

RESOLUTION NO. 2246

A RESOLUTION OF THE CITY OF WILSONVILLE AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE CITY OF WILSONVILLE WITH THE CITY OF TUALATIN FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY EXPANSION AREA (BASALT CREEK/WEST RAILROAD PLANNING AREA).

WHEREAS, in 2004 the Metro Council added an area located generally between the Cities of Wilsonville and Tualatin, to the Urban Growth Boundary (UGB) for residential and industrial uses in Metro Ordinance No. 04-1040B; and

WHEREAS, the two Cities have agreed to refer to the area generally as the "Basalt Creek Planning Area"; and

WHEREAS, concept planning has never been completed for these properties; and

WHEREAS, the two Cities wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek/West Railroad Planning Area that will be of benefit to both Cities and their residents.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council, does hereby authorize the City Manager to sign the Memorandum of Understanding on behalf of the City Of Wilsonville between the City of Wilsonville and the City of Tualatin to provide conceptual planning for the Basalt Creek and West Railroad Planning Areas, a copy of which is marked Exhibit A, attached hereto and incorporated by reference as if fully set forth herein.

2. This resolution is effective upon adoption.

ADOPTED by the Wilsonville City Council at a regular meeting thereof this 21st day of June 2010, and filed with the Wilsonville City Recorder this date.


TIM KNAPP, MAYOR

ATTEST:


Sandra C. King, MMC, City Recorder

SUMMARY of votes:

Mayor Knapp	Yes
Councilor Kirk	Yes
Councilor Ripple	Yes
Councilor Núñez	Yes
Councilor Hurst	Yes

Attachment:

Exhibit A – Memorandum Of Understanding Between The Cities Of Tualatin And Wilsonville For Concept Planning The Urban Growth Boundary Expansion Area (Basalt Creek / West Railroad Planning Area).

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITIES OF TUALATIN AND WILSONVILLE
FOR CONCEPT PLANNING THE URBAN GROWTH BOUNDARY EXPANSION
AREA (BASALT CREEK/WEST RAILROAD PLANNING AREA)**

Whereas, in 2004 the Metro Council added an area located generally between the Cities of Tualatin and Wilsonville, to the Urban Growth Boundary (UGB) for residential and industrial uses in Metro Ordinance No. 04-1040B; and

Whereas, the two Cities have agreed to refer to the area generally as the Basalt Creek Planning Area; and

Whereas, the two Cities wish to work together to complete concept planning for this area to assure carefully planned development in the Basalt Creek/West Railroad Planning Area that will be of benefit to both Cities and their residents; and

Whereas, Metro conditioned that the UGB expansion undergo Title 11 concept planning as defined in Metro Code Chapter 3.07, cited as the Urban Growth Management Functional Plan (UGMFP), and that the concept planning be completed in accordance with Exhibit F of Metro Ordinance 04-1040B; and

Whereas, recent action by the Oregon Transportation Commission (OTC), and by the Metro Council on the Regional Transportation Plan, support a southerly extension of SW 124th Avenue from SW Tualatin-Sherwood Road and ending at SW Tonquin Road and continuing via existing streets and rights-of-way to Interstate 5, in order to provide freight access to Tualatin's industrial areas in the vicinity of SW 124th Avenue; and

Whereas, the OTC has also approved the transfer of jurisdiction over SW Boones Ferry Road between Norwood Road and Day Road from the State to Washington County, authorizing \$2 million dollars in improvements to that section of roadway; and

Whereas, street connectivity within the study area will be necessary to support a functioning transportation system; and

Whereas, the property owners within the Basalt Creek/West Railroad Planning Area have been unable to pursue the urban development of their land, in spite of the fact that it has been within the UGB for approximately six years, because no Concept Plan has been prepared for the area; and

Whereas, Metro has allocated \$365,000 of Construction Excise Tax funding to pay for Concept Planning in the area, and

Whereas, once concept planning is complete, the two Cities intend to enter into an intergovernmental agreement (IGA) that will finalize the intent and understandings set forth in this Memorandum of Understanding (MOU); and

Whereas, there exists a somewhat isolated area west of the railroad tracks (labeled the West Railroad Planning Area) which was part of the same UGB expansion as the remainder of the Basalt Creek Planning Area and for which the City of Wilsonville intends to provide planning services; and

Whereas, Tualatin and Wilsonville approach planning differently in terms of legislative decision-making, with Tualatin using a single map for both Comprehensive Plan land use designations and zoning, while Wilsonville uses a separate map for each. Also, Tualatin's City Council conducts its own legislative hearings without a Planning Commission, while Wilsonville's City Council acts after receiving the recommendation of its Planning Commission. These differences will require staffs and consultants to coordinate with one another in ways that might not typically be needed and will require the two City Councils to work together in a cooperative manner; and

Whereas, Oregon Statewide Planning Goal 1 requires public involvement and Goal 2 requires intergovernmental coordination, this MOU is intended to indicate to private property owners in the area, Washington County, Metro, the State or Oregon, and all other interested parties the cooperative nature of the planning effort being undertaken by the Cities of Tualatin and Wilsonville; and

Whereas, both the Cities of Wilsonville and Tualatin expect to amend their existing Urban Planning Area Agreements (UPAAs) with Washington County to reflect the future city limit lines of each City, when the Concept Plan has been completed.

Now, therefore, the Cities of Tualatin and Wilsonville set forth their understanding as follows:

A. Subject Land Area

1. The Basalt Creek/West Railroad concept planning area between Tualatin and Wilsonville is mapped in Exhibit 1.

B. Urban Planning Area Agreements (UPAAs)

1. Both the City of Tualatin and the City of Wilsonville have UPAAs with Washington County that will have to be amended once jurisdictional boundaries are determined in the Concept Plan work. It is recognized that Washington County adopts annual land use and transportation work programs, and this concept planning effort will require coordination to fit within the work program of Washington County.

C. Title 11 Concept Planning

1. The Cities of Tualatin and Wilsonville acknowledge that they will fulfill the requirements of Title 11 related to future land use, affordable housing, transportation, environmental conservation, potable water, sanitary sewer, stormwater management, parks, police, fire protection, and public school siting and will address additional topics including, but not limited to, citizen involvement, fiscal analysis, intergovernmental coordination, capital improvements, economic development, natural hazards, solid waste management, and general local government services.
2. The two Cities will initiate concept planning on or after July 2, 2010 and before December 31, 2010 as long as Metro authorizes the use of \$365,000 of construction excise tax (CET) grant funds, and both Cities allocate funds through their respective budgets to conduct the Title 11 concept planning work. If for whatever reason Metro does not grant CET funds, then either party to this Memorandum of Understanding (MOU) may either revoke the MOU without obligation or penalty or the two Cities may jointly amend the MOU.
3. Tualatin will act as the fiscal agent of the Metro CET grant funds.
4. The two Cities jointly will prepare a scope of work (*note draft scope of work outline attached as Appendix I*) in coordination with Metro to establish key milestones for deliverables by addressing:
 - a. a CET grant as the funding source
 - b. City responsibilities
 - c. RFP process
 - d. eligible expenses for a CET grant
 - e. payment procedures
 - f. project records retention
 - g. records audit and inspection
 - h. term of contract
 - i. amendment, and
 - j. relationship to other legal agreements.
5. At the conclusion of the concept planning process, the two Cities intend to enter into an IGA to delineate the ultimate municipal boundary between the two Cities.
6. Based on mutual agreement the two Cities will share equally the additional cost if the cost of concept planning exceeds the amount of the CET grant funds. The sharing may be in the form of in-kind services as well as cash.
7. The two Cities jointly will draft and issue a Request for Proposals (RFP) for consultant services to conduct the concept planning work activities and will jointly chose a consultancy.
8. The two Cities jointly will fund using Metro CET grant funds one consultancy to aid completion of concept planning.

9. The two Cities jointly will establish criteria for review of candidate consultancies.
10. The two Cities will establish through the chosen consultancy a joint set of goals and objectives as well as criteria to guide project-related decisions.
11. The two Cities acknowledge that further amendment of their UPAAAs will be necessary following completion of concept planning.

D. Comprehensive Planning

1. Each City is responsible for conducting its own Comprehensive Plan amendments.

E. City Council Coordination

1. The Cities of Tualatin and Wilsonville acknowledge that they will hold joint City Council meetings at key milestones to be determined.

F. Intergovernmental Agreement (IGA)

1. Based on the outcome of the concept planning work, the Cities of Tualatin and Wilsonville and other involved parties may as necessary establish an intergovernmental agreement (IGA).

G. Dispute Resolution

1. If a boundary dispute arises, and Tualatin and Wilsonville cannot resolve the dispute, the two Cities acknowledge that in 1997, the Oregon state legislature granted Metro authority to establish requirements for boundary changes within its district. The Boundary Appeals Commission would arbitrate the dispute.

ENTERED into this ____ day of _____, 2010.

CITY OF TUALATIN, Oregon

CITY OF WILSONVILLE, Oregon

By _____

By _____

ATTEST:

ATTEST:

By _____

By _____

Draft Scope of Work:

Project Cooperation

Key Personnel

Project Purpose

Transportation Relationships and Benefits

Description of Project Area

Background

Objectives

Expectations About Written and Graphic Deliverables

Establish Technical Advisory Committee and Complete Goal Setting

Establish Public Involvement Process

Existing Conditions, Review, Research and Report

Develop Evaluative Criteria and Conceptual Alternatives

Traffic Analysis

Annexation/Cost Impact Analysis

Alternatives Evaluation

Draft Concept Plan

Final Concept Plan, Amendments, Adoption

Project Management

Draft Concept Plan outline:

I. Introduction

Context and setting – including a description of what already exists in the planning area.
Plan summary.

II. Planning Process

What is a Concept Plan -- including an explanation of how one would use it.
A description of the Concept Plan's relationship to the Tualatin and Wilsonville
Comprehensive Plans.
An explanation of how was the Concept Plan was developed.

III. Concept Plan

Land use and development plan.
Traffic analysis and circulation plan (including 124th Ave. extension).
Infrastructure needs.
Natural and cultural resources.

IV. Implementation

Provision of urban services.
Cost estimates.
Funding options.
Fiscal impact findings.
Consistency with other City plans and policies.
A list or chart showing who will do what and the date by which it will be done.

