



City of Tigard

Undergrounding Utilities

Procedure and Criteria for allowing the fee-in-lieu exception

BACKGROUND:

Pursuant to section 18.810.120 of the Tigard Municipal Code, “**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, [and] high-capacity electric lines operating at 50,000 volts or above.”

Section C of this code gives the City of Tigard, as the approval authority, the ability to grant exceptions for existing lines in situations where, in the city’s judgment, unusual project-specific conditions exist that would cause the cost and technical difficulty of undergrounding the utilities to significantly outweigh the benefits of undergrounding the utilities.

PROCEDURE:

If a developer or their representative wishes to seek a fee-in-lieu exception, they must submit their request to the City of Tigard in writing. This request must outline a preliminary assessment of the work that would be necessary to underground the utilities, and must clearly state the project-specific reasons that would significantly increase the difficulty or significantly reduce the benefit so that the difficulty would significantly outweigh the benefit.

This request must be signed and stamped by a Professional Engineer licensed to practice in the State of Oregon, and needs to be received 30 days before any plans would be approved or permits would be issued for the proposed development.

Upon receipt and review of the request, the City will either:

- a) approve the fee-in-lieu exception,
- b) deny the exception, or
- c) request additional information about the case.

Once plans have been approved and/or permits have been issued for a project, major changes in the utilities plans (such as leaving utilities above ground when they were planned to go underground) will require resubmittal of plans for the project. Work near the affected utilities may be delayed until review of these revised plans is complete.

CRITERIA

The decision whether or not to grant the fee-in-lieu exception will be solely at the discretion of the City of Tigard. Cases in which the exception may be granted include factors such as:

- a) Undergrounding would result in more line poles than currently exist.
- b) Topography and/or property ownership issues (such as lack of right-of-way) that would be prohibitive to undergrounding.

- c) Undergrounding would have significant negative environmental and/or neighborhood impacts.
- d) If, in the judgment of the City, significant unusual factors would cause the undergrounding to cost more than three times the cost for an 'average' project of similar size.

See Code section 18.810 for additional information (including more cases in which exceptions are typically granted).