



# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

**Agenda Category:** Public Hearing – Urban Road Maintenance District (Multiple CPOs)

**Agenda Title:** CONDUCT SECOND READING AND FIRST PUBLIC HEARING OF URBAN ROAD MAINTENANCE DISTRICT ORDINANCE NO. 4 RELATED TO EXPANSION OF NEIGHBORHOOD STREETS PROGRAM ELIGIBILITY TO "RESIDENTIAL COLLECTORS" AND OTHER MINOR AMENDMENTS

**Presented by:** Stephen Roberts, Director of Land Use & Transportation

### SUMMARY:

On Oct. 20, 2020, the Board authorized filing an ordinance to amend the Urban Road Maintenance District (URMD) Ordinance No. 3. The purpose of the amendment is to expand Neighborhood Streets Program (NSP) eligibility to residential collectors and to make other minor amendments.

The NSP is a traffic-calming program established to address livability issues on streets classified as Urban Locals and Neighborhood Routes within the URMD — the urban unincorporated areas of the County. The NSP is funded by URMD.

In response to community requests, LUT staff explored potential expansion of the NSP to allow traffic-calming measures on streets classified as Collectors in the Transportation System Plan that have residential street characteristics ("residential collectors"). The Board provided its direction to proceed with implementation of the proposed residential collector eligibility expansion.

To enable expansion of URMD's NSP to residential collectors, the URMD ordinance (currently URMD Ordinance No. 3) must be updated. The proposed update to the URMD ordinance (URMD Ordinance No. 4) also provides an opportunity to make minor housekeeping changes to the ordinance language, such as updating terms to align with currently used references and phrases.

(continued)

The ordinance is available at the Clerk's Desk and is linked here.

### DEPARTMENT'S REQUESTED ACTION:

Conduct second reading and first public hearing of proposed URMD Ordinance No. 4. Following the public hearing, adopt the proposed ordinance.

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

**ADOPTED**

URMD RO 20-2

Agenda Item No.	<b>5.b.</b>
Date:	11/17/20

**SECOND READING AND FIRST PUBLIC HEARING OF URBAN ROAD MAINTENANCE DISTRICT  
ORDINANCE NO. 4 RELATED TO EXPANSION OF NEIGHBORHOOD STREETS PROGRAM  
ELIGIBILITY TO "RESIDENTIAL COLLECTORS" AND OTHER MINOR AMENDMENTS  
BOC 11/17/20**

**ADDITIONAL INFORMATION:**

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**Community Feedback (Known Support/Opposition):**

The proposed NSP eligibility expansion to "residential collectors" was initiated in response to community requests. The Urban Road Maintenance District Advisory Committee (URMDAC) supported this proposed NSP expansion at its Jan. 15, 2020 meeting.

**Legal History/Prior Board Action:**

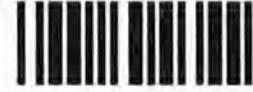
URMD Ord. No. 3 (the current URMD ordinance) was adopted by the Board in 2011; URMD Ord. No. 2 was adopted in 2001; and URMD Ord. No. 1 was adopted in 1988. The Board was briefed on the proposed NSP expansion on Feb. 4 and Oct. 13, 2020. The Board authorized filing of the ordinance on Oct. 20, 2020.

**Budget Impacts:**

The proposed NSP expansion will be funded within NSP's existing budget.

WASHINGTON COUNTY ORDINANCE PRIOR TO ENACTMENT

Pages



**URMD ORD**

**4**

FOR WASHINGTON COUNTY CLERK'S USE ONLY



BEFORE THE BOARD OF DIRECTORS

OF THE URBAN ROAD MAINTENANCE DISTRICT

**URMD ORDINANCE No. 4**

An Ordinance Amending Ordinance No. 3 To Adopt an Updated Urban Road Maintenance District Service and Financing Order To Allow Expansion of URMD's Neighborhood Streets Program

SECTION 1. FINDINGS

The Board finds that:

A. In 1987, the voters in the urban unincorporated portion of Washington County approved formation of the Urban Road Maintenance District (URMD) to fund and provide road maintenance services. The voters subsequently funded the URMD by authorizing it to levy ad valorem property taxes. The URMD now has a permanent rate established with approval of Ballot Measure 50 in 1997.

B. Since formation and funding approval, the URMD has met or exceeded its primary goal of bringing urban Neighborhood Routes (formerly "Minor Collectors") and urban Local Streets to a condition of "fair or better" as promised to the voters.

C. Continued routine maintenance is necessary to preserve the condition of these roads. In addition, population and traffic increases and citizen concerns make it reasonable and prudent to expand the facilities and services authorized to be provided by the district to reflect current conditions.

D. URMD is authorized to provide traffic calming services on Neighborhood Routes and Local Streets within the District, pursuant to URMD's Neighborhood Streets Program (NSP).

1 URMD desires to expand URMD's NSP Program and traffic calming services to Collectors within  
2 URMD that function more like Local Streets or Neighborhood Routes, as detailed in the "NSP  
3 Policy" document. The Urban Road Maintenance District Advisory Committee (URMDAC), a citizen  
4 advisory committee appointed by the Board, supports this proposed expansion, as does staff, and  
5 it is recommended that the Board consider amendment of the District's Service and Financing  
6 Order to allow use of District funds for providing NSP services to some Collectors within the  
7 District.

8 E. The Board finds that provision of neighborhood traffic calming to some Collectors within  
9 the District as detailed in the "NSP Policy" document is an appropriate use of available URMD  
10 funds, provided the District's Service and Financing Order is amended to permit such  
11 expenditures.

12 F. The Board finds that changes to the text of the Urban Road Maintenance District Service  
13 and Financing Order, attached hereto as Exhibit A are necessary to reflect minor updates.

#### 14 SECTION 2. ENACTMENT

15 The Board of Directors of the Urban Road Maintenance District for Washington County,  
16 Oregon, ordains:

#### 17 SECTION 3. TITLE

18 This Ordinance shall be known as the Urban Road Maintenance District Service and  
19 Financing Order, and may be so pleaded.

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1 SECTION 4. AMENDMENT AND ADOPTION

2 The URMD Service and Financing Order, attached hereto as Exhibit "A", is hereby amended  
3 as provided in Exhibit "A" attached hereto. Exhibit "A" shall serve as the "Service and Financing  
4 Order" for the District. New language is underlined, and deleted matter is stricken.

5 SECTION 5. CODIFICATION

6 The Office of County Counsel is authorized to codify this Ordinance with other URMD  
7 ordinances, including deleting and adding textual material and maps, renumbering pages or  
8 sections, and making any technical changes not affecting the substance of these amendments, as  
9 part of the Washington County Code or in a separate URMD code.

10 SECTION 6. SEVERABILITY

11 The provisions of this Ordinance are severable. If any section, sentence, clause or phrase  
12 of this ordinance is adjudged by a court to be invalid for any reason, the decision shall not affect  
13 the validity of the remainder, which shall continue to be in full force and effect.

14 SECTION 7. EFFECTIVE DATE

15 This ordinance shall be effective 60 days from adoption unless, not later than the 60<sup>th</sup> day  
16 after adoption of this ordinance, a valid petition is filed pursuant to ORS 451.487. If a valid  
17 petition is filed, this Ordinance shall take effect immediately upon certification that it has been  
18 approved by the voters. If not approved, it shall be deemed rejected.

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1 ENACTED this 17<sup>th</sup> day of November, 2020, being the 2<sup>nd</sup> reading and the  
 2 1<sup>st</sup> public hearing before the Board of Directors of the Urban Road Maintenance District of  
 3 Washington County, Oregon.

	AYE	NAY	ABSENT
4 HARRINGTON	<u>✓</u>	<u>    </u>	<u>    </u>
5 SCHOUTEN	<u>    </u>	<u>    </u>	<u>✓</u>
6 TREECE	<u>✓</u>	<u>    </u>	<u>    </u>
7 ROGERS	<u>✓</u>	<u>    </u>	<u>    </u>
8 WILLEY	<u>    </u>	<u>    </u>	<u>✓</u>

BOARD OF DIRECTORS  
 OF THE URBAN ROAD MAINTENANCE  
 DISTRICT Kathy Light  
 \_\_\_\_\_  
 CHAIR KATHRYN HARRINGTON  
Kevin Moss  
 \_\_\_\_\_  
 RECORDING SECRETARY

	<u>READING</u>	<u>PUBLIC HEARING</u>
11 First	<u>November 3, 2020</u>	First <u>November 17, 2020</u>
12 Second	<u>November 17, 2020</u>	Second _____
13 Third	_____	Third _____
14 Fourth	_____	Fourth _____
15 Fifth	_____	Fifth _____

16 VOTE: Aye: Harrington, Treece, Rogers Nay: \_\_\_\_\_  
 17 Absent Schouten, Willey Abstain: \_\_\_\_\_  
 18 Recording Secretary: Kevin Moss Date: 11/17/20

20 **ADOPTED**

1 EXHIBIT 'A' TO URMD ORDINANCE No. 4

2 URBAN ROAD MAINTENANCE DISTRICT SERVICE AND FINANCING ORDER

3  
4 I. DEFINITIONS

5 As used in this Ordinance:

6 A. "Board" means the Board of County Commissioners of Washington County serving  
7 as the Board of Directors of the Urban Road Maintenance District.

8 B. "County road" means a public road under the jurisdiction of Washington County  
9 that has been designated as a County road as provided by law.

10 C. "District" means the Urban Road Maintenance District; an ORS Chapter 451 county  
11 service district.

12 D. "Local access road" means a public road that is not a County road, state highway or  
13 federal road.

14 E. "Public road" means a road over which the public has a right to use that is a matter  
15 of public record.

16 F. "Road" means the entire right-of-way of any public way that provides ingress to or  
17 egress from property by means of vehicles or other means or that provides travel between places  
18 by means of vehicles. It includes, but is not limited to:

- 19 1. local access roads;
- 20 2. county roads;
- 21 3. public ways described as streets, highways, throughways or alleys;

1           4.     road-related structures that are in the right-of-way, such as tunnels, culverts  
2     or similar structures; or

3           5.     structures that provide for continuity of the right\_of\_way such as bridges.  
4

5     **II.     SERVICE AND FINANCING ORDER**

6           Pursuant to ORS 451.485 (2009 Replacement Part) the Board orders that:

7           A.     The District shall have full authority to provide road maintenance services for all  
8     public roads within the District boundaries, except ~~County~~ roads that ~~also~~ are designated as  
9     Arterials or Collectors by the Washington County Transportation System Plan ~~(2002)~~. For purposes  
10    of this Order, maintenance includes, but is not limited to:

11           1.     Pavement patching and overlays, road grading, sealing, flushing, sweeping,  
12     marking, striping, ice and hazardous substance control, snow plowing and related work.

13           2.     Ditch cleaning, minor shaping, embankment repair and stabilization,  
14     vegetation replacement and minor additions, flood and erosion control, vegetation control,  
15     limb removal, control of sight obstructions.

16           3.     Bridge inspection and repair, cleaning, painting, debris removal, culvert  
17     inspection, repair and routine or mandated replacement.

18           4.     Signal, flasher and street light inspection, repair, routine part replacements  
19     and upgrades.

20           ~~5.     Neighborhood traffic calming and preservation; installation and repair of~~  
21     ~~speed humps, islands and signs; striping; graffiti removal; wall cleaning, painting and~~  
22     ~~repair; sidewalk and pedestrian walkway inspection and repair; litter patrol.~~

1           ~~5.6.~~ Guard rail inspection, repair and routine replacement; inspection and  
2 replacement of safety devices; striping and routine sign installation, repair and  
3 replacement.

4           ~~6.7.~~ Administrative, financial, legal and other activities supporting the road  
5 maintenance functions of the District.

6           B. The District shall have full authority, but no obligation, to provide traffic calming  
7 services to all roads within the District boundaries that are eligible for URMD maintenance and  
8 those designated as Collectors by the Washington County Transportation System Plan that meet  
9 the traffic calming services criteria for Collectors identified in the "NSP Policy" document.  
10 Following the construction of a traffic calming feature on a road that is designated a Collector by  
11 the Washington County Transportation System Plan, no District funds shall be expended for  
12 maintenance of the traffic calming feature.

13           C. The District shall have full authority, but no obligation, to provide graffiti removal;  
14 wall cleaning, painting and repair; sidewalk and pedestrian walkway inspection and repair; and  
15 litter patrol to all roads within the District boundaries that are eligible for URMD maintenance.

16           ~~D.B.~~ The District shall have full authority, but no obligation, to construct ~~safety~~  
17 pedestrian and biking improvements to all public roads within the District boundaries that are  
18 eligible for URMD maintenance and, including County roads that are designated as Arterials or  
19 Collectors by the Washington County Transportation System Plan ~~(2002)~~. For purposes of this  
20 Order, safetypedestrian and biking improvements include any improvement to a public road  
21 under Washington County jurisdiction within the District that adds or modifies a structure,  
22 equipment, or other physical feature to improve safety and accessibility for pedestrians, or

1 bicyclists, ~~motorists, or any member of the traveling public.~~ Safety Pedestrian and biking

2 improvements include, but are not limited to:

3 1. Sidewalks and pedestrian paths, including combined facilities for bicycle and  
4 pedestrian use.

5 2. Bicycle lanes and paths.

6 3. Road shoulder widening.

7 4. Installation of safety markings, devices, signs and signals such as crosswalks and  
8 pedestrian and bicycle signals.

9 5. Design, right of way acquisition, permitting, construction, and other actions  
10 reasonably necessary to provide a safety pedestrian and biking improvement.

11 6. The administrative, financial, legal and other activities supporting the safety  
12 pedestrian and biking improvement functions of the District.

13 E.C. Following the construction of a safety pedestrian and biking improvement to a road  
14 that is designated an Arterial or Collector by the Washington County Transportation System Plan  
15 ~~(2002)~~, no District funds shall be expended for maintenance of that safety pedestrian and biking  
16 improvement.

17 F.D.     It is not anticipated that the District will have any employees. The majority of  
18 services will be provided by Washington County pursuant to an Intergovernmental Agreement.

19 The District may also retain private contractors or enter into intergovernmental agreements with  
20 other public entities to obtain services as the Board deems appropriate. The Washington County

21 Administrator shall serve as the Executive Director of the District and shall have authority and  
22 responsibilities commensurate with those granted by the County.

1           G.E. The District will not acquire in its own name real property or any significant  
2 equipment, personal property or assets. The District may acquire right of way and easements  
3 needed for pedestrian and biking safety improvements in the name of Washington County on  
4 behalf of the public.

5           H.F. The District will not fund construction of new roads, major road reconstruction,  
6 addition of road lanes, realignments or similar activities. In conjunction with funding provided by  
7 others, the District may fund that portion of a major reconstruction that it would otherwise have  
8 spent on maintenance and repair if it is determined that this is a more cost-effective approach.

9           I.G. The District will not fund services outside of the District, including inside cities.  
10 Case-by-case exceptions are permitted in the case of an emergency or where it is cost-effective to  
11 do so in exchange for compensation or comparable reciprocal services are to be provided by the  
12 other governmental entity.

13           J.H. District services primarily will be financed by levy of ad valorem real property taxes  
14 within the existing permanent rate limit of the District. The District may seek voter approval of  
15 local option levies as provided by law. Other potential revenue sources include, but are not limited  
16 to:

- 17           1.       Receipt of federal or state grants, matching funds or similar appropriations.
- 18           2.       Payment for services from other governmental entities.
- 19           3.       Fees established as provided by law.
- 20           4.       Special assessments levied in accordance with an Ordinance of the District.

21           K.I. The District may authorize debt to be incurred for the provision of services as it  
22 deems reasonable and prudent

1            L.J.    Costs attributable to the District shall be those directly or indirectly attributable to  
2 District services using generally accepted cost recovery and accounting principles.  
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