to be designed in accordance with the City of Tigard Standards.

9. Prior to commencing any site work, the applicant must submit all right-of-way dedication documents, utility easements, public access easements and maintenance agreements for review and approval.

10. Prior to commencing any site work, the applicant must submit an erosion control plan for approval. The plan must conform to the "CWS Erosion Prevention and Sediment Control Design and Planning Manual" (current edition).

11. Prior to commencing any site work, the applicant must submit a final grading plan showing the existing and proposed contours for approval. The design engineer must indicate areas that will have natural slopes between 10 percent and 20 percent, as well as areas that will have natural slopes in excess of 20 percent. This information will be necessary in determining if special grading inspections or permits will be necessary.

SECTION III. BACKGROUND INFORMATION

Site Description:
The total project area is approximately 3.76 acres and is located along SW Tigard Street, generally from SW Tiedeman Avenue to the Fanno Creek Trail. It includes right-of-way associated with SW Tigard Street as well as adjacent public and privately owned tax lots. The project area includes portions of seven (7) parcels with multiple zones, including RES-B, RES-D, Industrial Park (IP) and Parks and

Recreation (PR), although the proposed project will occur largely within the existing SW Tigard Street right-of-way.

The existing Tigard Street Bridge is a four span timber girder bridge built in 1958 that carries SW Tigard Street across Fanno Creek. Within the project area, SW Tigard Street is composed of two ten-foot-wide travel lanes with a paved roadway width of approximately 20 feet. The total bridge structure is approximately 29-feet wide and includes a separated pedestrian walkway on the north side. Per the 2040 Tigard Transportation System Plan (TSP), SW Tigard Street is classified as a neighborhood street.

Land uses surrounding the project area include single- and multi-family residences, light industrial, and parks and open spaces, including Dirksen Nature Park and the Fanno Creek Trail. The project area also contains and is adjacent to numerous environmental resources, including Fanno Creek and significant wetlands with associated vegetated corridors, and FEMA special flood hazard area, including FEMA floodway.

Proposed Request:
In 2016, an Oregon Department of Transportation (ODOT) inspection identified critical structural deficiencies in the existing bridge. Additionally, the existing bridge currently experiences frequent flooding. Emergency repairs were completed in 2017 with replacement identified in the City's Capital Improvement Plan as project #95060.

The purpose of the proposed project is to replace the functionally obsolete bridge with a new bridge wide enough to accommodate pedestrians and cyclists in addition to vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing of SW Tigard Street west of the bridge. The proposed replacement bridge will have two 12-foot-wide vehicular travel lanes with 6-foot-wide paved shoulders and 6.5-foot-wide curbed sidewalks on both sides that can accommodate potential future widening and provide a safer traveling environment for pedestrians and cyclists. The proposed replacement bridge is designed as a 124-foot long, two span, precast prestressed concrete slab bridge with a cast-in-place concrete deck. The proposed finished roadway elevation will be approximately seven feet higher, bringing it above the 100-year floodplain base flood elevation.

As a result of necessary grading and construction within and adjacent to Fanno Creek, permanent and temporary impacts to City-designated sensitive lands are proposed. The applicant is requesting a comprehensive plan map amendment to the "Wetland and Stream Corridors Map", a sensitive lands review for impacts to Fanno Creek and the floodway, and a minor modification to the Dirksen Nature Park conditional use permit for construction of a vegetated stormwater facility associated with the bridge construction.

A Comprehensive Plan Map Amendment is requested to remove protection from a combined total of approximately 0.59 acres of locally significant wetlands and associated vegetated corridors and 0.14 acres of Fanno Creek and associated vegetated corridors. The amendment is supported by an environmental, social, economic and energy (ESEE) analysis (Attachment 2). This comprehensive plan change will allow for the construction of a critical facility that would otherwise be prohibited due to the location of existing locally significant wetlands.

Three (3) significant wetlands are present within the project area as well as two (2) vegetated corridor areas associated with Fanno Creek, as field-verified by the applicant and shown on Exhibit A, Figure 4. The breakdown of impacts to significant resources is outlined in the following table.

Regulated City Resource Areas	Permanent Impact Area (sq ft/acres)	Total (sq ft/acres)
Significant Wetland A	6,151 / 0.14	23,665 / 0.54
Significant Wetland B	8,182 / 0.19	26,786 / 0.61
Significant Wetland C	11,230 / 0.26	16,972 / 0.39
All Significant Wetlands Combined	25,563 / 0.59	67,423 / 1.55
Vegetated Corridor 5	2,943 / 0.07	2,943 / 0.07
Vegetated Corridor 6	3,130 / 0.07	6,277 / 0.14
All Vegetated Corridors Combined	6,073 / 0.14	9,220 / 0.21

Proposed mitigation includes replanting and enhancement of the remaining vegetated corridor in the project area and off-site mitigation and enhancement, as detailed in the CWS service provider letter (Exhibit L) and standard site assessment (Exhibit K) provided by the applicant.

Decision Process

The application is processed through a Type III-Modified procedure. The Planning Commission will make a recommendation to City Council on the proposed Comprehensive Plan Map Amendment. The Council may approve the amendment, approve with conditions, deny the amendments, or remand the amendments back to Planning Commission.

SECTION IV. PUBLIC COMMENTS

The Tigard Community Development Code requires that property owners within 500 feet of the subject site be notified of the proposal and be given an opportunity to provide comments prior to a decision being made. The Planning Commission hearing was scheduled for February 3, 2025. Staff mailed a Type III Notice of Public Hearing regarding this application to affected parties on January 14, 2025. The notice was posted at the project site on January 8, 2025. No comments were received prior to the hearing.

On February 3, 2025, the Tigard Planning Commission held a public hearing on this case. One member of the public provided testimony in support of the project and asked a question about vegetation removal.

SECTION V. SUMMARY OF APPLICABLE REVIEW CRITERIA

This section contains all of the applicable city, state, and Metro policies, provisions, and criteria that apply to the proposed comprehensive plan map amendment.

Statewide Planning Goals:

- **Goal 1: Citizen Involvement**
- **Goal 2: Land Use Planning**
- **Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces**
- **Goal 6: Air, Water and Land Resources Quality**
- **Goal 7: Areas Subject to Natural Hazards**
- **Goal 11: Public Facilities and Services**
- **Goal 12: Transportation**

METRO Functional Plan:

- **Title 3: Water Quality and Flood Management**
- **Title 8: Compliance Procedures**

City of Tigard Comprehensive Plan:

Chapter 1: Citizen Involvement, Policies 1.1.2 and 1.2.1
Chapter 2: Land Use Planning, Policies 2.1.3, 2.1.8, 2.1.16, 2.1.17, 2.1.22, 2.1.23, 2.2.3, 2.2.5, 2.2.6, 2.3.7, 2.3.8, 2.3.10
Chapter 5: Natural Resources, Areas and Open Spaces, Policies 5.1.1, 5.1.8, 5.1.10, 5.1.12
Chapter 6: Air, Water and Land Resources Quality, Policies 6.2.1, 6.2.4
Chapter 7: Areas Subject to Natural Hazards, 7.1.4, 7.1.7, 7.1.8, 7.1.10, 7.1.14, 7.2.1
Chapter 11: Public Facilities and Services, Policies 11.1.1, 11.1.6, 11.4.2
Chapter 12: Transportation, 12.1.1, 12.1.2, 12.2.4, 12.4.1, 12.4.2, 12.5.1, 12.6.1

Tigard Community Development Code

18.140 Parks and Recreation Zone
18.510 Sensitive Lands
18.710 Land Use Review Procedures
18.765 Modifications
18.790 Text and Map Amendments
18.910 Improvement Standards

SECTION VI. APPLICABLE CRITERIA, FINDINGS, AND CONCLUSIONS

The following subsections address only the criteria applicable to this decision.

Statewide Planning Goals

Goal 1 – Citizen Involvement:
This goal outlines the citizen involvement requirement for the land use planning process, including the adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

FINDING: Citizens, affected agencies, and other jurisdictions were given the opportunity to participate in all phases of the planning process. Several opportunities for participation are built into the Comprehensive Plan Map amendment process, including public hearing notification requirements pursuant to Chapter 18.710 of the Tigard Community Development Code. This goal is satisfied.

Goal 2 – Land Use Planning:
This goal outlines the land use planning process and policy framework.

FINDING: The Department of Land Conservation and Development (DLCD) has acknowledged the city's Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process and standards to review changes to the Tigard Development Code in compliance with the Comprehensive Plan and other applicable state requirements. As discussed within this report, the applicable Development Code process and standards have been applied to the proposed amendment, and the intent of these amendments are to meet the requirement of state law, administrative rules, and the Statewide Planning Goals. This goal is satisfied.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:
This goal outlines how cities must protect, inventory, and plan for natural and historic resources including waterways, groundwater, wildlife habitat, and trails.

FINDING: The applicant has conducted an inventory of natural resources in the project area in

compliance with this goal. The project has been designed to avoid and minimize impacts to natural resources including waterways, groundwater, wildlife habitat, and trails to the greatest extent practicable and will provide compensatory and off-site mitigation to ensure no net loss of significant functions and values. This goal is satisfied.

Goal 6 – Air, Water and Land Resources Quality:
This goal outlines how cities must consider protection of air, water and land resources from pollution by using a variety of market, zoning and management tools.

FINDING: The applicant is proposing new stormwater management facilities designed to meet local, state, and federal requirements. These stormwater improvements will ensure a greater volume of stormwater runoff is adequately treated prior to being discharged to Fanno Creek, which will contribute to improved water quality. This goal is satisfied.

Goal 7 – Areas Subject to Natural Hazards:
This goal outlines how cities must protect people and property from natural hazards.

FINDING: The proposed map amendment will allow replacement of a critical facility that will protect people and property in an area subject to flooding. Consistency with the city's Natural Hazard goals and policies are discussed later in this report under applicable policies of the Tigard Comprehensive Plan. This goal is satisfied.

Goal 11 – Public Facilities and Services:
This goal outlines the timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

FINDING: The proposed map amendment will allow replacement of a critical transportation facility identified as a priority on the city's Capital Improvements Plan (CIP), which is designed to ensure timely, orderly, and efficient construction and maintenance of public facilities and services. The project also includes an associated stormwater management facility. These facilities will serve existing and future development. This goal is satisfied.

Goal 12 – Transportation:
This goal outlines how each city must develop a transportation system plan that considers all modes of transportation.

FINDING: The project will replace a functionally obsolete bridge with a new bridge that is wide enough to accommodate sidewalks and paved shoulders, providing safer and more comfortable facilities for pedestrians and cyclists, in addition to motorists. Consistency with the city's Transportation System Plan goals and policies are discussed later in this report under applicable policies of the Tigard Comprehensive Plan. This goal is satisfied.

CONCLUSION: Based on the above analysis, all statewide goals have been fully met.

<u>METRO</u> Urban Growth Management Functional Plan
Title 3: Water Quality and Flood Management
The purpose of this chapter is to protect the beneficial water uses and functions and values of resources within the Water Quality and Flood Management Areas by limiting or mitigating the impact on these areas from development activities and protecting life and property from dangers associated with flooding.

FINDING: This title has been met by limiting the development activity within the Water Quality and Flood Management Area to the necessary replacement of the Tigard Street bridge and associated facilities. The new bridge structure will have a higher finished roadway elevation in order to address the frequent flooding experienced by the current bridge. The proposed project has been designed to meet FEMA no-rise requirements, ensuring that flood conditions are not created or worsened downstream as a result of the proposed improvements. The footprint has been minimized to the extent possible while allowing for the bridge to be improved with wider travel lanes, paved shoulders, and 6.5-foot wide curbed sidewalks to improve safety for users of all modes of transportation. Replacement of the bridge will ensure that the critical structural deficiencies of the existing bridge are addressed, protecting life and property in the event of a future flooding event. This title is satisfied.

Title 8: Compliance Procedures
The purposes of this chapter are to establish a process for ensuring city or county compliance with requirements of the Urban Growth Management Functional Plan and for evaluating and informing the region about the effectiveness of those requirements.

FINDING: This title has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.710.080 (Type III-Modified Procedure). On January 14, 2025, notice of the Planning Commission public hearing was sent to the interested parties list and all property owners within 500 feet of the subject parcels. On January 27, 2025, the proposal was posted on the City's web site. On January 8, 2025, the site was posted with a notice board. On January 27, 2025, the staff report was made available. A minimum of two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. This title is satisfied.

CONCLUSION: As shown in the analysis above, the proposal is in compliance with all applicable Titles of Metro's Urban Growth Management Functional Plan.

City of Tigard Comprehensive Plan
Goal 1: Citizen Involvement
Goal 1.1
Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.

Policy 2 **The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.**

FINDING: Citizens, affected agencies, and other jurisdictions were given the opportunity to participate in all phases of the planning process. Several opportunities for participation are built into the Comprehensive Plan amendment process, including public hearing notification requirements pursuant to Chapter 18.710 of the Tigard Community Development Code. This policy is met.

Goal 1.2
Ensure all citizens have access to:
A. opportunities to communicate directly to the City; and
B. information on issues in an understandable form

Policy 1 **The City shall ensure pertinent information is readily accessible to the community and presented in such a manner that even technical information is easy to understand.**

FINDING: The applicant held a neighborhood meeting on November 14, 2023. On January 14, 2025, a public hearing notice of the Planning Commission public hearing was sent to the interested parties list and all property owners within 500 feet of the subject parcels. On January 27, 2025, the proposal was posted on the City's web site. On January 8, 2025, the site was posted with a notice board. On January 27, 2025, the staff report was made available. This policy is met.

Goal 2: Land Use Planning
Goal 2.1
Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.

Policy 3 **The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.**

FINDING: The project was designed in coordination with the applicable affected City agencies including the Public Works, Community Development, and Parks & Recreation departments, in addition to Clean Water Services and the Department of State Lands. A request for comments was sent to applicable outside agencies, whose comments are included as Attachment 3. Additionally, notice of this application was provided to the Oregon Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing on this application. This policy is met.

Policy 8 **The City shall require that appropriate public facilities are made available, or committed, prior to development approval and are constructed prior to, or concurrently with, development occupancy.**

FINDING: The project includes replacement of the existing sanitary sewer and water lines, in addition to construction of a new vegetated stormwater facility. It is anticipated that the existing sanitary sewer line under Fanno Creek will be abandoned in-place and rerouted east of the bridge to flow to an existing manhole within SW Tiedeman Avenue where flows will then drain to the south. The sewer line will be buried if it is instead replaced in its current location. The existing water line will be replaced with a new line supported from the bridge which will be above the 100-year flood elevation. Neither utility line will be impacted by flood events. As shown in the preliminary design plans, reconstructed utility lines have been designed based on the City's Public Improvement Design Standards & Details. The stormwater facility will be designed and constructed to meet CWS Design and Construction Standards for stormwater treatment and detention. Street improvements will be constructed by the applicant in accordance with Tigard Municipal Code 18.910 and the City of Tigard Public Improvement Design Standards. Further compliance will be demonstrated at the time of the applicant's Public Facility Improvement (PFI) permit submittal. This policy is met.

Policy 16 **The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.**

FINDING: This application includes specific development plans meeting CWS and city standards. Conditions of approval will be included with the decision. This policy is met.

Policy 17 **The City may allow concurrent applications to amend the Comprehensive Plan/Zoning Map(s) and for development plan approval of a specific land use.**

FINDING: This application includes a comprehensive plan map amendment, sensitive lands review, and minor modification as concurrent applications for the bridge replacement and construction of the associated stormwater facility. This policy is met.

Policy 22 **The City shall identify, designate, and protect natural resources as part of its land use program.**

FINDING: The City has identified significant wetlands within its "Wetlands and Streams Corridors Map" and has also adopted Goal 5 protections within TDC 18.510 for sensitive lands, including significant wetlands and riparian areas associated with a number of waterways, including Fanno Creek. The applicant is following the correct procedures to request approval of impacts to these natural resource areas. As described in more detail within the applicant's ESEE analysis (Exhibit C) and CWS standard site assessment (Exhibit K), the applicant is proposing compensatory and off-site mitigation in order to ensure no net loss of significant functions and values. This policy is met.

Policy 23 **The City shall require new development, including public infrastructure, to minimize conflicts by addressing the need for compatibility between it and adjacent existing and future land uses.**

FINDING: The proposed replacement bridge and associated facilities will minimize conflict and are compatible with the adjacent existing and future uses. The site is currently surrounded by a variety of uses, including residential, industrial and parks uses, which will all be better served by a safer transportation facility that is less prone to future flood events. This policy is met.

Goal 2.2
To enlarge, improve, and sustain a diverse urban forest to maximize the economic, ecological, and social benefits of trees.

Policy 3 **The City shall continue to regulate the removal of trees within environmentally sensitive lands and on lands subject to natural hazards.**

FINDING: The applicant submitted an arborist report from Morgan Holen and Associates, LLC that includes a tree protection and removal plan in compliance with the Urban Forestry Manual. In all, 85 trees were assessed within the project area. Of the 58 trees planned for removal, 26 are native trees within sensitive lands areas outside of public right-of-way. A subsequent tree removal permit must be submitted and approved prior to removal of these trees that includes a plan for replacement unless the applicant demonstrates that planting standards cannot be met or a fee-in-lieu is paid. There are 18 trees proposed for removal located within sensitive lands areas that are non-native species and therefore not regulated.

Policy 5 **The City shall require the replacement and/or installation of new street trees, unless demonstrated infeasible, on all new roads or road enhancement projects. Trees should be planted within planter strips, or at the back of sidewalks if planter strips are not feasible or would prohibit the preservation of existing trees.**

FINDING: The applicant submitted an arborist report from Morgan Holen and Associates, LLC that includes a tree protection and removal plan in compliance with the Urban Forestry Manual. In all, 85 trees were assessed within the project area. Of the 58 trees planned for removal, 14 are located in public right-of-way and considered street trees. A subsequent tree removal permit must be submitted and approved prior to removal of these trees that includes a plan for replacement unless the applicant demonstrates that planting standards cannot be met.

Policy 6 **The City shall establish and enforce regulations to protect the public's investment in trees and vegetation located in parks, within rights-of-way, and on other public lands and easements.**

FINDING: The applicant is requesting to update the City's "Wetland Streams and Corridors Map", a component of the Tigard Comprehensive Plan, in order to construct improvements within areas currently designated as significant wetland and Fanno Creek vegetated corridors. The applicant will be providing compensatory and off-site mitigation to assure the replacement of the functions and values of the impacted resources within parks, rights-of-way, and public lands. This policy is met.

Goal 2.3
To balance the diverse and changing needs of the City through well-designed urban development that minimizes the loss of existing trees to create a living legacy for future generations.

Policy 7 **The City shall require all development, including City projects, to prepare and implement a tree preservation and landscaping plan, with the chosen trees and other plant materials appropriate for site conditions.**

FINDING: The applicant provided an Urban Forestry Plan prepared by Morgan Holen & Associates, LLC that includes a tree preservation and landscaping plan. This policy is met.

Policy 8 **The City shall continue to cooperate with property owners, businesses, other jurisdictions, agencies, utilities, and non-governmental entities to manage and preserve street trees, wetlands, stream corridors, riparian areas, tree groves, specimen and heritage trees, and other vegetation.**

FINDING: As described in more detail within the applicant's ESEE analysis (Exhibit C) and CWS standard site assessment (Exhibit K), the applicant is proposing compensatory and off-site mitigation to assure the replacement of the functions and values of the impacted resources in order to ensure no net loss of significant functions and values. Further, the project has been designed to avoid and minimize

impacts to these resources to the greatest extent practicable while still meeting the project's purpose and need. This policy is met.

Policy 10 **Applications for tree removal and tree management plans shall be reviewed by a certified arborist employed or under contract to the City.**

FINDING: A tree protection and removal plan prepared by a certified arborist was submitted with the application. A subsequent tree removal permit shall be submitted demonstrating how the applicant is meeting replanting requirements. This policy is met with the following condition of approval:

- Prior to commencing any site work, the applicant must submit a tree removal permit for all street trees and native trees in sensitive lands areas.

As conditioned, this policy is met.

Goal 5: Natural Resources, Areas and Open Spaces
Goal 5.1
Protect natural resources and the environmental and ecological functions they provide and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

Policy 1 **The City shall protect and, to the extent feasible, restore natural resources in a variety of methods to: A. contribute to the City's scenic quality and its unique sense of place; B. provide educational opportunities, recreational amenities, and buffering between differential land uses; C. maximize natural resource functions and services including fish and wildlife habitat and water quality; and D. result in healthy and naturally functioning systems containing a high level of biodiversity.**

FINDING: The SW Tigard Street corridor through the project area and across Fanno Creek is constrained by natural resources and existing development on both its north and south sides and offers limited opportunity to avoid natural resources while meeting the identified purpose and need for a replacement bridge. The applicant has designed the project to avoid and minimize impacts to natural resources to the greatest extent practicable and will provide compensatory and off-site mitigation to ensure no net loss of significant functions and values. While no direct educational opportunities are proposed with this project, users of the nearby Dirksen Nature Center as well as Fanno Creek trail users will benefit from the enhanced pedestrian and bicycle transportation facilities provided by the project and the indirect educational opportunity provided by greater engagement with the trail and the creek. Additionally, the proposed stormwater facility will ensure a greater volume of stormwater runoff is adequately treated prior to being discharged to Fanno Creek, resulting in a healthier fish and wildlife habitat and greater water quality. This policy is met.

Policy 8 **The City shall protect and, to the extent feasible, restore the diverse ecological and non-ecological functions and services of streams, wetlands, and associated riparian corridors.**

FINDING: As described within the applicant's ESEE analysis (Exhibit C) and the CWS standard site assessment (Exhibit K), the applicant is incorporating mitigation measures to ensure the replacement of

the functions and values of impacted resources. Further, as described throughout the submitted narrative and associated documents, the applicant has carefully designed the project to avoid and minimize impacts to the significant wetlands and Fanno Creek's vegetated corridor areas to the maximum extent practicable. This policy is met.

Policy 10 **The City shall complete a baseline inventory of significant natural resources and update or improve it as necessary, such as at the time of Comprehensive Plan Periodic Review, changes to Metro or State programs, or to reflect changed conditions, circumstances, and community values.**

FINDING: The City has conducted an inventory of natural resources in compliance with Statewide Planning Goal 5. The applicant is proposing amendments to the City's "Wetlands and Streams Corridors Map", a component of the Tigard Comprehensive Plan, in order to permit impacts to significant wetlands and Fanno Creek vegetated corridor areas as described throughout this narrative and the associated documents submitted with the application. On approval of this request, the ESEE analysis will be incorporated by reference into the Tigard Comprehensive Plan, and the "Wetlands and Streams Corridors Map" will be amended to remove the area from the inventory. This policy is met.

Policy 12 **The City shall develop and implement standards and procedures that mitigate the loss of natural resource functions and services, with priority given to protection over mitigation.**

FINDING: SW Tigard Street's corridor through the project area and across Fanno Creek is constrained by natural resources and existing development on both its north and south sides and offers limited opportunity to avoid natural resources while still implementing a project that meets the identified purpose and need. The applicant has designed the project to avoid and minimize impacts to natural resources to the greatest extent practicable and will provide compensatory and off-site mitigation to ensure no net loss of significant functions and values. This policy is met.

Goal 6.2
Ensure land use activities protect and enhance the community's water quality.

Policy 1 **The City shall require that all development complies with or exceeds regional, state, and federal standards for water quality.**

FINDING: As described in the final stormwater report (Exhibit I), the applicant is proposing new stormwater management facilities designed to meet CWS's Design and Construction Standards that will meet CWS requirements for stormwater treatment and detention for the project area. These stormwater improvements will ensure a greater volume of stormwater runoff is adequately treated prior to being discharged to Fanno Creek, which will contribute to improved water quality. This policy is met.

Policy 4 **The City shall protect, restore, and enhance, to the extent practical, the natural functions of stream corridors, trees, and water resources for their positive contribution to water quality.**

FINDING: As described within the applicant's ESEE analysis (Exhibit C) and the CWS standard site assessment (Exhibit K), the applicant is incorporating mitigation measures to ensure the replacement

of the functions and values of impacted resources. The applicant has designed the project to avoid and minimize impacts to significant wetlands and Fanno Creek's vegetated corridor areas to the maximum extent practicable. This policy is met.

Goal 7.1
Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.

Policy 4 **The City shall design and construct public facilities to withstand hazardous events with a priority on hazard protection of public services and facilities that are needed to provide emergency response services.**

FINDING: The proposed project supports this by policy by constructing a new seismically-resilient bridge that is above the 100-year floodplain with an approximately seven-foot higher finished roadway elevation. Replacing the current functionally obsolete bridge will create a more viable and reliable emergency response route for vehicles, cyclists, and pedestrians. Additionally, necessary public utilities including water and sanitary sewer have been designed in a manner to limit impacts from flood events, providing additional protection in the event of an emergency. This policy is met.

Policy 7 **The City shall comply with the Federal Emergency Management Agency (FEMA) flood regulations, which include standards for base flood levels, flood proofing, and minimum finished floor elevations.**

FINDING: The proposed project has been designed based on current FEMA floodplain maps and, as identified in the final hydraulic report (Exhibit H), has been designed to meet FEMA no-rise requirements. The finished roadway elevation will be approximately seven feet higher than current conditions and will be above the 100-year floodplain elevation. No habitable structures or buildings are proposed in the project area. This policy is met.

Policy 8 **The City shall prohibit any land form alterations or developments in the 100- year floodplain which would result in any rise in elevation of the 100-year floodplain.**

FINDING: Consistent with this policy, the project has been designed to meet FEMA no-rise requirements, as identified in the final hydraulic report (Exhibit H). This policy is met.

Policy 10 **The City shall work with Clean Water Services to protect natural drainageways and wetlands as valuable water retention areas and, where possible, find ways to restore and enhance these areas.**

FINDING: The applicant has coordinated the proposed project closely with Clean Water Services (CWS). The applicant submitted a standard site assessment (Exhibit K) to CWS, which has issued a Service Provider Letter (SPL24-000820). As described within the standard site assessment and ESEE analysis (Exhibit C), the applicant has carefully designed the project to avoid and minimize impacts to significant wetlands and Fanno Creek's vegetated corridor areas to the maximum extent practicable and is incorporating mitigation measures to ensure the replacement of the functions and values of impacted resources. As no feasible on-site mitigation areas were found in the limited project area, the applicant proposes to provide off-site mitigation by creating approximately 37,493 square feet of vegetated corridor at Englewood Park. As only 34,824 square feet of mitigation is required to mitigate the 27,859 square feet

of the project's permanent encroachment of the vegetated corridor in marginal or degraded condition, 2,669 square feet of the proposed mitigation will be surplus. The creation, protection, and enhancement of this additional vegetated corridor, although not required at this time, will provide additional ecological benefit in advance of future encroachments. This policy is met.

Policy 14 The City shall work to reduce the risk of loss of life and damage to property from severe weather events.

FINDING: The proposed project supports this by policy by constructing a new bridge structure that will have a finished roadway elevation approximately seven feet higher than current conditions and that is above the 100-year floodplain, which will help ensure that the bridge does not fail in the event of a flood or other severe weather event. The proposed project has been designed to meet FEMA no-rise requirements, ensuring that flood conditions are not created or worsened downstream as a result of proposed improvements. Travel lanes will be widened and include paved shoulders and sidewalks. The proposed improvements will provide safer conditions for vehicles, cyclists and pedestrians and create a more reliable emergency response route, therefore reducing risks to life and property. This policy is met.

Goal 7.2
Protect people and property from non-natural hazardous occurrences.

Policy 1 The City shall design, construct, and coordinate the surface transportation system to reduce the potential for mass casualty accidents and to provide the ability to evacuate when necessary.

FINDING: The proposed project supports this policy by replacing a functionally obsolete bridge with a new bridge structure that includes wider vehicle travel lanes compared to existing conditions while also adding paved shoulders and sidewalks on both sides of the roadway. These improvements will provide safer conditions for vehicles, cyclists and pedestrians, create a more reliable emergency response route, and therefore reduce risks to life and property. This policy is met.

Goal 11.1
Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.

Policy 1 The City shall require that all new development:

A. construct the appropriate stormwater facilities or ensure construction by paying their fair share of the cost;
B. comply with adopted plans and standards for stormwater management; and
C. meet or exceed regional, state, and federal standards for water quality and flood protection

FINDING: As described in the stormwater report submitted with the application (Exhibit I), the applicant is proposing new stormwater management facilities, including a vegetated bioretention pond, that will meet CWS requirements for stormwater treatment and detention for the project area. The proposed stormwater improvements will meet or exceed regional, state, and federal standards and will ensure a greater volume of stormwater runoff is adequately treated prior to being discharged to Fanno Creek, which will contribute to improved water quality and help protect Fanno Creek's stormwater conveyance and treatment functions. This policy is met.

Policy 6 **The City shall maintain streams and wetlands in their natural state, to the extent necessary, to protect their stormwater conveyance and treatment functions.**

FINDING: The project's design will require impacts to significant wetlands and Fanno Creek vegetated corridor areas. However, the project will incorporate mitigation measures to assure the replacement of the functions and values of the impacted resources, as described in greater detail within the applicant's ESEE analysis (Exhibit C) and the CWS standard site assessment (Exhibit K). This policy is met.

Goal 11.4
Maintain adequate public facilities and services to meet the health, safety, education, and leisure needs of all Tigard residents.

Policy 2 **The City shall continue to develop and maintain a Capital Improvement Plan to help provide for the orderly provision of public facilities and services.**

FINDING: The proposed project has been identified on the Tigard Capital Improvement Plan (CIP) as project #95060. The infrastructure needs identified through the CIP are necessary for the orderly provision of public facilities and services, and are critical to the economy of Tigard and the region. The proposed project supports this policy by delivering a project identified on the City's CIP. This policy is met.

Chapter 12: Transportation
Goal 12.1
Provide a safe, comfortable, and connected transportation system for all users, especially pedestrians and other vulnerable users.

Policy 1 **The City shall prioritize transportation projects according to community benefit, including (but not limited to) safety, performance, and accessibility, as well as the associated costs and impacts.**

FINDING: The proposal delivers a transportation project identified on the city's CIP that provides numerous community benefits. The project was identified on the CIP as being critical to the economy of Tigard by maintaining safe access to jobs, schools, and essential services. This policy is met.

Policy 2 **The City shall design, maintain, enhance, and invest in a transportation system that emphasizes multi-modal travel options for all types of land uses.**

FINDING: The project benefits the community by replacing a functionally obsolete bridge with a new bridge that is wide enough to accommodate sidewalks and paved shoulders, providing safer and more comfortable facilities for pedestrians and cyclists, and more affordable travel options for Tigard residents. This policy is met.

Goal 12.2
Support environmental and community health by reducing our carbon footprint, minimizing impacts to natural resources, and addressing unequal health impacts/outcomes of our transportation system on low-income communities and communities of color.

Policy 4 **The City shall mitigate impacts to the natural environment associated with proposed transportation construction or reconstruction projects.**

FINDING: The project will require impacts to significant wetlands and Fanno Creek vegetated corridor areas. However, the project will incorporate mitigation measures to assure the replacement of the functions and values of the impacted resources, as described in greater detail within the applicant's ESEE analysis (Exhibit C) and the CWS standard site assessment (Exhibit K). The applicant has carefully designed the project to avoid and minimize impacts to these areas to the maximum extent practicable. Despite impacts to these areas, the project supports this policy by providing a new bridge that includes safer facilities for pedestrians and cyclists. This has the overall impact of supporting alternative transportation methods and reducing Tigard's carbon footprint, creating a more environmentally healthy community. This policy is met.

Goal 12.4
Create livable neighborhoods that are designed to improve multimodal connections while discouraging unsafe interactions.

Policy 1 **The City shall develop and maintain neighborhood and local connections to provide efficient circulation in and out of the neighborhoods.**

FINDING: The project maintains critical infrastructure to continue to provide efficient circulation within this segment of SW Tigard Street. This policy is met.

Policy 2 **The City shall design all projects on Tigard city streets to encourage pedestrian and bicycle travel.**

FINDING: The project includes the addition of sidewalks and paved shoulders, which will provide safer facilities for pedestrians and cyclists and support multi-modal transportation connections. The project also includes additional lighting at the Fanno Creek Trail crossing with SW Tigard Street west of the bridge, improving safety for trail users. This policy is met.

Goal 12.5
Support economic vibrancy by accommodating the movement of people and goods and creating equitable opportunities for economic development throughout Tigard.

Policy 1 **The City shall manage the transportation system to support desired economic development activities.**

FINDING: The project improves Tigard's transportation system by upgrading infrastructure critical to Tigard's livability and economic vitality. The importance of the SW Tigard Street bridge's replacement is evident through its identification on Tigard's CIP. The infrastructure needs identified through the CIP are critical to the economy of Tigard and the overall region by accommodating the safe and efficient movement of people and goods. This policy is met.

Goal 12.6
Make the most of transportation resources by leveraging funding opportunities, not overbuilding our system, and making investments that reduce ongoing system maintenance and preservation costs.

Policy 1 **The City shall prioritize investments in maintenance of the entire transportation system, including both roadway and nonmotorized facilities.**

FINDING: The project supports these policies by leveraging significant local funding to deliver a critical infrastructure project. The bridge has previously been closed in order to complete maintenance work and will continue to be subject to these maintenance and preservation costs and potential closures until the bridge is replaced. As discussed in the applicant's ESEE analysis, according to ODOT's *2021 Bridge Condition Report & Tunnel Data*, repair projects on older bridge structures are costly and have little return on investment, and replacing functionally obsolete bridges is less costly in the long run. For these reasons, the project supports this policy by investing in key infrastructure upgrades that reduce on-going maintenance costs. This policy is met.

CONCLUSION: As shown in the analysis above, the proposal complies with all applicable policies of the Tigard Comprehensive Plan.

18.140 PARKS AND RECREATION ZONE

18.140.030 Other Zoning Regulations

Sites with overlay zones, plan districts, inventoried hazards, or sensitive lands are subject to additional regulations. Specific uses or developments may also be subject to regulations as provided elsewhere in this title.

FINDING: The project area contains sensitive lands that are proposed to be impacted by the proposed improvements, including significant wetlands, floodplain, and vegetated corridors. The applicable provisions of Chapter 18.510 Sensitive Lands are addressed later in this report.

18.140.040 Land Use Standards

A. General provisions. A list of allowed, restricted, conditional, and prohibited uses in the PR zone is provided in Table 18.140.1. If a use category is not listed, see Section 18.60.030.

FINDING: The existing park is considered a "Community Service" use, which is permitted as a conditional use in the Parks and Recreation Zone and was permitted under Case No. CUP2013-00001/SLR2013-00002/VAR2013-00010. The proposed stormwater facility is an accessory use to the park and is being reviewed as a Minor Modification to the Conditional Use Permit, addressed later in this report. No base zone development standards apply to the proposed stormwater facility.

18.510 SENSITIVE LANDS

18.510.020 Applicability

A. CWS stormwater connection permit. All proposed development must obtain a stormwater connection permit from CWS in compliance with its design and construction standards.

FINDING: The applicant submitted a standard site assessment to CWS and a Service Provider Letter (CWS File No. 24-000820) was issued. The applicant will obtain the necessary stormwater connection permit. This standard is met.

G. Sensitive lands approvals issued by the hearings officer.

1. Sensitive land reviews within special flood hazard areas are processed through a Type III-HO procedure, as provided in Section 18.710.070, for the following actions:

a. Ground disturbance or landform alterations in all floodway areas;

b. Ground disturbance or landform alterations in floodway fringe locations involving more than 50 cubic yards of material;
c. Repair, reconstruction, or improvement of an existing structure or utility, the cost of which equals or exceeds 50 percent of the market value of the structure prior to the improvement or the damage requiring reconstruction provided no development occurs in the floodway;
d. Structures intended for human habitation; and
e. Accessory structures that are greater than 528 square feet in size, outside of floodway areas.

2. The approval authority will approve, approve with conditions, or deny a sensitive lands review application using the approval criteria provided in Section 18.510.070.

FINDING: The proposal includes ground disturbance in the floodway area. In accordance with TDC 18.710.090, this application is being reviewed through a Type III-Modified process with the Tigard City Council as the final review authority as the proposal also includes a request to remove a significant wetland designation. The approval criteria in Section 18.510.070 are addressed later in this report.

18.510.050 General Provisions for Wetlands

A. Code compliance requirements. Wetland regulations apply to those areas classified as significant on the City of Tigard "Wetland and Streams Corridors Map," and to a vegetated corridor ranging from 25 to 200 feet wide, measured horizontally, from the defined boundaries of the wetland, as provided in "Table 3.1, Vegetated Corridor Widths," and "Appendix C, Natural Resource Assessments," of the CWS "Design and Construction Standards." Wetland locations may include but are not limited to those areas identified as wetlands in "Wetland Inventory and Assessment for the City of Tigard, Oregon," Fishman Environmental Services, 1994.

FINDING: The project area contains three wetlands, Wetlands A, B, and C, as shown on Exhibit A, Figures 4 and 5. All of these are identified as significant wetlands on the City of Tigard "Wetland and Streams Corridors Map". The boundaries of these wetlands include vegetated corridors measured 50 feet horizontally from the delineated wetland boundary as specified in CWS Design and Construction Standards. The boundaries have been field verified by the applicant's engineering consultant, DOWL.

B. Delineation of wetland boundaries. Precise boundaries may vary from those shown on wetland maps; specific delineation of wetland boundaries may be necessary. Wetland delineation will be done by qualified professionals at the applicant's expense.

FINDING: A wetland delineation was provided by the applicant and is included as Exhibit F. The wetland delineation was prepared by a team of qualified professionals, including wetland scientists and ecologists. The applicant has received a wetland delineation concurrence letter from the Oregon Department of State Lands (DSL) and is included with this application as Exhibit M.

18.510.070 Sensitive Lands Applications.

A. Approval required. An applicant, who wishes to develop within a sensitive area, as defined in this chapter, must obtain approval in certain situations. Depending on the nature and intensity of the proposed activity within a sensitive area, either a Type II or Type III review is required, as provided in Subsections 18.510.020.F and G. The approval criteria for different types of sensitive areas are provided in Subsections 18.510.070.B–E.

FINDING: The proposal includes ground disturbance in the floodway area, significant wetlands, Fanno Creek, and the associated vegetated corridors; therefore a Type III review is required.

B. Within the special flood hazard area. The approval authority will approve or approve with conditions an application for sensitive lands review within the special flood hazard area when all of the following criteria are met:

1. Compliance with all of the applicable requirements of this title;

FINDING: The project complies with the applicable requirements of this title as provided below.

2. Land form alterations must preserve or enhance the special flood hazard area storage function and maintenance of the zero-foot rise floodway must not result in any encroachments, including fill, new construction, substantial improvements and other development unless certified by a registered professional engineer that the encroachment will not result in any increase in flood levels during the base flood discharge;

a. If in the floodway and no-rise requirement is met, the development will comply with all applicable flood hazard reduction provisions.

FINDING: Due to the extent of regulated floodway along Fanno Creek, the replacement bridge and associated improvements will be located within the floodway. All such structures have been sited and designed to meet no-rise certification. Documentation of compliance has been certified by a registered professional engineer and is included in a hydraulic design report submitted with the application (Exhibit H). The project will comply with all applicable flood hazard reduction provisions. These standards are met.

3. Land form alterations or developments within the special flood hazard area are allowed only in areas designated as commercial or industrial on the comprehensive plan land use map, except that alterations or developments associated with community service uses, utilities, or public support facilities are allowed on residentially zoned properties subject to applicable zoning standards;

FINDING: The proposed land form alterations, including grading and earth works for the replacement bridge and stormwater facility, are located within the special flood hazard area (100-year floodplain) in areas zoned Parks and Recreation (PR), Industrial Park (I-P), and Residential (RES-B, RES-D). The proposed bridge replacement and associated improvements are considered "public support facilities" because they are necessary to support development, the transportation network, and the general operation of the city; therefore, the proposed landform alterations are also allowed in residential zones. This standard is met.

4. Where a landform alteration or development is allowed to occur within the special flood hazard area it will not result in any increase in the water surface elevation of the 100-year flood;

FINDING: All proposed improvements in the flood hazard area, including the bridge and stormwater facility, have been sited and designed to avoid any increase in the surface elevation of the 100-year flood, as detailed in the project's Final Hydraulic Report (Exhibit H). This standard is met.

5. **The land form alteration or development plan includes a pedestrian or bicycle pathway in compliance with the adopted Transportation System Plan or Greenways Trail System Master Plan, unless the construction of said pathway is deemed as untimely;**

FINDING: The project does not include a pedestrian or bicycle pathway project, nor is one included in this area in the Transportation System Plan. This standard does not apply.

6. **Pedestrian or bicycle pathway projects within the special flood hazard area must include a wildlife habitat assessment that shows the proposed alignment minimizes impacts to significant wildlife habitat while balancing the community's recreation and environmental educational goals;**

FINDING: The project does not include a pedestrian or bicycle pathway project. This standard does not apply.

7. **The necessary U.S. Army Corps of Engineers and State of Oregon Land Board, Division of State Lands, and CWS permits and approvals must be obtained; and**

FINDING: The applicant will obtain the necessary permits from CWS, DSL, and the U.S. Army Corps of Engineers as required. The applicant submitted a standard site assessment (Exhibit K) to CWS and was issued a Service Provider Letter, CWS File No. 24-000820. The applicant will be submitting a Joint Permit Application (JPA) to USACE and DSL for proposed disturbances to jurisdictional waters and wetlands located within the project area. This standard is met.

8. **Where landform alterations or development are allowed within and adjacent to the special flood hazard area, the city will require the consideration of dedication of sufficient open land area within and adjacent to the special flood hazard area in compliance with the comprehensive plan. This area must include portions of a suitable elevation for the construction of a pedestrian or bicycle pathway within the special flood hazard area in compliance with the adopted Transportation System Plan or Greenways Trail System Master Plan.**

FINDING: The proposed landform alterations within the special flood hazard area, which include a new bridge structure that is wide enough to accommodate sidewalks and paved shoulders on both sides of the roadway, have been designed in compliance with the City's Transportation System Plan. The Fanno Creek Trail is already constructed within the project area and no other trails are identified on the City's Trail System Master Plan that fall within the project area. As such, additional dedication of lands within the special flood hazard area is unnecessary. This standard is met.

18.510.080 Special Provisions within Locally Significant Wetlands and Along the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek

A. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 666-023-0030) pertaining to wetlands, all wetlands classified as significant on the City of Tigard "Wetlands and Streams Corridors Map" are protected. No land form alterations or developments are allowed within or partially within a significant wetland, except as allowed or approved in compliance with Section 18.510.100.

FINDING: The subject property includes wetlands that are identified as significant wetlands on the City of Tigard "Wetlands and Stream Corridors" map and are, therefore, protected. The applicant has applied for the Plan Amendment Option in Section 18.510.100 to remove Goal 5 protections from 25,563 square feet (0.59 acre) of significant wetlands to allow the proposed bridge and associated improvements.

B. In order to address the requirements of Statewide Planning Goal 5 (Natural Resources) and the safe harbor provisions of the Goal 5 administrative rule (OAR 660-023-0030) pertaining to riparian corridors, a standard setback distance or vegetated corridor area, measured horizontally from and parallel to the top of the bank, is established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek.

5. The standard setback distance or vegetated corridor area applies to all development proposed on property located within or partially within the vegetated corridors, except as allowed below:

a. Roads, pedestrian or bike paths crossing the vegetated corridor from one side to the other in order to provide access to the sensitive area or across the sensitive area, as approved by the city in compliance with Section 18.510.070 and by CWS "Design and Construction Standards";

b. Utility or service provider infrastructure construction (i.e. storm, sanitary sewer, water, phone, gas, cable, etc.), if approved by the city and CWS;

c. A pedestrian or bike path, not exceeding 10 feet in width and in compliance with the CWS "Design and Construction Standards";

d. Grading for the purpose of enhancing the vegetated corridor, as approved by the city and CWS;

e. Measures to remove or abate hazards, nuisances, or fire and life safety violations, as approved by the regulating jurisdiction;

f. Enhancement of the vegetated corridor for water quality or quantity benefits, fish, or wildlife habitat, as approved by the city and CWS;

g. Measures to repair, maintain, alter, remove, add to, or replace existing structures, roadways, driveways, utilities, accessory uses, or other developments provided they are in compliance with city and CWS regulations, and do not encroach further into the vegetated corridor or sensitive area than allowed by the CWS "Design and Construction Standards."

FINDING: The project consists of a road with pedestrian and bicycle facilities that provide access across the sensitive area. These improvements have been designed in compliance with CWS "Design and Construction Standards." Therefore, the standard setback and vegetated corridor area associated with Fanno Creek does not apply.

18.510.100 Plan Amendment Option

A. Comprehensive plan amendment. Any owner of property affected by the Goal 5 safeharbor (1) protection of significant wetlands or (2) vegetated areas established for the Tualatin River, Fanno Creek, Ball Creek, and the South Fork of Ash Creek may apply for a comprehensive plan amendment as provided in Chapter 18.790, Text and Map Amendments. This amendment must be based on a specific development proposal. The effect of the amendment would be to remove Goal 5 protection from the property, but not to remove the requirements related to the CWS Stormwater Connection Permit, which must be addressed separately through an alternatives analysis, as described in

Section 3.02.5 of the CWS "Design and Construction Standards." The applicant must demonstrate that such an amendment is justified by either of the following:

B. ESEE analysis. The applicant may prepare an environmental, social, economic and energy (ESEE) consequences analysis prepared in compliance with OAR 660-23-040.

FINDING: The applicant has chosen to demonstrate the amendment is justified through an ESEE analysis, rather than a demonstration that the wetlands are not significant.

The applicant submitted an ESEE analysis dated January 9, 2024 (Exhibit C) prepared in compliance with OAR 60-23-040, to justify removal of Goal 5 protection from approximately 25,563 square feet (0.59 acre) of significant wetlands and approximately 6,073 square feet (0.14 acre) of vegetated corridor associated with Fanno Creek on the subject property.

1. **The analysis must consider the ESEE consequences of allowing the proposed conflicting use, considering both the impacts on the specific resource site and the comparison with other comparable sites within the Tigard Planning Area;**

FINDING: As described in the ESEE analysis (Exhibit C), the applicant has considered the consequences of allowing the proposed conflicting use, in this case the proposed roadway improvements, and considered the impacts on the specific resource site as well as other comparable sites within Tigard. As described in the applicant's analysis, the consequences of allowing the proposed conflicting use provide a net positive benefit by replacing a functionally obsolete bridge with a new bridge wide enough to accommodate pedestrians and cyclists in addition to motorists, raising the bridge crossing to reduce flooding frequency and severity, and improving safety and illumination for the Fanno Creek Trail crossing west of the bridge. Since the proposal is specific to replacing the existing bridge, there are no comparable sites within the Tigard Planning Area that can provide an alternative site with fewer impacts. This standard is met.

2. **The ESEE analysis must demonstrate to the satisfaction of the city council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;**

FINDING: The ESEE analysis provided by the applicant demonstrates that the economic consequences of not allowing the conflicting use would be negative. As stated in the analysis, "*Without the improvements, the purpose of the project, to replace a functionally obsolete bridge with a new bridge wide enough to also safely accommodate pedestrians and cyclists could not be met. Further, the existing bridge would continue to structurally deteriorate and remain susceptible to frequent flood events, likely resulting in occasional closures of the bridge. It is possible that structural deficiencies in the bridge identified through ODOT inspections could eventually cause the bridge's permanent closure; a complete closure of the bridge could result in travel delays and detours for the travelling public. Travel delays have a negative economic effect on local and regional commerce including commercial, service and delivery uses, freight transport, and local businesses.*"

In addition to the negative impacts to the travelling public, repairing rather than replacing the bridge is likely to be more costly in the long run, as, per ODOT's *2021 Bridge Condition Report & Tunnel Data*, repair projects on older structures are costly and have little return on investment.

For these reasons, prohibiting the conflicting use would result in negative economic consequences from impacts to commerce due to bridge closures and additional expenses for repair and maintenance to the existing structure, which will continue to deteriorate should it not be replaced. This standard is met.

3. **In particular, ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use;**

FINDING: The conflicting use (construction of a replacement bridge over Fanno Creek) is an improvement that is critical to the safe operation of the existing SW Tigard Street facility. The associated bicycle and pedestrian facilities are coincident to the existing facilities. The project is specific in location, therefore there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use. This standard is met.

4. **The ESEE analysis must be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;**

FINDING: A qualified team consisting of land use planners, wetland scientists, and ecologists, all qualified in their respective fields with experience compiling such analyses, prepared the ESEE analysis submitted with this application as Exhibit C. This standard is met.

5. **If the application is approved, then the ESEE analysis must be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" be amended to remove the site from the inventory.**

FINDING: On approval of this request, the ESEE analysis will be incorporated by reference into the Tigard Comprehensive Plan, and the "Tigard Wetland and Stream Corridor Map" will be amended to remove the site from the inventory.

18.765 MODIFICATIONS

18.765.020 Applicability

A. This chapter applies to all proposals to modify an existing or proposed use, structure, site improvement, or condition of approval—for existing developments or land use approvals—when initially approved through one of the land use applications listed below:

1. **Conditional uses,**
2. **Planned developments,**
3. **Site development reviews, or**
4. **Subdivisions and land partitions.**

FINDING: The applicant is proposing to modify the existing Dirksen Nature Park development, approved through conditional use permit CUP2013-00001/SLR2013-00002/VAR2013-00010, by constructing a new stormwater bioretention facility within the park's boundary. This chapter applies.

18.765.060 Minor Modifications

A. Definition. A minor modification has the following characteristics:

1. **It has minimal impacts on surrounding properties, sensitive lands, or public facilities; and**

FINDING: As shown on Exhibit A, Figure 5, the proposed bioretention facility will be located adjacent to the Dirksen Nature Park's existing parking area and north of the Fanno Creek Trail. The

proposed facility will be located beyond the limits of any significant wetlands or other vegetated corridor areas and has been designed to avoid impacting the existing parking area and the Fanno Creek trail, both of which are existing public facilities.

The facility will provide a public benefit by being used to manage stormwater impacts from the proposed bridge improvements to the public facility of SW Tigard Street. The stormwater facility will be vegetated and integrated into the surrounding natural areas and will not impact any existing park amenities, including sports fields, walking paths, playgrounds, shelters or restrooms. Additionally, the facility is completely located within the boundaries of the park and will not create any negative impacts on surrounding properties, such as noise, vibration, air quality, glare, odor or dust. The applicant's proposal still complies with all applicable parks and recreation zone development standards.

Accordingly, staff finds this proposal will have minimal impacts on surrounding properties, sensitive lands, or public facilities, and meets the definition of a minor modification.

2. It does not cause the development to go out of conformance with any applicable standard or further out of conformance if already nonconforming, except where an adjustment has been approved.

FINDING: None of the development standards in the applicable code section, Chapter 18.140 Parks and Recreation Zone, apply to the proposed modification. All applicable standards were met with the original approval and will continue to be met with the approval of this minor modification.

D. Approval criteria. The approval authority will approve or approve with conditions a minor modification application when all of the following criteria are met:

1. The proposed modification qualifies as a minor modification as defined in Subsection 18.765.060.A;

FINDING: As demonstrated in the findings above, this proposal qualifies as a minor modification as defined in TCDC 18.765.060.A. This criterion is met.

2. If the proposal involves the modification of a condition of approval, at least one of the following criteria is met:

a. The condition cannot be implemented for reasons outside the control of the applicant or property owner;

b. The condition is no longer needed or warranted because circumstances have changed; or

c. A new or modified condition better accomplishes the purpose of the original condition.

FINDING: The applicant is not proposing to modify a condition of approval, this criterion does not apply.

18.790 TEXT AND MAP AMENDMENTS

A. Approval process.

2. A quasi-judicial comprehensive plan map amendment application is processed through a Type III-Modified procedure, as provided in Section 18.710.090, which is decided by the City Council with a recommendation by Planning Commission.

FINDING: The applicant is proposing to impact sensitive lands, including significant wetlands, Fanno Creek, and the associated vegetated corridors to allow the proposed bridge and associated improvements. Per Section 18.510.100, this protection can only be removed through a comprehensive plan map amendment. As such, this application is being reviewed through the Type III-Modified procedure.

B. Approval criteria. A recommendation or decision for a quasi-judicial zoning map amendment or quasi-judicial comprehensive plan amendment will be based on the following:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations; and

FINDING: The proposal demonstrates compliance with all applicable comprehensive plan policies and map designations, as described above.

2. Demonstration that adequate public services exist to serve the property at the intensity of proposed zoning. Factors to consider include the projected service demands of the property, the ability of the existing and proposed public services to accommodate the future use, and the characteristics of the property and development proposal, if any.

FINDING: The proposed project will replace the existing Tigard Street Bridge over Fanno Creek. Associated improvements are also proposed within the project area, including new stormwater management facilities, replacement of sanitary sewer and water utility lines, roadway paving and widening, and new roadway lighting. Rather than increasing demand on public facilities, the proposed project is replacing and improving existing public facilities in order to meet current public demand. The proposed amendments to the comprehensive plan in order to remove the "significant" designation from wetlands and vegetated corridor areas impacted by the project will have minimal impact on public services or demand for public services. This criterion is met.

18.910 IMPROVEMENT STANDARDS

18.910.030 Streets

A. Improvements.

1. **No development shall occur unless the development has frontage or approved access to a public street.**
2. **No development shall occur unless streets within the development meet the standards of this chapter.**
3. **No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this chapter are constructed adjacent to the development.**
4. **Any new street or additional street width planned as a portion of an existing street shall meet the standards of this chapter.**

FINDING: The proposal is for the replacement of the Tigard Street bridge located at the Fanno Creek crossing on SW Tigard Street, which is classified as a Neighborhood Street.

With the following condition of approval, these standards are met:

- Prior to commencing any site work, the applicant must submit plans showing the following required street improvements for City review and approval:

  SW Tigard Street
  - 36-foot Pavement from curb-to-curb
  - 6.5-foot Curb-tight sidewalk (with curb)
  - Minimum 0.5-foot Access Strip
  - Street Lighting

As conditioned, this standard is met.

B. <u>Creation of rights-of-way for streets and related purposes</u>. Rights-of-way shall be created through the approval of a final plat; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation.

1. **The council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or partitions if any one or more of the following conditions are found by the council to be present:**
   a. **Establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or**
   b. **The tract in which the road or street is to be dedicated is an isolated ownership of 1 acre or less and such dedication is recommended by the commission to the council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or partitions**
   c. **The street is located within the mixed use central business district (MU-CBD) zone and has been identified on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan as a required connectivity improvement.**
2. **With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and partition approval.**
   a. **The applicant shall submit such additional information and justification as may be necessary to enable the commission in its review to determine whether or not a recommendation for approval by the council shall be made.**
   b. **The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title.**
   c. **The commission in submitting the proposal with a recommendation to the council may attach conditions which are necessary to preserve the standards of this title.**
3. **All deeds of dedication shall be in a form prescribed by the city and shall name "the public" as grantee.**

FINDING: This project is coordinating with the adjacent property owners and will obtain the necessary right-of-way prior to construction of this project. This standard is met.

D. Street location, width and grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City Engineer in compliance with Subsection 18.910.030.N; and

FINDING: The proposed development is a bridge replacement that conforms with the required street section for a Neighborhood Street. The grades are dictated by the flood elevation of the creek, minimum clearance, and the minimum bridge thickness. This standard is not applicable.

E. Minimum rights-of-way and street widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Tigard Downtown Plan District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The city council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are provided in Table 18.910.1.

The approval authority shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:

1. **The type of road as provided in the comprehensive plan transportation chapter - functional street classification.**
2. **Anticipated traffic generation.**
3. **On-street parking needs.**
4. **Sidewalk and bikeway requirements.**
5. **Requirements for placement of utilities.**
6. **Street lighting.**
7. **Drainage and slope impacts.**
8. **Street tree location.**
9. **Planting and landscape areas.**
10. **Safety and comfort for motorists, bicyclists, and pedestrians.**
11. **Access needs for emergency vehicles.**

FINDING: The proposal is for the replacement of the Tigard Street bridge at Fanno Creek and Tigard Street is classified as a Neighborhood Street. The new bridge is sized to accommodate the full width required. This standard is not applicable.

N. Grades and curves.

1. **Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15 percent for distances of no greater than 250 feet); and**
2. **Centerline radii of curves shall be as determined by the City Engineer.**

FINDING: The existing bridge is too low and the proposed bridge must be several feet higher in

order to prevent flooding. The east end of these improvements has a vertical curve that intercepts with the existing street at a slope of 4.13%. The other slopes for the bridge replacement and street improvements are less than 4.13%. This standard is met.

O. Curbs, curb cuts, ramps, and driveway approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in compliance with standards specified in this chapter and Chapter 15.04, Work in the Right-of-Way, and:

1. **Concrete curbs and driveway approaches are required; except:**
2. **Where no sidewalk is planned, an asphalt approach may be constructed with City Engineer approval; and**
3. **Asphalt and concrete driveway approaches to the property line shall be built to city configuration standards.**

FINDING: Curbs, curb cuts, ramps, and driveway approaches are shown on the submitted plans. This standard is met.

Y. Street light standards. Streetlights shall be installed in compliance with regulations adopted by the city's direction.

FINDING: A preliminary lighting plan has been submitted and meets the applicable standards. The following conditions of approval are required to meet this standard:

- Prior to commencing any site work, the applicant must provide a final photometric analysis of the proposed development frontages for the review and approval. Photometric analysis will follow the recommended values and requirements described in ANSI/IESNA. The analysis must show the location of streetlights; and the type and color of the pole and light fixture. All public streetlights must be PGE Option B.

As conditioned, this standard is met.

18.910.070 Sidewalks

A. Sidewalks. All public and private streets adjacent to industrially zoned properties shall have sidewalks meeting city standards along at least one side of the street. All other public and private streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.

FINDING: As shown on the preliminary site plan, the applicant has proposed sidewalks in preliminary accordance with the standards of this chapter. This standard is met.

C. Planter strip requirements. A planter strip separation of at least 5 feet between the curb and the sidewalk shall be required in the design of streets, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; it would conflict with the utilities; there are significant natural features (large trees, water features, significant habitat areas, etc.) that would be destroyed if the sidewalk were located as required; or where there are existing structures in close proximity to the street (15 feet or less) or where the standards in Table 18.910.1 specify otherwise. Additional consideration for exempting the planter strip requirement may be given on a case-by-case basis if a property abuts more than one street frontage.

FINDING: The project proposes to limit the impact on the adjacent sensitive lands by providing curb-tight sidewalks. This standard does not apply.

D. Maintenance. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

FINDING: The adjacent property owner will be responsible for the maintenance of sidewalks, curbs, and planter strips. This standard is met.

18.910.100 Storm Drainage

A. General provisions. The Director and City Engineer shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made, and:
   1. The storm water drainage system shall be separate and independent of any sanitary sewerage system;
   2. Where possible, inlets shall be provided so surface water is not carried across any intersection or allowed to flood any street; and
   3. Surface water drainage patterns shall be shown on every development proposal plan.

B. Easements. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

FINDING: The applicant has proposed a storm water drainage system separate and independent of any sanitary sewerage system. Inlets are provided so surface water is not carried across any intersection. Surface water drainage patterns are shown on the development proposal plan. This standard is met.

C. Accommodation of upstream drainage. A culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the development, and the City Engineer shall approve the necessary size of the facility, based on Clean Water Services requirements.

D. Effect on downstream drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the director and engineer shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in compliance with Clean Water Services requirements.

FINDING: The Final Hydraulic Report for the Tigard Street Fanno Creek Bridge Replacement (dated July 2024) was prepared by DOWL. It assesses the hydraulic performance of the existing structure and the proposed bridge design. Additionally, it summarizes the hydraulic modeling evaluation and the proposed bridge design. As part of the design, DOWL completed floodplain storage, scour and abutment protection calculations. The floodplain elevations established in this report determine the minimum elevation of the proposed bridge.

The Final Stormwater Report for the Tigard Street Fanno Creek Bridge Replacement (dated July 2024) was prepared by DOWL as well. The project site is 0.74 acres and storm sewer and stormwater management facilities are proposed to treat and detain stormwater runoff resulting from the proposed construction. A bioretention pond is proposed south of SW Tigard St to treat and detain the runoff

from the west of the bridge and runoff to the east will be captured and conveyed north to discharge into the wetlands. The stormwater management system is designed to meet DEQ and SLOPES stormwater standards, which exceed those of CWS and the city of Tigard.

This standard is met.

18.910.110 Bikeways and Pedestrian Pathways

A. Bikeway extension.

1. **As a standard, bike lanes shall be required along all arterial and collector routes and where identified on the city's adopted bicycle plan in the transportation system plan (TSP). Bike lane requirements along collectors within the downtown urban renewal district shall be determined by the City Engineer unless specified in Table 18.910.1.**
2. **Developments adjoining proposed bikeways identified on the city's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way, provided such dedication is directly related to and roughly proportional to the impact of the development.**
3. **Any new street improvement project shall include bicycle lanes as required in this chapter and on the adopted bicycle plan.**

B. Cost of construction. Development permits issued for planned developments, conditional use permits, subdivisions and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements in an amount roughly proportional to the impact of the development.

C. Minimum width.

1. **The minimum width for bikeways within the roadway is 5 feet per bicycle travel lane.**
2. **The minimum width for multi-use paths separated from the road and classified as regional or community trails in the Greenway Trail System Master Plan is 10 feet. The width may be reduced to 8 feet if there are environmental or other constraints.**
3. **The minimum width for off-street paths classified as neighborhood trails, according to the Greenway Trail System Master Plan, is 3 feet.**
4. **Design standards for bike and pedestrian-ways shall be determined by the City Engineer.**

FINDING: The objective of this project is to replace a failing bridge and temporary pedestrian walkway on the north side with a new bridge that has sidewalks on both sides of SW Tigard Street. SW Tigard Street is a neighborhood street and no bicycle lanes are identified in the project area on the city's adopted bicycle plan in the transportation system plan. This standard is met.

18.910.120 Utilities

A. Underground utilities. All utility lines including, but not limited to those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric lines operating at 50,000 volts or above, and:

1. **The developer shall make all necessary arrangements with the serving utility to provide the underground services;**
2. **The city reserves the right to approve location of all surface mounted facilities;**

3. **All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and**
4. **Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.**

B. Information on development plans. The applicant for a development shall show on the development plan or in the explanatory information, easements for all underground utility facilities, and

1. **Plans showing the location of all underground facilities as described herein shall be submitted to the City Engineer for review and approval; and**
2. **Care shall be taken in all cases to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic.**

C. Exception to undergrounding requirement.

1. **The developer shall pay a fee in-lieu of undergrounding costs when the development is proposed to take place on a street where existing utilities which are not underground will serve the development and the approval authority determines that the cost and technical difficulty of under-grounding the utilities outweighs the benefit of undergrounding in conjunction with the development. The determination shall be on a case-by-case basis. The most common, but not the only, such situation is a short frontage development for which undergrounding would result in the placement of additional poles, rather than the removal of above-ground utilities facilities.**
2. **An applicant for a development which is served by utilities which are not underground, and which are located across a public right-of-way from the applicant's property shall pay the fee in-lieu of undergrounding.**
3. **Properties within the MU-CBD zone shall be exempt from the requirements for undergrounding of utility lines and from the fee in-lieu of undergrounding.**
4. **The exceptions in Paragraphs 18.910.120.C.1 through 3 shall apply only to existing utility lines. All new utility lines shall be placed underground.**

D. Fee in-lieu of undergrounding.

1. **The City Engineer shall establish utility service areas in the city. All development which occurs within a utility service area shall pay a fee in-lieu of undergrounding for utilities if the development does not provide underground utilities, unless exempted by this chapter.**
2. **The City Engineer shall establish the fee by utility service area which shall be determined based upon the estimated cost to underground utilities within each service area. The total estimated cost for undergrounding in a service area shall be allocated on a front-foot basis to each party within the service area. The fee due from any developer shall be calculated based on a front-foot basis.**
3. **A developer shall receive a credit against the fee for costs incurred in the undergrounding of existing overhead utilities. The City Engineer shall determine the amount of the credit, after review of cost information submitted by the applicant with the request for credit.**
4. **The funds collected in each service area shall be used for undergrounding utilities within the city at large. The City Engineer shall prepare and maintain a list of proposed undergrounding projects which may be funded with the fees collected by the city. The list shall indicate the estimated timing and cost of each project. The list shall be submitted to the city council for their review and approval annually.**

FINDING: The plans provided show that conduits will be provided for future undergrounding activities. This standard is met.

18.910.140 Monuments—Replacement Required
Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

FINDING: The applicant's narrative has acknowledged intent to comply with this requirement. It is feasible and possible to meet this standard through the PFI permitting process.

18.910.150 Installation Prerequisite
A. Approval required. No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting or other requirements shall be undertaken except after the plans have been approved by the city, permit fee paid, and permit issued.
B. Permit fee. The permit fee is required to defray the cost and expenses incurred by the city for construction and other services in connection with the improvement. The permit fee shall be set by council resolution.

FINDING: The applicant's narrative has acknowledged intent to comply with this requirement. It is feasible and possible to meet this standard through the PFI permitting process.

18.910.170 Plan Check
A. Submittal requirements. Work shall not begin until construction plans and construction estimates have been submitted and checked for adequacy and approved by the City Engineer in writing. The developer can obtain detailed information about submittal requirements from the City Engineer.
B. Compliance. All such plans shall be prepared in compliance with requirements of the city.

FINDING: The applicant must submit a permit application for review and approval for all public improvements. All plans must be in compliance with all applicable standards. The following conditions of approval are required to meet this standard:

- Improvements associated with public infrastructure including street and right-of-way dedication, utilities, grading, water quality and quantity facilities, streetlights, easements, easement locations, and utility connections must be designed in accordance with the following codes and standards:

    - City of Tigard Public Improvement Design Standards
    - Clean Water Services (CWS) Design and Construction Standards
    - City of Tigard Community Development Codes and Municipal Codes
    - Tualatin Valley Fire and Rescue (TVF&R) Fire Codes
    - Other applicable County, State, and Federal Codes and Standard Guidelines

- Prior to commencing any site work, the applicant must obtain approval of a Public Facility Improvement (PFI) Permit to cover all improvements associated with public infrastructure work, including stormwater management facilities, or any other work in the public right-of-way. An Engineering cost estimate of improvements associated with public infrastructures including but not limited to street, street grading, utilities, stormwater quality and water quantity facilities, sanitary sewer, streetlights, and franchise utilities are required at the time of PFI permit submittal.

As conditioned, this standard is met.

CONCLUSION: This proposal meets all applicable standards and criteria of the Tigard Community Development Code.

ADDITIONAL CITY OR AGENCY COMMENTS:

Public Water System:

The existing public water main is under the jurisdiction of the City of Tigard. The site plans indicate that an 8-inch water main will be relocated along the new bridge and all existing meters will either remain and be protected or be relocated as necessary. The following conditions of approval are required to meet this standard:

- Prior to commencing any work, the applicant must obtain approval for the water system plan as part of the PFI Permit to be designed in accordance with the City of Tigard Standards.

As conditioned, this standard is met.

Storm Water Quality:

The City has agreed to enforce Surface Water Management regulations established by CWS Design and Construction which require the construction of water quality facilities. In addition, a maintenance plan must be submitted indicating the frequency and method to be used in keeping the facility maintained through the year.

- Prior to commencing any site work, the applicant must obtain a CWS Stormwater Connection Authorization prior to issuance of the City of Tigard PFI Permit. Plans must be submitted to the City of Tigard for review. The City will forward plans and the storm drainage report to CWS after preliminary review for CWS's review and approval.

As conditioned, this standard is met.

Grading and Erosion Control:

The City of Tigard and Clean Water Services Design and Construction Standards also regulate erosion control to reduce the amount of sediment and other pollutants reaching the public storm and surface water system resulting from development, construction, grading, excavating, clearing, and any other activity which accelerates erosion. Prior to commencing any site work, the applicant must submit an erosion control plan for approval. The plan must comply to the "CWS Erosion Prevention and Sediment Control Design and Planning Manual" (current edition).

The area of disturbance is less than one acre and the following conditions of approval are required to meet this standard:

- Prior to commencing any site work, the applicant must submit a final grading plan showing the existing and proposed contours for approval. The design engineer must indicate areas that will have natural slopes between 10 percent and 20 percent, as well as areas that will have natural slopes in excess of 20 percent. This information will be necessary in determining if special grading inspections or permits will be necessary.

As conditioned, this standard is met.

SECTION VII. OTHER STAFF COMMENTS

The following City of Tigard staff were sent a copy of the proposal:

- Development Engineering
- Building Division
- Public Works
- Transportation Planning
- Police Department

Comments from Development Engineering have been incorporated throughout this report and are also provided in Attachment 3. Police responded with no objections. No other comments were received from other staff.

SECTION VIII. AGENCY COMMENTS

Clean Water Services issued a Service Provider Letter (CWS file 24-000820) for this proposal on July 3, 2024, and determined that this project will significantly impact the existing or potentially sensitive area(s) found near the site. The agency also submitted written comments, dated January 9, 2025, requesting a condition of approval that requires the applicant to obtain Storm Water Connection Permit Authorization. This request has been incorporated into the conditions of approval. The City of Tigard and CWS have an intergovernmental agreement stating that the City will ensure implementation of CWS Design and Construction Standards; therefore, this approval is conditioned to satisfy CWS requirements.

Tualatin Valley Fire and Rescue was sent a copy of the applicant's proposal and responded on December 24, 2024, with comments stating that since the project does not include a structure, they have no comments.

SECTION IX. ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

As shown in the analysis above, the applicant's ESEE analysis addresses the requirements of the Tigard Development Code, Chapter 18.510 Sensitive Lands. The subject property contains locally significant wetlands and vegetated corridors protected under Goal 5 safe harbor. The applicant has applied for a quasi-judicial comprehensive plan amendment under a Type III-Modified procedure. The application is based on a specific development of replacement of the Tigard Street bridge. The applicant has demonstrated that such an amendment is justified by an ESEE analysis consistent with OAR 660-23-040.

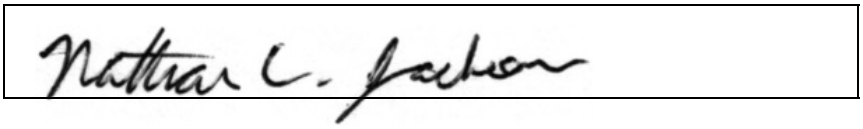
The ESEE analysis concludes that limiting the conflicting use to the replacement bridge and associated utilities would result in the most positive consequences of the decision options. A decision to limit the conflicting use will avoid many of the negative consequences attributed to either allowing or prohibiting the conflicting uses. Through the application of site design and development standards to conflicting uses, the impacts on the significant wetland can be further minimized, and the remaining resource and off-site resource areas can be enhanced. There will be a relatively high level of economic, social, environmental and energy benefits achieved. Limiting the conflicting use offers the most benefit to the wetland (through controlled access and enhancement) and to the community (safer and more reliable transportation option for motorists, pedestrians, and cyclists), and it strikes a balance between conflicting uses and the city's transportation goals.

CONCLUSION

As demonstrated by the findings above, the Planning Commission finds, by a 7-0 vote in favor, that the proposed comprehensive plan map amendment, sensitive lands review, and minor modification comply with the applicable Statewide Planning Goals, applicable regional, state, and federal regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

The Planning Commission recommends approval to the Tigard City Council of the proposed comprehensive plan map amendment.

RECOMMENDED: THE 3RD DAY OF FEBRUARY 2025 BY THE CITY OF TIGARD PLANNING COMMISSION.



Nathan Jackson, Planning Commission President

Dated this 12 day of June 2025.

Attachments:

Attachment 1: Site Map
Attachment 2: Plan Set
Attachment 3: Applicant's ESEE Analysis
Attachment 4: Agency Comments

TIGARD STREET (FANNO CREEK) BRIDGE REPLACEMENT

Tigard, Oregon

Environmental, Social, Economic and Energy Analysis (ESEE)

Prepared for:

City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

Prepared by:

309 SW 6th Avenue; Suite 700
Portland, Oregon 97204

Submitted: January 9, 2024
Updated: July 3, 2024

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ACRONYMS & ABBREVIATIONS

ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
BMP	Best Management Practices
CIP	Capital Improvement Plan
City	City of Tigard
CPA	Comprehensive Plan Amendment
CUP	Conditional Use Permit
CWS	Clean Water Services
DCS	Design and Construction Standards
DLCD	Oregon Department of Land Conservation and Development
DSL	Oregon Department of State Lands
ESEE	Economic, Social, Environmental and Energy
GIS	Geographic Information System
HUC	Hydrologic Unit Boundary
LWI	Local Wetland Inventory
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
PEM	Palustrine Emergent
R&O	Resolution and Order
ROW	Right-of-Way
SF	Square Feet
TDC	Tigard Development Code
TMC	Tigard Municipal Code
TVF&R	Tualatin Valley Fire & Rescue
USACE	United States Army Corps of Engineers
VC	Vegetated Corridor

1.0 INTRODUCTION

1.1 Overview of Request

The City of Tigard (City/applicant) is requesting a Comprehensive Plan Amendment (CPA) to the "Wetland and Stream Corridors Map", a Sensitive Lands Review, and a Minor Modification[1] for the proposed Tigard Street (Fanno Creek) Bridge Replacement project (hereinafter referred to as "the project"). The project area is located along SW Tigard Street, generally from SW Tiedemann Avenue to the Fanno Creek Trail (see Exhibit A, Figure 1 and 1B[2] – Location Map and Vicinity Map). This request will allow for:

- The removal of the "significant" designation from impacted portions of significant wetlands, which are Statewide Planning Goal 5 Resources, located within the public right-of-way and within adjacent City-owned and private properties. "Significant wetlands" include both the delineated wetland and the vegetated corridor buffer areas surrounding the wetland; and
- The removal of protections for two vegetated corridor (riparian) areas associated with Fanno Creek (a Statewide Planning Goal 5 Resource) that are not a part of a significant wetland, located within public right-of-way and within adjacent City-owned and private properties.

The City does not allow any landform alterations or developments within or partially within a significant wetland or Fanno Creek vegetated corridor areas[3], except as approved pursuant to Tigard Development Code (TDC) 18.510.080 and with a concurrent CPA as authorized under TDC 18.510.100. As described in TDC 18.510.100, the City allows applicants to remove Goal 5 protection of mapped significant wetlands and Fanno Creek vegetated corridor areas through one of two options; an economic, social, environmental, and energy (ESEE) analysis that considers the consequences of allowing, limiting or prohibiting the proposed conflicting use, or a second option, which demonstrates that the sensitive areas no longer meet the significance threshold as defined in the Goal 5 administrative rule. The applicant is pursing option 1, the ESEE analysis for the CPA. The applicant is requesting removal of the "significant" designation from approximately 25,563 square feet (SF) of significant wetlands impacted by the project's proposed improvements, as well as the removal of protections for approximately 6,073 SF of Fanno Creek vegetated corridor areas.

Table 1 on the following page provides a summary of the size of the significant wetlands and Fanno Creek vegetated corridor areas within the project area, the size of the impact areas, and the type of impacts. Figure 4 shows existing conditions with the locations of significant wetlands, Fanno Creek vegetated corridor areas, other project area land uses and features, and SW Tigard Street's existing configuration. Figure 5 shows the location of impacted areas of the significant wetlands and vegetated corridor areas associated with Fanno Creek, and the types of impacts. The CPA would remove the significant designation from only the impacted areas of the significant wetlands and Fanno Creek vegetated corridor areas.

[1] In order to modify the Dirksen Nature Park CUP (CUP 2013-00001/SLR 2013-00002/VAR 2013-00010)

[2] All figures referenced in this ESEE Analysis are located within Land Use Application Exhibit A.

[3] Together these areas are often referred to as the "resources" or "resource areas" within this document.

Table 1: Significant Wetland Impacts Summary

Significant Wetlands and Fanno Creek Vegetated Corridors	Significant Wetland Area and Fanno Creek Vegetated Corridor Area within Project Area (sq. ft.)	Significant Wetland and Fanno Creek Vegetated Corridor Impact area (sq. ft.) by Proposed Project Improvements	Type of Impact Proposed
Significant Wetland A	23,665	6,151	Roadway widening and raising, bridge replacement, placement of riprap for scour protection around bridge abutment, Fanno Creek channel regrading, grading for Fanno Creek Trail reconstruction, construction of sanitary sewer pipe and stormwater management infrastructure.
Significant Wetland B	26,786	8,182	Roadway widening and raising, bridge replacement, placement of riprap for scour protection around bridge abutment, Fanno Creek channel regrading, construction of sanitary sewer pipe and stormwater management infrastructure.
Significant Wetland C	16,972	11,230	Fanno Creek channel regrading. grading for Fanno Creek trail reconstruction, construction of stormwater management infrastructure
Fanno Creek VC 5*	2,943	2,943	Roadway widening, bridge replacement, placement of riprap for scour protection around bridge abutment, Fanno Creek channel regrading.
Fanno Creek VC 6*	6,277	3,130	Roadway widening, bridge replacement, placement of riprap for scour protection around bridge abutment, Fanno Creek channel regrading.
Total	**76,643**	**31,636**	

*****Fanno Creek VC 5 and VC 6 are not a part of a significant wetland. These VCs are riparian buffers offset from Fanno Creek (a Goal 5 protected resource)

1.2 Project History and Background

The existing Tigard Street Bridge (#67T002) is a four span timber girder bridge built in the 1958 that carries SW Tigard Street across Fanno Creek. Per the 2040 Tigard Transportation System Plan ("TSP"), SW Tigard Street is classified as a neighborhood route. Within the project area, SW Tigard Street is improved with two ten foot wide travel lanes with a paved roadway width of approximately 20 feet. The total bridge structure is approximately 29-feet wide and includes a separated pedestrian walkway on the bridge's north side. The Oregon Department of Transportation (ODOT) 2016 bi-annual inspection identified critical structural deficiencies in the existing bridge, resulting in the City being provided a deficiency letter that recommended rehabilitation and ultimately the bridge's replacement. Emergency repairs and strengthening measures

were designed and completed in 2017, with the understanding that the bridge would be replaced in the future with a new structure. Further, the existing bridge currently experiences flooding during three year flood events. Within the City's Capital Improvement Plan ("CIP"), the Tigard Street Bridge's replacement is project #95060.

The purpose of proposed project is to provide the following benefits:

- Replace the functionally obsolete existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles;
- Raise the bridge crossing to reduce flooding frequency and severity; and
- Improve safety and illumination for the Fanno Creek Trail crossing west of the bridge.

The bridge's replacement will ultimately provide a safer facility for the travelling public while also adequately accommodating a variety of transportation modes, including pedestrians and cyclists. The proposed project is being funded through a combination of revenue sources including gas tax, transportation system development charges (SDCs) and stormwater funds.

1.3 Project Description

The proposed project will replace the existing Tigard Street Bridge with a new structure. The recommended alternative includes replacing the existing structure with a 124-foot long, two span, precast prestressed concrete slab bridge with a cast-in-place concrete deck. The proposed bridge will have one support approximately ten feet west of the proposed east side top of bank within the channel. When constructed, the finished roadway elevation will be approximately seven feet higher than current conditions and will be above the 100-year flood elevation. Further, the recommended alternative achieves a no-net rise condition. The proposed project's preliminary design plans are included as Exhibit G of the land use application and are also shown on Figure 5.

As a result of necessary grading and construction within and adjacent to Fanno Creek, permanent and temporary impacts to City-designated sensitive lands are proposed as shown on Figure 5. Per TDC 18.510.010(G), sensitive lands are lands potentially unsuitable for development because of their location within one of the following areas (those underlined are present within the project area as shown Figure 4):

- The special flood hazard area (100-year floodplain) or 1996 flood inundation line;
- Natural drainageways;
- Significant wetland areas;
- Slopes greater than 25 percent;
- Significant fish and wildlife habitat areas designated on the City's "Significant Habitat Areas Map"; and
- Significant tree groves shown on the City's "Significant Tree Grove Map".

Per the City's "Significant Habitat Areas Map"[4], there are high-value, moderate-value, and lower-value habitat areas within the project area. Per the City's "Wetlands and Streams Corridors Map"[5], all wetlands within the project area are considered significant. Special flood hazard areas associated with Fanno Creek are also within the project area.

The applicant has field-verified the boundaries of City-designated significant wetlands, which are shown on Figure 4 in relation to wetland boundaries identified by the City's "Wetlands and Streams Corridors Map". As shown on Figure 5 and previously within Table 1, three (3) field-verified significant wetlands (Significant Wetlands A-C) are present within the project area and in significant wetland areas identified on Tigard's

[4] https://www.tigardmaps.com/MapGalleryPDFs/f_env_regulation/a_sig_habitat/sign_hab3444.pdf

[5] https://www.tigardmaps.com/MapGalleryPDFs/f_env_regulation/b_wetland_stream/wet_srtrm_cor3444.pdf

"Wetlands and Streams Corridors Map". Impacts to Significant Wetlands A, B and C are proposed in order to facilitate the new Tigard Street Bridge as shown in Table 1. Additionally, there are two vegetated corridor areas associated with Fanno Creek (Fanno Creek VC 5 and Fanno Creek VC 6), which are also proposed to be impacted as shown on Figure 5 and as indicated in Table 1.

1.4 Description of the Conflicting Use

The Oregon Department of Land Conservation and Development (DLCD) administers Statewide Planning Goal 5 Administrative Rule (OAR) 660-023-000, which states that the purpose of Goal 5 is "...to conserve and protect significant Goal 5 natural resources."

Goal 5 Administrative Rule OAR 660-0023-000 identifies Goal 5 natural resources (such as wetlands and riparian/vegetated corridors) as "significant" based on the quality of their ecological functions. The Goal 5 ESEE analysis describes the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting uses that conflict with the previously documented and protected identified significant wetlands and Fanno Creek vegetated corridors within the project area.

Goal 5 Administrative Rule OAR 660-023-0010 defines "conflicting use" as follows:

> *(1) "Conflicting use" is a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource (except as provided in OAR 660-023-0180(1)(b)). Local governments are not required to regard agricultural practices as conflicting uses.*

Goal 5 Administrative Rule (OAR 660-023-0040) describes how conflicting uses are identified:

> *(2) Identify conflicting uses. Local governments shall identify conflicting uses that exist, or could occur, with regard to significant Goal 5 resource sites. To identify these uses, local governments shall examine land uses allowed outright or conditionally within the zones applied to the resource site and in its impact area. Local governments are not required to consider allowed uses that would be unlikely to occur in the impact area because existing permanent uses occupy the site. The following shall also apply in the identification of conflicting uses:*
>
> > *(a) If no uses conflict with a significant resource site, acknowledged policies and land use regulations may be considered sufficient to protect the resource site. The determination that there are no conflicting uses must be based on the applicable zoning rather than ownership of the site. (therefore, public ownership of a site does not by itself support a conclusion that there are no conflicting uses.)*
> >
> > *(b) A local government may determine that one or more significant Goal 5 resource sites are conflicting uses, with another significant resource site. The local government shall determine the level of protection for each significant site using the ESEE process and/or the requirements in OAR 660-023-0090 through 660-023-0230 (see OAR 660-023-0020(1)).*

For this ESEE analysis, the conflicting uses are the proposed bridge structure and ancillary improvements (stormwater facilities, retaining walls, roadway fill etc.) that would impact functioning significant wetlands and Fanno Creek's vegetated corridor areas. This document focuses only on significant wetlands and does not include a significant habitat evaluation, which is an incentive based, non-regulatory element of the City's regulatory framework.

2.0 ESEE ANALAYSIS

2.1 ESEE Analysis Requirements

This ESEE analysis is based on a project design that requires impacts to areas of significant wetlands and Fanno Creek vegetated corridors that are Goal 5 resources and protected. The significant wetland areas are portions of larger wetland complexes adjacent to Fanno Creek.

An ESEE analysis evaluates the trade-offs associated with different levels of natural resource protection. As required by the Goal 5 Rule, the evaluation process identifies the consequences of *allowing*, *limiting*, or *prohibiting* conflicting uses in areas containing significant natural resources. Pursuant to the Goal 5 Rule and TDC Section 18.510.100.B, the ESEE analysis requires the following steps:

1. The analysis must consider the ESEE consequences of building the proposed conflicting use, considering both the impacts on the specific resource site and providing a comparison with other comparable sites within the Tigard Planning Area;
2. The ESEE analysis must demonstrate to the satisfaction of the city council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource;
3. The ESEE analysis must demonstrate why the use cannot be located on buildable land, consistent with the provisions of this chapter, and that there are no other sites within the Tigard Planning Area that can meet the specific needs of the proposed use;
4. The ESEE analysis must be prepared by a team consisting of a wildlife biologist or wetlands ecologist and a land use planner or land use attorney, all of whom are qualified in their respective fields and experienced in the preparation of Goal 5 ESEE analysis;
5. If the application is approved, then the ESEE analysis must be incorporated by reference into the Tigard Comprehensive Plan and the “Tigard Wetland and Stream Corridor Map” will be amended to remove the site from the inventory.

2.2 Existing Local Protections

The SW Tigard Street ROW and the project area include the following City of Tigard zoning designations (see Figure 3):

- I-P – Industrial Park
- PR – Parks and Recreation
- RES-B – Residential B
- RES-D – Residential D

Each of these zones defines permitted and prohibited uses, as well as development standards. Overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. The requested Comprehensive Plan Map Amendment is subject to a Type III Modified review process (see TDC 18.710.080). In addition, development within or near sensitive lands triggers review under the City’s Sensitive Lands chapter (see TDC 18.510).

The Sensitive Lands chapter (see TDC 18.510) outlines the permitted and regulated activities and uses within sensitive lands, as well as defines the review and approval processes for development consideration based on the type and intensity of the impact. The chapter also outlines the process for variance and comprehensive plan amendment requests.

2.3 ESEE Analysis Area Description

2.3.1. Existing Conditions

This ESEE analysis is subject to the project area shown on Figure 1, which includes ROW associated with SW Tigard Street as well as adjacent public and privately owned tax lots, contained entirely within the City of Tigard. Land uses surrounding the project area include single- and multi-family residences, light industrial, and parks and open spaces, including Dirksen Nature Park and the Fanno Creek Trail. The project area also contains and is adjacent to numerous environmental resources, including Fanno Creek, City-designated significant wetlands per the City's "Wetland and Streams Corridors Map", as well as associated vegetated corridors and riparian habitat areas. Vegetation, including trees of varying sizes, shrubs, and underbrush, are also present within the project area. The project area also contains floodway and special flood hazard areas (100-year floodplain) associated with Fanno Creek.

The proposed project will occur largely within existing ROW associated with SW Tigard Street. The new bridge will have two 12-foot-wide vehicular travel lanes with 6-foot paved shoulders and 6.5 foot-wide curbed sidewalks on both sides that can accommodate potential future widening and provide a safer traveling environment for pedestrians and bicyclists. Because the existing SW Tigard Street corridor is constrained by existing development on its north and south sides, as well as Fanno Creek itself, the new bridge must be built in the same approximate location as the existing bridge. Opportunities to design the improvements for further avoidance of significant wetlands and sensitive lands are limited.

2.3.2. Site Alterations

The site alteration description is based on readily available historical information and information from the following documents prepared for the project:

- Land Use Application Exhibit K – Clean Water Services (CWS) Standard Site Assessment (DOWL, June 2024)
- Land Use Application Exhibit F – Wetland Delineation Report (DOWL, January 2024)
- Joint Permit Application (DOWL, January 2024)

Based on observations during the field investigations and a review of Google Earth historical aerial imagery, recent site alterations could have affected the presence, location, and/or geographic boundary of waters and wetlands within and adjacent to the project area. There is evidence of past disturbance within the project area based on a review of historic aerial imagery from Google Earth dated: June 2006, July 2007, June 2008, June 2009, August 2010, and April 2021.

The project area includes two mitigation sites north of SW Tigard Street. One mitigation area is north of SW Tigard Street between Fanno Creek and the Fanno Creek Trail and extends off-site to the north (see Appendix A, Figures 5a, 5b and 5c within the Wetland Delineation Report). This area provided off-site mitigation for TriMet Commuter Rail wetland impacts (TriMet Commuter Rail Wetlands Mitigation Project; DSL Permit Number: 36170-RF; COE Permit Number: 2006-00207). The Year Five Monitoring Report for the TriMet Commuter Rail Wetlands Mitigation Project is provided in Appendix E of the Wetland Delineation Report, and documents site preparation beginning in 2006. Historical aerial imagery shows that vegetation was cleared in this area between 2006 and 2007 and then reestablished to meet their mitigation goals of enhancement and restoration of degraded wetlands.

A second much smaller mitigation area, for the Gaarde Street Widening Project, is also on the north side of SW Tigard Street, between the Fanno Creek Trail and Fanno Creek (see Appendix F of the Wetland Delineation Report). This area provided off-site mitigation consisting of wetland enhancements for the City of Tigard wetland impacts (Mitigation Support Document for The Gaarde Street Widening Project; DSL Permit Number: 24256-GA; COE Permit Number: NA). Historical aerial imagery is limited prior to 2002.

2.3.3. Significant Wetland and Fanno Creek Vegetated Corridor Area Descriptions

The significant wetlands and Fanno Creek vegetated corridor areas in this ESEE analysis are Significant Wetlands A, B, and C, and Fanno Creek VC 5 and VC 6 as shown on Figure 4. These significant wetlands are a portion of larger wetland areas that extend beyond the project area boundary. The wetlands outside of the project area do not have field verified boundaries. The boundaries shown are taken from the Tigard Wetland Inventory Map and publicly available geographic information system (GIS) data and may not be shown in their entirety. They are provided to illustrate the approximate location and scale of additional wetland areas in the vicinity of the project area. The buffer width per the TDC included within each of the significant wetland boundaries and Fanno Creek VC 5 and VC 6 is 50 feet.

Technical information for the significant wetlands and buffer/VC is found in the following documents. The following documents also provided information for the wetland descriptions in this ESEE analysis:

- Land Use Application Exhibit K – CWS Standard Site Assessment (DOWL, June 2024)
- Land Use Application Exhibit F – Wetland Delineation Report (DOWL, January 2024)
- Joint Permit Application (DOWL, January 2024)

Figure 4 includes both the field-verified significant wetlands and the significant wetland areas as mapped within the Tigard Local Wetland Inventory map.

Detailed descriptions of the significant wetlands and Fanno Creek vegetated corridor areas follow, along with descriptions of the proposed project impacts for each. Figure 4 shows existing conditions with the locations of significant wetlands and Fanno Creek vegetated corridor areas, as well as other project area features, including the existing SW Tigard Street Bridge over Fanno Creek. Figure 5 shows the location of impacted areas of significant wetlands and Fanno Creek vegetated corridor areas resulting from the project, as well as proposed project improvements, and some erosion control measures to be used during construction. The CPA would remove the significant designation from only the impacted areas of the significant wetlands.

Table 1 provides a summary of the size of the significant wetlands and Fanno Creek vegetated corridor areas, impact areas, and the types of impacts being proposed.

Significant Wetland A

Significant Wetland A is an approximately 23,665 SF wetland that lies to the north of SW Tigard Street and west of Fanno Creek, extending beyond the project area limits to the north. Significant Wetland A is composed of three primary plant communities: a forested community (PFO), a scrub/shrub community (PSS), and an emergent community (PEM). The forest community is dominated by Oregon ash (*Fraxinus latifolia*), and Nootka rose (*Rosa nutkana*). The scrub/shrub community is dominated by Oregon ash, Douglas spirea (*Spiraea douglasii*), Pacific ninebark (*Physocarpa capitatus*), and redtop bentgrass (*Agrostis gigantea*). The emergent community is dominated by slough sedge (*Carex obnupta*), bentgrass, and reed canarygrass (*Phalaris arundinacea*). Within the project area the buffer/VC consists primarily of a native shrub cover and a mix of native and non-native species dominating the herbaceous ground cover; the condition ranges from degraded to marginal. This significant wetland has the following function ratings:

- “Moderate” for Hydrologic Functions
- “Moderate” for Water Quality Support
- “Moderate” for Fish Habitat
- “Higher” for Aquatic Habitat
- “Moderate” for Ecosystem Support

Project Impact Area: 6,151 SF

Impacts will be to the delineated wetland and the buffer/VC including trees and native and non-native herbaceous and shrub species. Project impacts include:

- Roadway widening and raising;
- Bridge replacement;
- Placement of riprap for scour protection around bridge abutments;
- Fanno Creek channel regrading;
- Construction of sanitary sewer pipe; and
- Construction of stormwater management infrastructure.

See Figure 4 for the location of Significant Wetland A and Figure 5 for the proposed project impact areas.

Significant Wetland B

Significant Wetland B is an approximately 26,786 SF wetland that lies to the north of SW Tigard Street and east of Fanno Creek, extending beyond the project area limits to the north. Significant Wetland B supports emergent vegetation dominated by reed canarygrass. Wetland B has consistent vegetation throughout and is classified under the Cowardin system as seasonally flooded, palustrine emergent wetland dominated by persistent herbaceous vegetation (PEM), and as Riverine under the HGM system. Within the project area the buffer/VC is dominated by Himalayan blackberry and reed canarygrass, with an Oregon ash and willow canopy and the condition is degraded. This significant wetland has the following function ratings:

- “Moderate” for Hydrologic Functions
- “Moderate” for Water Quality Support
- “Moderate” for Fish Habitat
- “Higher” for Aquatic Habitat
- “Moderate” for Ecosystem Support

Project Impact Area: 8,182 SF

Impacts will be to the delineated wetland and the buffer/VC including trees and native and non-native herbaceous and shrub species. Project impacts include:

- Roadway widening and raising;
- Bridge replacement;
- Placement of riprap for scour protection around bridge abutments;
- Fanno Creek channel regrading;
- Construction of sanitary sewer pipe; and
- Construction of stormwater management infrastructure.

See Figure 4 for the location of Significant Wetland B and Figure 5 for the proposed project impact areas.

Significant Wetland C

Significant Wetland C is an approximately 16,972 SF wetland that lies south of the Fanno Creek Trail and west of Fanno Creek, extending beyond the project area limits to the south. Significant Wetland C supports a forested plant community dominated by Oregon ash, Nootka rose, and reed canarygrass. Wetland C is classified under the Cowardin system as a temporarily flooded, palustrine forested wetland dominated by

broad-leaved deciduous vegetation (PFO), and as Riverine under the HGM system. Within the project area the buffer/VC is dominated by non-native shrubs and herbaceous species, including sugar maple, Himalayan blackberry, horsetail (*Equisetum* sp.), and reed canarygrass and the condition is degraded. This wetland has the following function ratings:

- "Moderate" for Hydrologic Functions
- "Moderate" for Water Quality Support
- "Moderate" for Fish Habitat
- "Higher" for Aquatic Habitat
- "Moderate" for Ecosystem Support

Project Impact Area: 11,230 SF

Impacts will be to the delineated wetland and the buffer/VC including trees and native and non-native herbaceous and shrub species. Project impacts include:

- Fanno Creek channel regrading;
- Grading for Fanno Creek trail reconstruction; and
- Construction of stormwater management infrastructure

See Figure 4 for the location of Significant Wetland and Figure 5 for the proposed project impact areas.

Fanno Creek VC 5

Fanno Creek VC 5 is an approximately 2,943 SF vegetated corridor area associated with Fanno Creek that lies to the south of SW Tigard Street and west of Fanno Creek. VC 5 is not associated with Significant Wetlands A-C; rather, Fanno Creek VC 5 is a riparian area offset from Fanno Creek and is a Goal 5 protected resource. Fanno Creek VC 5 includes non-native canopy cover and is dominated by non-native shrubs and herbaceous species. Non-native species include sugar maple, Himalayan blackberry, horsetail, and reed canarygrass. Fanno Creek VC 5 is in degraded condition.

Project Impact Area: 2,943 SF

Impacts to Fanno Creek VC 5 include trees and non-native herbaceous and shrub species. Project impacts include:

- Roadway widening and raising;
- Bridge replacement;
- Placement of riprap for scour protection around bridge abutment; and
- Fanno Creek channel regrading.

See Figure 4 for the location of Fanno Creek VC 5 and Figure 5 for the proposed project impact areas.

Fanno Creek VC 6

Fanno Creek VC 6 is an approximately 6,277 SF vegetated corridor area associated with Fanno Creek that lies south of SW Tigard Street and east of Fanno Creek. Fanno Creek VC 6 is not associated with Significant Wetlands A-C; rather, Fanno Creek VC 6 is a riparian area offset from Fanno Creek and is a Goal 5 protected resource. Fanno Creek VC 6 includes Oregon ash and willow canopy and the shrub layer includes Himalayan blackberry and English holly, and the herbaceous groundcover consists of reed canarygrass, English ivy, shiny geranium, and cleavers. Fanno Creek VC 6 is in degraded condition.

Project Impact Area: 3,130 SF

Impacts to Fanno Creek VC 6 include trees and native and non-native herbaceous and shrub species. Project impacts include:

- Roadway widening and raising;
- Bridge replacement;
- Placement of riprap for scour protection around bridge abutment; and
- Fanno Creek channel regrading.

See Figure 4 for the location of Fanno Creek VC 6 and Figure 5 for the proposed project impact areas.

2.4 Proposed Mitigation

Tigard will mitigate impact areas of the proposed project improvements to ensure that the project does not create a net loss of significant functions and values. Proposed mitigation includes a combination of wetland mitigation bank credits and buffer/VC mitigation at an off-site VC mitigation area.

Tigard will purchase wetland mitigation bank credits to replace the functions and values of the wetlands lost due to project impacts. It is anticipated the bank credits will be purchased from the Tualatin Valley Environmental Bank located within the Tualatin Watershed. The location of the mitigation bank is within the same watershed as the project area and complies with United States Army Corps of Engineers (USACE) and Oregon Department of State Lands (DSL) mitigation requirements (4th Field Sub-basin Hydrologic Unit Boundary [HUC]; Tualatin).

The City of Tigard relies on the CWS Design and Construction Standards (DCS) for the regulation of vegetated corridors when developing mitigation strategies. Per DCS subsection 3.08, permanent encroachments into buffer/VC are required to be mitigated in accordance with CWS requirements. Per CWS Resolution and Order (R&O) 19-5, as amended by R&O 19-22, impacts to buffer/VC directly adjacent to impacted wetland areas do not require mitigation because the wetland mitigation bank credits also address the associated buffer/VC impacts. The mitigation strategies for significant wetlands are listed in Table 2 on the following page. Additional information on each form of proposed mitigation follows the table.

Table 2: Proposed Project Impacts and Mitigation Strategy

Significant Wetland/Fanno Creek Vegetated Corridor	Total Impact Area (SF)	Wetland* Mitigated at Mitigation Bank (SF)	Buffer/VC Mitigated off-site (SF)
Significant Wetland A	6,151	984	5,167
Significant Wetland B	8,182	2,719	5,463
Significant Wetland C	11,230	74	11,156
Fanno Creek VC 5	2,943	-	2,943
Fanno Creek VC 6	3,130	-	3,130
Total Significant Wetland Impact Area	25,563	-	-
Total Fanno Creek Vegetated Corridor Impact Area	6,073	-	-
Mitigation Areas	**-**	**3,777**	**27,859**
Total Mitigated Areas Combined	**-**	**31,636**	
Wetland Mitigation Provided	**-**	**3,777**	
Buffer/VC Mitigation Provided (1.25:1 ratio)	**-**	**34,824**	
Surplus VC Mitigation	**-**	**2,669**	
Surplus Enhancement as Mitigation	**-**	**15,959**	
Total Mitigation Area	**-**	**57,229**	
Total Mitigation Used	**-**	**38,601**	
Total Mitigation Surplus	**-**	**18,628****	
Additional Public Benefit Planting	**-**	**8,223**	

* Delineated wetland within the significant wetland boundary.

** This surplus value includes both surplus VC mitigation (2,669 SF) and surplus enhancement as mitigation (15,959 SF).

2.4.1. Wetland Mitigation Bank Credits

Tigard will provide mitigation for impacts to the delineated portion of significant wetlands through the purchase of 0.09 acres of wetland bank credits. It is anticipated the bank credits will be purchased from the Tualatin Valley Environmental Bank. The Tualatin Valley Environmental Bank is an approximately 106 acre wetland mitigation bank located in Hillsboro, OR that provides wetland mitigation credits for the Tualatin River Watershed (HUC 17090010) below 1,000 feet in elevation.

2.4.2. Vegetated Corridor Mitigated Off-Site

Tigard will mitigate 27,859 SF of buffer/VC impacts not adjacent to impacted wetlands off-site at the Englewood Park VC mitigation site. Englewood Park is located within the same drainage basin as the project area. Per Table 3.2 of the current DCS, the replacement mitigation ratio for VC in marginal or degraded condition is 1.25:1 (34,824 SF).

2.4.3. *Surplus Mitigation and Public Benefit Plantings*

To demonstrate additional public benefit related to water quality, Tigard is proposing to create surplus VC mitigation area (2,669 SF) and additional enhancement as mitigation (15,959 SF) at the Englewood Park VC mitigation site. This surplus provides additional ecological benefit at the Englewood Park site by creating, protecting, and enhancing additional VC in advance of future encroachments that require mitigation (temporal gain).

Additionally, Tigard is proposing to plant approximately 8,223 SF of additional area adjacent to Wetland C through two public benefit planting areas, referred to as Public Benefit Planting Area A and Planting Area B. Planting Area A is located in a floodplain mitigation area adjacent to Fanno Creek and Wetland C, and will be planted to match CWS requirements for a good corridor condition. This area will provide additional benefit since it is not otherwise required by CWS DCS. Planting Area B is located adjacent to a portion of remaining VC 5, and will be restored by planting a single oak tree and approximately 30 shrubs, which Tigard intends to manage in concert with their approach to existing oak savannah areas elsewhere.

2.4.4. *Best Management Practices*

Tigard proposes to use the following Best Management Practices (BMPs) during construction to protect the significant wetlands and other natural resources.

- The contractor will install orange construction fencing just outside the wetland disturbance limits to establish No Work Areas to protect the remaining portion of the significant wetland.
- Standard erosion control BMPs will be used as needed. This includes supported and unsupported sediment fencing, biodegradable erosion control matting, check dams, inlet protection, permanent seeding and rocked/stabilized construction entrances.
- Along the perimeter of the project area, including those areas near significant wetlands, BMPs will include a compost filter berm installed just inside the orange construction fencing.
- Depending on the stage of construction, additional BMPs including compost filter socks, check dams, inlet protection, and erosion control matting will be installed as needed to prevent sediment or sediment-laden waters from entering wetlands.
- All disturbed areas will be seeded with native seed after construction.

2.4.5. *Avoidance Measures*

There are no practicable alternative locations for the proposed project improvements that would completely avoid the significant wetlands and Fanno Creek vegetated corridor areas. This is because the significant wetlands and Fanno Creek vegetated corridor areas are located either parallel or perpendicular to the roadway. In order to assess potential resource impacts and identify areas of avoidance, three (3) bridge design alternatives were evaluated:

The first alternative considered was a single-span bridge. This option includes the least amount of new roadway fill; however, the bridge overtops during the three year flood event, which does not achieve the project's stated purpose and is not allowed under current City of Tigard design standards. Additionally, a 3-barrel box culvert would be required to achieve no-rise, which would result in increased disturbances to the project area's significant wetlands and Fanno Creek's vegetated corridor areas.

The second alternative was a four-span bridge. This alternative had the shallowest superstructure depth, which provides the most hydraulic opening and clearance over the 100-year flood event. However, one of the interior supports would have been in a high-flow area of the channel, which would increase the potential for scour. This alternative would have the longest construction time and include the addition of approximately 6 feet of new roadway fill to elevate the roadway. As a result, the Fanno Creek Trail would need to be raised as it approaches and crosses SW Tigard Street. The additional roadway fill and four spans would result in increased disturbances to the project area's resources.

The preferred third alternative that was ultimately selected is a two-span bridge. This alternative uses unbalanced spans of 67 feet and 57 feet to keep the foundation out of the high-flow portion of the channel. This reduces scour and minimizes impacts to the existing channel and the project area's significant wetlands and Fanno Creek's vegetated corridor areas. This alternative would also raise the new roadway by approximately 7 feet to reduce flooding, in support of the project's purpose.

An off-site alternative was not considered because it would not satisfy the project's purpose of replacing SW Tigard Street's existing crossing of Fanno Creek.

2.4.6. Proposed Mitigation Summary

The project will result in approximately 31,636 SF of total impacts to portions of significant wetlands and vegetated corridors associated with Fanno Creek within the project area. Tigard will mitigate for all project impacts (31,636 SF) and will also provide surplus VC mitigation area (2,669 SF) and additional enhancement as mitigation (15,959 SF). In total, the mitigation area will be approximately 57,229 SF. To reduce the impacts and mitigate for the loss of these significant wetland areas and VC, Tigard will use a combination of avoidance measures, BMPs, and mitigation strategies. Mitigation for the delineated portion of the significant wetlands will be accomplished through the purchase of wetland mitigation bank credits, anticipated to be purchased at the Tualatin Valley Environmental Bank at 1:1 ratio. Buffer/VC areas will be mitigated off-site at the Englewood Park VC mitigation site at a 1.25:1 ratio. In addition, Tigard is proposing additional public benefit planting area located adjacent to Wetland C and VC 5 (8,223 SF).

3.0 SITE SPECIFIC ESEE ANALYSIS

An ESEE analysis describes the economic, social, environmental, and energy consequences of allowing, limiting, or prohibiting conflicting uses for the proposed project within the significant wetlands and Fanno Creek vegetated corridor areas in the project area limits. For the purpose of this analysis, "allow", "limit", and "prohibit" are defined as follows:

Allow Conflicting Uses: "Allowing" conflicting uses means that Tigard is not applying additional protections to Significant Goal 5 Natural Resources beyond baseline protection provided by other, non-Goal 5 local, state, and/or federal requirements. This alternative emphasizes developing lands containing Significant Goal 5 Natural Resources.

Limit Conflicting Uses: "Limiting" conflicting uses strikes a balance between completely developing Significant Goal 5 Natural Resources and completely protecting them. This alternative involves developing lands in ways that minimize negative environmental and economic tradeoffs, supporting the development goals embodied in local and regional land use plans, and protecting the most important Goal 5 Significant Natural Resources.

Prohibiting Conflicting Uses: "Prohibiting" conflicting uses would prevent development actions that conflict with, or degrade, Significant Goal 5 Natural Resources. This scenario emphasizes resource protection. Protection measures would exceed baseline protections provided by other local, state, and/or federal requirements.

For evaluation of all consequences the following items are applicable for the proposed project:

- ODOT's 2016 bi-annual inspection identified critical structural deficiencies in the existing bridge, resulting in the City being provided a deficiency letter that recommended rehabilitation and ultimately the bridge's replacement. Further, the existing bridge currently experiences flooding during three year flood events, posing a risk to the travelling public.
- The existing bridge currently lacks complete sidewalks and bicycle lanes, providing a higher risk travelling condition for pedestrians and cyclists.
- Within the project area, the average daily traffic is 2,112 vehicles for combined eastbound and westbound traffic (in 2022). This is expected to increase to 3,300 vehicles per day by 2045 based on a two percent growth rate.
- The purpose of the project is to replace the functionally obsolete[6] existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing west of the bridge.
- Tigard will provide mitigation only for impact areas of the proposed project to ensure that the project creates no net loss of significant wetland and vegetated corridor function and values.

3.1 Economic Consequences

The following describes the economic consequences for each of the three protection scenarios.

3.1.1. Prohibiting Conflicting Use (Full Protection)

The consequences of prohibiting the conflicting use would be mixed. The consequences for the significant wetlands and Fanno Creek vegetated corridor areas would be positive. The wetlands and vegetated corridor areas would not be removed and would remain in their current state with no project-related impacts. The overall function and value of the resources would be protected. However, the negative impacts to the

[6] ODOT's *2021 Bridge Condition Report & Tunnel Data* describes "functionally obsolete" as meaning bridges that "do not have adequate lane widths, shoulder widths, vertical clearances, or design loads to serve traffic demand. This definition also includes bridges that may be occasionally flooded".

fringe areas of the significant wetlands and vegetated corridor areas closest to SW Tigard Street from existing traffic and exhaust fumes would continue.

The economic consequences related to prohibiting the proposed project improvements would be negative. Without the improvements, the purpose of the project, to replace a functionally obsolete bridge with a new bridge wide enough to also safely accommodate pedestrians and cyclists could not be met. Further, the existing bridge would continue to structurally deteriorate and remain susceptible to frequent flood events, limiting passage and increasing the need for closures for additional emergency repairs. It is possible that structural deficiencies in the bridge identified through ODOT inspections could eventually cause the bridge's permanent closure; a complete closure of the bridge could result in travel delays and detours for the travelling public and increase emergency service response times and availability. Travel delays have a negative economic effect on local and regional commerce including commercial, service and delivery uses, freight transport, and local businesses. Increased emergency response times harm the perceived livability of the community, which, in turn, can negatively affect the community's economy. Further, if the existing bridge were to collapse or washout, downstream impacts from the debris could be significant in terms of safety and cleanup costs. Finally, the existing bridge is low in elevation and has hydraulic implications on Fanno Creek, causing water levels to rise during flood events, causing impacts to properties subject to inundation.

The importance of the SW Tigard Street bridge's replacement is evident through its identification on Tigard's 2023-24 CIP. The infrastructure needs identified through the CIP are critical to the economy of Tigard and overall region and keeping the area economically competitive. Per ODOT's *2021 Bridge Condition Report & Tunnel Data*[7], repair projects on older structures are costly and have little return on investment, and replacing functionally obsolete bridges is less costly in the long run. For this reason, prohibiting the conflicting use would result in a negative economic consequence through impacts to commerce (resulting from delays due to bridge closures) and routine additional expenses for repair and maintenance work to the existing structure.

3.1.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use to the proposed project improvements and providing the proposed compensatory mitigation and avoidance measures would allow the proposed project to move forward and would generally have positive consequences. The purpose of the project, to replace the functionally obsolete existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing west of the bridge, would be met. While the significant wetlands and Fanno Creek vegetated corridor areas would be impacted, Tigard would avoid the resource areas to the maximum extent possible and would provide for local mitigation requirements for significant wetland impact areas and vegetated corridors with an end result of no net loss of resource function and values.

The City of Tigard relies on the CWS DCS for the regulation of vegetated corridors when developing mitigation strategies. Tigard proposes to provide mitigation that would include a combination of wetland mitigation bank credits and off-site mitigation at the Englewood Park VC mitigation site. Tigard also proposes to provide additional surplus mitigation and public benefit planting areas in order to provide additional public benefit related to water quality. The mitigation strategies for significant wetlands and Fanno Creek vegetated corridor areas are identified in section 2.4, Table 2.

Tigard has no practicable alternative locations for the proposed project improvements that would completely avoid the significant wetlands and Fanno Creek vegetated corridor areas. Given the purpose of the project to replace the existing bridge, an off-site alternative could not meet the project's purpose and was not considered. The proposed project is primarily located within existing ROW for SW Tigard Street and encroachments outside of existing ROW have been minimized to the extent practicable. This is because the significant wetlands and Fanno Creek vegetated corridor areas are located either parallel or perpendicular to the roadway and generally extend to the edge of the paved roadway and existing bridge

[7] https://www.oregon.gov/odot/Bridge/Documents/2021BCR.pdf

structure. Tigard has carefully designed the project to avoid and minimize impacts to resources to the maximum extent practicable, as described in section 2.4.5 (Avoidance Measures).

Building the proposed project improvements with the identified avoidance and mitigation measures provides economic benefits. With the proposed project improvements, a new bridge structure can be constructed that meets the project's purpose and will help avoid closures of the SW Tigard Street corridor in the future from flooding or further bridge deterioration. This would be an economic benefit for business and commerce that rely on this corridor. It also creates a more viable and reliable emergency response route for Tualatin Valley Fire & Rescue (TVF&R) and the Tigard Police Department, which increases the community's perceived livability, which, in turn, can have positive impacts on the community's economy. Replacing the existing bridge is also less expensive in the long term versus routine and frequent maintenance and repairs of the existing bridge structure.

There is a capital construction expenditure by the City of Tigard for the cost of the proposed project improvements, which may be viewed as a negative by some individuals.

3.1.3. Allow Conflicting Use (No Protection)

The consequence of allowing the conflicting use would be mixed. The consequences for the significant wetlands and Fanno Creek vegetated corridor areas would be negative. The wetland and vegetated corridor areas would further deteriorate with portions removed. Since no local protections would be in place, Tigard would not provide avoidance and mitigation measures. Allowing the use would require USACE and CWS review and mitigation would also be required due to the ground disturbing activities. Depending on the implementation of required mitigation strategies, mitigation and/or enhancement to compensate for the proposed disturbance could likely occur in an unconnected area of the site, which may further diminish the quality and character of the remaining resource areas. The economic consequences related to allowing the proposed project improvements would be most beneficial as stated above in section 3.1.2.

3.2 Social Consequences

The following describes the social consequences for each of the three protection scenarios.

3.2.1. Prohibiting Conflicting Use (Full Protection)

The consequences of prohibiting the conflicting use would be mixed. The consequences for the significant wetlands and Fanno Creek vegetated corridor areas would be positive. The resource areas would not be removed and would remain in their current state with no new impacts related to the proposed project improvements. The overall function and value of the resources would be protected. However, the negative impacts to the fringe areas of the resources closest to SW Tigard Street from existing traffic would continue.

The social consequences related to prohibiting the proposed project improvements would be negative. Without the proposed improvements, the purpose of the project could not be achieved[8]. There would be decreased safety along this segment of SW Tigard Street, with worsening traffic, less safe facilities for pedestrians and cyclists, and continued impacts from routine flooding that can place the travelling public at risk. These are all negative effects on the health, safety, and welfare of the general public.

Prohibiting the conflicting use would also have the negative impact of eliminating proposed sidewalks and bicycle lanes on this segment of SW Tigard Street, which would in turn reduce multi-modal connections to Dirksen Nature Park and the Fanno Creek Trail and minimize Tigard resident's' access to public parks and open spaces.

[8] The purpose of the project is to replace the functionally obsolete existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing west of the bridge.

3.2.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use to the proposed project improvements and providing the proposed mitigation and avoidance measures would allow the project to move forward and would generally have positive consequences. The purpose of the project would be met. While significant wetlands and Fanno Creek vegetated corridor areas would be impacted, Tigard would avoid the wetlands to the maximum extent possible and would provide for local mitigation requirements for significant wetland impact areas and vegetated corridors with an end result of no net loss of resource function and values.

Mitigation and avoidance measures would be used, as stated above in section 3.1.2, to protect the significant wetlands to the maximum extent practicable. Resource function and values would remain intact.

The social consequences would be beneficial. The proposed project improvements would increase safety for the travelling public, including for pedestrians and cyclists. Safer facilities for vehicles, pedestrians and cyclists reduces stress for all users, and increases mobility options along the SW Tigard Street corridor. This would contribute to the increased community livability in Tigard and surrounding areas, and a higher quality of life.

An additional positive social consequence will be realized by the addition of sidewalks and bicycle lanes on this segment of SW Tigard Street, which provides additional multi-modal connections to Dirksen Nature Park and the Fanno Creek Trail, increasing access to public parks and open spaces through safer pedestrian and bicycle facilities for Tigard residents.

There would also be a short-term positive social consequence of increased employment through the need for additional construction and supporting services workers required to construct the proposed project. Similarly, a short-term negative social consequence would result due to bridge closures during construction and detour routes, resulting in marginally longer travel times.

3.2.3. Allow Conflicting Use (No Protection)

The consequences of allowing the conflicting use would be mixed. The consequences for the significant wetlands and Fanno Creek vegetated corridor areas would be negative. Portions of the resource areas would be removed, and with no local protections in place, Tigard would not provide avoidance and mitigation measures. Allowing the use would require USACE and CWS review and mitigation as discussed in section 3.1.3 above. The consequences related to allowing the proposed project improvements would be most beneficial as stated above in section 3.2.2.

3.3 Environmental Consequences

The following describes the environmental consequences for each of the three protection scenarios.

3.3.1. Prohibiting Conflicting Use (Full Protection)

The consequence of prohibiting the conflicting use would be mixed. The consequences for the significant wetlands and Fanno Creek vegetated corridor areas would be positive. The resource areas would not be removed and would remain in their current state with no impacts. The overall function and value of the resources would be protected.

As identified in section 2.3.3 (Significant Wetland and Fanno Creek Vegetated Corridor Area Descriptions), the delineated wetland portion of the significant wetlands largely offer only moderate habitat quality[9], which is further diminished where the significant wetlands are adjacent to SW Tigard Street. The VC/buffer portions of the significant wetlands range from degraded to marginal. Prohibiting the proposed project improvements is not anticipated to significantly improve the function and value of habitat. The current ongoing negative impacts to the fringe areas of the resources closest to SW Tigard Street from existing traffic would continue.

[9] "Higher" for aquatic functions.

Other environmental consequences would potentially be negative without the proposed project improvements. As the existing bridge does not provide adequate pedestrian and bicycle facilities, certain segments of the public may elect to use vehicles when they would have otherwise walked or cycled to which, over time, can contribute to decreased air quality. Further, prohibiting the proposed project improvements would not accommodate the purpose of the project.

A positive consequence to air quality would be eliminating dust and particulate matter generated by construction activity (i.e., earth moving/grading) and the impacts of exhaust and noise from construction vehicles.

3.3.2. Limit Conflicting Use (Limited Protection)

Limiting the conflicting use to the proposed improvements and providing the proposed mitigation and avoidance measures would allow the project to move forward and would generally have positive consequences. The purpose of the project would be achieved. While the significant wetlands and Fanno Creek vegetated corridor areas would be impacted, Tigard would avoid the resource impacts to the maximum extent practicable and would provide mitigation for proposed impacts with an end result of no net loss of resource function and value.

Mitigation and avoidance measures would be used, as described in section 3.1.2, to protect the resource areas to the maximum extent practicable. Resource function and value would remain intact.

3.3.3. Allow Conflicting Use (No Protection)

The consequence of allowing the conflicting use would be mixed. The consequence for the significant wetlands and Fanno Creek vegetated corridor areas would be negative. The resources would further deteriorate with portions removed. Since no local protections would be in place, Tigard would not provide avoidance and mitigation measures. Benefits to habitat and wildlife related to proposed mitigation would not be realized. However, allowing use would require USACE and CWS review and mitigation due to the ground disturbing activities. Depending on the implementation of required mitigation strategies, mitigation and/or enhancement to compensate for the proposed disturbance could likely occur in an unconnected area of the site, which may further diminish the quality and character of the remaining resource areas. The consequences related to allowing the proposed project improvements would be most beneficial as stated above in section 3.3.2.

3.4 Energy Consequences

The following describes the energy consequences for reach of the three protection scenarios.

3.4.1. Prohibiting Conflicting Use (Full Protection)

The consequence of prohibiting the conflicting use would be mixed. The consequences for the significant wetlands and Fanno Creek vegetated corridor areas would be positive. The resource areas would not be removed and would remain in their current state with no new impacts. The overall function and value of the resource areas would be protected. However, the current ongoing negative impacts to the fringe areas of the resources closest to SW Tigard Street from existing traffic would continue.

The energy consequence of prohibiting the proposed project improvements is negative. Without the proposed project improvements, the purpose of the project could not be achieved[10]. There would likely be increased delays and decreased mobility due to closures of the existing bridge structure needed for regular maintenance and/or flooding. As the existing bridge does not provide adequate pedestrian and bicycle

[10] The purpose of the project is to replace the functionally obsolete existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing west of the bridge.

facilities, certain segments of the public may elect to use vehicles when they would have otherwise walked or cycled for their trip, which, over time, can contribute to increased fuel consumption.

A positive consequence would be the temporary elimination of fuel consumption by construction vehicles and construction workers travelling to the project area.

3.4.2. Limit Conflicting Use (Limited Protection

Limiting the conflicting use to the proposed project improvements and providing the proposed mitigation and avoidance measures would allow the project to move forward and would generally have positive consequences. The purpose of the project, to replace the functionally obsolete existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing west of the bridge, would be achieved. While the significant wetlands and Fanno Creek vegetated corridor areas would be impacted, Tigard would avoid the resource areas to the maximum extent possible and would provide mitigation with to ensure no net loss of function and values.

Mitigation and avoidance measures would be used, as described in section 3.1.2, to protect the resource areas to the maximum extent practicable. Resource function and values would remain intact.

Fuel consumption would increase during construction but could potentially be offset by short and long term benefits. With the proposed project improvements, including adequate pedestrian and bicycle facilities, an increase in non-vehicle trips could be expected. Further, closures of the bridge for structural maintenance and flood events, which lengthen vehicle trips due to detours, can be avoided. As a result, the free flow of traffic could increase resulting in a likely reduction in fuel consumption, vehicle trips, and improved energy efficiency.

3.4.3. Allow Conflicting Use (No Protection)

The consequences of allowing the conflicting use would be mixed. The consequence for the significant wetlands and Fanno Creek vegetated corridor areas would be negative. Portions of the resources would be removed, and with no protections in place, avoidance measures and mitigation measures would not be used. The consequences related to allowing the proposed project improvements would be most beneficial as stated above in section 3.4.2.

3.5 Conclusion

The applicant's proposal provides a thorough analysis of the relative trade-offs between the City's natural resource protection intentions for significant wetlands and Fanno Creek vegetated corridors and the need to provide safer transportation facilities for residents, commerce, and drivers. The proposed project will replace the functionally obsolete existing bridge with a new bridge wide enough to accommodate pedestrians and cyclists (on both sides of the roadway) along with vehicles, raise the bridge crossing to reduce flooding frequency and severity, and improve safety and illumination for the Fanno Creek Trail crossing west of the bridge. The project helps the City of Tigard meet its capital improvement goals and will provide safe and efficient transportation infrastructure for residents of Tigard.

Prohibiting the conflicting uses within the project's impact area would preserve the existing significant wetlands and Fanno Creek vegetated corridor areas but would not advance a critically needed transportation project that will provide increased safety for a variety of transportation modes. This would result in multiple negative consequences as follows:

- Continued delays related to the bridge's closure from routine structural maintenance and upkeep of the existing bridge structure and flood events, resulting in increased energy and fuel usage.
- Lack of adequate and safe facilities for pedestrian and cyclists that result in certain segments of the population choosing to drive when they would have otherwise used an alternative transportation method, resulting in no reduction in vehicle trips.

- No positive economic growth benefit from new construction jobs and an increased demand for supporting services related to the project's construction.
- Increasingly dangerous conditions resulting from the bridge's continued structural deterioration.
- Increased emergency response times due to limited passage stemming from bridge closures for additional emergency repairs.

Limiting the conflicting use to the proposed project improvements and providing the proposed mitigation measures would allow the project to move forward. While the significant wetlands and Fanno Creek vegetated corridor areas would be impacted, Tigard would avoid the resource areas to the maximum extent possible and would provide mitigation for impacts with an end result of no net loss of resource area function and values. Limiting the conflicting use and allowing the project to move forward with mitigation as proposed would allow Tigard to construct a critically needed transportation project that will provide increased safety for a variety of transportation modes and complete the following actions:

- Remove small portions of the significant wetlands that are a part of larger wetland complexes, with reduced function and value, and a degraded condition due to past and ongoing disturbance from roadway operations.
- Increase safety by providing a new bridge structure that is less susceptible to flooding events and provides adequate and safe facilities for pedestrians and cyclists.
- Reduce the number of potential delays resulting from closures for necessary bridge maintenance and flood events, with related positive economic impacts to drivers and businesses that rely on this segment of SW Tigard Street.
- Generate positive economic activity from new construction jobs and an increased demand for supporting services related to the project's construction.
- Improve quality of life, health, safety, and welfare due to increased safety for multiple transportation modes while also creating a more reliable emergency response route for TVF&R and the Tigard Police Department.
- Increase mobility within Tigard and provide modern infrastructure that improves livability and quality of life within the community.
- Decrease energy use to due to lower fuel consumption as a result of decreased closures of the bridge due to flood events and necessary maintenance.

Allowing the conflicting uses with no protection would allow Tigard to construct the project, with the results listed above, but would have the greatest impact to the resource areas since no avoidance or mitigation measures would be provided.

3.6 Recommended Decision

This analysis concludes that limiting the conflicting use to the proposed project would result in the most positive consequences of the three decision scenarios. A decision to limit the conflicting use will avoid many of the negative consequences attributed to either allowing or prohibiting the conflicting use. Tigard's project design to avoid and minimize impacts to resource areas, including significant wetlands and Fanno Creek vegetated corridor areas, to the greatest extent possible, together with proposed mitigation, enhancement, and BMPs used during construction, while also providing additional surplus mitigation and public benefit planting areas, provides a public benefit that would significantly offset the amount of proposed resource impacts, while contributing to increased public safety, health and welfare.

CITY OF TIGARD

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Tigard Street Bridge Replacement

CPA2024-00001/SLR2024-00002/MMD2024-00002

City Council Hearing

Community Development | July 1, 2025

Site Location and information

Location: West of the intersection of SW Tigard Street and SW Tiedeman Ave

Project Area: 3.76 acres

Zoning: RES-B, RES-D, PR, I-P

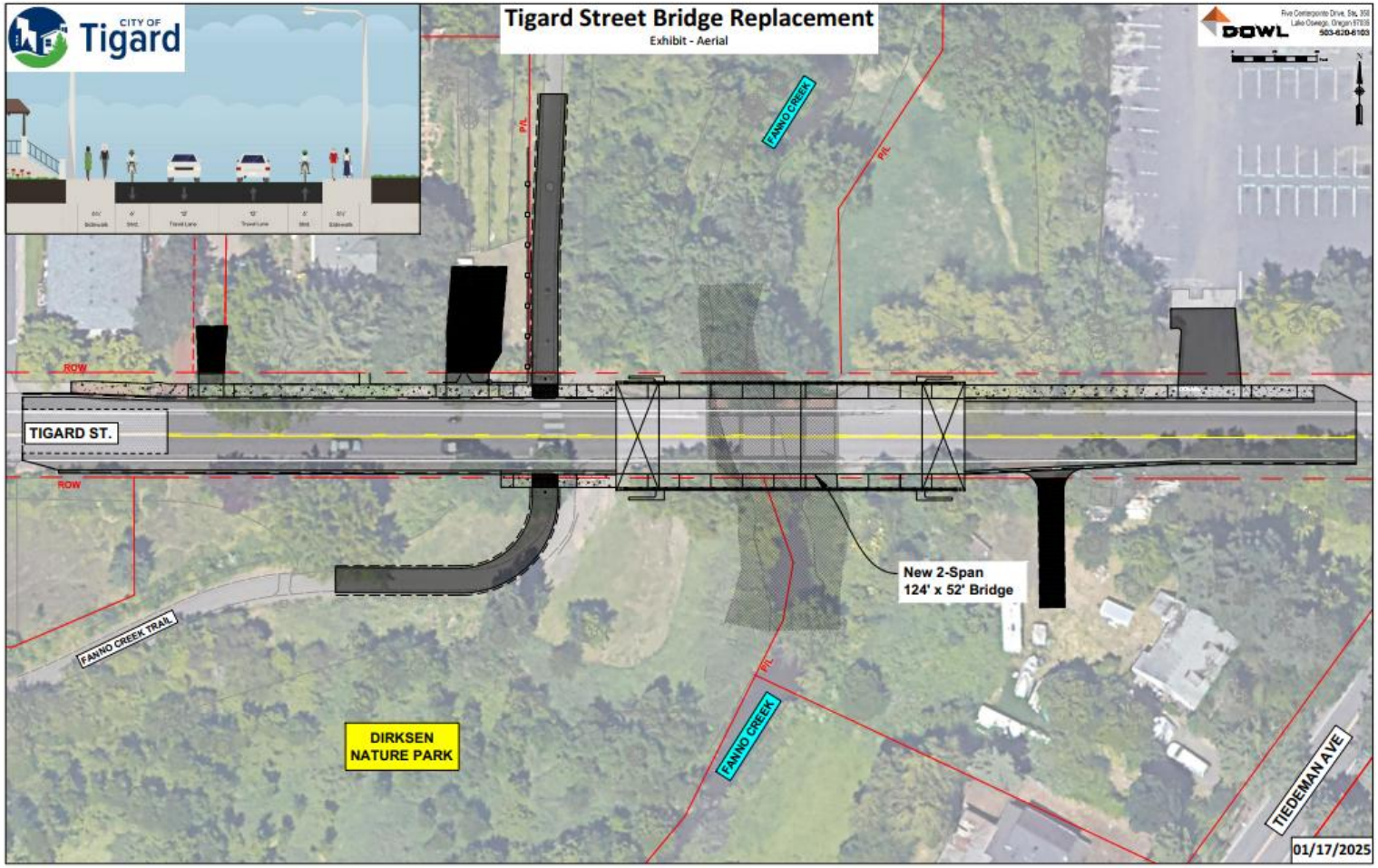
Site includes a portion of Dirksen Nature Park



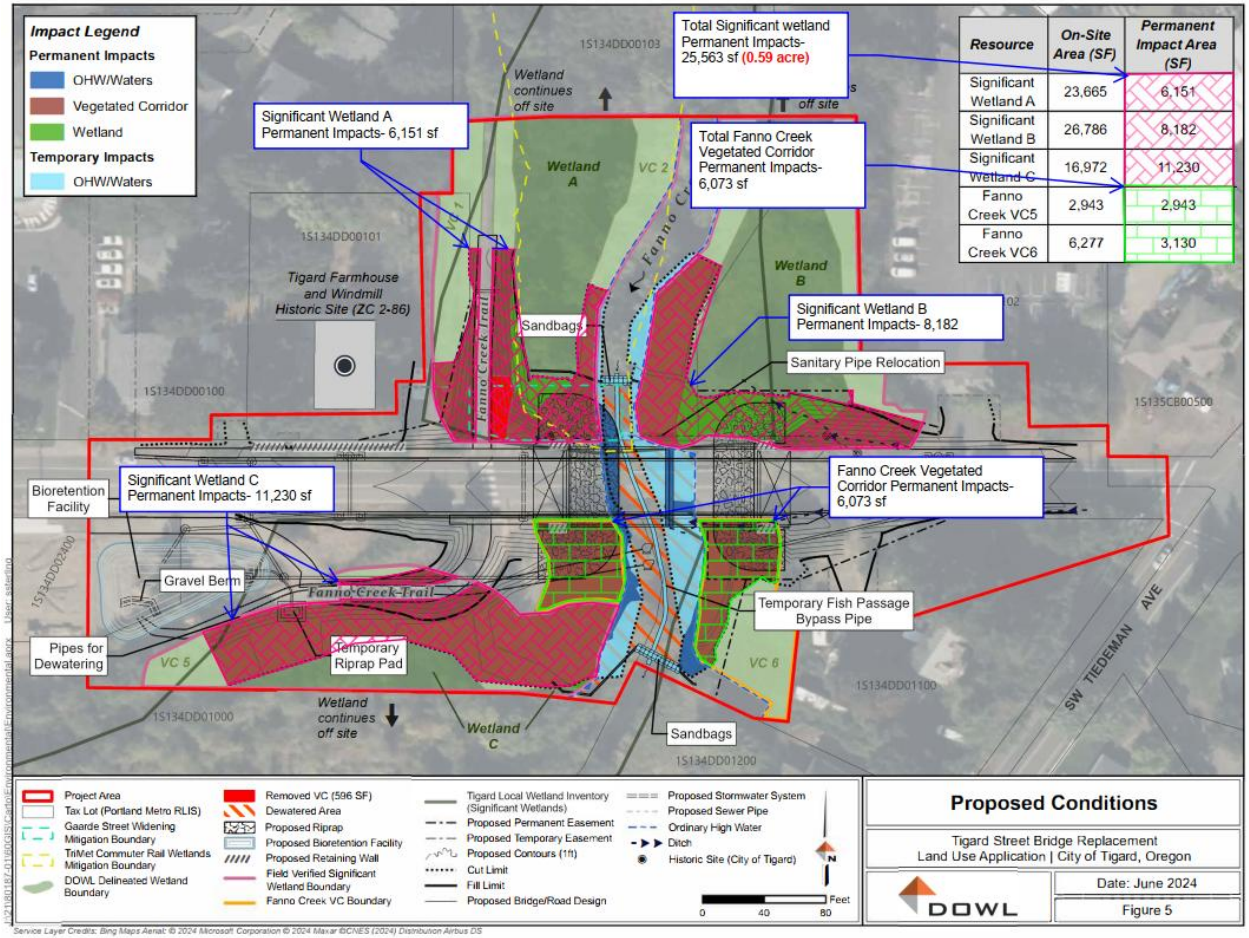
Project Summary

- Comprehensive Plan Map Amendment
  - Remove Goal 5 safeharbor protection from areas designated Significant Wetland (0.59 acre) and Fanno Creek vegetated corridor (0.14 acre)
- Sensitive Lands Review
  - Work done within FEMA floodway
- Minor Modification
  - Stormwater Facility in Dirksen Nature Park

Site Plan

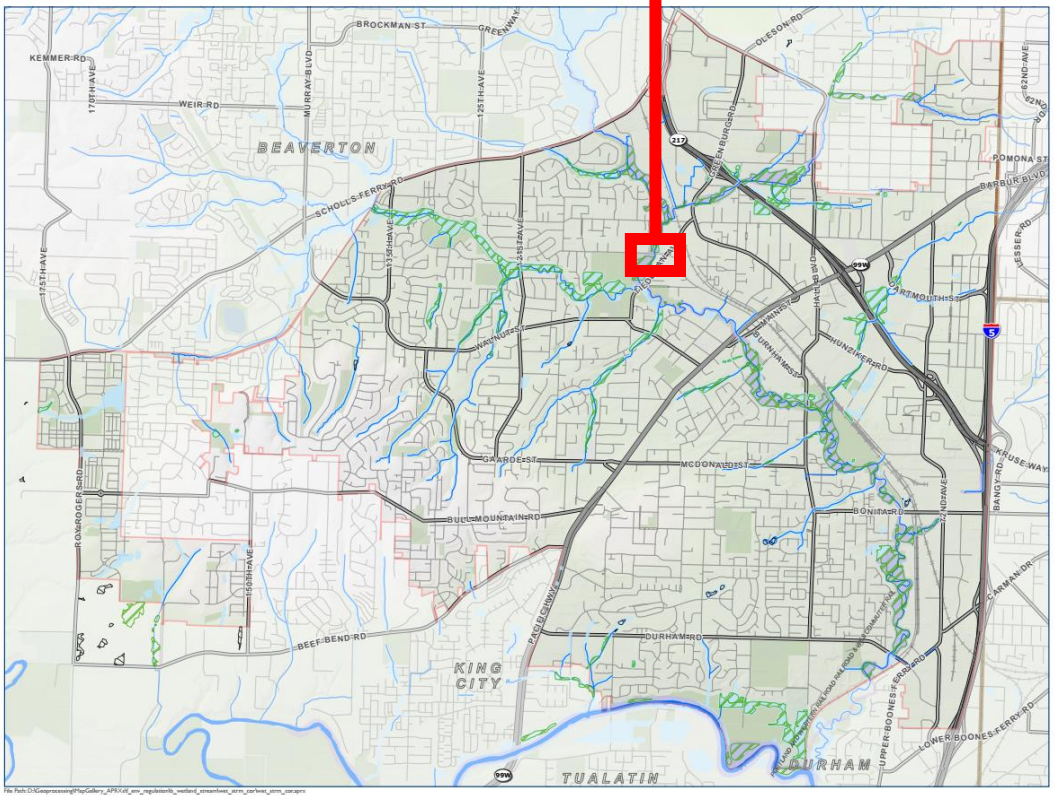

CITY OF Tigard
Tigard Street Bridge Replacement
Exhibit - Aerial
DOWL
FANNO CREEK
PPL
ROW
TIGARD ST.
New 2-Span
124' x 52' Bridge
FANNO CREEK TRAIL
DIRKSEN
NATURE PARK
TIEDEMAN AVE
01/17/2025

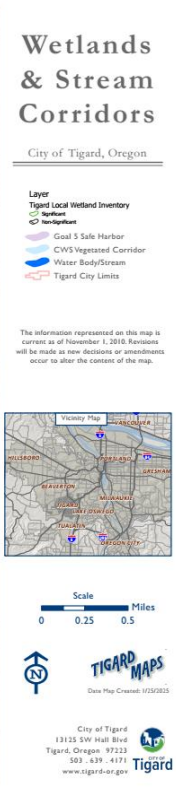
Natural Resource Areas

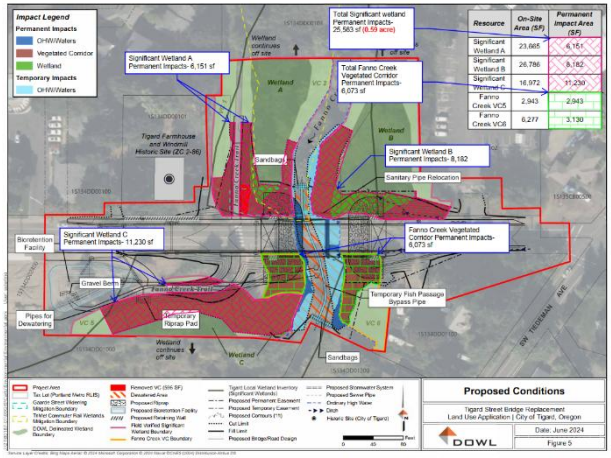


Natural Resource Areas





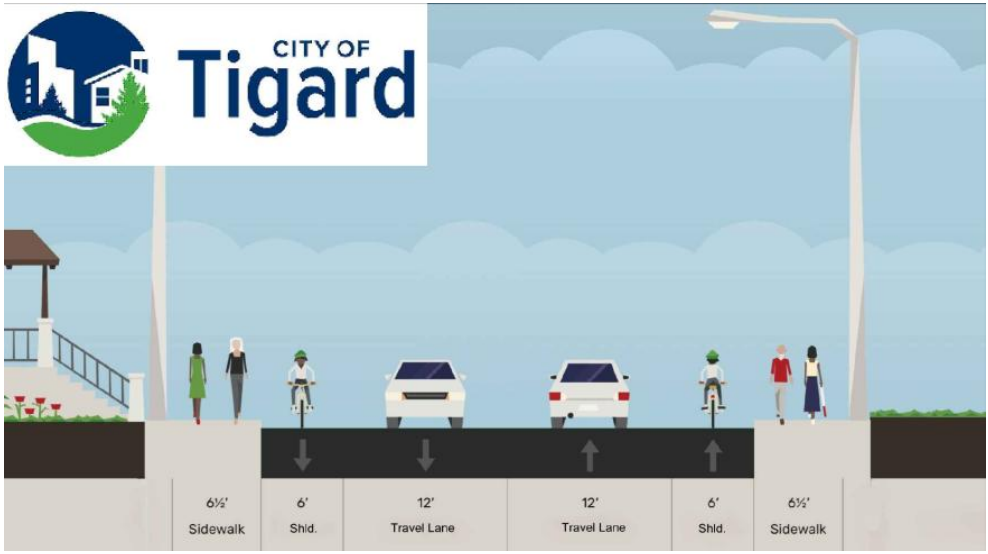




Current and Proposed:



View of current Tigard Street Bridge



Proposed Conditions

Project Need:

- Identified in ODOT inspection and on City's CIP due to critical structural deficiencies
- Current bridge experiences frequent flooding
- Narrow vehicle lanes, no shoulders and limited pedestrian amenities

Environmental, Social, Economic and Energy (ESEE) Analysis

- Evaluation involves identifying consequences of allowing, limiting, or prohibiting conflicting uses in resource areas
- Conclusion: Limiting the conflicting use is most beneficial
- Benefits include:
  - Improved facilities for pedestrians, cyclists, and motorists
  - Preventing bridge closures due to ongoing maintenance
  - Preventing possibility of bridge failure and/or flooding
  - More reliable emergency response time
  - Construction jobs and services related to project construction
  - Will provide surplus mitigation of impacts to resource areas

Findings:

- The proposal provides detailed information on how the development complies with all applicable comprehensive plan policies, statewide planning goals, and Metro Titles 3 and 8.
- All applicable development code criteria and standards are met or can be met through conditions of approval.
- There are adequate public facilities to serve the proposed development.

Planning Commission Recommendation:

On February 3, 2025, the Planning Commission made a unanimous vote in favor of recommending that the City Council adopt by ordinance the proposed:

- Comprehensive Plan Map Amendment,
- Sensitive Lands Review, and
- Minor Modification,

thereby removing Goal 5 protection from 0.59 acres of locally significant wetlands and 0.14 acres of Fanno Creek Vegetated Corridor from the “Tigard Wetland and Stream Corridor Map” Inventory.

CITY OF TIGARD

Respect and Care | Do the Right Thing | Get it Done

Tigard Street Bridge Replacement

CPA2024-00001/SLR2024-00002/MMD2024-00002

City Council Hearing

Community Development | July 1, 2025

Tigard Street (Fanno Creek) Bridge Replacement

Comprehensive Plan Amendment, Sensitive Lands Review, Minor Modification
CPA2024-0001/SLR2024-00002/MMD2024-0002

Tigard City Council

July 1st, 2025

DOWL

Applicant Team Introductions

- Applicant – **City of Tigard Public Works**
- Applicant's Consultant – **DOWL**

Land Use Request Summary

- **Type III-Modified Comprehensive Plan Amendment** for proposed impacts to designated significant wetlands and Fanno Creek vegetated corridors identified on Tigard's "Wetland and Stream Corridors Map

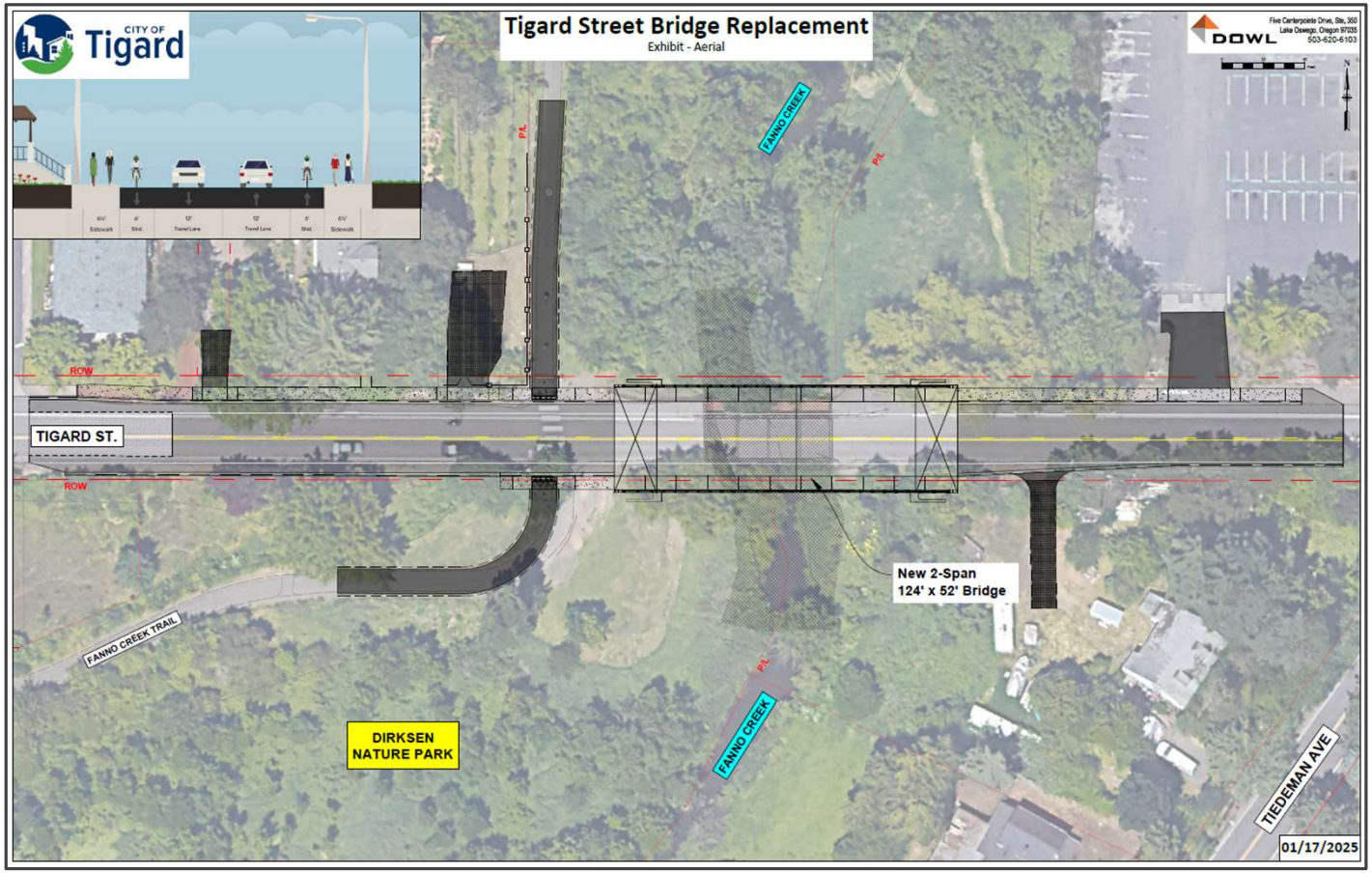
- **Sensitive Lands Review** for work occurring within the regulated floodway and special flood hazard area (100-year floodplain)

- **Minor Modification** to the Dirksen Nature Park CUP (CUP 2013-00001) in order to construct a new stormwater bioretention facility within the park's boundary.

Purpose and Need

- Existing bridge was constructed in 1958 and was identified for replacement based ODOT's 2016 bi-annual bridge inspection report.
- Existing bridge's road surface is prone to flooding and is structurally deficient. Emergency repairs were completed in 2017 with the understanding the bridge would be replaced.
- Proposed bridge structure is seismically resilient and is above the 100-year floodplain.
- Provides safer conditions for vehicles, cyclists and pedestrians.
- Project is identified on Tigard's Capital Improvements Plan (CIP) as project #95060

Future Condition



Next Steps and Timeline



Questions?

DOWL

AIS-5891 **8.**

Business Meeting

Meeting Date: 07/01/2025

Length (in minutes): 20 Minutes

Agenda Title: COMPENSATION FOR CITY OFFICERS

Authored By: Laura Gomez

Presented By: HR Director Gomez

Item Type: Update, Discussion, Direct Staff

Public Hearing Legal Ad Required?: No

Publication Date:

Information

EXPLANATION OF ISSUE

Staff was directed by Council on March 18, 2025 to provide a proposal for administering merit and compensation adjustments for the City Manager, City Attorney, and Municipal Judge.

ACTION REQUESTED

Council consensus and approval of the staff recommended merit and compensation administration process for the City Manager, City Attorney, and Municipal Judge.

BACKGROUND INFORMATION

Staff was directed on March 18, 2025 to provide a proposal for administering merit and compensation adjustments for the City Manager, City Attorney, and Municipal Judge. Staff provided a memo on May 19, 2025 detailing a process recommendation. Staff was asked on June 2, 2025 to explore other options to include a subcommittee.

ALTERNATIVES & RECOMMENDATION

N/A

ADDITIONAL RESOURCES

N/A

Attachments

Recommended Comp Process Memo

Process Proposal

City of Tigard

MEMORANDUM

13125 SW Hall Boulevard, Tigard, Oregon 97223 • www.tigard-or.gov

To: Mayor Lueb and Councilor Schlack

From: Laura Gomez, Human Resources Director

Re: Merit and Compensation Administration Process for the City Manager, City Attorney and Municipal Judge

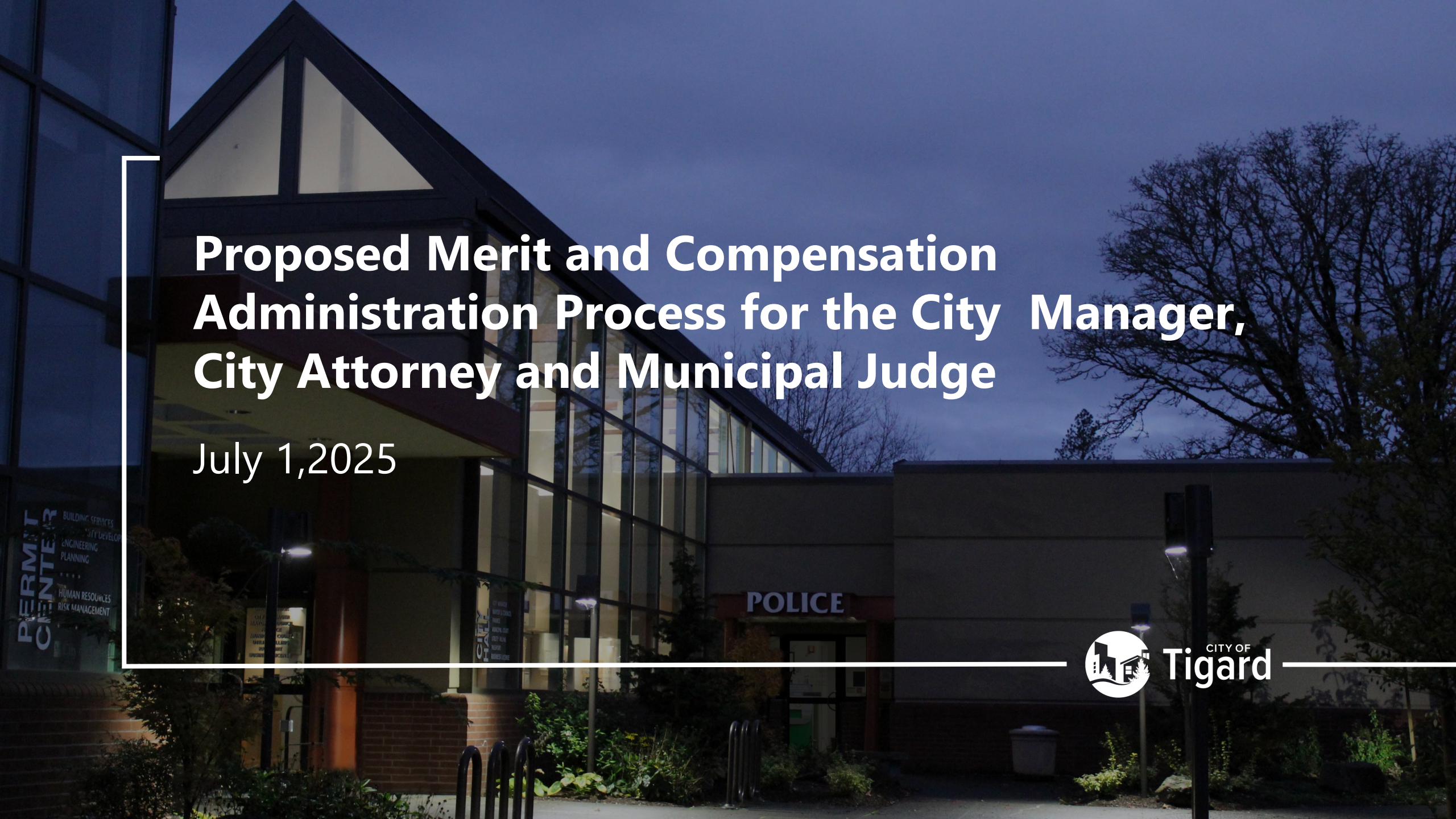
Date: May 19, 2025

This memo provides a process recommendation for administering the merit and compensation pay increases and adjustments for the City Manager, City Attorney, and Municipal Judge.

In consideration of regulatory requirements described in Oregon's Pay Equity Law and Oregon Ethics Government Commission administrative rule (199-040-0020) (3) "where compensation, including salaries and benefits, must not be discussed or negotiated during an executive session under ORS 192.660(2)(a), (b) or (i)", it is recommended that the City's Human Resources Director administer and process salary increases to the City Manager, City Attorney, and Municipal Judge positions to ensure compliance with the referenced Oregon Revised Statutes, Pay Equity Law, Oregon Ethics rules, and City compensation policies.

Recommended Process:

1. The Council will complete, in accordance with respective Employment Agreements, annual performance evaluation and assessment.
2. The Council will provide the City's Human Resources Director with the outcome of the annual performance assessment and evaluation within 14 days of the completed review and assessment.
3. The City's Human Resources Director will determine the appropriate compensation allocation based on benchmarked compensation data and analysis within the City's pay structure and policies.
4. The City's Human Resources Director will also comply with the regulatory requirements, terms described in statutes, rules, respective Employment Agreements, and the City's pay policies.
5. The City's Human Resources Department will initiate and administer any relevant pay adjustments within 30 days of receiving the Council's direction regarding the performance assessment and evaluation.
6. The City's Human Resources Director will communicate the salary changes and adjustment decisions to the City Manager, City Attorney, and Municipal Judge respectively.
7. The City's Human Resources Director will provide written confirmation to the Council of the completed process.
8. The City's Human Resources Department will maintain all confidential records relating to performance evaluation and assessment, and compensation.
9. The City's Human Resources Department will ensure that compensation data is compliant with applicable regulatory requirements.



Proposed Merit and Compensation Administration Process for the City Manager, City Attorney and Municipal Judge

July 1,2025

CITY OF Tigard

Request

- Approval of the attached Merit and Compensation Administration Process for the City Manager, City Attorney, and Municipal Judge

Summary

- Staff was directed by Council on March 18, 2025 to provide a proposal for administering merit and compensation adjustments for the City Manager, City Attorney, and Municipal Judge
- Staff provided a memo on May 19, 2025 detailing a process recommendation
- Staff was asked on June 2, 2025 to explore other options to include a subcommittee

Regulatory References and Considerations

- Oregon's Pay Equity Law describes compensating employees the same as other employees doing comparable work including wages, bonuses, etc. with a consistent and verifiable pay structure system. ORS 652.210-235, ORS 659A.357, OAR 839-008.
- Oregon Ethics Government Commission administrative rule (199-040 -0020) (3) describes "where compensation, including salaries and benefits, must not be discussed or negotiated during an executive session under ORS 192.660(2)(a), (b) or (i)",

Reviewed Options

While a subcommittee could be incorporated to the process to review the compensation options, the subcommittee decision would either need council approval or council needs to delegate authority to the subcommittee. This may increase a risk and exposure to unfair pay practices with how the pay change is determined and calculated.

Staff Proposed Process

1. The Council will complete, in accordance with respective Employment Agreements, annual performance evaluation and assessment.
2. The Council will provide the City's Human Resources Director with the outcome of the annual performance assessment and evaluation within 14 days of the completed review and assessment.
3. The City's Human Resources Director will determine the appropriate compensation allocation based on benchmarked compensation data and analysis within the City's pay structure and policies.
4. The City's Human Resources Director will also comply with the regulatory requirements, terms described in statutes, rules, respective Employment Agreements, and the City's pay policies.

Staff Proposed Process Continued

5. The City's Human Resources Department will initiate and administer any relevant pay adjustments within 30 days of receiving the Council's direction regarding the performance assessment and evaluation.
6. The City's Human Resources Director will communicate the salary changes and adjustment decisions to the City Manager, City Attorney, and Municipal Judge, respectively.
7. The City's Human Resources Director will provide written confirmation to the Council of the completed process.
8. The City's Human Resources Department will maintain all confidential records relating to performance evaluation and assessment, and compensation.
9. The City's Human Resources Department will ensure that compensation data is compliant with applicable regulatory requirements.

Staff Recommendation

- It is recommended that the City's Human Resources Director administer, and process salary changes to the City Manager, City Attorney, and Municipal Judge positions to ensure compliance with the referenced Oregon Revised Statutes, Pay Equity Law, Oregon Ethics rules, and relevant City compensation policies.

- It is recommended that Council approve the attached Merit and Compensation Administration Process for the City Manager, City Attorney, and Municipal Judge



Questions

CITY OF Tigard