

# CITY OF MOSIER

small enough to make a difference

## CITY COUNCIL MEETING

Wednesday March 17, 2021, 6:00 P.M.

Please join our meeting online or by phone at the following link or phone number:

Join Zoom Meeting

<https://us02web.zoom.us/j/83039991674?pwd=REtyOFJzUWV3d0Y2ZWJjb0t5S25yZz09>

Meeting ID: 830 3999 1674

Passcode: 971468

One tap mobile

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### AGENDA

I	6:00 pm	<b>Call to Order/Roll Call – Mayor Burns</b>	
II	6:02	Agenda corrections or additions	
III	6:05 pm	<b>Business from the Audience</b> - This is for Mosier residents and anyone else to express concerns, needs, or opportunities. Please keep your comments succinct and under two minutes. You may bring in written materials for Committee and Staff to review. The Facilitator can assign the issue to a future Committee meeting, or to an appropriate Committee or staff member. Please realize that we cannot always offer a response immediately but will give the matter due consideration. We encourage the participation of all stakeholders in our community.	5 mins
IV	6:10 pm	<b>Approval of: 3/3/21 - City Council Meeting Minutes</b>	5 mins
V		<b>BUSINESS</b>	
1.	6:15 pm	<b>TSP Ordinance Adoption – Katie Skakel, City Planner</b>	15 mins
2.	6:30 pm	<b>TUF Ordinance Adoption – Colleen Coleman, City Manager</b>	15 mins
3.	6:45 pm	<b>Mosier School Sign Decision – Katie Skakel, City Planner</b>	15 mins
4.	7:00 pm	<b>Council Acceptance of Gabay Pioneer Cemetery Donation</b>	5 mins
5.	7:05 pm	<b>Council Approval of Veteran Plaque at Cemetery</b>	5 mins
V	7:10 pm	<b>ANNOUNCEMENTS</b>	5 mins
VI	7:15 pm	<b>ADJOURN</b>	

**CITY OF MOSIER**  
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**CITY COUNCIL MEETING**

March 03, 2021 at 6:00 P.M.

Please join our meeting online or by phone at the following link or phone number:

Join Zoom Meeting <https://us02web.zoom.us/j/83039991674?pwd=RE-tyOFJzUWV3d0Y2ZWJjb0t5S25yZz09>  
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**AGENDA**

**MINUTES**

6:00 call to order Mayor Burns

Roll Call: Mayor Burns, Peny Wallace, Acasia Berry, Ron Charlie Cannon, Greg Valitchka  
Absent Excused: Witt Anderson, Ron Wright

Staff: City Manager Colleen Coleman, City Planner Katie Skakel, City Engineer John Grim, City Recorder Jayme Bennett

Community: Robert Hubbard

Additions or Corrections to the Agenda: N/A

Approval Minutes: Feb 24, 2021

Motion: Peny Wallace  
2nd: Greg Valitchka  
Motion passes, no position 6:06

**Development Report (John Grim):**

John Grim walks council through the development report (please reference Agenda Packet for March 03, 2021 City Council Mtg).

16 remaining developable lots in Mosier Bluffs, 33 in Tannawashee, and the buildable lands inventory document on file at the City Hall would cover the remaining parcels in town that are potential infill lots.

Mayor Burns also adds that the quarry is currently outside of the city limits, though inside the UGB, and with an internally administered zone change, the highest and best use of the land would be housing (smaller homes with an aspect of attainability and affordability).

**Global Climate Crisis Resolution (Katie Skakel):**

In 2017 Mosier adopted this resolution - Katie Skakel has modified, updated and prepared a new one. Also, she distributed a power point slide show, also available at City Hall covering off the need for urgency and accountability globally.

**JAYME INSERT TOP TALKING POINTS FROM SLIDES HERE TO SUPPORT RESOLUTION.**

**Motion to pass the Global Climate Crisis Resolution:**

**Greg Valitchka**  
**2nd Peny Wallace**  
**All in, no opposition**  
**Motion passes: 6:45**

**OPRD Grant (Colleen Coleman and Mayor Burns):**

Colleen gives the overview:

The 750K grant award from ORPD will be for the HUB, (which will have restrooms, bike parking, signage, etc). And the plaza, directly across from the HUB, which will double as additional outdoor space for the community.

Mayor Burns:

The 220k grant for the electric charging station on the other side of the JUF will assist in completion of the overall infrastructure for the JUF.

Acknowledges Colleen's hard work to get this done, thanks her.

We had to go backwards a couple years to do the TSP and it was a difficult project, this is the fruit of that labor Kathy Fitzpatrick started a long time ago to get our ducks in a row.

State agencies have good relations with us, which is also important.

Colleen also pays tribute to Kathy Fitzpatrick and former council - huge congratulations to the work done prior to get us here. Kathy starting with the original grant and inspiration for the HUB, then building on to add the restrooms to accommodate the additional tourism since then.

# CITY OF MOSIER

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Doug Minarik, Nick Kraemer, John Grim, Kirby Nagelhout, Jill Burnette, and Witt Anderson also provided technical input and Mayor Burns and Doug Minarik brought their brilliance to the interview.

We will need a supplementary budget to accept the money, but we are very excited to move this forward.

FY 2022/23 will be the completion date for the projects, (charging station and HUB/Plaza) - we can obtain 3/4 of the EV charging station cash immediately.

We are working with Laura on contracting preparations and procurement process.

Colleen will keep everyone updated on the first few mtgs after there is progress to report.

Mayor Burns: Great progress with Union Pacific meetings. We will be informing school, fire department, community and council. Hopefully we will have something to report at the next meeting!

Colleen highly recommends a parks plan for the City of Mosier as a whole to designate green space, and future open space requirements as well as ensuring equal accessibility for all people. This cohesive and thoughtful approach would ensure we are planning for the future with preservation being a priority.

Peny Wallace also suggests it would behoove us to include more walking space generally throughout town for all people.

Colleen suggests John Grim add more information to his development report for Witt Anderson (adding more on site development and parks development plan - maybe a workshop when he and Mayor Burns return).

**Announcements: N/A**

**Adjourn 7:10**

**ORDINANCE NO. 173**

**AN ORDINANCE OF THE CITY OF MOSIER  
ADOPTING LEGISLATIVE AMENDMENTS TO THE CITY'S  
COMPREHENSIVE PLAN AND AMENDING TITLE 15 AND TITLE 16 OF  
THE MOSIER MUNICIPAL CODE TO INCORPORATE THE 2019 CITY  
OF MOSIER TRANSPORTATION SYSTEM PLAN**

**WHEREAS**, the Mosier City Council duly adopted the City's current Transportation System Plan in 2019 (the "2019 TSP") as required by statewide land use planning regulations;

**WHEREAS**, implementation of the 2019 TSP requires certain updates to the City's Comprehensive Plan and land use regulations as contained in the Mosier Municipal Code and the City Council directed staff to prepare the updates for adoption;

**WHEREAS**, after publishing proper notice of amendments to the City's Comprehensive Plan and land use regulations, the Mosier City Council held public hearings on January 20, 2021, February 24, 2021, and March 17, 2021, for the purpose of receiving public testimony and in consideration of adopting updates to the City of Mosier planning ordinances and Comprehensive Plan to incorporate the 2019 Transportation System Plan;

**WHEREAS**, the Mosier City Council finds that the proposed amendments are in the best interests of the City and desires to adopt such amendments to implement the 2019 TSP;

**NOW, THEREFORE, THE CITY OF MOSIER ORDAINS AS FOLLOWS:**

**Section 1: Adoption of Comprehensive Plan Amendments.** The City of Mosier Comprehensive Plan is hereby amended as set forth in the document marked **Exhibit A**, attached hereto and incorporated herein by this reference.

**Section 2: Adoption of Municipal Code Amendments.** The Mosier Municipal Code and Zoning Ordinance is hereby amended as provided in **Exhibit A**.

**Section 3: Codification.** Staff for the City of Mosier are hereby instructed to cause the codification of the amendments adopted herein to the Comprehensive Plan and Zoning Ordinance.

**Section 4: Effective Date.** This Ordinance shall take effect on the 30th day after the date of adoption.

Read for the first time: March 17, 2021.

Read for the second time: \_\_\_\_\_, 2021.

Adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by the Mosier City Council by the following votes:

*Burns:* \_\_\_\_\_ *Anderson:* \_\_\_\_\_ *Berry:* \_\_\_\_\_

*Cannon:* \_\_\_\_\_ *Valitchka:* \_\_\_\_\_ *Wallace:* \_\_\_\_\_ *Wright:* \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

**Attest:** By: \_\_\_\_\_ Title: \_\_\_\_\_

## **Exhibit A.**

### **Proposed Amendments #1: Transportation Projects Included as Outright Permitted Uses**

#### *Chapter 15.02 Access and Circulation*

#### 15.02.050 Minor Public Improvements

Minor public improvements, as defined in Section of this code, are permitted in all zones.

#### *15.01.060 Definitions*

64. “Public facility or use, major” means a facility or use not defined as a “Minor public facility or use” and which is owned or used by the City of Mosier and used for public service, transportation, police, fire protection, sewage collection and treatment, storm drainage systems, water distribution and treatment, public health services, public recreational programs and facilities, and library services. Surface mines owned or operated by a governmental entity or any use accessory thereto are not public facilities or uses.

xx. “Public facility or use, minor” means a facility or use owned or used by the City of Mosier for the purposes of transportation, water distribution, sewer collection or storm drainage, including the following facilities:

a. Sewer, storm drainage, or water system structures except treatment plants or reservoirs, but including pump stations, manholes, valves, hydrants or other portions of the collection, treatment and distribution systems located within public property or public easements.

b. Street improvements within existing developments including sidewalks, curbs, gutters, catch basins, paving, signs and traffic control devices and street lights.

c. Multimodal improvements, including transit facilities, such as shelters or pedestrian and bicycle safety improvements, located within public right of way or public easements or on public property.

### **Proposed Amendments #2: General Requirements for Parking Lots**

#### *15.03.130 General Requirements for Parking Lots*

*J. Bicycle Parking. Bicycle parking shall be provided in commercial and residential zones. Bicycle parking shall meet the following standards:*

*[...]*

5. Bicycle parking shall be provided for multi-family developments of four (4) or more units. One permanent bicycle space shall be provided for every two dwelling units and shall be

*provided in a secure location on the site or within individual units. Bicycle parking facilities shall conform to the requirements of the City Engineer or standards adopted by the City*

*6. Bicycle parking shall be provided for the following public facility uses and minimum number of spaces:*

*a. Schools: 2 spaces per classroom*

*b. Transit transfer stations: 4 spaces*

*c. Park and ride lots: 4 spaces*

*d. Public recreational facilities: 4 spaces*

### **Proposed Amendments #3: Internal Pedestrian Walkway Requirements**

*15.06.040 Decision Criteria*

*[...]*

*E. Traffic circulation.*

*[...]*

*7. An internal pedestrian system of sidewalks or paths shall provide safe, reasonably direct and convenient connections to and through parking areas, to entrances to the development, and to open space, recreational and other community facilities associated with the development. Depending on proposed development, streets maybe required to have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.*

### **Proposed Amendments #4: Cross-Sections**

*16.02.030. Transportation Facility Design and Construction Standards*

*[...]*

*A. Standards shall vary by classification. Classifications for existing roads are shown in Table 5 ~~2~~ of the ~~Downtown and local Street network Plan (May 12, 2003)~~ Mosier Transportation System Plan (February 2019).*

*B. ...Define classifications for new roads*

*C. Reference standards for roadway improvements in the TSP. One Road - Hwy 30 has cross sections shown in the Old Highway Plan.*



## A. URBAN ROADWAY DESIGN STANDARDS

	<b>Constrained Local Street</b>	<b>Local Street</b>	<b>Minor Collector</b>	<b>Major Collector</b>
Design Average Daily Traffic (ADT)	<100	<1,000	1,000-2,500	2,500-5,000
Design Speed (mph)	20	20	20-25	25-30
Max Grade	12% <sup>1</sup>	12% <sup>2</sup>	10%	10%
Number of Lanes	2	2	2	2
Width of Lanes (ft)	9' (no centerline)	10' (no centerline)	10'	11'
Minimum ROW Width (ft)	40' min.	50' min.	50' min.	50-60' min.
Traveled Way Width (ft)	18'	20'	20' w/o parking	38' w/o parking
On-Street Parking (ft)	None	None	7' (each side)	7' (each side)
Bike Lane Width (ft)	None	None	-	8' (5' bike lane, 3' buffer)  Each side
Rain Garden/BioSwale	5' one side	5' one or both sides	See TSP	See TSP

<sup>1</sup> May be up to 15% in areas with topographical constraints if approved by the City Engineer.

<sup>2</sup> May be up to 15% in areas with topographical constraints if approved by the City Engineer.

Sidewalk Width (ft)	6' pedestrian paved shoulder (outside swale)	6' pedestrian paved shoulder (outside swale)	5' (each side) with rolled or mountable curb	5' (each side)
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The standards shown in the table above do not apply to the capital projects identified in the TSP. These projects have specific approved cross sections as described in the TSP.

## Proposed Amendments #5: Alternative Cross-Sections

### 16.02.030. Transportation Facility Design and Construction Standards

[...]

*E. Where site conditions include one or more of the conditions listed in subsection (1) of this section, ~~particularly topography, size and shape of the tract, or some feature worthy of protection, make it impractical to otherwise provide buildable sites,~~ the decision maker may apply the constrained local street standard, ~~which as follows:~~*

*1. Conditions where the constrained standard may be used include the following:*

*a. Average slopes of 10 percent or more.*

*b. A city-designated wetland, riparian area or other natural resource.*

*c. Presence of a designated historic or cultural resource.*

*d. Total depth of a parcel is less than the sum of the required right-of-way and minimum parcel depth.*

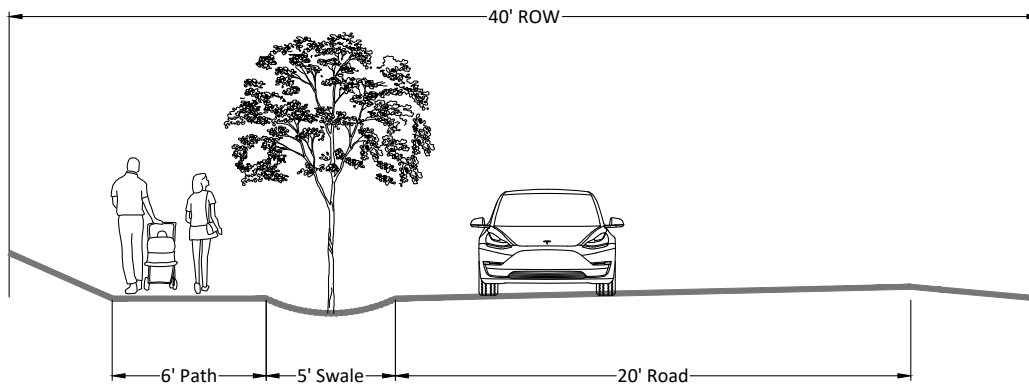
*e. Others*

*2. The constrained standard ordinarily shall not have a right of way narrower than 40 feet and a pavement width narrower than 20 feet.*

*3. The constrained standard for a local street shall include 26 feet of pavement width and an open drainage/infiltration ditch. A portion of the 26-foot paved area will be delineated using reflective striping to provide for a 6-foot-wide pedestrian shoulder that will be constructed on one side the roadway.*

*4. If necessary, decision maker may require the applicant to provide slope easements* \_\_\_\_\_  
*where topography or other conditions so require.*

# Local Road Standard



## Proposed Amendments #6: Alternative Turn Around Design

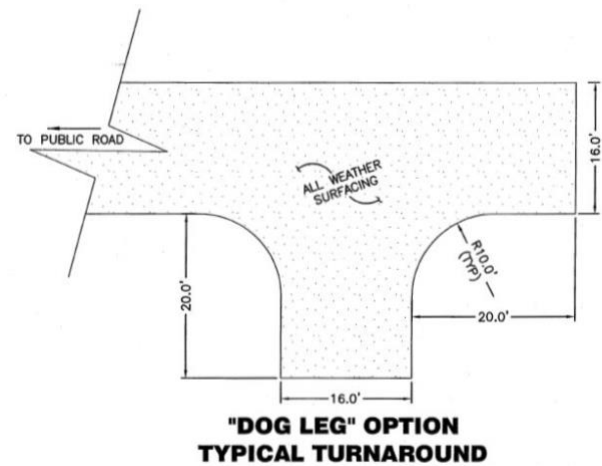
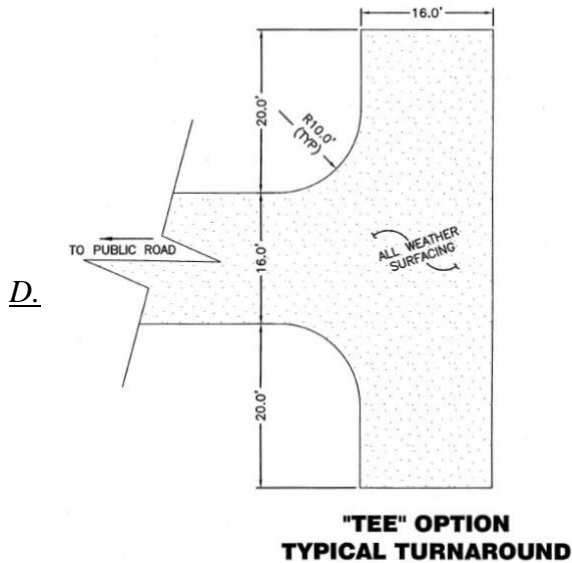
### 16.02.100. Street Design – Turn Around

[...]

C. The standard illustrated in Appendix D of the Oregon Fire Code Figure 1 is acceptable for use for turnarounds on dead-end roads. Other standards shall require approval by the City's Fire Department. Additional conditions, such as a requirement that all dwellings accessed by the dead-end road be equipped with NFPA residential sprinkler systems, may be applied

D. For private accessways serving no more than two homes and less than 150 feet in length; the following turnaround standard applies.

Figure 1. Alternative turnaround design standards



**Proposed Amendments #7: Bicycle and Pedestrian Pathway Standards**

*16.02.030 Transportation Facility Design and Construction Standards*

[...]

G. Bicycle and multi-use path design and construction standards. In urban areas, a paved width of 10-12 feet is recommended for multi-use bicycle/pedestrian paths. Where topography, land availability or other conditions do not allow for this, narrower trails can be constructed, particularly if they are intended for pedestrians only. A minimum width of five feet shall be required for pedestrian-exclusive paved pathways, such as sidewalks. A minimum width of three to four feet shall be required for unpaved accessible pedestrian trails. If the trail is to be used regularly at night, pedestrian scale lighting is recommended for security and safety.

**Proposed Amendments #8: Traffic Impact Studies and Off-Site Improvements**

*Chapter 15.06 Site Plan Review*

*15.06.040 – Decision Criteria*

[...]

E. Traffic and Circulation ...

[...]

3. *Effect on local street network: The proposed use shall not have an adverse effect on the public transportation system.*

*a. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study including traffic counts and analysis sufficient to demonstrate the anticipated level of impact to the affected street system. Based on information provided by the applicant about the proposed development, the City Engineer will determine when a Traffic Impact Study (TIS) is required and will consider the following when making that determination.*

*1. Changes in land use designation, zoning designation, or development standard.*

*2. Changes in use or intensity of use.*

*3. Projected increase in trip generation.*

*4. Potential impacts to residential areas and local streets.*

*5. Potential impacts to priority pedestrian and bicycle routes, including, but not limited to, school routes and multimodal street improvements identified in the TSP.*

*6. Potential impacts to intersection level of service (LOS).*

*b. It is the responsibility of the applicant to provide enough detailed information for the City Engineer to make a TIS determination. The applicant shall provide this information in the form of a Traffic Impact Assessment (TIA) report. The minimum required contents of the TIA report are described in the City's TIA 2021 Guidelines which are referenced here and attached to MMC.*

*c. A TIS determination is not a land use action and may not be appealed.*

*bd. The required traffic impact study shall be prepared by an Oregon licensed traffic engineer.*

*ee. If the traffic analysis indicates that the project will require improvements to the transportation system to mitigate impacts, the developer shall be responsible for constructing such improvements. Mitigation of impacts, due to increased demand for transportation facilities associated with the proposed development, shall be provided in rough proportion to the transportation impacts of the proposed development. The following shall be considered when determining proportional improvements:*

*i. Condition and capacity of existing facilities within the impact area in relation to City standards. The impact area is generally defined as the area within a 1/2-mile radius of the proposed development. If a TIS is required pursuant to Section 15.06 Site Plan Review; the impact area is the TIS study area.*

*ii. Existing vehicle, bicycle, pedestrian, and transit use within the impact area.*

- iii. The effect of increased demand associated with the proposed development on transportation facilities and on other approved, but not yet constructed, development projects within the impact area.
  - iv. The most recent use when a change in use is proposed that does not involve new construction.
  - v. Applicable TSP goals, policies, and plans.
  - vi. Whether any route affected by increased transportation demand within the impact area is listed in any City program including, but not limited to, school trip safety, neighborhood traffic management, capital improvement, and system development improvement.
  - vii. Accident history within the impact area.
  - viii. Potential increased safety risks to transportation facility users, including pedestrians and cyclists.
  - ix. Potential benefit the development property will receive as a result of the construction of any required transportation facility improvements.
  - x. Other considerations as may be identified in the review process.
- d. Every effort will be made to inform the applicant, within twenty (20) days of receiving a completed application, whether a traffic impact study and/or a determination of the resulting level of service will be required. Unforeseen circumstances could result in a delayed request for this information.
- e. The determination of most probable impacts or effects to be considered and the scope of the impact study should be coordinated with the provider of the affected transportation facility.

### **Proposed Amendments #9: Inviting ODOT to Pre-Application Conferences**

*15.07.030 – Pre-application Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a pre-application conference with city planner to discuss the proposal, unless, in the city planner’s opinion, the preapplication conference is not warranted. To schedule a pre-application conference, the applicant shall contact the city planner and pay the appropriate conference fee. The purpose of the pre-application conference is to provide city staff with a summary of the applicant’s development proposal and an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The city planner shall provide the applicant with a written summary of the pre-application conference. Representatives of the Oregon Department of Transportation shall be invited to participate in the conference for any project that may impact a state transportation facility.*

### **Proposed Amendments #10: Notice to Public Agencies, including ODOT and DLCD**

15.7.070 – Public Notices.

[...]

B. Notice of public hearing on a Type III application (a quasi-judicial application) - Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least 20 days prior to the hearing, the city planner shall prepare and send, by first class mail, notice of the hearing to all record owners of property within 100 feet of the subject property. Notice shall be sent to affected transportation service providers, including Oregon Department of Transportation. The city shall also publish the notice in a newspaper of general circulation within the city at least 20 days prior to the hearing:

C. Notice of public hearing on a Type IV application (a legislative proposal). At least 20 days prior to a public hearing at which a legislative proposal to amend or adopt the city's land use regulations or Comprehensive Plan is to be considered, the city recorder in coordination with the city planner shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Oregon Department of Transportation and any party who has requested in writing such notice. Notice also shall be sent to the Oregon Department of Land Conservation and Development at least 35 days before the first evidentiary hearing. Notice shall also be published in a newspaper of general circulation within the city. Notice issued under this subsection shall include the following information:

**Proposed Amendments #11: Transportation Planning Rule Compliance, “Significant Effect”**

*Chapter 15.10 Zone Changes and Comprehensive Plan Amendments*

*15.10.020 Criteria.*

[...]

- A. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district. The proposal shall be reviewed to determine whether it significantly affects a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR) and in accordance with traffic impact study provisions in MMC 15.06.040(E). Where it is found that a proposed amendment would have a significant effect on a transportation facility in consultation with the applicable roadway authority, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.*



**Revisions to Mosier Comprehensive Plan to reflect the adopted Transportation System Plan (TSP) dated 2019.**

***The proposed language is in black ink and the existing language in the comp plan is in red. There are two locations in the existing comprehensive plan that need to be updated. The first is pg 35 of Comp Plan and the other revision is on pg 49 of existing comp plan.***

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The Mosier Transportation System Plan (TSP) process involved community leadership and input in defining the vision and outcomes for the city. Stakeholders were engaged and provided input on the TSP through a series of public workshops and Public Advisory Committee meetings. Stakeholders reviewed several alternatives, many of which were developed from technical analyses by consultant teams and identified through previous planning efforts, including the 2015 Slow Mo' Main Street Concept Plan. The following goals for Mosier transportation were developed in partnership with stakeholders:

1. Develop a transportation system that promotes safety throughout the city for all modes and ages, especially in the Downtown district.
2. Provide transportation options within Mosier that support connectivity among regional destinations and meet future mobility needs of the area. Options should consider all modes and ability levels and should also encourage connections among modes as a means to improve the quality of life in Mosier.
3. Develop a transportation system that supports a vibrant, successful Downtown business district; supports tourism (including bicycle tourism) as an economic strength; and supports regional economic activity, including agricultural production.
4. Develop a transportation system that support all modes, including pedestrians and bicyclists, through provision of dedicated facilities and related safety improvements.
5. Develop a transportation system that balances community mobility needs and transportation options with the need to protect the environment.
6. Identify a funding structure that supports a viable transportation system that is consistent with local, regional and state goals in coordination with regional planning efforts.
7. Develop a transportation system that provides mobility choices for individuals of all ages, abilities, incomes, races, and ethnicities, specifically those who experience unequal access to transportation.

**Older language from existing Mosier Comp Plan (pg 35)**

**PUBLIC UTILITIES**

**TRANSPORTATION**

Three major transportation routes bisect the City including Interstate 84, Highway 30 (an All American Road and designated National Historic Landmark), and the Union Pacific Railroad line. Mosier's roadway system has developed around Highway 30 with most roads either feeding off, or traveling parallel to the highway. Highway 30 is the spine of the roadway system in Mosier, serving as the main street in the city.

Other major roads include Washington Street, 3rd Avenue/State Road and Huskey Street. The City also includes a number of bicycle and pedestrian trails.

Roads in Mosier fall into the following general classifications as determined by the Downtown and Local Street Network Plan Dated May 12, 2003:

- ➤ **Interstate Highways.** Interstate 84 is classified as an interstate highway. The primary function of I-84 is to facilitate “interstate” travel. It is designed as a high speed/high volume highway. Mosier is connected to I- 84 via interchange Number 69, which connects I-84 with Highway 30 in Mosier.
- ➤ **Arterials.** Arterials connect cities and other major traffic generators. They serve both through traffic and trips of moderate length, and typically are high-volume roadways due to the combination of local and through traffic. The section of the Historic Columbia River Highway (Highway 30) is the only arterial in Mosier.
- ➤ **Collectors.** These roads typically serve as primary travel routes within neighborhoods or between different land uses (e.g., commercial and residential areas). Collector roadways are intended to carry local traffic, including limited through traffic. In Mosier, Rock Creek Street, 3rd Avenue/State Road, Washington Street, and Huskey Street are classified as collectors.
- ➤ **Residential/local streets.** These provide direct access to homes and other neighborhood land uses. Local roads are designed to carry relatively small amounts of traffic at relatively slow speeds. All roads not classified as an interstate, arterial or collector streets in Mosier are classified as local roads.

Figure 5 of the Downtown and Local Street Network Plan (May '03) shows the classification of each road in Mosier.

Typically, pavement condition is rated on a scale ranging from “very good” to “very poor,” including rankings of very good, good, fair, poor, and very poor. Most sections of roads within Mosier are paved and appear to be in Fair to Good condition.

Although the pavement on many roads in Mosier may be in fair and good condition, anecdotal information indicates that some roads are not constructed according to accepted engineering design standards and/or practices. Some roads in the city may lack road base, proper drainage, and the asphalt and or chip seal used to pave roads placed on native soil. As a result, these roads may require more frequent maintenance, with a reduced pavement life.

The only dedicated bicycle facility at Mosier is the Historic Columbia River Highway State Trail, which provides access to the Mosier Twin Tunnels. It was constructed by the Oregon Department of Transportation (ODOT) and is managed by the Oregon Parks and Recreation Department. The facility includes a 16-foot pedestrian/bicycle path that connects Mosier to the historic Twin Tunnels on old Highway 30, and Hood River.

While it does not include a dedicated bicycle lane or path, the section of Highway 30 between Mosier and The Dalles is a popular cycling route and sees significant use. The state has published a “Columbia River Gorge Bike Map, available on the Internet, that promotes cycling on the Historic Columbia River Highway. Bicycle parking facilities are located in front of the Wildflower Café on Main Street and in front of Steve’s Route 30 Desserts & Classics near the corner of Highway 30 and Washington Street.

From a regional perspective the City of Mosier recognizes the inter-related aspects of transportation as stated in the Mid-Columbia Economic Development District's Transportation

Plan. The City also considers the policy statements in that plan as reasonable and has considered them when developing the City's transportation policies.

## Goals and Policies

The following Goals and Policies are recommended for inclusion in the TSP or the Transportation section of the Mosier Comprehensive Plan. These goals and policies were developed as a set of over-arching goals and objectives in the initial stages of the TSP process. Minor changes to some policies have been made to ensure a consistent format and to the some of the statements more in the form of policies than objectives or actions.

### **Goal 1: Develop a transportation system that promotes safety throughout the city for all modes and ages, especially in the Downtown district.**

#### Policies

- A. Reduce frequency and severity of crashes and promote safety of all modes through education, enforcement, infrastructure, and encouragement programs when applicable.
- B. Prioritize investment in projects that improve safety and public health for all users, especially those who are most vulnerable.
- C. Ensure that existing roadways and roadway standards comply with local and state standards, including speed, volume, and safety.
- D. Plan for emergency vehicle use of the roadway network and access to all developed properties.
- E. Coordinate with law enforcement to increase safety via improved enforcement of applicable laws and regulations.
- F. Separate modes where possible to improve safety and comfort of multimodal facilities. Connections among residential areas and schools should provide a safe and comfortable route for children walking or bicycling to school.

### **Goal 2: Provide transportation options within Mosier that support connectivity among regional destinations and meet future mobility needs of the area. Options should consider all modes and ability levels and should also encourage connections among modes as a means to improve the quality of life in Mosier.**

#### Policies

- A. Develop and maintain a transportation network that provides connections within Mosier to schools, places of employment, commercial areas, and residential areas.
- B. Develop and maintain a transportation network that provides connections to area destinations, including employment, recreation sites, and services.
- C. Ensure that city policies and standards support network connectivity, including development standards related to street improvements.

- D. Ensure that roadway cross section standards accommodate the needs of all modes while considering the function of the roadway within the network and supporting efficient movement of people and goods.
- E. Maintain the function, operation, and capacity of state and local roadways in accordance with adopted State and local plans.
- F. Develop a transportation network that considers the function and character of different areas within Mosier and supports a vibrant Downtown.
- G. Develop and maintain a wayfinding system that highlights areas of interest and destinations to facilitate walking and bicycling trips.

**Goal 3: Develop a transportation system that supports a vibrant, successful Downtown business district; supports tourism (including bicycle tourism) as an economic strength; and supports regional economic activity, including agricultural production.**

Policies

- A. Maintain and improve key freight routes through Mosier.
- B. Develop and maintain a multi-modal transportation network that supports existing industry and allows for future economic growth and development.
- C. Develop and maintain a transportation system that supports anticipated growth within Mosier.
- D. Develop and maintain a multimodal network that supports existing and future growth in tourism, including bicycle tourism along the Columbia River Highway State Trail.
- E. Ensure that Mosier's transportation system is consistent with the community desire to maintain a small town, rural lifestyle with strong connections to history and agricultural roots.

**Goal 4: Develop a transportation system that support all modes, including pedestrians and bicyclists, through provision of dedicated facilities and related safety improvements.**

Policies

- A. Develop a connected network that facilitates travel within Mosier without a motor vehicle.
- B. Support efforts to provide end-of-trip facilities to encourage and support walking and bicycling trips.
- C. Develop and maintain an integrated network that provides for multi-modal trips, allowing users to transition among modes.
- D. Improve the comfort level of pedestrian and bicycle facilities to encourage greater network use.
- E. Develop a Safe Routes to Schools (SRTS) Plan to improve transportation safety for children walking and biking to school.

**Goal 5: Develop a transportation system that balances community mobility needs and transportation options with the need to protect the environment.**

Policies

- A. Reduce reliance on single-occupancy motor vehicle use.
- B. Increase bicycling and walking trips for both utilitarian and commute purposes, particularly for distances less than 2 miles.
- C. Comply with all relevant policies and regulations relating to environmental impacts, including noise, water and air quality, and land use.
- D. Evaluate existing facilities for compliance with relevant policies and regulations relating to environmental impacts.

**Goal 6: Identify a funding structure that supports a viable transportation system that is consistent with local, regional and state goals in coordination with regional planning efforts.**

Policies

- A. Prioritize projects identified in previous planning efforts with public support.
- B. Encourage regional coordination for transportation improvements in order to provide a connected network and maximize the use of available funds.
- C. Build, maintain and enhance regional partnerships to leverage funding, as applicable, for transportation improvements.
- D. Identify maintenance interventions that can increase the life of existing facilities.
- E. Prioritize investments in infrastructure that promote safety and public health.

**Goal 7: Develop a transportation system that provides mobility choices for individuals of all ages, abilities, incomes, races, and ethnicities, specifically those who experience unequal access to transportation.**

*Policies*

- A. Ensure that network options consider access to transportation options for disadvantaged and vulnerable populations, including the elderly, families in poverty, and individuals with disabilities.
- B. Evaluate existing network access across all populations and identify gaps in access for disadvantaged and vulnerable populations.

Integrate equity criteria into project evaluation and prioritization practices, including providing access to schools, community services, and employment opportunities.

Existing Mosier Comp Plan (Pg 49.)

#### Transportation

1. That roads created in subdividing or land parceling shall be designed to tie into existing road systems, and overall road design approved by the city council.
2. That street right-of-way, and all other public lands shall be considered for: park, open space, or other public uses prior to their vacation.
3. That Mosier shall provide and encourage a safe, convenient and economic transportation system for citizens when financially feasible.
4. That new streets and those with major improvements will be constructed to consistent standards as defined in the City's zoning ordinance.
5. That access on city streets will be managed to ensure a balance of mobility and access to individual properties; access shall be governed by access management standards as defined in the City's zoning ordinance.
6. That future bicycle, pedestrian and street connections will be undertaken as needed and as funding allows to ensure accessibility to community facilities and activity centers.
7. That improvements to Highway 30 will be consistent with standards and guidelines for the Historic Columbia River Highway.

## Staff Report

Meeting Date: 3/17/21

Staff: Laura Westmeyer – City Attorney and John Grim – City Engineer

Agenda Title: Adoption of a Transportation Utility Fee (TUF) Ordinance

Agenda Action: Hold the first reading of Ordinance No. ??

Fiscal Impact: Not applicable

Staff Recommendation: Hold the first reading of Ordinance No. ??

### Background:

A Transportation Utility Fee (TUF) is a revenue mechanism used by municipalities to fund the repair and maintenance of streets and multi-modal infrastructure. The idea behind a TUF is that local users of the city streets should each contribute to the cost of preserving them. It is ultimately cheaper to regularly repair and maintain streets (and thereby extend the life of the streets) than needing to perform a more expensive reconstruction of the roadway at an earlier point in time. The residents of the City are benefited by routine maintenance and preservation of the streets – both in needing to pay less overall toward a given street, and in the use of a well-maintained street.

Revenues from a TUF may also be put toward roadway improvements, such as the improvements identified in the City's 2019 Transportation System Plan (TSP). The TSP includes the recommendation to adopt a Transportation Utility Fee for this very reason. Below is an excerpt from the TSP in regard to the need for a TUF and additional street revenues:

## PROSPECTIVE FUNDING SOURCES

Mosier is expected to have about \$1 million available to fund transportation system improvements through 2040. This funding is expected to come from external funding sources such as federal or state discretionary funding or grants. The remaining projected 2040 revenue would be needed to cover projected future expenditures. With local revenues expected to remain relatively flat and maintenance costs increasing, Mosier will need to increase the transfer of general funds or utilize other (new) funding sources to maintain the current levels of maintenance and operations. The potential Transportation Utility Fee is not expected to generate enough funds to cover the annual maintenance deficit. The City should consider expanding funding sources beyond a new Transportation Utility Fee to provide funding that will meet future community needs.

The planning level cost estimates for all high priority projects in the proposed Mosier TSP total in approximately \$2,380,000. While it is reasonable to expect that there will be sufficient funding for these projects by 2040, an additional \$5,000,000 (approximate) in recommended Mosier TSP projects do not have a secure funding source. In addition to the proposed Transportation Utility Fee, additional funding sources should be considered, in addition to emerging federal and state discretionary funding opportunities.

At a previous City Council meeting, the Council discussed adoption of a TUF and directed staff to prepare information and an ordinance to consider for adoption. A proposed ordinance is included in your agenda packet for a first reading to take place at this meeting, as the first step in the adoption process.

Adoption of the ordinance simply establishes this mechanism as a potential funding source. For the City to start charging a fee amount, the Council will need to take additional action and set the fee amount by resolution. The Council suggested that adoption of the fee amount should be deferred to later in 2021 and is sensitive to the economic hardships that many residents are experiencing during the COVID-19 pandemic. Once the ordinance is adopted, City staff will evaluate the City's funding needs for maintenance and transportation projects, as well as known funding sources that will also support those projects and will bring to the Council a report with a recommended fee amount to account for any funding deficiency. This evaluation will take place during the budget work in the spring. For these reasons, this action item does NOT include adoption of a fee. Adoption of the fee will be considered at a later date, if it is deemed necessary. Adoption of the TUF right now will give City staff another tool in the revenue toolbox should the City need to employ it in the future.

The amount proposed for the fee, if needed, would be based on projected revenue needs to accomplish necessary maintenance, repairs, and improvements to the City's roadways. The TUF would be billed monthly as part of the water/sewer bill.

**Proposal:**

The TUF ordinance is attached to this staff report. Staff recommend that the City Council receive public comment and hold a first reading of Ordinance No. 174 as the first step in the adoption process. A second reading and adoption may be held at the next regular meeting of the City Council.

**Alternatives:**

The Council may request additional information; request revisions to the proposed ordinance; or reject the proposed ordinance.

**Proposed Motion:** *"I move to hold the first reading of Ordinance No. 174, by title only."*



## ORDINANCE NO. 174

### AN ORDINANCE OF THE CITY OF MOSIER ADOPTING A TRANSPORTATION UTILITY FEE AND ADDING A NEW CHAPTER TO TITLE 11 OF THE MOSIER MUNICIPAL CODE

**WHEREAS**, the condition of the City of Mosier street network has been inventoried and a street maintenance program proposed for annual repair and maintenance of the City's roadways as necessary to prevent the failure of streets;

**WHEREAS**, regular maintenance of streets is cost effective for the City and for its residents because deteriorated streets are increasingly expensive to repair and maintain, cause increased wear on vehicles, and pose increased safety hazards to the public;

**WHEREAS**, the Mosier City Council adopted the City's 2019 Transportation System Plan ("TSP") after an extensive public process, which TSP prioritizes projects for transportation system improvements and identifies a Transportation Utility Fee as one source of revenue for partial funding of the improvements;

**WHEREAS**, the City of Mosier desires to ensure safe passage for residents on public right-of-way falling within its jurisdiction and believes that a well-maintained street network enhances livability, property values, and economic vitality of the community;

**WHEREAS**, revenues from existing sources (including the state motor fuel tax and the Oregon Transportation Investment Act), are not adequate to maintain the City of Mosier's street network nor to provide for the transportation system improvements;

**WHEREAS**, the City Council finds it necessary to adopt a Transportation Utility Fee to provide a mechanism for funding the maintenance of local streets and street improvements within the jurisdiction of the City of Mosier and to provide long-term benefits to the residents and businesses within the City;

**WHEREAS**, the Transportation Utility Fee is a fee charged to users of the City's streets and is not a tax that is subject to the limits of section 11 or 11b, Article XI of the Oregon Constitution;

**NOW, THEREFORE, THE CITY OF MOSIER ORDAINS AS FOLLOWS:**

**Section 1: Adoption of Transportation Utility Fee Ordinance.** The Transportation Utility Fee Ordinance is hereby adopted as set forth in the attached document marked **Exhibit A**, attached hereto and incorporated herein by this reference. The Transportation Utility Fee Ordinance shall be known as the Transportation Utility Fee or the "TUF" Ordinance.

**Section 2: Codification.** A new Chapter 11.06 of the Mosier Municipal Code is hereby added to and made a part of Title 11 of the Mosier Municipal Code and the new Chapter 11.06 shall contain the TUF Ordinance as adopted herein.

**Section 3: Administration.** The TUF Ordinance shall be administered by the City Manager or the City Manager's designee.

**Section 4: Severability.** In the event any section, subsection, paragraph, sentence, or phrase of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Ordinance shall continue to be effective. If a court of competent jurisdiction determines that this Ordinance imposes a tax or charge which is unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the transportation utility fee shall be created, and the remainder of the Ordinance and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

**Section 5: Effective Date.** This Ordinance shall take effect on the 30th day after the date of adoption.

Read for the first time: \_\_\_\_\_, 2021.

Read for the second time: \_\_\_\_\_, 2021.

Adopted on this \_\_\_\_ day of \_\_\_\_\_, 2021 by the Mosier City Council by the following votes:

*Burns:* \_\_\_\_ *Anderson:* \_\_\_\_ *Berry:* \_\_\_\_

*Cannon:* \_\_\_\_ *Valitchka:* \_\_\_\_ *Wallace:* \_\_\_\_ *Wright:* \_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_

**Attest:** By: \_\_\_\_\_ Title: \_\_\_\_\_

## **EXHIBIT A**

### **Chapter 11.06**

#### **TRANSPORTATION UTILITY FEE**

Sections:

11.06.010 Purpose.

11.06.020 Adoption of transportation utility fee.

11.06.030 Street Fund.

11.06.040 Maintenance of local streets.

11.06.050 Billing and collection of the transportation utility fee.

11.06.060 Enforcement.

11.06.070 Administrative review; appeals.

11.06.080 Notice of decision.

11.06.90 Waiver of fees in case of vacancy.

11.06.100 Exemptions.

#### **11.06.010 Purpose.**

A transportation utility fee (TUF) is created for the purpose of providing funds for the operation, administration, repair, maintenance, reconstruction of, and improvements to, the local street and transportation network within the City.

#### **11.06.020 Adoption of transportation utility fee.**

The City Council may adopt, by resolution, a transportation utility fee to be paid by the owners or occupants of every property within the corporate limits of the City. Such fee shall be established in such amounts that will provide sufficient funds to properly maintain local streets throughout the City and may be established in such amounts as will provide sufficient funds for any other activities fitting the purposes of this Chapter. The City Engineer will, from time to time, provide a recommendation to the City Council for the establishment of a TUF fee amount. The City Engineer shall be responsible for determining the recommended fee amounts in accordance with street usage. The City Engineer may develop street maintenance and improvement programs, perform traffic counts, establish standards for the operation and maintenance of streets and related facilities, and undertake any other relevant activity for the purpose of making a determination on the recommended TUF fee amount.

#### **11.06.030 Street Fund.**

All fees collected pursuant to this Chapter shall be paid into a fund established by the City for this purpose (hereinafter referred to as the "Street Fund"). Revenues from the Street Fund shall only be used for the purposes allowed under this Chapter. It shall not be necessary that expenditures from the Street Fund specifically relate to any particular property from which the fees were collected. Activities that may be conducted through the use of Street Fund revenues include, but are not limited to:

1. Street repair and maintenance, including sidewalk, shoulder, pavement, and ditch work.
2. Signage and striping.
3. Stormwater system repair and improvements.
4. Street improvements and capital projects.
5. Bicycle and pedestrian improvements and capital projects.
6. Transportation-related facilities.

The fees paid and collected pursuant to this Chapter shall not be used for general governmental purposes of the City, except to pay for an equitable share of the City's accounting, management, administration, and other governing costs for the administration of this Chapter, operation of the street maintenance program, or calculation of the proposed TUF fee amount.

#### **11.06.040 Maintenance of local streets.**

The City may use revenues from the Street Fund to maintain local streets administered or controlled by the City that are within and upon City-owned and administered land, rights-of-way, and easements. Local streets specifically exclude private streets, and streets maintained by other individuals or entities through intergovernmental agreement or by way of any other contractual obligation.

#### **11.06.050 Billing and collection of the transportation utility fee.**

The transportation utility fee shall be billed and collected with and as a part of the water and sewer bill for those properties utilizing City water and/or sewer services. In cases where a developed property is subject to water and/or sewer utility charges, the transportation utility fee bill shall be directed to the same person as the bill for water and/or sewer charges. If a tenant in possession of any premises pays such fee, such payment arrangement shall not relieve the owner from such obligation. Fees charged to individual structures and uses will be based upon the number of meter equivalents (MEs) established by the City's water billing system and will be billed monthly as part of the water/sewer bill.

#### **11.06.060 Enforcement.**

(1) This Chapter shall be administered by the City Manager or the City Manager's designee. Any charge due hereunder which is not paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this or any other ordinance of the City, failure of any user of City utilities within the City to pay said charges promptly when due shall subject such user to discontinuance of any or all utility services provided by the City and may be subject to municipal lien for payments owed. The City Manager or designee is hereby directed to enforce this provision against such delinquent users and is empowered to use any remedy available to the City at law to do so.

(2) In addition to any other remedy provided in this Chapter, violation of this ordinance is punishable by a fine not to exceed \$500, as may be adopted by the City Council by resolution. This civil penalty is in addition to any other remedy available to the City at law.

#### **11.06.070 Administrative review; appeals.**

(1) Anyone who disputes the amount of the TUF fee that is owed by the disputed party may file an appeal with the City Manager, provided that the appeal is filing in writing and made pursuant to this section within 10 days of the date of the fee determination. The date of the fee determination shall be the date of the TUF fee adoption by resolution of the City Council unless an individualized fee determination is otherwise made. Appeals will be denied without review unless received by the City Manager within 10 days from the date of the fee determination and follows the process provided by this Section. Except in cases of hardship, as determined by the decisionmaker, appeals that result in changes to a TUF fee become effective at the beginning of the next billing cycle.

(2) Any appeal must be in writing and must include the appropriate filing fee as may be established by the City Council by resolution. Appeals must be filed with the City Manager and must specify the basis for disagreeing with the decision, including the legal and factual basis and justification for the appellant's dispute. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of an additional petition.

(3) The City Manager shall consider the appeal and issue a written decision to the petitioner within 14 days from the date of receipt of the appeal. The decision shall be noticed and served to the petitioner within a reasonable time after issuance. The City Manager's decision must include a determination of whether there is substantial evidence to support the City's decision on the TUF fee amount charged to the petitioner. The decision of the City Manager may be appealed to the City Council within 10 days from the date of service of the decision. Appeals that are not timely filed must be denied without review. Appeals to the City Council must be in writing, filed with the City Manager, and accompanied by the appropriate filing fee. Appeals must contain the factual and legal basis for disagreeing with the City Manager's decision.

(4) If the City's Manager's decision is appealed, the City Manager shall place the appeal on a City Council meeting agenda at the next regularly scheduled meeting after receipt of the appeal that provides the appellant with at least 10 days written notice of the meeting at which the appeal will be heard. The appellant shall have the burden of proof at the hearing. The Council will conduct the hearing and will determine whether there is substantial evidence to support the City's decision on the TUF fee amount.

(4) Within forty-five (45) days of the hearing, the City Council shall make findings of fact based on all information that it deems relevant and shall make a written determination based upon such findings, and, if appropriate, modify such fee accordingly. The decision by the City Council shall be considered final.

#### **11.06.080 Notice of decision.**

Every decision of the City Council shall be in writing and notice thereof shall be mailed to or served upon the appellant within a reasonable time from the date of the decision. Service by certified mail, return receipt requested, shall be conclusive evidence of service.

#### **11.06.90 Waiver of fees in case of vacancy.**

When any property within the City become vacant, wholly unoccupied, or unused, and water service is discontinued, and all outstanding water, sewer, and transportation utility charges have been paid; and with approval by the City Manager, the transportation utility fee shall thereafter not be billed and shall not be a charge against the property.

#### **11.06.100 Exemptions.**

(1) The City Council may, by resolution, exempt any class of users from the TUF fee if it determines that the public interest deems it necessary, or if it determines that the contribution to the Street Fund by the said class would be insignificant. In addition, the following properties shall not be subject to the TUF fee:

- A. City-owned public parking lots.
- B. City-owned parkland, open spaces, and greenways.
- C. Areas encompassed by railroad and public rights-of-way.

(2) Discounts, if any, which may apply to low-income persons or properties for City water and sewer fees shall also apply to transportation utility fees.