



City of Tigard

Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD, AND CITY CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME: June 14, 2011 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting (**Agenda Revised 6/8/11 - Added Agenda Item 2.B., Resolution Acknowledging Tigard High School Student Envoy Tracie Tran**)

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

PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also 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 calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

VIEW LIVE VIDEO STREAMING ONLINE:

<http://www.tvctv.org/government-programming/government-meetings/tigard>

CABLE VIEWERS: The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

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



City of Tigard Tigard Business Meeting - Agenda

TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD, AND CITY CENTER DEVELOPMENT AGENCY

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

6:30 PM

- STUDY SESSION

- A. DISCUSSION OF PLAZA RELOCATION RESOLUTION

- B. Administrative Items

- June 14 Business Meeting Information:
 - Citizen Communication
 - Consider resolution for Tracie Tran. Next year's Tigard High School Student Envoy plans to be present: Associated Student Body Activities Officer Courtney Bither
 - Beaver Pond/Summer Lake
 - Consent Agenda: Cost-of-Living Adjustment - Non-Represented Management Group
 - Councilor Wilson to request removal of Consent Agenda Item No. 3.D for separate discussion. (2011-12 CIP Tree Canopy Replacement Project List)
 - Agenda Item No. 4 - *If I Were Mayor Contest* -
 - Jenelle Gaerlan, Poster Contest Winner from St. Anthony's, accompanied tonight by parent Ru Gaerlan.
 - Logan Phillips, Essay Contest Winner from St. Anthony's, accompanied tonight by parents Lisa and Sean Phillips.
 - Councilor Wilson to declare conflict of interest and withdraw from Council discussion on Agenda Item No. 5 - Public Hearing regarding Westside Christian High School land use application.
 - Staff requests Agenda Item 13.A. (Local Contract Review Board) be removed from the agenda, which was to *Award Contract for Citywide Grounds Maintenance Services...*
- Balloon Festival - Mayor and Council Members are reminded to let Emergency Manager Coordinator Mike Lueck know if they will attend the Balloon Festival. (Mike's contact information: mikel@tigard-or.gov or 503-718-2593)
- Council Meeting Calendar:
 - June 21 - Workshop Meeting - 6:30 p.m.
 - June 28 - Business Meeting - 6:30 p.m. Study Session; 7:30 Business Meeting

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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. Executive Sessions are closed to the public.

Business Meeting Agenda - Next Page

7:30 PM

1. BUSINESS MEETING - JUNE 14, 2011
TIGARD CITY COUNCIL, LOCAL CONTRACT REVIEW BOARD, AND CITY CENTER DEVELOPMENT AGENCY
 - A. Call to Order
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
 - A. Follow-up to Previous Citizen Communication
 - B. Approve Resolution Acknowledging and Commending Tracie Tran for her Service as Tigard High School Student Envoy for school year 2010-11.

RESOLUTION NO. 11-17 - A RESOLUTION ACKNOWLEDGING AND COMMENDING TRACIE TRAN FOR HER SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD
 - C. Tigard Area Chamber of Commerce
 - D. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:
7:35 PM
 - A. Approve City Council Minutes
 1. April 19, 2011
 2. April 26, 2011
 - B. Receive and File:
 1. Council Calendar
 2. Council Tentative Agenda for Future Meetings
 - C. Approve Community Development Block Grant Consortium Intergovernmental Agreement

- D. **Councilor Wilson requests this item be removed for separate consideration.**
Approve FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List

RESOLUTION 11-18 - A RESOLUTION APPROVING A LIST OF CAPITAL IMPROVEMENT PROGRAM (CIP) TREE CANOPY REPLACEMENT PROJECTS IN EXCESS OF 10% GREATER THAN THE TREE REPLACEMENT FEE IN THE MASTER FEES AND CHARGES SCHEDULE

- E. Approve the Washington County Cooperative Library Service (WCCLS) Public Library Service Agreement
- F. Approve Cost-of-Living Adjustment for Non-Represented Management Group July 1, 2011

- *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/City Center Development Agency has voted on those items which do not need discussion.*

4. ANNOUNCE 2011 "IF I WERE MAYOR" CONTEST AWARD WINNERS
7:40 PM

5. QUASI-JUDICIAL PUBLIC HEARING - WESTSIDE CHRISTIAN HIGH SCHOOL
COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00001 AND ZONE CHANGE (ZON)
2011-00001
7:50 PM

REQUEST: The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for a single 7.44-acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The applicant proposes a zone change to accommodate a school use not permitted under the existing zoning.

LOCATION: The property is located at 8200 SW Pfaffle Street. The site is bounded by SW Pfaffle on the north, Hwy. 217 on the west, and Pacific Hwy. on the south; Washington County Tax Assessor's Map 1S136CC, Tax Lot 100.

ZONE : C-P: Professional/Administrative Commercial District. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas. MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intradistrict pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.

COMPREHENSIVE PLAN DESIGNATION: Professional/Administrative Commercial to Mixed-Use Employment.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380, 18.390; Comprehensive Plan Goals: 1, Citizen Involvement; 2, Land Use Planning; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; Same Statewide Planning Goals; Oregon State Transportation Planning Rule (TPR); and the Metro Regional Transportation Plan (RTP).

- Open Public Hearing – Mayor
- Statement by City Attorney Regarding Procedure
- Declarations or Challenges
 - Do any members of Council wish to report any ex parte contact or information gained outside the hearing, including any site visits?
 - Have all members familiarized themselves with the application?
 - Are there any challenges from the audience pertaining to the Council's jurisdiction to hear this matter or is there a challenge on the participation of any member of the Council?
- Staff Report: Community Development Staff
- Public Testimony
 - Proponents
 - Opponents
 - Rebuttal/Final argument by applicant
- Staff Recommendation
- Close Public Hearing
- Council Discussion and Consideration: Ordinance No. 11-03

ORDINANCE NO. 11-03 -- AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT (CPA2011-00001) AND ZONE MAP AMENDMENT (ZON2011-00001) FOR 8200 SW PFAFFLE STREET, CHANGING THE COMPREHENSIVE PLAN DESIGNATION FROM PROFESSIONAL COMMERCIAL TO MIXED USE EMPLOYMENT AND CHANGING THE ZONING CLASSIFICATION FROM (C-P) TO (MUE), SUBJECT TO A CONDITION OF APPROVAL IMPOSING A TRIP CAP ON THE SITE. THE SUBJECT PROPERTY IS TAX LOT 100, WASHINGTON COUNTY TAX ASSESSOR'S MAP 1S136CC.

6. PUBLIC HEARING - CONSIDER FY 2010-11 SUPPLEMENTAL BUDGET AMENDMENT TO RECOGNIZE \$17 MILLION PARKS BOND PROCEEDS; ADDRESS CORRECTION TO STREET MAINTENANCE AND GAS TAX FUNDS; CORRECT WATER CAPITAL IMPROVEMENT PROGRAM; CORRECT GENERAL OBLIGATION DEBT SERVICE FUND; INCREASE PROFESSIONAL/CONTRACTUAL SERVICE; INCREASE TRANSFER FROM WATER FUND; RECOGNIZE GRANTS AND INTERGOVERNMENTAL REVENUES; RECOGNIZE TOTAL EXPENSES AND REVENUES ASSOCIATED WITH GRANT REVENUES FOR KNOLL AT TIGARD; AND CORRECT WATER BUILDING LEASE PAYMENT
8:30 PM

- Open Public Hearing
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention
- Staff Report: Finance and Information Services Staff
- Public Testimony
 - Proponents
 - Opponents
- Staff Recommendation
- Council Questions

- Close Public Hearing
- Council Consideration: Resolution No. 11-19

RESOLUTION NO. 11-19 -- A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) TO RECOGNIZE THE \$17 MILLION PARKS BOND PROCEEDS; 2) CORRECT THE BUDGETS FOR THE GENERAL OBLIGATION DEBT SERVICE, GAS TAX, STREET MAINTENANCE FEE, AND WATER CAPITAL IMPROVEMENT FUNDS; 3) RECOGNITION OF GRANT AND INTERGOVERNMENTAL REVENUES FOR PUBLIC WORKS, POLICE, AND THE CAPITAL IMPROVEMENT PROGRAM; 4) BUDGET OF UNANTICIPATED EXPENDITURES IN POLICY AND ADMINISTRATION.

7. PUBLIC HEARING - APPROVE RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES
8:40 PM

- Open Public Hearing
- Summation by Finance & Information Services Staff
- Public Testimony
- Staff Recommendation
- Council Discussion
- Close Public Hearing
- Council Consideration: Resolution No. 11-20

RESOLUTION NO. 11-20 -- A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES.

8. PUBLIC HEARING - APPROVE RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING
8:45 PM

- Open Public Hearing
- Summation by Finance & Information Services Staff
- Public Testimony
- Staff Recommendation
- Council Discussion
- Close Public Hearing
- Council Consideration: Resolution No. 11-21

RESOLUTION NO. 11-21 -- A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING.

9. APPROVE RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE, WHICH REPLACES RESOLUTION 10-30 AND ALL SUBSEQUENT AMENDMENTS TO DATE

- Staff Report - Finance and Information Services
- Council Discussion
- Council Consideration: Resolution No. 11-22

RESOLUTION NO. 11-22 -- A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE WHICH REPLACES RESOLUTION NO 10-30 AND ALL SUBSEQUENT AMENDMENTS TO DATE.

10. PUBLIC HEARING - CONSIDER A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE BUDGET, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED
8:55 PM

- Open Public Hearing
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention
- Staff Report: Finance & Information Services Staff
- Public Testimony
 - Proponents
 - Opponents
- Staff Recommendation
- Council Questions
- Close Public Hearing
- Council Consideration: Resolution No. 11-23

RESOLUTION NO. 11-23 -- A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE APPROVED BUDGET, WITH ADJUSTMENTS, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2012.

11. PUBLIC HEARING CITY CENTER DEVELOPMENT AGENCY - CONSIDER A RESOLUTION ADOPTING THE CITY CENTER DEVELOPMENT AGENCY FISCAL YEAR 2011-12 BUDGET, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES
9:10 PM

- Open Public Hearing
- Declarations or Challenges: Does any CCDA Board Member wish to declare or discuss a conflict of interest or abstention
- Staff Report: Finance & Information Services Staff
 - Public Testimony
 - Proponents
- Opponents
- Staff Recommendation
- CCDA Questions
- Close Public Hearing
- CCDA Consideration: Resolution No. 11-01

CITY CENTER DEVELOPMENT AGENCY RESOLUTION NO. 11-01 -- A RESOLUTION ADOPTING THE FISCAL YEAR 2011-2012 BUDGET, with adjustments, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES

12. PUBLIC HEARING - TO RECEIVE PUBLIC INPUT ON THE CANDIDATE CRITERIA AND/OR PROFILE TO BE USED IN THE RECRUITMENT AND SELECTION OF THE NEW CITY MANAGER
9:15 PM

- Open Public Hearing
- Staff Report: City Management, Human Resources Staff
- Public Testimony
- Staff Recommendation
- Council Questions
- Close Public Hearing
- Council Consideration of Public Input: Proposed Motion -- *Approve the Tigard City Manager candidate criteria and/or profile as presented in the draft candidate profile*

brochure with the following changes...(list any changes the Mayor and City Council members determine they want to add as a result of the public testimony.)

13. LOCAL CONTRACT REVIEW BOARD:
9:30 PM
 - A. ~~Award Contract for Citywide Grounds Maintenance Services to Portland Habilitation Center~~
This item removed per request from staff.
 - B. Award Contract for Citywide Janitorial Services to Tualatin Valley Workshop
 - C. Award Contract for Parks Acquisition and Improvement Management Services to Conservation Technix, Inc.
14. COUNCIL LIAISON REPORTS
15. NON AGENDA ITEMS
16. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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. Executive Sessions are closed to the public.
17. ADJOURNMENT
9:45 PM

AIS-510

Item #: A.

Business Meeting

Date: 06/14/2011

Length (in minutes): 10 Minutes

Agenda Title: Discussion of Plaza Location Resolution

Submitted By: Sean Farrelly
Community Development

Item Type: Update, Discussion, Direct Staff

Meeting Type:

City Center
Development
Agency

ISSUE

Discuss the need to consider locations other than the Steven's Marine site for a Downtown public plaza location.

STAFF RECOMMENDATION / ACTION REQUEST

Direct staff to prepare a resolution to amend resolutions 07-03 and 08-01 to allow consideration of other locations for a future Downtown public plaza

KEY FACTS AND INFORMATION SUMMARY

The Tigard Downtown Improvement Plan and the Urban Renewal Plan both recognized the need for public plaza and open space in Downtown that would serve as the "green heart" of Tigard. The plaza would be the site for community events as well as a catalyst for further redevelopment of the Downtown. A yearlong planning process in 2007-2008 resulted in the Fanno Creek Park and Plaza Master Plan, which identified the location of the plaza as the Stevens Marine site.

City Center Development Agency (CCDA) resolution 07-03 identified the Stevens Marine property as the site of the Downtown public plaza. A subsequent CCDA resolution, 08-01, adopted the Fanno Creek Park and Plaza Master plan, which also identified the property as the plaza site.

As reported in the January 25, 2011 CCDA study session, after the adoption of these resolutions, staff made a concerted effort to work with the Stevens Marine property owners and representatives to negotiate a practicable arrangement. The owners of the property and business have stressed their wish to keep Stevens Marine in operation, and thus the need for to consider other locations for a suitable plaza site.

The issue of the plaza location has become more time sensitive, as the parks acquisition bond approved by voters in November 2010 made available up to \$1.7 million for park land in the Downtown. These funds need to be expended within three years of bond sale per state law. The Stevens' site may not be realistically available, even looking beyond three years, and there may be other suitable sites in the Downtown with less complicated relocation issues.

At its May 11, 2011 meeting the City Center Advisory Commission (CCAC) approved a motion recommending that \$1.7 million in bond funds be utilized for a public plaza. They also recommended that the CCDA consider sites in addition to the Stevens Marine site for the public plaza. In the next few months, additional sites will be assessed for suitability by staff and the CCAC. The CCAC will make recommendations to the Parks and Recreation Board (PRAB) and the CCDA via executive sessions.

To maximize flexibility in the search for a suitable site, the CCDA is requested to consider a proposed resolution that will amend the previous resolution and state that other sites in the Downtown will be considered for the public plaza. This resolution would appear on a future consent agenda.

OTHER ALTERNATIVES

CCDA could direct staff to not propose the resolution.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council Goal 2: Implement Downtown and Town Center Redevelopment Opportunities
Fanno Creek Park and Plaza Master Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

January 25, 2011 CCDA study session

CCDA resolution 07-03, selecting the location for the Downtown Plaza

CCDA resolution 08-01, adopted the Fanno Creek Park and Plaza Master plan

AIS-552

Item #: . B.

Business Meeting

Date: 06/14/2011

Length (in minutes): 5 Minutes

Agenda Title: Approve Resolution Acknowledging and Commending Tigard High School Student Envoy Tracie Tran for Her Service

Submitted By: Carol Krager
City Management

Item Type: Resolution

Meeting Type:

Council Business Meeting - Main

ISSUE

Shall Council approve a Resolution acknowledging and commending Tracie Tran for her service as the Tigard High School Student Envoy to the City of Tigard

STAFF RECOMMENDATION / ACTION REQUEST

Motion to approve resolution.

KEY FACTS AND INFORMATION SUMMARY

Tigard High School Associated Student Body President Tracie Tran has ably performed as Tigard High School Student Envoy to the Tigard City Council by attending Council meetings and reporting on school activities and milestones.

For past student envoys Council has traditionally considered a resolution acknowledging them for their service at the end of the school year. This is Tracie's last meeting as she will be graduating on June 10, 2011.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

4. Advance Methods of Communication

DATES OF PREVIOUS COUNCIL CONSIDERATION

n/a

Attachments

Resolution

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-__

A RESOLUTION ACKNOWLEDGING AND COMMENDING TRACIE TRAN FOR HER SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

WHEREAS, the Tigard City Council desires to connect with students in schools to improve communications and relationships; and

WHEREAS, City of Tigard elected and appointed officials appreciated the monthly student activity updates from Tigard High School Student Envoy Tracie Tran; and

WHEREAS, the activities coordinated by Tigard High Associated Student Body President Tracie Tran and her fellow student leaders benefitted students and the Tigard community.

NOW THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard Council and staff members hereby convey their gratitude to Tracie Tran for her exemplary service as Tigard High School Student Envoy to the City of Tigard.

SECTION 2: The City of Tigard Council and staff members hereby extend congratulations and wishes for future health and success to Tigard High School Graduate Tracie Tran.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2011.

Mayor – City of Tigard

ATTEST

City Recorder – City of Tigard

RESOLUTION NO. 11-

AIS-549

Item #: 3. A.

Business Meeting

Date: 06/14/2011

Length (in minutes): Consent Item

Agenda Title: Approve Council Minutes

Submitted By: Cathy Wheatley
Administrative Services

Item Type: Motion Requested

Meeting Type: Council Business
Meeting - Main

ISSUE

Approve minutes as proposed.

STAFF RECOMMENDATION / ACTION REQUEST

See "Issue."

KEY FACTS AND INFORMATION SUMMARY

See "Issue."

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[April 19, 2011 Minutes](#)

[April 26, 2011 Minutes](#)



City of Tigard

Tigard Workshop/Study Session Meeting – Minutes

TIGARD CITY COUNCIL

MEETING DATE/TIME: April 19, 2011 – 6:30 p.m. – Study Session and Workshop Meeting

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

STUDY SESSION

Council Present: Mayor Dirksen, Councilor Henderson, Councilor Wilson, Council President Buehner, and Councilor Woodard.

Staff Present: City Manager Prosser, Assistant City Manager Newton, Deputy City Recorder Krager, and Community Development Director Bunch.

At 6:30 p.m. Mayor Dirksen called the Study Session to order.

- Discuss 2011 Exemplary Citizen Award

A nomination for Tigard’s Exemplary Citizen was discussed. Council agreed that nominee Jane Davies was deserving of the award. She will be honored at the 2011 Tigard Chamber of Commerce’s Shining Stars banquet. Council President Buehner will attend the banquet and present the award. Also attending will be Councilor Wilson, Councilor Henderson and Councilor Woodard.

1. WORKSHOP MEETING

1.1 At 6:35 p.m. Mayor Dirksen called the Tigard City Council Workshop meeting to order.

1.2 Deputy City Recorder Krager called the roll.

	Present	Absent
Council President Buehner	✓	
Mayor Dirksen	✓	
Councilor Henderson	✓	
Councilor Woodard	✓	
Councilor Wilson	✓	

1.3 Pledge of Allegiance

- 1.4 Council Communications & Liaison Reports – none
- 1.5 Call to Council and Staff for Non-Agenda Items – none

2. JOINT MEETING WITH THE LIBRARY BOARD

Library Director Barnes said Library Board Co-chair Richard Heath would introduce the members of the Library Board. He introduced Board Members Scott Hancock, Cecilia Nguyen, Linda Monahan, and John Storhm. He said the theme this year is that the library is not just a place to get a book.

 Board Member Hancock described programs for children, teens and adults. Adult activities include travel programs, senior rail travel, discovering labyrinths, genealogy classes, AARP tax help and big screen football game viewing.

Board Member Storhm demonstrated electronic viewing of library programs. He used live internet to show how easy it is to find information about the library, your account, and how to reserve material. He described how to download e-books from the Oregon Digital Library Consortium which has 25,000 titles available from Library to Go. Project Gutenberg has e-books that can be downloaded with no limit to the number reserved. He spoke about Washington County Cooperative Library Services (WCCLS) resources which include databases, full text magazine articles and newspaper articles from thousands of newspapers through InfoTrac Newsstand.

Board Member Nguyen discussed disseminating information to the public using Twitter and Facebook. She described informative e-mails that are pushed from the library such as Books & Bits. She said the Library has a Facebook profile and if you “friend” the library you will automatically receive this information.

Council President Buehner said that while she noticed there were library programs for younger Hispanic people, she did not see many for adult Spanish speakers. She suggested the formation of a book group for patrons wishing to improve English language skills. Library Director Barnes said conversational English classes were offered in the past but attendance was very small. Due to last fiscal year’s reductions, the library no longer hosts book clubs. She said the computer classes have a translator available.

Councilor Wilson asked how the library decides what programs to offer. Board Co-chair Heath said most ideas come from staff. Library Director Barnes said they also follow trends from magazines and workshops. Mayor Dirksen asked if she thought the library was picking up the slack because the City doesn’t have a recreation program. Library Director Barnes said she wasn’t sure that the library would do less programming if Tigard had a recreation program.

Councilor Wilson asked Library Director Barnes for her opinion about the City no longer renting out rooms. Library Director Barnes said in many ways, it is much smoother without room rentals because of parking issues. Councilor Wilson asked, “Is that the library’s biggest challenge?” Library Director Barnes said what is more critical is restoring Thursday morning hours, and then adding additional parking. She said she doesn’t hear a lot about the Community Room not being available. City Manager Prosser said his office hears complaints about the City no longer offering room rentals. Council President Buehner said she also has received complaints about this.

Councilor Woodard suggested that cooking classes at the library would be popular.

Board Co-chair Heath closed by saying that the library was rated as excellent or good by 97.2 percent of those completing the 2011 survey. He thanked the Council for their continued support.

3. 1ST QUARTER COUNCIL GOAL UPDATE



City Manager Prosser noted the new format for Council goal updates, which builds off the exercise used when producing the Council Goal Work Plans. He said the Goal Report was in the Friday newsletter. He said Department Directors would summarize that report, highlighting what was accomplished towards each goal and respond to comments and questions from Council.

Goal 1: Implement Comprehensive Plan



- a. **Show substantial progress on new Tigard Triangle Master Plan - Community Development** Director Bunch said progress is being made toward this by work done on the Economic Opportunities Analysis and high-capacity transit planning. The material being prepared will form the basis for the Tigard Triangle Master Plan. He said additionally, the city has been working with Metro to designate the Triangle as a Town Center.
- b. **Update Tree Code** – Substantial progress has been made on the code provisions. Citizen outreach for both the tree code and tree grove preservation has occurred.
- c. **Participate in the Southwest Corridor Study** – Tigard is highly involved with the high capacity transit study funded by the TGM grant. Several meetings have been held with citizen technical advisory committees and some substantial technical elements are complete. A public open house and day charette is scheduled for May 25, 2011.
- d. **Work with state and regional partners to modify the Transportation Planning Rule**– Tigard has been working with Metro, Department of Land Conservation Development (LCDC) and other communities to set the stage. Community Development staff are leveraged to give Tigard the ability to have a staff member on a subcommittee whereby LCDC will be making this decision. There is a bill working its way through the legislature that gives LCDC the authority to modify the TPR. Mayor Dirksen added that the League of Oregon Cities has kept Council informed on legislative impacts on the existing TPR. He said the legislature has listened to what cities and counties have said and as a result recommended changes are in line with Tigard's concerns.
- e. **Work with Partners on Urbanization Policy Issues**– There has been substantial progress made with our partners to fulfill the city's goal not to have further urbanization in unincorporated areas of the county. This work will continue through the summer and into the fall.

Goal 2: Implement Downtown and Town Center Redevelopment Opportunities

- a. **Develop strategy and materials to attract developers and tenants**

Community Development Director Bunch said staff and other downtown stakeholders have been working with consultant Michelle Reeves on several development studies. A matrix of

development incentives was prepared with a CCAC subcommittee which will continue to investigate this. He said the first business to use the Façade Improvement Program was the liquor store on Main and Burnham and the result is great. He said staff facilitated the use of the Façade Improvement Program to help market a vacant property. He reported that city permits for Live, Laugh, Love Glass have been issued. The Green Street retrofit is moving ahead. Mayor Dirksen noted the upcoming grand opening of the Knoll affordable housing for seniors and veterans, which is the first major development in the urban renewal district.

- b. **Advance Ash Avenue Railroad Crossing**– City Manager Prosser said no milestones were reached during the first quarter.

Goal 3: Complete Plans for Parkland Acquisitions

Public Works Director Koellermeier said staff has come before Council twice recently for park purchases. He said they have a three-year communication plan and PRAB is working hard on site selection for new parks. He said that another group of parcels will come to Council for consideration in July.

Goal 4: Advance Methods of Communication

- a. **Communication is a part of everyone’s job**– Assistant City Manager Newton distributed to Council a copy of the City of Tigard Logo and Design Standards booklet developed for staff to follow. The Design and Communications staff is available to meet with staff and assist with implementation. She said communication and outreach plans for all the Council Goals are being compiled and will be given to Council by the end of April.
- b. **Support efforts to change organization culture** –Human Resources Director Zodrow said this goal revolves around integrating the three organizational values; Get it Done, Do the Right Thing and Respect and Care. She said Council’s goal this year is to see how engaged employees are with the values. The City Values Team recently distributed a staff survey to determine that level of engagement. 158 employees responded and results are being evaluated.

Councilor Woodard asked who did the branding and said he was impressed with it. Assistant City Manager Newton said Graphics Supervisor Marvin worked on the bulk of the document, assisted by a committee. City Manager Prosser said the design standards booklet has been seen outside of the organization and other jurisdictions have requested the name of the consultant we used. He said he is proud to say it was all done in-house.

Mayor Dirksen commented on Goal 4.b, saying programs like this are not as showy as buying land for a park but there needs to be a designed effort so an organization is always considering how to do things in a better way.

Goal 5: Continue Coordination with Lake Oswego on Water Partnership –Public Works

Director Koellermeier said public outreach is continuing. Lake Oswego is awarding the water treatment plant design consultant contract tonight. The value planning document has been approved by the Oversight Committee. The project budget has been accepted by Tigard and

Lake Oswego budget committees. He said the Water Resources Department issued their final order on the water rights extension.

Goal 6 - Financial Stability

- a. **Hold the line on the General Fund Budget** – Finance and Information Services Director LaFrance said the city is holding the line in the general fund budget. He said the first Budget Committee meeting was held on April 18. Staff will have a report for Council in the second quarter.
- b. **Work with partners on long-range solutions to statewide structural problems** – Assistant City Manager Newton said there was information in the packet regarding the city’s work with the legislature. A debriefing has been scheduled for the next Council business meeting on April 26, with Senator Burdick and Representative Doherty scheduled to attend. Senator Burdick will give Council a report on kicker reform legislation.
- c. **Evaluate the City’s internal sustainability efforts**–No progress was scheduled during the first quarter.

Police Chief Orr mentioned some Police Department activities in the last quarter. He said State Farm Insurance awarded \$10,000 for a kiosk to be placed at Bridgeport Village Cinemas. It will display crime prevention information and bulletins, which can be updated and sent directly to the kiosk via computer. He also reported that Tigard Police, in conjunction with Red Robin restaurants, raised \$56,000 through the “Tip a Cop” fundraiser, the most raised by any police department in the state. He mentioned the completion of the inventorying and bar coding of all property in police property evidence storage, which was a monumental task.

City Manager Prosser asked Council if they liked the new quarterly goal update report format and their responses were very favorable.

4. REVIEW OF THE RECYCLED WATER FEASIBILITY STUDY



City Engineer Kyle introduced CleanWater Services Principal Engineer and Project Manager Steve Kebbe who joined him in summarizing the report that Tigard and CWS prepared on the feasibility of bringing recycled water to the downtown area.

City Engineer Kyle said the recycled water in this case is sewage which has been treated and only the cleanest and highest grade of recycled water would be used for this project. The Durham treatment plant produces this “Class A” reuse water six months of the year, from May through October. He said they don’t need to treat to this level for winter discharge so the process is shut down because it is expensive to operate.

Potential uses of reuse water considered in the report include water features, toilet flushing and street cleaning. City Engineer Kyle said a key consideration for CleanWater Services is whether this project would improve the quality of water in the basin, specifically the Tualatin River and Fanno Creek.

City Engineer Kyle said reuse water can take the demand off of the drinking water supply and can be used to increase the flow in Fanno Creek, but not by directly putting it back into the creek. This must

be done along with decreased withdraws from Fanno Creek. It appears to be a sustainable practice, although costly. He said there are a many restrictions on how or for what it can be used. He said it cannot be discharged to a stream, river, creek or wetland or any other water of the state without a National Pollutant Discharge Elimination Permit. He said the permits are extremely difficult to obtain and a new permit for a new source would be almost impossible to obtain. He said, "Release of this water to Fanno Creek would be very difficult. If we were to use reuse water in a water feature, we couldn't put it in Fanno Creek. We'd have to collect it at the bottom and then pump it back up to the top and run it through again."

Council President Buehner asked why this water, which would come from the Durham Treatment plant and is destined for the Tualatin River, cannot be released back into Fanno Creek, just up the street from the treatment plant. City Engineer Kyle agreed that it is counterintuitive, but the system for regulating waste water discharge is set up as if it is still sewage. Dilution is important and there is not enough water in Fanno Creek to dilute it.

Engineer Kyle said a key issue is the goal to improve Fanno Creek water quality and quantity. He said the best way to do that is to leave the natural water in the creek by reducing irrigation withdraws, the largest of which comes from Portland Golf Club. He said to bring water to Tigard's downtown would cost \$2.7 million and there is no funding source identified. Mayor Dirksen said if our goal is to improve stream flows, maybe the question is where we could find replacement water for the Portland Golf Club and other users.

CleanWater Services Engineer Kebbe said Portland Golf Club currently has a Fanno Creek water right of 1.4 CFS, that typically runs dry in the summer. Their secondary water source is pumped well water, but it is high in salts. Their third source is Bull Run water. Engineer Kebbe said for them to use a side stream from a nearby sewer and treat water in a small scalping plant would cost \$19 million.

Councilor Wilson asked if it would make sense for them to find another source because what they spend on Bull Run water is going to increase. CleanWater Services Engineer Kebbe responded that some of the golf clubs were interested if their cost for water would be relatively the same as what potable water would cost them.

Mayor Dirksen said, "I see your recommendation is that at this point it is not feasible. It is very disappointing." He recommended staff continue exploring options and thinking outside the box because this is still an idea worth pursuing. Engineer Kyle said agencies that get into the recycled water business usually have no other choice. He said, "The idea of an urban creek or something like that is still feasible: we just need to have a pipe underneath that pumps the water around in circles."

Councilor Henderson said he has followed reuse water for some time and this is feasible all over the world. He said Tigard has not found it to be a necessity yet but as the community continues to build out, there needs to be a plan to make sure the pipes are in the right place when roads are built. The city needs to look at alternatives.

Councilor Woodard asked whether there was something in the city code preventing the installation of water reuse (purple) pipes through existing sewer pipes, or strapped to them. Engineer Kyle said he didn't recommend that.

City Engineer Kyle said a year around source and user are needed, and that means the city has to look at the industrial areas. He said a good route would be placing the pipes under the Fanno Creek Trail,

which also gives the city a reason to fix the trail. He noted that pipes placed there shouldn't be affected by floods.

Mayor Dirksen said that at the present time there isn't much of this reuse water available from the Durham plant due to river discharge requirements. He said if we want to change the mindset of the regulators this needs to become a legislative priority. City Engineer Kyle said that change would need to be on a federal level.

Council President Buehner said that as the price of potable water goes up, the feasibility of using recycled water will increase. Councilor Henderson says the story in LA is, "They're drinking that water."

5. **JOINT COUNCIL-PLANNING COMMISSION WORKSHOP ON THE GREEWAY TRAIL SYSTEM**

Project Planner Roberts introduced this item which brought the Planning Commission and Council together with the Park and Recreation Advisory Board (PRAB), and consultants Jamie Parks and Jessica Horning from Kittelson & Associates, Inc., and Mike Tresidder from Alta Planning + Design. Project Planner Roberts said he is working alongside Parks Manager Martin on this plan. He said the main purpose of this joint Council/Planning Commission meeting is to seek direction and input from Council prior to finishing up the plan. Consultant Parks gave a brief overview of the plan and a PowerPoint presentation. A copy of his presentation is in the meeting packet.

Planning Commissioners in attendance were Don Schmidt, Matthew Muldoon, Margaret Doherty and Richard Shavey. Neighborhood Trails Plan Citizen Advisory Committee Member Doug Vorwaller was also in attendance.

Recommended trail projects were prioritized, including three already funded. Highest priority trails included connecting Fanno Creek sections and some local trail gaps. Implementation strategies include amending regulations and seeking opportunities to develop trails through land acquisition, partnerships and grant funding. Amenities were included such as signage.

Mayor Dirksen said he was excited by the choices, particularly trails used as transportation systems and connecting the city limits to Tualatin over the Kiakuts Bridge, for example. He said he was surprised that Project ID #M-Fanno Creek Trail from Durham Road to the Tualatin River Trail didn't rise higher on the list. Consultant Parks said the City of Durham had some issues with that trail.

Mayor Dirksen noticed that decomposed granite was suggested as a trail surface and asked how well that would work for bicycling. Consultant Tresidder said it works fairly well as a bicycling surface and is not too loose of a surface. Councilor Henderson asked how deep it would be applied. Consultant Tresidder said it would be six inches deep. Mayor Dirksen said he was favorable to the use of permeable surfaces rather than asphalt.

 In response to a question from Councilor Woodard, Mayor Dirksen said the Tigard Street Trail will be a linear trail on property the city hopes to acquire from ODOT Rail. City Manager Prosser noted that ODOT is concerned about people walking too close to the rail tracks if they jaywalk from the Tigard Street trail across Main Street. He said one suggestion was to make a mini-plaza with planters at Main Street to encourage pedestrians to head towards Tigard Street to cross at Main. Mayor

Dirksen said there was a funding source at the Metro level designated for active transportation (any transportation that is not automobile oriented). He said this should be pursued.

Project Planner Roberts said the trail along Tigard Street was also considered for one leg of a speedwalking course loop but unfortunately, there are too many buildings and vegetation alongside the trail, and according to the race contacts staff consulted, the entire course must be visible from a central point. Councilor Henderson asked if another spot for speedwalking could be located as he felt there was a tremendous desire for recreational use.

Councilor Wilson asked if any trails were identified that needed immediate improvement. Consultant Parks replied that the Tualatin River trail west of Cook Park varies in width between four and ten feet and the plan recommends a uniform ten-foot width.

Councilor Woodard brought up the idea of a strip of land for exercise with equipment installed for chin-up and stair-step stations and thought the Tigard Street Trail might be a good place. Mayor Dirksen said the school property recently purchased has some exercise course components.

Councilor Wilson asked if there was a process in place governing how the parks bond money will be allocated between acquisitions, improvements, trails or greenspace. Parks Manager Martin said the PRAB first looked at the sections from Woodard Park to Main to connect the Fanno Creek trail and applied for a grant, but it didn't come through. He said PRAB is currently considering development because the timeline for that will be longer than for acquisitions. PRAB hasn't decided how much to spend on trails or on parks, they are getting a handle on it right now. Mayor Dirksen asked about their timeline. Parks Manager Martin said they are starting on some park master plans and are moving the process forward.

Planning Commissioner Muldoon asked if the consultants were sensitive to the downturn in the economy when developing costs. He noted that some steel beam bridges were designed and metal prices have escalated. Consultant Parks said they looked at things on a planning level, and supplied low- to-high-cost options, which are not specific.

Planning Commissioner Shavey noted that the plan will be reevaluated in five years and asked about that schedule. Consultant Parks said the Transportation System Plan stated that there should be a trail plan and now that there is one, the group decided it should be updated every five years.

Regarding the proposed trail connecting Jack Park to the fire station parking lot and Walnut Street via a bridge, Council President Buehner suggested a dedicated crosswalk across Walnut Street because of traffic volume.

Councilor Woodard asked about the high cost of the Durham Road to Tualatin River trail. Mayor Dirksen said part of the cost is right-of-way acquisition and the fact that it is in another jurisdiction. Consultant Parks added that a new bridge over Fanno Creek is a considerable portion of the cost. Projects Planner Roberts said the bike trails map shows a connection from 85th to the Kiakuts Bridge, through CWS property. He said however, this is in a restoration area so a discussion on this alignment would need a higher level conversation.

Mayor Dirksen said this plan is ambitious, but the projects that came to the top look feasible.

Citizen Advisory Committee Member Vorwaller said they had a good leadership team and good consultants who put a lot of input into prioritizing and planning. He said one concern he has is losing

greenways and trails that are on the Summer Creek plan. He said there are temporary workarounds which are on-road but we are dropping off the long-term joint. He'd like to keep the trails as planned for short term. There is potential to connect the west side with Fanno Creek. Council President Buehner said she supported this because of the shortage of trails in the western part of Tigard.

6.  **TIGARD DEVELOPMENT CODE (TDC) REGULATORY IMPROVEMENT INITIATIVE (RII) UPDATE AND WORKSHOP**

Associate Planner Floyd updated Council on the latest package of the Regulatory Initiative (RII) code amendments. He said this phase contains the use classifications adopted six months ago, corrects known problems, and improves decision making procedures and the way the city classifies land use. He referred to Attachment 1 of the meeting packet information which lists the approximately 39 code chapters requiring changes with this RII.

He said staff maintains a database of issues with the code and out of 70 current items, this latest update covers at least 20. Staff is assembling a large amount of director interpretations as these need to be codified.

Council President Buehner asked why subdivision approvals don't go to the Planning Commission. She said the public needs a forum to vent their concerns and issues and wants staff to look at whether this process should be amended for larger subdivisions, as they are more controversial. She felt this may result in fewer appeals.

Councilor Wilson said the decision not to put subdivisions before the Planning Commission happened while he was a Planning Commissioner. He said they heard subdivision after subdivision and the public hearings were packed. He said it was seldom that the Planning Commission made a substantive change as a result of a neighbor raising an issue. He commented that Hearings Officer meetings are also open to the public. Councilor Buehner suggested that many people are intimidated by the Hearings Officer. She said the volume of subdivisions will never increase to what it was when Councilor Wilson was on the Planning Commission.

 Community Development Director Bunch said some jurisdictions create development review boards tasked with considering subdivisions from a design standpoint. It was controversial and very staff intensive. But it led to many good decisions that fostered nice design and development. He said "Communities have a policy opportunity to express their values in one way or another, but it really is a political decision." Community Development Director Bunch said the design review board has quasi-judicial authority. Mayor Dirksen asked if a form-based code achieves the same thing. Community Development Director Bunch said that in some respects it does.

Community Development Director Bunch said the decision on whether to put subdivisions before the Planning Commission, a design review board, or continue as it is being done now, should be based on resources. He suggested investigating this now and once Tigard starts picking up subdivisions again, reexamine it.

Councilor Wilson said the city may start to experience controversy as infill occurs. Community Development Director Bunch recommended creating a design review process for infill development standards in order to maintain the neighborhood character. Mayor Dirksen said he is intrigued, and

asked, “Why wait until we need it to start looking at it? Put it in place now.” City Manager Prosser asked if this should be done as part of the regulatory review process. Community Development Director Bunch said he recommended it be constructed as part of the regulatory review process because it follows the use category and decision making process. He suggested putting the framework in the code.

Councilor Wilson said he has been in front of many design review boards in his career and his experience is that Portland’s is the best because it is staffed by very competent architects. Design review boards in smaller cities lack enough experienced professionals who would volunteer to be on the board. Sometimes big corporations can be intimidating. Mayor Dirksen asked if Tigard could have a professional board. Community Development Director Bunch said some cities do this for specific and more difficult projects. He added that from a practical standpoint, design review boards need to be backed up by the code and a community culture that supports them.

Council President Buehner asked if Planning Commissioners working with staff on updates have thought of including people with private sector experience who use these codes on a daily basis.

Councilor Woodard suggested building in trigger points during design development where neighbors and stakeholders would be engaged.

Council President Buehner said she’d like to discuss the private street provision, which she feels does not work. City Manager Prosser reminded Councilors of the time and said a lot of great ideas were coming forth for the code but this phase is about the decision-making process.

Mayor Dirksen asked Council if they had read the questions for them in the staff report and if they had any comments or suggestions for staff. Council President Buehner strongly advocated putting in legislative history because it would cut off disagreements when applications come in. Mayor Dirksen agreed and suggested the placement be in the front because it, “can answer the question before it gets asked.”

Councilor Wilson recommended against having the legislative history in the front. Associate Planner Floyd interjected that Portland’s practice is to reference ordinance numbers in front in sequence. Councilor Wilson agreed with it. Community Development Director Bunch said it could be found in the records managements system – Accella – and there is a way to call up this information.

Associate Planner Floyd asked how narrowly Council wanted code amendments defined. He said there are often small corrections that don’t warrant a separate amendment. He asked Council if they minded if these could be considered with others that may or may not be related. Mayor Dirksen said it would depend and Council should be asked whether or not to consider them together.

7. COUNCIL LIAISON REPORTS - None

- 8. NON-AGENDA ITEMS –** City Manager Recruitment: Mayor Dirksen said Human Resources Director Zodrow would like to meet with Council to consider a consultant soon. He asked Council if they would be available on May 3 for a Special Meeting and Council said they were available. Mayor Dirksen said he is still working on a list of names for Councilors to interview that includes staff, prominent citizens, community leaders, activists, and business leaders, and will have that list for Council

next week. City Manager Prosser and Assistant City Manager Newton are working on some basic questions.

9. **EXECUTIVE SESSION** – None held

10. **ADJOURNMENT**

At 9:34 pm Councilor Wilson moved for adjournment. The motion was seconded by Council President Buehner and all voted in favor.

	Yes	No
Council President Buehner	✓	
Mayor Dirksen	✓	
Councilor Henderson	✓	
Councilor Woodard	✓	
Councilor Wilson	✓	

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date



City of Tigard

Tigard Business Meeting – Minutes

TIGARD CITY COUNCIL

MEETING DATE/TIME: April 26, 2011 – 6:30 p.m. – Study Session and 7:30 p.m. Business Meeting

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

1. STUDY SESSION

Council Present: Mayor Dirksen, Councilor Wilson, Councilor Woodard, Council President Buehner, Councilor Henderson.

Staff Present, City Manager Prosser, Assistant City Manager Newton, City Attorney Ramis, Community Development Director Bunch, Public Works Director Koellermeier, City Engineer Kyle, Human Resources Director Zodrow and City Attorney Damm.

EXECUTIVE SESSION

- At 6:30 p.m. Mayor Dirksen called the Study Session to order and announced an Executive Session. City Manager Prosser read the citation for an Executive Session to conduct deliberations on labor negotiations, and real property negotiations, under ORS 192.660(2) (d) and (e). At 6:31 p.m. the Executive Session to discuss real property negotiations began. At 6:47 p.m. the first Executive Session ended. The second, to discuss labor negotiations began at 6:48 p.m. and ended at 6:56 p.m.

STUDY SESSION

- **Revisions to Citywide Personnel Policies** - Human Resource Director Zodrow discussed changes and updates to the city wide personnel policies. A draft copy was included in the meeting packet. She said most of the revisions were due to law or regulation changes.

Human Resources Director Zodrow said the City Attorney and executive staff have reviewed them. Councilor Woodard noted that there were new requirements to comply with federal military leave laws. City Manager Prosser said if Council was agreeable, the policies would be placed on a future consent agenda.

- **Management Cost of Living Adjustment (COLA)**- Human Resources Director Zodrow asked Council if they wished to extend a COLA to the Management/Supervisory Confidential group of employees. She said there was no COLA last year. The SEIU union will receive a 1.4% increase effective July 1, 2011. She said traditionally, the city has given the same COLA to the Management/ Supervisory Confidential group as was received by SEIU to keep the compensation system in harmony. In response to a question from Councilor Woodard, City Manager Prosser said this was built into the budget. Staff will return with a Council resolution extending the 1.4% COLA to this group.

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- **City Manager Recruitment-** Mayor Dirksen gave lists of interviewees to Council members. Each Councilor will interview those on their list about what is important in a city manager. He said the city will notify everyone on the list by mail to let them know they will be contacted and their input sought.

Councilor Wilson asked if lists of questions had been prepared. Human Resources Director Zodrow said she does have some suggested questions and will email them to Council.

Human Resources Director Zodrow said she and City Manager Prosser will be interviewing executive search firms and will bring a recommendation to Council on May 10, 2011. Mayor Dirksen asked if Council should hold off on the citizen interviewing until the search firm is selected. Human Resources Director Zodrow said it would be best to wait because the executive recruiter can help form criteria and questions. She said the city will go ahead with contacting the citizens on the Mayor’s list by mail and by the time they respond, a search team will be on board.

- Walnut Street- Council President Buehner noted that the Walnut Street project selected by Council for receipt of Metropolitan Transportation Improvement Program (MTIP) funding is not eligible. She said that for the second time, Walnut Street improvements have been bumped from being first on the list. City Manager Prosser said that when the city purchased the right of way years ago, it did not meet the federal purchasing process and as a result is not eligible for federal funds. Council President Buehner said the city needs to figure out how to take care of Walnut from Tiedeman to 116th Avenue.

Mayor Dirksen requested a list of projects to consider for the funding, including the Gaarde/McDonald project

2. BUSINESS MEETING

- A. At 6:31 p.m. Mayor Dirksen called the meeting of the Tigard City Council to order.
- B. Deputy City Recorder Krager called the roll.

	Present	Absent
Councilor Wilson	x	
Council President Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	
- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports - None
- E. Call to Council and Staff for Non-Agenda Items - None

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3. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication – None
- B. Citizen Communication - Sign Up Sheet -  Mason Hall, 8363 Durham Road, #9, Tigard, OR 97224. Mr. Hall said he represented the Mask and Mirror Community Theater. He described how this new local theater will complement the existing Broadway Rose Theater. He said they plan to host events, workshops and classes and are in the process of obtaining tax-exempt status. He said they are currently looking for a place to rehearse and perform. Mayor Dirksen discussed finding a venue and asked for anyone who knows of a good space for rehearsing, storage, or performing to get in touch with Mr. Hall.

4. CONSENT AGENDA (Tigard City Council and Local Contract Review Board)

- A. Approve City Council Meeting Minutes:
1. March 8, 2011
 2. March 22, 2011
- B. Receive and File:
- 2010 Police Department Annual Report
- C. Consider a Resolution Supporting the Submission of a Grant Application to Partially Fund the Summerlake Park Playground Replacement

RESOLUTION NO. 11-13--A RESOLUTION SUPPORTING THE SUBMISSION OF AN OREGON PARK AND RECREATION DEPARTMENT (OPRD) GRANT APPLICATION TO PARTIALLY FUND THE SUMMERLAKE PARK PLAYGROUND REPLACEMENT

- D. Consider a Resolution Appointing David Brown, Gordon Kunkle, and Gary Romans to the Park and Recreation Advisory Board (PRAB)

RESOLUTION NO. 11-14-- A RESOLUTION APPOINTING GORDON KUNKLE AS A MEMBER, AND DAVID BROWN AND GARY ROMANS AS ALTERNATE MEMBERS, TO THE PARK AND RECREATION ADVISORY BOARD (PRAB)

Council President Buehner motioned for approval of the Consent Agenda. The motion was seconded by Councilor Wilson. Councilor Woodard mentioned a correction to the minutes he emailed and Deputy City Recorder Krager confirmed that the corrections were made.

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The motion passed unanimously.

	Yes	No
Councilor Wilson	x	
Council President Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	

5. PROCLAIM MAY 15-21, 2011 AS EMS WEEK.

Mayor Dirksen proclaimed May 15-21, 2011 as Emergency Medical Services Week. Metro West Field Training Officer Phillip Reid thanked Tigard for entrusting MetroWest to provide emergency services for its citizens. He invited Council to join them Friday, May 13 at the Metro West office in Hillsboro for an EMS celebration and barbecue potluck. Council President Buehner personally thanked him for transporting her to the hospital once.

6. PROCLAIM MAY 1-7, 2011 BE KIND TO ANIMALS WEEK

Mayor Dirksen proclaimed May 1-7, 2011 as Be Kind to Animals Week. He said this is in conjunction with the Oregon Humane Societies who have served the community for over 100 years.

7. PROCLAIM MAY 1-7, 2011 AS NATIONAL DRINKING WATER WEEK



Mayor Dirksen proclaimed May 1-7, 2011 as National Drinking Water Week. He said that the cities of Tigard and Lake Oswego are working to provide a long-term, safe drinking water source for both communities. He said in many ways, having clean and safe water to drink is the difference between having a healthy community and one that struggles with disease.

8. DISCUSS 2011 OREGON LEGISLATIVE SESSION AND ITS IMPACT ON TIGARD'S LEGISLATIVE PRIORITIES



State Senator Burdick and State Representative Doherty updated Council on activities in the 2011 legislative session.

District 18 Senator Burdick said the legislators entered this session facing a \$3.5 billion budget shortfall so a lot of their activity pertains to the budget. An education bill was passed which, although inadequate, will stake out money that schools can depend on. She is Chair of the Finance and Revenue Committee, and has a full agenda, including some important tax credits set to expire unless the legislature acts to reauthorize them.

She said her top priority is to reform the kicker tax refund policy. She said she is working hard across the aisle to move a constitutional amendment out of the Senate that will divert half of the personal kicker and the entire corporate kicker to the “rainy day fund.” She said there would be a statutory measure to dedicate the corporate kicker to higher education. The final part of the package will be some relief on capital gains. She

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noted that Oregon has the highest capital gains rate in the country. She said the Tigard City Council is bringing forward a resolution tonight in support of Senate Joint Resolution 26 and she thanked Council for their support. She said it makes a difference for people to see that local government “gets it” that we are all in this budget mess together, and understands the need for a robust rainy day fund.

 House District 35 Representative Doherty commented on the good bipartisan support on several bills and issues this year. She mentioned several annexation bills were introduced but did not make it out of House committee. HB 2354 (credit for low income housing corporations) passed the House last week and is on its way to the Senate. She said she has been working with ODOT on access management issues and noted that Senior Transportation Planner Gray has also been involved with work on this issue. She said she brought forward two bills to put more money towards schools (HB3641) as well as social service needs (HB 3642).

 In response to a question from Councilor Henderson, Senator Burdick replied that the kicker is an artificial configuration of a forecaster’s accuracy. She said it is a prediction and if the revenue comes in higher than forecast, a refund to taxpayers is triggered. She said the proposed bill would place half of personal and all of corporate taxes paid into a rainy day fund instead of refunding all the money collected in excess of the forecast.

 Council President Buehner mentioned a reapportionment meeting she attended and asked if they knew where it was leading. Senator Burdick said the public hearings are over and the next step will be the maps. She said she hoped that when the redistricting is complete, Tigard will remain in her district.

 Councilor Wilson asked what would be used as a basis for accessing the rainy day funds. Senator Burdick said there are measurable economic triggers relating to employment and recessionary measures. She said once these triggers are met, it still takes a vote to release them. Representative Doherty noted there would not be kicker checks but rather, kicker tax credits.

Councilor Wilson said he was glad to see the capital gains tax lowered. He said the Wall Street Journal reported that it was one of the highest in the world. Mayor Dirksen agreed that it chases away reinvestment dollars.

Mayor Dirksen asked for a motion on Resolution No. 11-15. Council President Buehner moved to approve Resolution No. 11-15 and Councilor Wilson seconded the motion. Resolution No. 11-15 passed unanimously.

	Yes	No
Councilor Wilson	x	
Council President Buehner	x	
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	

Mayor Dirksen said city staff prepared a list of legislative priorities that is available if Senator Burdick and Representative Doherty would like one.

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Council President Buehner left the meeting at 8:15.

9. RECEIVE HIGH-CAPACITY TRANSIT LAND USE PLAN UPDATE

Senior Transportation Planner Gray and Redevelopment Project Manager Farrelly presented this item. She discussed the five related studies and noted that Tigard's is first in the process and is currently the only study underway. She said interviews with approximately 45 stakeholder indicated high interest in walkability, safety and a desire to connect with local businesses. Redevelopment Project Manager Farrelly said people are interested in walkability and closer access to green and open spaces and businesses. Senior Transportation Planner Gray said an Existing Conditions Analysis laid groundwork for evaluating future station locations. She described "typology," a word that defines a neighborhood around a transit station such as residential, commercial or retail-oriented. Typologies are aspirational as well as quantitative, such as number of jobs to acres, etc. Four typologies were identified for Tigard: 1 - Town Center/Main Street, 2 - Employment/ Retail Destination, 3 - Transit Corridor Neighborhood, and 4 - Transit Neighborhood. She discussed the feel, attributes, services, uses and parking for each neighborhood typology.

Redevelopment Project Manager Farrelly discussed public involvement, including taking online comments from the website. He said the Citizen Advisory Committee is posting a video of consultant presentations online. There is also a listserv to send out information automatically. He said what staff heard is that people want to know where the HCT is going; however, that decision is years away.

 Councilor Henderson asked if Tigard's plan being one of five ongoing plans was an advantage or disadvantage. Senior Transportation Planner Gray said she is glad Tigard isn't waiting; the city is getting good work done now. Councilor Henderson asked if this work will be revisited when working with the other four communities. Senior Transportation Planner Gray said because we are focusing on land use now, she wasn't sure if that would be revisited as part of the SW Corridor Plan. She said as the scopes for the alternatives analysis and multimodal refinement plan are finalized, we will have gained much from the process so we'll know what we need to address.

Councilor Wilson said the third typology, Transit Corridor Neighborhood, concerned him. He asked, "Do you know of any good examples of pedestrian-friendly transit corridors that have the level of ADT's we have? And if you know of any, what does it take to make it comfortable?" Senior Transportation Planner Gray pointed out that HCT may be on a street other than Pacific Highway. She recognized that other examples are not on streets of this scale. Councilor Wilson said the entire Pacific Highway corridor needs an upgrade and since we are going to revise zoning codes, he suggested one approach may be to "turn our back on the highway" with a green buffer. He asked if there were places in the country where this was successful and what kind of setback, such as a double row of trees, were used. Redevelopment Project Manager Farrelly mentioned Orenco Station as a thoughtful example of a combined high density, high traffic commercial area tapering off into walkable single-family neighborhood. Councilor Wilson suggested going out of state for examples because Pacific Highway is the busiest highway in the state that is not a freeway. He acknowledged that this would be a challenge, but there may be good ideas that Tigard could implement.

Mayor Dirksen said for pedestrian comfort there needs to be some sort of physical separation such as green space or even hard barriers. He said, "This is too early to even be talking of this, but when we think in terms of a transit corridor neighborhood, it is not Pacific Highway. That addresses people's concerns about the

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2011

potential of high capacity transit actually reducing the vehicular capacity of Pacific Highway. That is something we need to avoid.”

 Councilor Woodard asked what consultant was awarded the \$169,000 TGM grant. Redevelopment Project Manager Farrelly replied that it is a consultant team led by Parametrix. Councilor Woodard asked if the project was going well, and were there things that could be done better. Senior Planner Gray said it has gone well working with both Parametrix and Metro. She said it is challenging because of the short timeline.

Councilor Woodard asked if there were enough Community Development resources to do this plan, given upcoming major planning for Tigard Triangle and the downtown. Redevelopment Project Manager Farrelly said there are enough resources and there will be more to come. He said that HCT could be a real engine for development in the Triangle and the downtown in terms of spurring new residential and office space. There is a track record that when light rail or other high-capacity transit is done correctly, property values rise. Senior Transportation Planner Gray said she feels good about what they are doing in trying to set up a course for economic development.

Councilor Henderson asked staff if they are getting help and feedback and if there was a synergy with the other partners. Redevelopment Project Manager Farrelly said planners from Tualatin and Portland check in with Tigard staff to see how it is going and have been very helpful as have all the task force members (Washington County, ODOT, Tri-Met and CleanWater Services). Senior Transportation Planner Gray said, “We are also participating in the regional SW Corridor plan. Many of the people who come to our technical advisory committee to work on our land use plan get together at Metro to coordinate them. We want to make sure what we are doing corresponds to what others are doing. Councilor Henderson applauded staff for this interaction.

Mayor Dirksen said Tigard’s issues, in dealing with urban and rural reserves, creating the downtown urban renewal district and the desire to make improvements to the Pacific Highway corridor, have precipitated this whole SW Corridor program. He said, “It is not surprising that we are the first one out of the chute and that we’re more prepared than everyone else.”

10. RECEIVE BRIEFING ON FOUR CAPITAL IMPROVEMENT PLAN PROJECTS

 City Engineer Kyle guided Council through a PowerPoint slide show of several small projects the city has been working on recently. His capital projects monthly report included improvements to the Fanno Creek House (recently made ADA-compliant), the permit center roof which was funded with stimulus money; the Canterbury Sewer and the Cherry Drive Sewer.

11. COUNCIL LIAISON REPORTS – None

12. NON AGENDA ITEMS – None

13. EXECUTIVE SESSION– None held.

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2011

14. **ADJOURNMENT** At 9:04 p.m. Councilor Wilson moved for adjournment. Councilor Woodard seconded and the motion passed.

	Yes	No
Councilor Wilson	x	
Council President Buehner		(Left at 8:15 pm)
Mayor Dirksen	x	
Councilor Henderson	x	
Councilor Woodard	x	

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date

I/ADM/CATHY/CCM/2011/110426 final

TIGARD CITY COUNCIL MINUTES – APRIL 26, 2011

AIS-551

Item #: 3. B.

Business Meeting

Date: 06/14/2011

Length (in minutes): Consent Item

Agenda Title: Receive and File: Council Calendar and Council Tentative Agenda

Submitted By: Cathy Wheatley
Administrative Services

Item Type:

Meeting Type: Consent Agenda

ISSUE

Receive and File:

1. Council Calendar
2. Tentative Agenda

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

N/A

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Council Calendar

Tentative Agenda



Agenda Item No. _____
For Agenda of June 14, 2011

MEMORANDUM

TO: Honorable Mayor & City Council

FROM: Cathy Wheatley, City Recorder

RE: Three-Month Council Meeting Calendar

DATE: June 7, 2011

Regularly scheduled Council meetings are marked with an asterisk (*).

June

14* Tuesday Council Business Meeting – 6:30 pm, Town Hall
21* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
28* Tuesday Council Business Meeting – 6:30 pm, Town Hall

July

12* Tuesday Council Business Meeting – 6:30 pm, Town Hall
19* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
26* Tuesday Council Business Meeting – 6:30 pm, Town Hall

August

9* Tuesday Council Business Meeting – 6:30 pm, Town Hall
16* Tuesday Council Workshop Meeting – 6:30 pm, Town Hall
23* Tuesday Council Business Meeting – 6:30 pm, Town Hall

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

City Council Tentative Agenda
 6/7/2011 11:56 AM

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
390	06/21/2011	Carol Krager	AAA	Workshop Meeting		
282	06/21/2011	Judith Gray	CCWKSHOP	45 Minutes - Annual Joint meeting with Tigard Transportation Advisory Committee	Community Development	Gray J, Sr Transportation Planner
474	06/21/2011	Joseph Barrett	CCWKSHOP	60 Minutes - Review Proposed Changes to Tigard's Public Contracting Rules	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
504	06/21/2011	Nadine Robinson	CCWKSHOP	20 Minutes - Tigard Municipal Court Annual Report	Administrative Services	Robinson N, Admin. Svcs. Manager
540	06/21/2011	Greer Gaston	CCWKSHOP	15 Minutes - Discussion on the Submission of a Non-Renewal Letter Regarding the Regional Water Sales Agreement with the City of Portland	Public Works	Goodrich J, Utility Div Manager
545	06/21/2011	Dennis Koellermeier	CCWKSHOP	10 Minutes - Portland Water Contract: Notice of Termination	Public Works	ITEM NEEDS TO BE SUBMITTED
548	06/21/2011	Joseph Barrett	CCWKSHOP	45 Minutes - Discussion on Tigard's Public Contracting Processes	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
				Total Time: 195 of 180 minutes have been scheduled OVERSCHEDULED		
391	06/28/2011	Carol Krager	AAA	Business Meeting		
518	06/28/2011	Susan Hartnett	ACCSTUDY	30 Minutes - Discuss Potential Administrative Rulemaking Municipal Code Amendments	Community Development	Hartnett S, Asst CD Director
				Total Time: 30 of 45 minutes have been scheduled		
435	06/28/2011	Greer Gaston	ACONSENT	Consent Item - Receive and File the 2010 Pavement Condition Report, Including Street Maintenance Fee Findings	Public Works	Gaston G, Conf Executive Asst
501	06/28/2011	Ted Kyle	ACONSENT	Consent Item - Approve Real Property Transfer - Matsumoto (PW will complete title)	Public Works	Gaston G, Conf Executive Asst
528	06/28/2011	Sean Farrelly	ACONSENT	Consent Item - Resolution to consider additional sites for downtown public plaza	Community Development	Farrelly S, Redev Project Manager

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

City Council Tentative Agenda
6/7/2011 11:56 AM

537	06/28/2011	Alison Grimes	ACONSENT	Consent Item - Approve Appointment of Tigard Library Board Members and Alternate	Library	
541	06/28/2011	Greer Gaston	ACONSENT	Consent Item - Submit a Non-Renewal Letter Regarding the Regional Water Sales Agreement with the City of Portland	Public Works	Goodrich J, Utility Div Manager
547	06/28/2011	Tom Imdieke	ACONSENT	Consent Item - Approve FY 2011 Edward Byrne Memorial Justice Assistance Local Solicitation Grant Application	Police	Orr A, Chief
538	06/28/2011	Joseph Barrett	CCBSNS	10 Minutes Consent Item - Contract Award - Water Quality Testing and Laboratory Services	Financial and Information Services	
546	06/28/2011	Joseph Barrett	CCBSNS	10 Minutes - Contract Award - 100th Avenue Sanitary Sewer Project	Financial and Information Services	LaFrance T, Fin/Info Svcs Director
357	06/28/2011	John Goodrich	CCBSNS	15 Minutes - Consider Amending Tigard Municipal Code Chapter 12, Water and Sewers	Public Works	Goodrich J, Utility Div Manager
447	06/28/2011	Joanne Bengtson	CCBSNS	5 Minutes - Proclaim Geography Awareness Week - August 1-7, 2011	City Management	03/08/2011
456	06/28/2011	Ted Kyle	CCBSNS	15 Minutes - CIP Update - Focus: Public communications actions taken on project	Public Works	Kyle T, City Engineer
485	06/28/2011	Ted Kyle	CCBSNS	15 Minutes - Info Public Hearing on Finalizing Sanitary Sewer District No. 50 - Canterbury Drive	Public Works	Koellermeier D, Public Works Dir
515	06/28/2011	John Goodrich	CCBSNS	10 Minutes - Discuss Amendments to Tigard Municipal Code Chapter 2.04 Administrative Rules	Public Works	Goodrich J, Utility Div Manager
				Total Time: 80 of 110 minutes have been scheduled		
392	07/12/2011	Carol Krager	AAA	Business Meeting		
531	07/12/2011	Susan Hartnett	ACCSTUDY	20 Minutes - Discuss Code Compliance Related Municipal Code Amendments	Community Development	Hartnett S, Asst CD Director
539	07/12/2011	Greer Gaston	ACCSTUDY	15 Minutes - A Briefing on Computerized Maintenance Management System (CMMS) Software Replacement	Public Works	Rager B, Asst. PW Director
				Total Time: 35 of 45 minutes have been scheduled		

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

City Council Tentative Agenda
6/7/2011 11:56 AM

498	07/12/2011	Steve Martin	ACONSENT	Consent Item - Adoption of the Park and Recreation Advisory Board Bylaws	Public Works	Martin S, Parks Manager
530	07/12/2011	Loreen Mills	ACONSENT	Consent Item - Approve Workers' Compensation Insurance for City Volunteers	City Management	06/06/2011
523	07/12/2011	Cheryl Caines	CCBSNS	60 Minutes - Quasi-Judicial Public Hearing: Comprehensive Plan Amendment, Sensitive Lands Reviews and Adjustment to Extend Wall St. to Fields Property	Community Development	Caines C, Assoc Planner
				Total Time: 60 of 110 minutes have been scheduled		
393	07/19/2011	Carol Krager	AAA	Workshop Meeting		
324	07/19/2011	Judith Gray	CCWKSHOP	30 Minutes - HCT Land Use Plan Update	Community Development	
371	07/19/2011	Joanne Bengtson	CCWKSHOP	10 Minutes - 2nd Quarter City Council Goal Update	City Management	Bengtson J, Exec Asst to City Mgr
511	07/19/2011	Sean Farrelly	CCWKSHOP	45 Minutes - Downtown Marketing and Revitalization Presentation	Community Development	Farrelly S, Redev Project Manager
516	07/19/2011	Todd Prager	CCWKSHOP	60 Minutes - Urban Forestry Code Revisions Project Update	Community Development	Prager T, Assoc Planner/Arborist
532	07/19/2011	Susan Hartnett	CCWKSHOP	45 Minutes - Tentative - Discuss Potential Administrative Rulemaking Municipal Code Amendments	Community Development	Hartnett S, Asst CD Director
				Total Time: 190 of 180 minutes have been scheduled OVERSCHEDULED		
394	07/26/2011	Carol Krager	AAA	Business Meeting		
481	07/26/2011	Duane Roberts	CCBSNS	30 Minutes - Public Hearing to Accept Trail System Master Plan, Adopt Minor Policy and Regulatory Changes, and Adopt a Project Priorities List	Community Development	Roberts D, Project Planner
533	07/26/2011	Susan Hartnett	CCBSNS	30 Minutes - Potential Public Hearing to Consider Tigard Municipal Code Amendments	Community Development	Hartnett S, Asst CD Director
				Total Time: 60 of 110 minutes have been scheduled		

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

City Council Tentative Agenda
6/7/2011 11:56 AM

395	08/09/2011	Carol Krager	AAA	Business Meeting		
222	08/09/2011	Susan Hartnett	CCBSNS	45 Minutes - Public Hearing - Amend the Tigard Municipal Code Abatement Regulations Related to Code Compliance and Amend 2011-12 Master Fee Schedule	Community Development	Hartnett S, Asst CD Director
463	08/09/2011	Ted Kyle	CCBSNS	15 Minutes - CIP Update - Projects in design	Public Works	Kyle T, City Engineer
526	08/09/2011	Kent Wyatt	CCBSNS	15 Minutes - Review of 2011 Oregon Legislative Session and Analysis of Adopted Legislation Supporting City Council's Priorities	Administrative Services	Prosser C, City Manager
Total Time: 75 of 110 minutes have been scheduled						
396	08/16/2011	Carol Krager	AAA	Workshop Meeting		
398	08/23/2011	Carol Krager	AAA	Business Meeting		
514	08/23/2011	John Goodrich	ACCSTUDY	10 Minutes - Discuss Amendments to TMC Chapter 12, Water and Sewer	Public Works	Gaston G, Conf Executive Asst
Total Time: 10 of 45 minutes have been scheduled						
527	08/23/2011	Ron Bunch	CCBSNS	60 Minutes - Public Hearing	Community Development	Caines C, Assoc Planner
Total Time: 60 of 110 minutes have been scheduled						
399	09/13/2011	Carol Krager	AAA	Business Meeting		
400	09/20/2011	Carol Krager	AAA	Workshop Meeting		
417	09/20/2011	Greer Gaston	CCWKSHOP	45 Minutes - Annual Joint Meeting with the Park and Recreation Advisory Board	Public Works	Martin S, Parks Manager
Total Time: 45 of 180 minutes have been scheduled						
401	09/27/2011	Carol Krager	AAA	Business Meeting		
402	10/11/2011	Carol Krager	AAA	Business Meeting		
403	10/18/2011	Carol Krager	AAA	Workshop Meeting		

Key:
 Meeting Banner Business Meeting
 Study Session Special Meeting
 Consent Agenda Meeting is Full
 Workshop Meeting

City Council Tentative Agenda
6/7/2011 11:56 AM

325	10/18/2011	Judith Gray	CCWKSHOP	30 Minutes - HCT Land Use Plan Update	Community Development	
373	10/18/2011	Joanne Bengtson	CCWKSHOP	10 Minutes - 3rd Quarter Update to 2011 Council Goals	City Management	Bengtson J, Exec Asst to City Mgr
				Total Time: 40 of 180 minutes have been scheduled		
404	10/25/2011	Carol Krager	AAA	Business Meeting		

AIS-512

Item #: 3. C.

Business Meeting

Date: 06/14/2011

Length (in minutes): Consent Item

Agenda Title: Community Development Block Grant Consortium Intergovernmental Agreement

Submitted By: Duane Roberts
Community Development

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

Should Council adopt a resolution authorizing the Mayor to sign a revised Intergovernmental Agreement (IGA) with Washington County reaffirming the city's desire to participate in the county-wide Community Development Block Grant (CDBG) Consortium?

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the resolution authorizing the Mayor to sign the IGA.

KEY FACTS AND INFORMATION SUMMARY

Tigard has been a member of the Washington County Community Development Block (CDBG) Consortium since at least the early eighties. During that time, the city has received funding for a variety of capital projects benefiting income-qualified residents throughout the city. The remodel of the Tigard Senior Center and sidewalks and associated improvements in the vicinity of the Knoll are recent examples of projects receiving major CDBG funding.

Tigard's existing intergovernmental cooperative agreement with Washington County for participation in the Community Development Block Grant program expires on July 1, 2011. The agreement contains an automatic renewal clause. In previous cycles, cities that elected not to opt out automatically continued their partnership. However, this cycle the county counsel determined that given the number and extent of HUD-required changes incorporated into the new agreement, the automatic renewal clause is inoperative and the revised agreement must be re-adopted by member jurisdictions to preserve their participation.

The attached resolution states the city's desire to continue its participation in the Washington County CDBG Consortium and authorizes the Mayor to sign the revised IGA. None of the proposed changes to the IGA are substantive. A marked-up copy of the IGA is attached to allow comparison between the old and revised agreements.

OTHER ALTERNATIVES

Not approve the resolution and opt out of the Community Development Block Grant Program

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

This is the renewal of an agreement entered into with Washington County in 1999 to continue Tigard's partnership in the CDBG program.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The same agreement was adopted by Council in a modified form in 1999.

Fiscal Impact

Cost: NA

Budgeted (yes or no): NA

Where Budgeted (department/program): NA

Additional Fiscal Notes:

Approving the IGA enables the city to continue its participation in the county consortium and maintain its eligibility to receive CDBG funds from the county for city projects benefiting low and moderate income residents. As grant funding becomes available, its use is budgeted. Approving the IGA does not directly impact the budget.

Attachments

CDBG IGA

CDBG IGA with Mark-Ups

Resolution

**INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM YEARS 2012 - 2014**

This Agreement is entered into between Washington County (“COUNTY”), a political subdivision of the State of Oregon, and the City of _____ (“CITY”), a municipal corporation of the State of Oregon located within Washington County, for the cooperation of units of local government under the authority of ORS 190.010.

I. RECITALS

WHEREAS, the Congress of the United States has enacted the Housing and Community Development Act of 1974 (“THE ACT”), the Housing and Urban/Rural Recovery Act of 1983, the Housing and Community Development Act of 1987, the National Affordable Housing Act of 1990; and

WHEREAS, Congress has declared that the nation’s cities, towns and small urban communities face critical social, economic and environmental problems; and

WHEREAS, Congress has further found and declared that the future welfare of the Nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities; and

WHEREAS, the primary objective of the Act(s) is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the parties to the agreement are dedicated to the elimination of slums, blight and the prevention of blighting influences and the deterioration of property; the improvement of neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

WHEREAS, the parties are dedicated to the elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities; and

WHEREAS, the parties are dedicated to the conservation and expansion of existing public housing stock in order to provide a decent home and a suitable living environment for all persons but principally those of low and moderate income; and

WHEREAS, the parties are dedicated to the expansion and improvement of quantity and quality of community services, principally for persons of low and moderate

income, which are essential for sound community development and for the development of viable urban communities; and

WHEREAS, the parties are dedicated to a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; and

WHEREAS, the parties are dedicated to the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deterioration or deteriorated neighborhoods to attract persons of higher income; and

WHEREAS, the parties are dedicated to the restoration and preservation of properties of special value for historic, architectural or aesthetic reasons; and

WHEREAS, the parties are dedicated to the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and

WHEREAS, the parties are dedicated to the conservation of the Nation's scarce energy resources, improvement of energy efficiency and the provision of alternative and renewable energy resources; and

WHEREAS, the parties desire to join together to meet the criteria for an urban county in order to qualify to receive funds to meet each of these national objectives

NOW THEREFORE, in consideration of the mutual promises and benefits given and received within this agreement, the parties agree to each and every term contained below:

II. MUTUAL COVENANTS

1. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.
2. The parties agree that this agreement covers the CDBG Entitlement program, the HOME Investment Partnerships program (HOME), and the Emergency Shelter Grant Program (ESG).
3. The parties agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws.

4. Both parties agree that the County has the final responsibility for selecting CDBG, HOME, and ESG activities and annually filing required documents with HUD.

III. CITY COVENANTS

1. The City expressly agrees that as the cooperating unit of general local government it has adopted and is enforcing the following requirements of law:
 - 1.1 A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 1.2 A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
2. The City agrees that it is subject to the same requirements applicable to subrecipients set forth in 24 CFR 570.501 (b).
3. The City agrees in order to participate as a subrecipient under the terms of this agreement it shall enter into a contract as required by 24 CFR 570.503.
4. The City agrees that the County as the recipient is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County as recipient is responsible for determining the adequacy of performance under subrecipient agreements.
5. The City authorizes the inclusion of its population for purposes of the Act, and joins together with other units of general local government to qualify the County as an urban county for Housing and Community Development Act block grant funds.
6. The City agrees it may not apply for grants from appropriations under the State CDBG program for fiscal years during the period in which it participates in the urban county's CDBG program.
7. The City agrees that it may not receive either HOME or ESG formula allocations, except through the County. Regardless of whether the County receives a HOME formula allocation, City agrees that it may not form a HOME consortium with other local governments."

IV. TERM OF AGREEMENT

1. This Agreement shall remain in effect for three Fiscal Years commencing July 1, 2012, and ending June 30, 2015, which shall constitute the urban county qualification period.
2. This agreement shall remain in effect until the CDBG, HOME, and ESG funds and program income received (with respect to activities carried out during the

three-year qualification period, and any successive qualification periods) are expended and the funded activities completed.

3. The Agreement shall be automatically renewed for participation by the parties for successive three-year qualification periods unless either party provides written notice to the other that it elects not to participate in the new qualification period. The parties agree to send any such notice to the HUD Field Office at 400 SW Sixth Avenue, Suite 700, Portland, OR 97204, upon such election.

- 3.1 The urban county shall send a written notice to the City advising of the City's right to elect not to participate in the next automatic urban county qualification period. The County shall send the notice to the City by the date specified in HUD's Urban County Qualification Notice for the next qualification period. County shall send a copy of the notice to HUD.

- 3.2 The failure by either party to adopt an amendment to this agreement incorporating all changes necessary to meet the requirements for cooperation agreement set forth in the Urban County Qualification Notice applicable for any subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice will void the automatic renewal of subsequent qualification periods set forth in Section IV.3 above.

V. TERMINATION

1. This Agreement may be terminated by the County in the event funding is no longer available; otherwise, neither party may terminate or withdraw from the Agreement while the Agreement remains in effect

VI. ENFORCEMENT

1. The County is responsible for ensuring that CDBG, HOME, and ESG funds are used in accordance with all program requirements. The County may use any available legal methods to ensure compliance by the City.
2. The County is also responsible for determining the adequacy of performance under all applicable subrecipient agreements and procurement contracts and for taking appropriate action when performance problems arise, such as action described in 24 CFR 570.910. The County may use any available legal methods to ensure compliance by the City.
3. The County shall not distribute any CDBG, HOME, or ESG funds for activities in or in support of the City if the City does not affirmatively further fair housing within its own jurisdiction or acts in a manner that impedes the County's actions to comply with its fair housing certification.

VII. POLICY BOARD

For the purpose of developing an annual Community Development Plan and Programs as required by Title I of the Act, a Policy Board is hereby continued which shall guide the plan and program development, make recommendations to the County upon the criteria to be utilized in selecting eligible Housing and Community Development Act activities within Washington County, and recommend to the County the program priorities.

1. The Policy Board shall be composed of one representative and a designated alternate from the County and each participating unit of general local government. The County and City shall have one vote on the Board. Jurisdictions shall appoint an elected official as primary and an employee or other public official as an alternate.
2. The Policy Board shall adopt bylaws, study, review, hold public hearings, supervise the public review and information process, and recommend to Washington County on all matters related to the Housing and Community Development Act as amended. Activities shall include making recommendations concerning the Housing and Community Development Plan (Consolidated Plan), and annual action plan(s), a five-year non-housing Community Development Plan, performance reports, citizen participation plans, and developing or directing studies necessary to gather data or information on which to base its recommendations.
3. After public hearings, the Policy Board shall make final recommendation on the Housing and Community Development Plan (Consolidated Plan) which may be accepted by Washington County at public meeting and submitted to the Department of Housing and Urban Development as the Washington County application; provided that , should all or part of the recommended plan not be considered acceptable to the County, the Board of County Commissioners shall hold at least one (1) public hearing on the plan and program prior to rejection or amendment of the recommended plan. The County shall be responsible for filing required documents with HUD.
4. Projects may be implemented and funds expended in accordance with subgrant agreements between the County and other jurisdictions signatory to this Agreement.

VIII. CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Agreement.

IN WITNESS, the undersigned parties have executed this Agreement this ____ day of _____, _____.

WASHINGTON COUNTY

CITY OF _____

BY _____
Chair, Board of Washington County
Commissioners

By _____

Title

Date

Recording Secretary

Date

I certify that the terms and provisions of this Intergovernmental Agreement are fully authorized under the state and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community renewal and lower income housing assistance activities.

Paul L. Hathaway III
Senior Assistant County Counsel

INTERGOVERNMENTAL AGREEMENT
WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT
PROGRAM YEARS 2012 - 2014

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WHEREAS, Congress has further found and declared that the future welfare of the Nation and the well being of its citizens depend on the establishment and maintenance of viable urban communities as social, economic and political entities; and

WHEREAS, the primary objective of the Act(s) is the development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the parties to the agreement are dedicated to the elimination of slums, blight and the prevention of blighting influences and the deterioration of property; the improvement of neighborhood and community facilities of importance to the welfare of the community, principally for persons of low and moderate income; and

WHEREAS, the parties are dedicated to the elimination of conditions which are detrimental to health, safety and public welfare, through code enforcement, demolition, interim rehabilitation assistance and related activities; and

WHEREAS, the parties are dedicated to the conservation and expansion of existing public housing stock in order to provide a decent home and a suitable living environment for all persons but principally those of low and moderate income; and

WHEREAS, the parties are dedicated to the expansion and improvement of quantity and quality of community services, principally for persons of low and moderate

income, which are essential for sound community development and for the development of viable urban communities; and

WHEREAS, the parties are dedicated to a more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers; and

WHEREAS, the parties are dedicated to the reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deterioration or deteriorated neighborhoods to attract persons of higher income; and

WHEREAS, the parties are dedicated to the restoration and preservation of properties of special value for historic, architectural or aesthetic reasons; and

WHEREAS, the parties are dedicated to the alleviation of physical and economic distress through the stimulation of private investment and community revitalization in areas with population outmigration or a stagnating or declining tax base; and

WHEREAS, the parties are dedicated to the conservation of the Nation's scarce energy resources, improvement of energy efficiency and the provision of alternative and renewable energy resources; and

WHEREAS, the parties desire to join together to meet the criteria for an urban county in order to qualify to receive funds to meet each of these national objectives

NOW THEREFORE, in consideration of the mutual promises and benefits given and received within this agreement, the parties agree to each and every term contained below:

II. MUTUAL COVENANTS

1. The City and the County agree to cooperate to undertake, or assist in undertaking, community renewal and lower income housing assistance activities, ~~specifically urban renewal and public assisted housing.~~
2. The parties agree that this agreement covers ~~both~~ the CDBG Entitlement program, ~~and~~ the HOME Investment Partnerships program (HOME), and the Emergency Shelter Grant Program (ESG).
3. The parties agree to take all actions necessary to assure compliance with the urban county's certification required by Section 104 (b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws.

4. Both parties agree that the County has the final responsibility for selecting CDBG, ~~and HOME, and ESG~~ activities and annually filing required documents with HUD.

III. CITY COVENANTS

1. The City expressly agrees that as the cooperating unit of general local government it has adopted and is enforcing the following requirements of law:
 - 1.1 A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
 - 1.2 A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdictions.
2. The City agrees that it is subject to the same requirements applicable to subrecipients set forth in 24 CFR 570.501 (b).
3. The City agrees in order to participate as a subrecipient under the terms of this agreement it shall enter into a contract as required by 24 CFR 570.503.
4. The City agrees that the County as the recipient is responsible for ensuring that CDBG, ~~and HOME, and ESG~~ funds are used in accordance with all program requirements. The County as recipient is responsible for determining the adequacy of performance under subrecipient agreements.
5. The City authorizes the inclusion of its population for purposes of the Act, and joins together with other units of general local government to qualify the County as an urban county for Housing and Community Development Act block grant funds.
6. The City agrees it may not apply for grants from appropriations under the ~~Small Cities or State CDBG programs from appropriations~~ for fiscal years during the period in which it ~~is participating~~ in the urban county's CDBG program.
7. The City agrees that it may not receive either HOME or ESG formula allocations, except through the County. Regardless of whether the County receives a HOME formula allocation, City agrees that it may not form a HOME consortium with other local governments. ~~The City agrees it may not participate in a HOME Consortium except through the County, regardless of whether the County receives a HOME formula allocation.~~

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IV. TERM OF AGREEMENT

1. This Agreement shall remain in effect for three Fiscal Years commencing July 1, 2012, and ending June 30, 2015, which shall constitute the urban county qualification period.

2. This agreement shall remain in effect until the CDBG, ~~and HOME~~, and ESG funds and program income received (with respect to activities carried out during the three-year qualification period, and any successive qualification periods) ~~within the term of this agreement~~ are expended and the funded activities completed.
3. The Agreement shall be automatically renewed for participation by the parties for successive three-year qualification periods unless either party provides written notice to the other that it elects not to participate in the new qualification period. The parties agree to send any such notice to the HUD Field Office at 400 SW Sixth Avenue, 520 SW Sixth Avenue, Suite 700, Portland, OR 97204, upon such election.
 - 3.1 The urban county shall send a written notice to the City advising of the City's right to elect not to participate in the next automatic urban county qualification period. The County shall send the notice to the City by the date specified in HUD's Urban County Qualification Notice for the next qualification period. County shall send a copy of the notice to HUD.
 - 3.2 The failure by either party to adopt an amendment to this agreement incorporating all changes necessary to meet the requirements for cooperation agreement set forth in the Urban County Qualification Notice applicable for any subsequent three-year urban county qualification period, and to submit the amendment to HUD as provided in the Urban County Qualification Notice will void the automatic renewal of subsequent qualification periods set forth in Section IV.3 above.

V. TERMINATION

1. This Agreement may be terminated by the County in the event funding is no longer available; otherwise, neither party may terminate or withdraw from the Agreement while the Agreement remains in effect

VI. ENFORCEMENT

1. The County is responsible for ensuring that CDBG, ~~and HOME~~, and ESG funds are used in accordance with all program requirements. The County may use any available legal methods to ensure compliance by the City.
2. The County is also responsible for determining the adequacy of performance under all applicable subrecipient agreements and procurement contracts and for taking appropriate action when performance problems arise, such as action described in 24 CFR 570.910. The County may use any available legal methods to ensure compliance by the City.
3. The County shall not distribute any CDBG, ~~or HOME~~, or ESG funds for activities in or in support of the City if the City does not affirmatively further fair housing within its own jurisdiction or acts in a manner that impedes the County's actions to comply with its fair housing certification.

VII. POLICY BOARD

For the purpose of developing an annual Community Development Plan and Programs as required by Title I of the Act, a Policy Board is hereby continued which shall guide the plan and program development, make recommendations to the County upon the criteria to be utilized in selecting eligible Housing and Community Development Act activities within Washington County, and recommend to the County the program priorities.

1. The Policy Board shall be composed of one representative and a designated alternate from the County and each participating unit of general local government. The County and City shall have one vote on the Board. Jurisdictions shall appoint an elected official as primary and an employee or other public official as an alternate.
2. The Policy Board shall adopt bylaws, study, review, hold public hearings, supervise the public review and information process, and recommend to Washington County on all matters related to the Housing and Community Development Act as amended. Activities shall include making recommendations concerning the Housing and Community Development Plan (Consolidated Plan), and annual action plan(s), a five-year non-housing Community Development Plan, performance reports, citizen participation plans, and developing or directing studies necessary to gather data or information on which to base its recommendations.
3. After public hearings, the Policy Board shall make final recommendation on the Housing and Community Development Plan ([Consolidated Plan](#)) which may be accepted by Washington County at public meeting and submitted to the Department of Housing and Urban Development as the Washington County application; provided that , should all or part of the recommended plan not be considered acceptable to the County, the Board of County Commissioners shall hold at least one (1) public hearing on the plan and program prior to rejection or amendment of the recommended plan. The County shall be responsible for filing required documents with HUD.
4. Projects may be implemented and funds expended in accordance with subgrant agreements between the County and other jurisdictions signatory to this Agreement.

VIII. CERTIFICATION

The parties by the signatures below certify that the governing body of each party has authorized entry into this Agreement.

IN WITNESS, the undersigned parties have executed this Agreement this ____ day of _____, _____.

WASHINGTON COUNTY

CITY OF _____

BY _____
Chair, Board of Washington County
Commissioners

By _____

Title

Date

Recording Secretary

Date

I certify that the terms and provisions of this Intergovernmental Agreement are fully authorized under the state and local law and that the Agreement provides full legal authority for the County to undertake or assist in undertaking essential community [renewal development](#) and [lower income](#) housing assistance activities, ~~specifically urban renewal and publicly assisted housing.~~

Paul L. Hathaway III
Senior Assistant County Counsel

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION RENEWING THE CITY OF TIGARD'S MEMBERSHIP IN THE WASHINGTON COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT CONSORTIUM

WHEREAS, the Washington County Community Development Block Grant (CDBG) Program is funded by the federal Department of Housing and Community Development and administered by the county Office of Community Development; and

WHEREAS, the primary objective of the federal CDBG Program is the development of viable urban communities by providing decent housing and a suitable living environment and expanding economic opportunities principally for persons of low and moderate income; and

WHEREAS, the Washington County Consortium is a cooperation of units of local government under the authority of Washington County who have joined together to meet the criteria for an urban county in order to qualify to receive funds under the CDBG Program; and

WHEREAS, the City of Tigard has been a member of this Consortium for more than 30 years and wishes to continue its membership; and

WHEREAS, the current intergovernmental agreement establishing the Washington County CDBG Consortium expires at the end of the current fiscal year; and

WHEREAS, Washington County has prepared a revised renewal agreement that incorporates federally required amendments to the existing agreement.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard desires to continue its participation in the Washington County CDBG Consortium and authorizes the Mayor to sign the revised IGA to extend its membership.

SECTION 2: This Agreement shall remain in effect for three Fiscal Years commencing July 1, 2012, and ending June 30, 2015, which shall constitute the urban county qualification period.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-522

Item #: 3. D.

Business Meeting

Date: 06/14/2011

Length (in minutes): Consent Item

Agenda Title: Approve FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement Project List

Prepared For: Todd Prager

Submitted By:

Todd Prager
Community
Development

Item Type: Resolution

Meeting Type:

Consent Agenda

ISSUE

As required by Resolution 11-16, staff seeks Council approval to implement a defined list of FY 2011-12 Capital Improvement Program (CIP) Tree Canopy Replacement projects that may be, on average, more than 10% greater than the Tree Replacement Fee in the Master Fees and Charges Schedule.

STAFF RECOMMENDATION / ACTION REQUEST

Approve attached list of CIP Tree Canopy Replacement Projects.

KEY FACTS AND INFORMATION SUMMARY

On May 24, 2011, Council adopted Resolution 11-16 which includes a provision that “the average cost to plant and provide three (3) years of early establishment for each tree planted in a particular year shall be no more than 10% greater than the Tree Replacement Fee in the City of Tigard’s Master Fees and Charges Schedule for that particular year unless otherwise approved by Tigard City Council.”

The Tree Replacement Fee is currently \$125 per caliper inch. According to Resolution 11-16, the cost of planting and providing 3 years of maintenance shall be no more than 10% greater than \$125 per caliper inch (\$137.50 per caliper inch) without Council approval.

Resolution 11-16 requires Council approval to implement the attached CIP Tree Canopy Replacement project list because the estimated average cost to plant and provide 3 years of maintenance between all projects (approximately \$200 per caliper inch) is in excess of \$137.50 per caliper inch.

There are a number of reasons the project list will exceed \$137.50 per caliper inch. First, the existing Tree Replacement Fee was not designed to cover the costs in addition to planting such as; project administration, public outreach, project design, permitting, 3 years of maintenance, and city overhead. Next, the Tree Replacement Fee has remained unchanged since 2004. Finally, priority tree planting projects such as those proposed within ODOT right of way along Pacific Highway and Highway 217 are typically more expensive than more accessible projects such as those within parks and natural areas.

In conjunction with the ongoing Urban Forestry Code Revisions (UFCR) Project, the Tree Board and UFCR Citizen Advisory Committee will examine and make recommendations about an Urban Forestry Program , including funding options. As part of Council’s consideration of the expected code amendments, changes may also be recommended to the fee structure and amount.

OTHER ALTERNATIVES

Council’s option is to delete these projects from the attached CIP Tree Canopy Replacement project list.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Comprehensive Plan, Urban Forest Section
Urban Forestry Master Plan
Capital Improvement Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: \$150,000
Budgeted (yes or no): Yes
Where Budgeted (department/program): Community Development

Additional Fiscal Notes:

These projects are a continuation of the City's ongoing tree replacement program and funding is included in the Approved FY 2012 Budget and Approved FY 2012-2016 Capital Improvement Program. Tree replacement funds can only be used to mitigate for canopy loss.

Attachments

Resolution Approving a List of Capital Improvement Program Tree Canopy Replacement Projects

Attachment 1 - Memo to Council Regarding Project Costs

Attachment 1, Exhibit A - Draft Ash Creek Reforestation Project Plans

Attachment 1, Exhibit B - Draft Pacific Highway Median Plans

Attachment 1, Exhibit C - Proposed Pacific Highway/217 Interchange Project Location

Attachment 1, Exhibit D - Proposed 72nd Ave./217 Interchange Project Location

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION APPROVING A LIST OF CAPITAL IMPROVEMENT PROGRAM (CIP) TREE CANOPY REPLACEMENT PROJECTS IN EXCESS OF 10% GREATER THAN THE TREE REPLACEMENT FEE IN THE MASTER FEES AND CHARGES SCHEDULE.

WHEREAS, Resolution 11-16 states “the average cost to plant and provide three (3) years of early establishment for each tree planted in a particular year shall be no more than 10% greater than the Tree Replacement Fee in the City of Tigard’s Master Fees and Charges Schedule for that particular year unless otherwise approved by Tigard City Council.”; and

WHEREAS, the Tree Replacement Fee for FY12 is \$125 per caliper inch.; and

WHEREAS, 10% greater than the Tree Replacement Fee for FY12 is \$137.50 per caliper inch.; and

WHEREAS, the estimated average cost to plant and provide 3 years of maintenance between all projects in Attachment 1 (approximately \$200 per caliper inch) is in excess of \$137.50 per caliper inch.; and

WHEREAS, staff has determined that all projects in Attachment 1 are consistent with and supportive of the urban forestry goals in the Comprehensive Plan, Urban Forestry Master Plan, and Capital Improvement Program.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Staff is authorized to implement the projects in Attachment 1.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



City of Tigard Memorandum

To: Mayor and City Council
From: Todd Prager, Associate Planner/Arborist
Re: Capital Improvement Program (CIP) Tree Canopy Replacement Projects
Date: June 2, 2011

Project List Pending Council Approval

According to Resolution 11-19, Council approval is required to implement the CIP Tree Canopy Replacement project list below in because the estimated average cost to plant and provide 3 years of maintenance among all projects (approximately \$200 per caliper inch) is in excess of \$137.50 per caliper inch.

Project Name	Preliminary Plans Attached?	Estimated Number of Trees	Estimated Cost per Caliper Inch ¹
Ash Creek Reforestation ²	Yes	240	\$80/caliper inch
Free Street Tree Program	No	50	\$135/caliper inch
Pacific Highway Median, Durham-Bull Mountain Road ³	Yes	62	\$520/caliper inch
Tigard High School	No	200	\$200/caliper inch
Street Tree Partnership on Collectors and Arterials between Public Works and Community Development ⁴	No	100	\$200/caliper inch
Pacific Highway/217 Interchange	Yes	200	\$200/caliper inch
72 nd Avenue/217 Interchange	Yes	200	\$200/caliper inch

¹Does not include city staff time to manage the program.

²This project is likely required due to pending contractual obligations.

³Staff is in discussions with Clean Water Services and ODOT regarding partnering on this project and possible grant opportunities. This project is on hold pending the outcome of these discussions. The estimated cost is for the city to complete the project without partners and grant funding.

⁴Public Works has requested that Community Development utilize the Urban Forestry Fund for street tree planting and 3 years of early establishment on collectors and arterials. Public Works will be performing long-term maintenance using the right of way portion of the Street Maintenance Fee. Trees will help reduce long-term maintenance of collectors and arterials by suppressing ground cover competition and reducing the need for mowing and weeding. The first phase of implementation would occur along Durham Road.

Please note that the list of projects is more than has been budgeted (\$150,000) through the CIP for FY12. This is because flexibility is needed to add or remove projects based on changing circumstances.

For example, if the city can partner with other agencies on a project, cost goes down, and more projects can be implemented. On the other hand, if more people than anticipated participate in the Free Street Tree Program, less of the other projects can be implemented.

The Ash Creek Reforestation Project, Free Street Tree Program, Street Tree Partnership on Collectors and Arterials, and Tigard High Project are the most likely to be implemented because permits are not required and long term maintenance agreements are in place. The projects within ODOT right of way (Pacific Highway Median Project and Highway 217 Interchange Projects) are the most likely to be delayed until future budget cycles because of the difficulty in receiving timely permit approvals and maintenance commitments from ODOT. The combined cost of projects in FY12 will not exceed the budgeted amount of \$150,000.

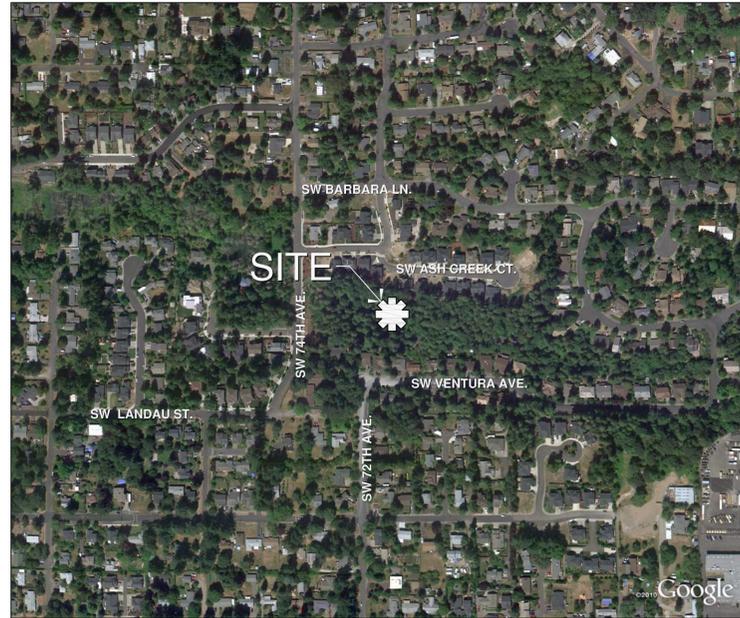
EXHIBITS

EXHIBIT A – ASH CREEK REFORESTATION PRELIMINARY PLAN

EXHIBIT B – PAC. HIGHWAY MEDIAN PRELIMINARY PLAN

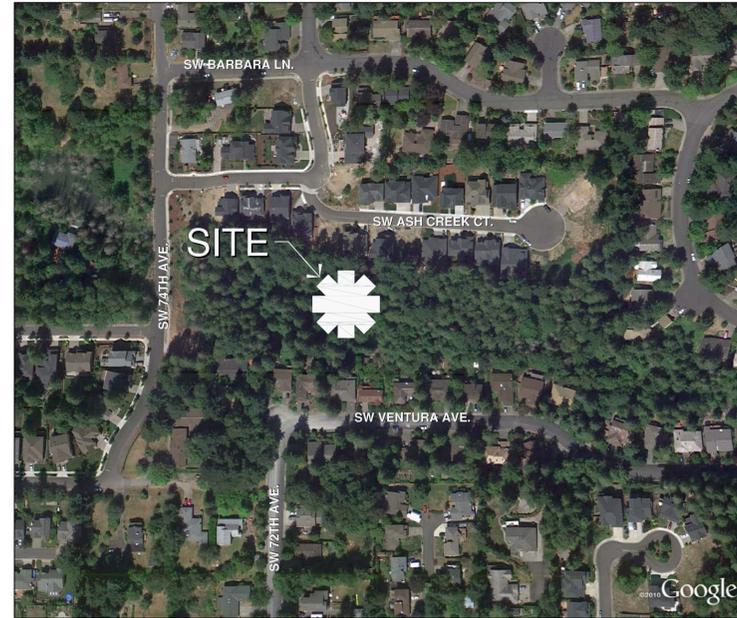
EXHIBIT C – PAC. HIGHWAY/217 INTERCHANGE PROJECT LOCATION

EXHIBIT D – 72nd AVE./217 INTERCHANGE PROJECT LOCATION



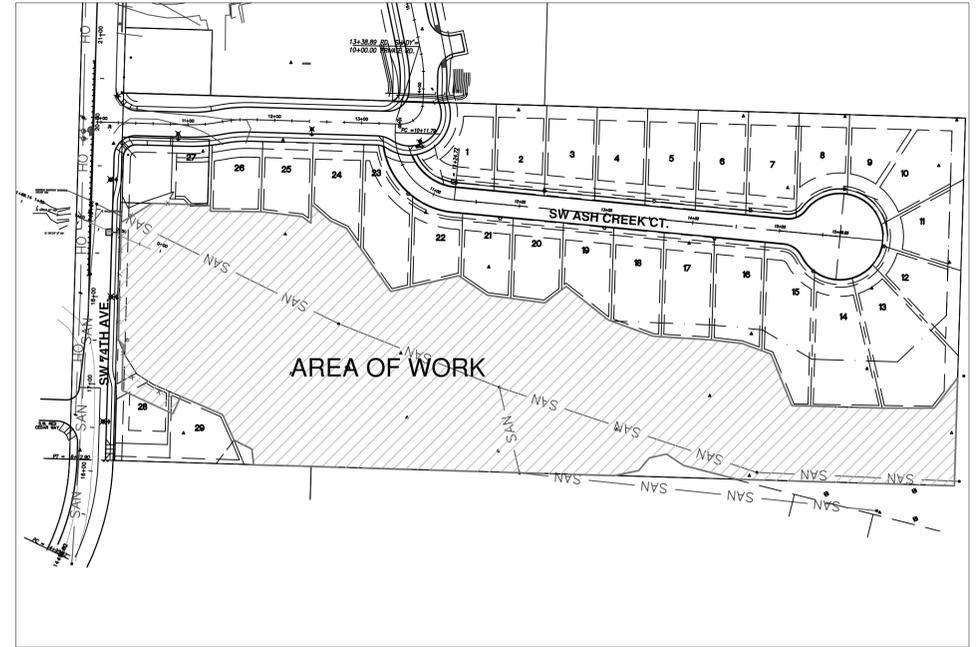
VICINITY MAP

N.T.S.



LOCATION MAP

N.T.S.



AREA OF WORK MAP

N.T.S.

PROJECT TEAM

OWNER'S REPRESENTATIVE
 TODD PRAGER - CITY OF TIGARD
 ASSOCIATE PLANNER/ARBORIST
 501 N. DIXON STREET
 TIGARD, OR 97223
 (503) 718-2700

LANDSCAPE ARCHITECT
 TROY MEARS, RLA
 MEARS DESIGN GROUP, LLC
 PO Box 23338
 TIGARD, OR 97281
 (503) 601-4516
 (503) 924-4688 FAX

GENERAL NOTES

1. ADVISE THE LANDSCAPE ARCHITECT OF ANY CONFLICTS OR DISCREPANCIES 2 (TWO) WORKING DAYS PRIOR TO STARTING WORK.
2. STAGING AREAS ARE TO BE WITHIN THE DESIGNATED CONSTRUCTION LIMITS. IF THE CONTRACTOR REQUIRES ADDITIONAL AREA, THEY SHALL SUBMIT A WRITTEN REQUEST TO THE OWNER'S REPRESENTATIVE.
3. VERIFY ALL SITE CONDITIONS BY SITE VISIT PRIOR TO BID SUBMISSION.
4. VERIFY LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK FOR LOCATIONS CONTACT TIGARD PUBLIC WORKS DEPARTMENT, (503) 718-2591 AND THE UTILITIES NOTIFICATION CENTER 1(800) 332-2344 NOT LESS THAN 48 HOURS PRIOR TO BEGINNING WORK.

DRAWING INDEX

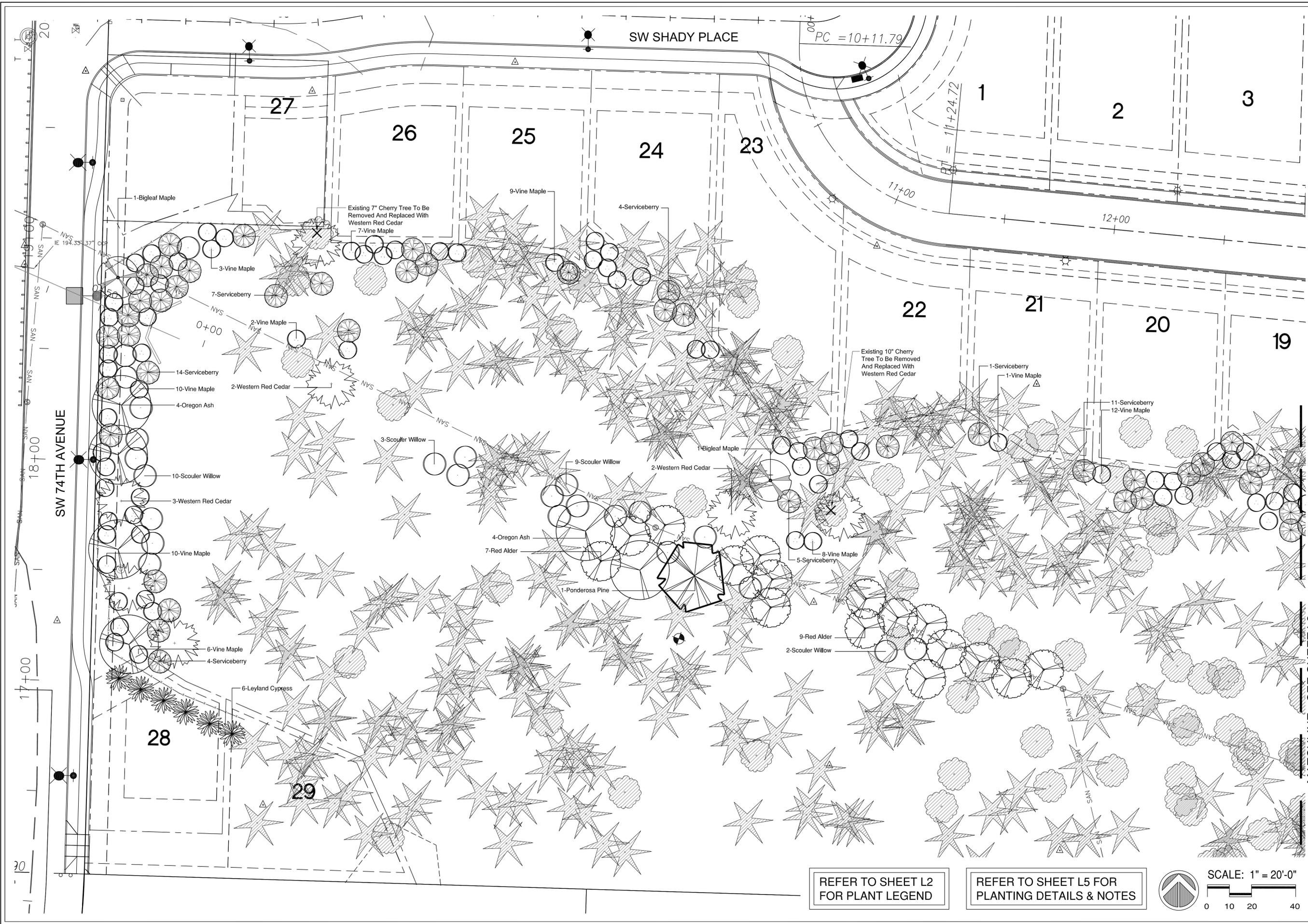
SHEET TITLE	SHEET NUMBER
COVER SHEET	L0
PLANTING PLAN	L1
PLANTING PLAN	L2
IRRIGATION PLAN	L3
IRRIGATION PLAN	L4
DETAILS AND NOTES	L5

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
 COVER SHEET

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 4/29/2011
 JOB NO.: 0927

SHEET:
L0
 OF 6



REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
PLANTING PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 4/29/2011
 JOB NO.: 0927

SHEET:
L1
 OF 6

REFER TO SHEET L2
 FOR PLANT LEGEND

REFER TO SHEET L5 FOR
 PLANTING DETAILS & NOTES



MATCHLINE - SEE SHEET L2



PLANT MATERIALS LISTING:					
BOTANICAL NAME COMMON NAME		QTY.	SIZE	CONDITION	REMARKS
SYM	TREES				
	<i>Acer circinatum</i> Vine Maple	105	6-7'	B&B	multi-stem
	<i>Acer macrophyllum</i> Bigleaf Maple	2	2" Cal.	B&B	30' o/c.
	<i>Amelanchier alnifolia</i> Serviceberry	73	1" Cal.	B&B	10' o/c.
	<i>Alnus rubra</i> Red Alder	16	2" Cal.	B&B	20' o/c.
	<i>xCupressocyparis leylandii</i> Leyland Cypress	6	2" Cal.	B&B	10' o/c.
	<i>Fraxinus latifolia</i> Oregon Ash	6	2" Cal.	B&B	20' o/c.
	<i>Pinus ponderosa</i> Ponderosa Pine	1	3" Cal.	B&B	30' o/c.
	<i>Salix scouleriana</i> Scouler Willow	24	1" Cal.	B&B	10' o/c.
	<i>Thuja plicata</i> Western Red Cedar	7	3" Cal.	B&B	30' o/c.
Total Proposed Mitigation Trees		240			
EXISTING TREES TO REMAIN UNLESS OTHERWISE NOTED					

MATCHLINE - SEE SHEET L1

REFER TO SHEET L5 FOR
PLANTING DETAILS & NOTES



MEARS DESIGN GROUP
Landscape Architecture & Planning
PO Box 23338 | Tigard, Oregon | 97281
Phone: 503.601.4516 | Fax: 503.924.4868

REGISTERED 540
TROY A. MEARS
OREGON
LANDSCAPE ARCHITECT

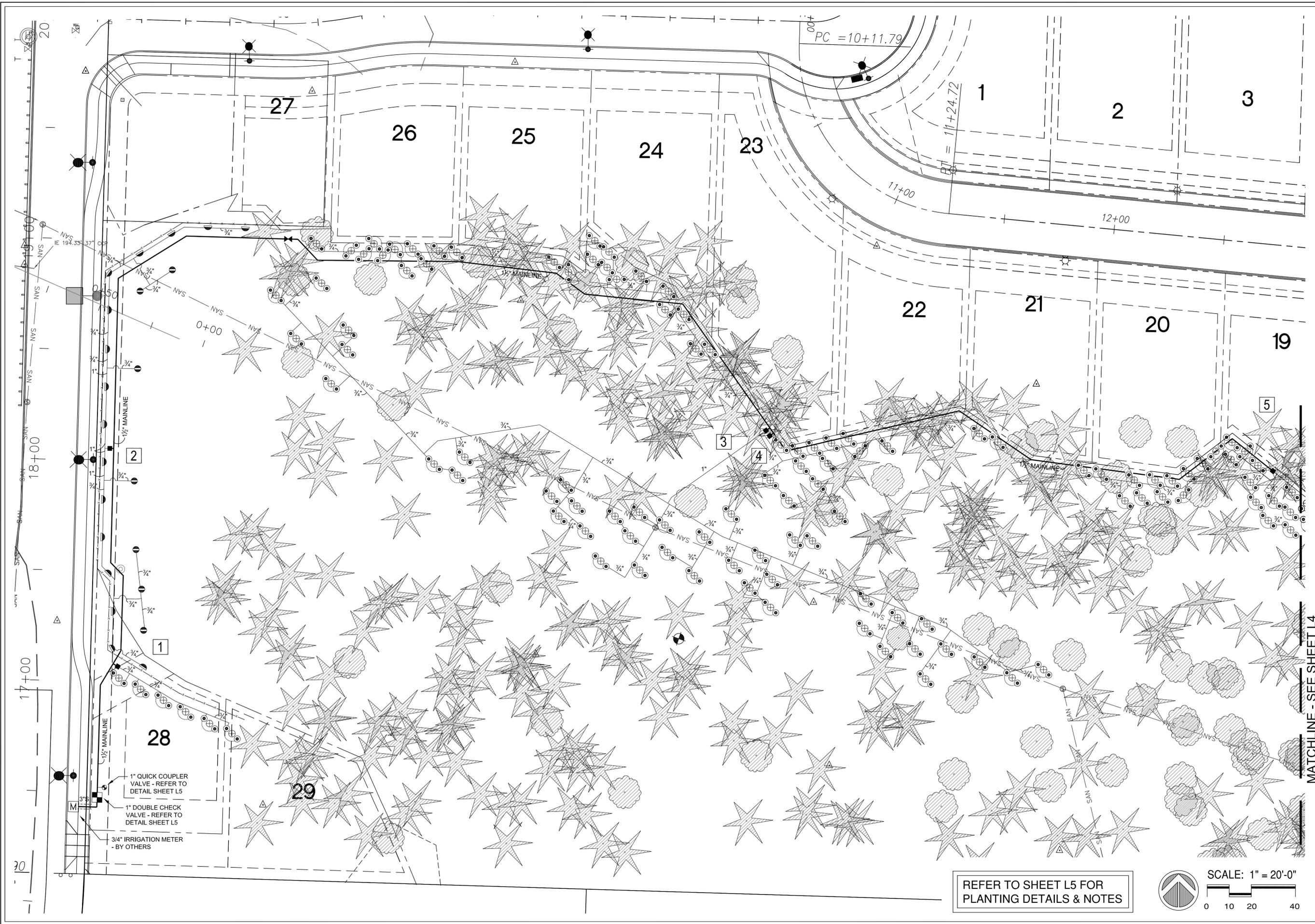
ASH CREEK REFORESTATION
TREE PLANTING PROJECT
SW 74TH AVENUE
CITY OF TIGARD, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
PLANTING PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 4/29/2011
JOB NO.: 0927

SHEET:
L2
OF 6



1" QUICK COUPLER VALVE - REFER TO DETAIL SHEET L5
 1" DOUBLE CHECK VALVE - REFER TO DETAIL SHEET L5
 3/4" IRRIGATION METER - BY OTHERS

REFER TO SHEET L5 FOR PLANTING DETAILS & NOTES



MEARS DESIGN GROUP
 Landscape Architecture & Planning
 PO Box 23338 | Tigard, Oregon | 97281
 Phone: 503.601.4516 | Fax: 503.924.4888

REGISTERED 540
 TROY A. MEARS
 OREGON
 LANDSCAPE ARCHITECT

ASH CREEK REFORESTATION
 TREE PLANTING PROJECT
 SW 74TH AVENUE
 CITY OF TIGARD, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
 IRRIGATION PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 4/29/2011
 JOB NO.: 0927

SHEET:
L3
 OF 6

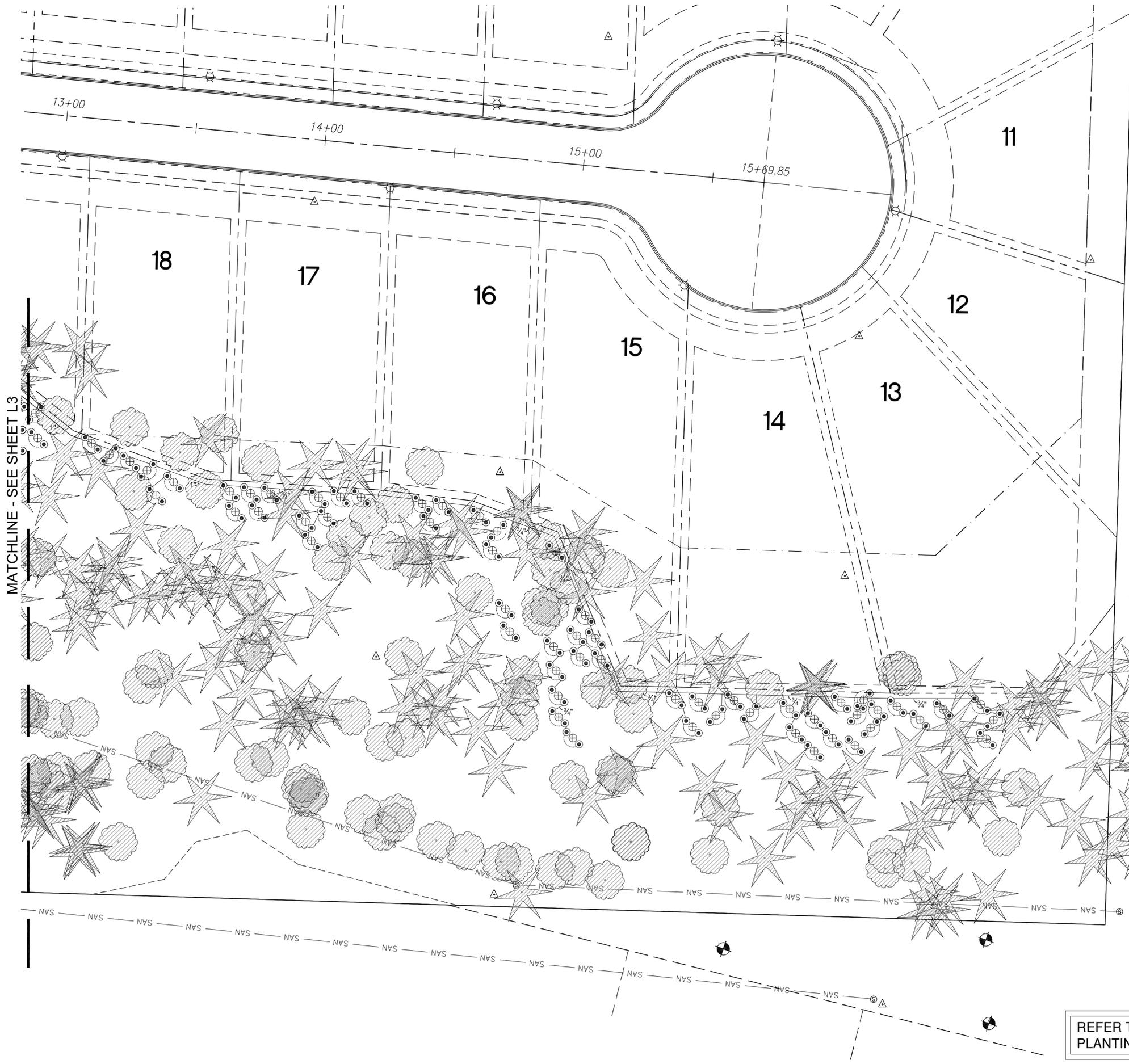
MATCHLINE - SEE SHEET L4

GENERAL KEY	
SYM.	DESCRIPTION
	CLASS 200 PVC SLEEVE - SIZE AS NOTED
	SCH. 40 IRRIGATION MAINLINE - SIZE AS NOTED
	CLASS 200 PVC LATERALS - SIZE AS NOTED
	IRRIGATION ISOLATION VALVE - SAME SIZE AS MAINLINE
	EXISTING 1" QUICK COUPLING VALVE SEE DETAIL 4/L5
	HUNTER ICV AUTOMATIC CONTROL VALVE W/ SVC-100 CONTROL MODULE - SEE DETAIL 2/L5
	HUNTER ICZ-101-40 DRIP MANIFOLD W/ SVC-100 CONTROL MODULE - SEE DETAIL 1/L5
	CONTROL VALVE NUMBER - REFER TO VALVE KEY
	DRIP AIR RELIEF VALVE - SEE DETAIL 5/L5
	TREE WELL IRRIGATION - SEE DETAIL 3/L5
	INDICATES TREE LOCATION - SEE SHEET L1 & L2

VALVE KEY					
CONTROL VALVE NO. (TR-TREES)	1	2	3	4	5
G.P.M.	1	21	3	3	5
CONTROL VALVE SIZE	1.0	1.0	1.0	1.0	1.0

DESIGN CRITERIA
 THE DESIGN OF THE IRRIGATION SYSTEM IS BASED ON 50 P.S.I. @ 40 G.P.M.

- GENERAL NOTES**
- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL SLEEVING UNDER ALL HARD SURFACES EXCEPT WHAT HAS BEEN INSTALLED PREVIOUSLY BY GENERAL CONTRACTOR (REFER TO DRAWINGS). COORDINATE W/ GEN. CONTRACTOR.
 - INSTALL VALVE BOXES PERPENDICULAR TO WALLS, WALKS AND CURBS.
 - RAINBIRD SERIES BODIES TO BE 1806-SAM: (W/ MP ROTATOR NOZZLES)
 - ADJUST MP ROTATOR NOZZLES TO MEET REQUIRED HEAD-TO-COVERAGE AND ARC TO MATCH LANDSCAPE.
 - WHEN PLACING MORE THAN ONE PIPE IN A TRENCH, ALLOW A MIN. OF 6" BETWEEN PIPES.
 - ONE VALVE MAX. PER STANDARD VALVE BOX - TWO VALVES MAX. PER JUMBO VALVE BOX.
 - PLACE VALVES IN SHRUB BEDS WHERE POSSIBLE.
 - INSTALL HEADS FLUSH WITH TOP OF WALLS, WALKS AND CURBS.
 - ADJUST HEAD LOCATION AS REQUIRED TO AVOID TREES, SIGNS, LIGHT POLES AND OTHER FIXED OBJECTS.
 - SINGLE BARE TRACE WIRE REQUIRED ON TOP OF ALL MAINLINE.
 - TWO STEP GLUE REQUIRED ON ALL PVC MAINLINE THAT IS NOT GASKETED.
 - PLACE CONTROL WIRE 3 TO 6" AWAY FROM MAINLINE



MATCHLINE - SEE SHEET L3

REFER TO SHEET L5 FOR
PLANTING DETAILS & NOTES



MEARS DESIGN GROUP
 Landscape Architecture & Planning
 PO Box 23338 Tigard, Oregon 97281
 Phone: 503.601.4516 Fax: 503.924.4868

REGISTERED 540
 TROY A. MEARS
 OREGON
 LANDSCAPE ARCHITECT

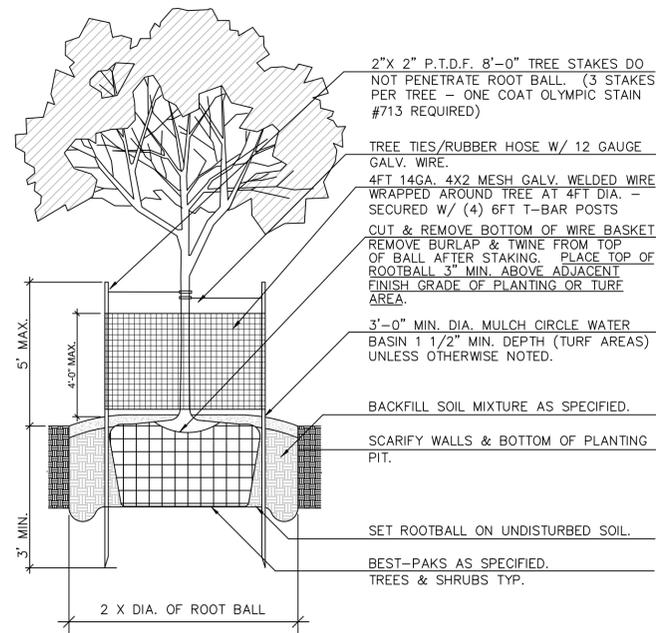
ASH CREEK REFORESTATION
 TREE PLANTING PROJECT
 SW 74TH AVENUE
 CITY OF TIGARD, OREGON

REVISIONS		
REV.	DATE	DESCRIPTION

SHEET NAME:
IRRIGATION PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 4/29/2011
 JOB NO.: 0927

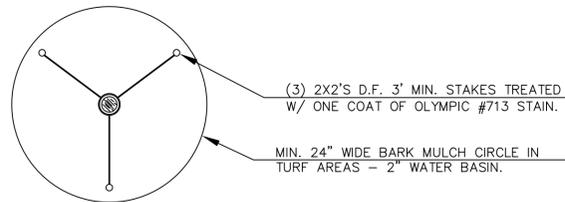
SHEET:
L4
OF 6



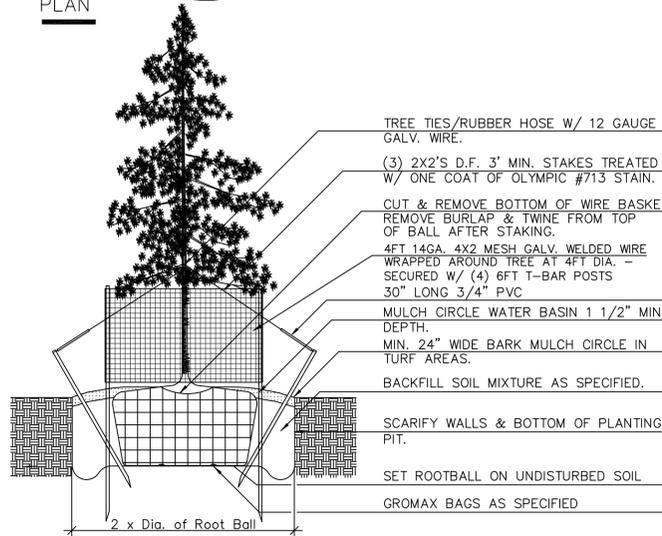
TREE PLANTING DETAIL

NOTES

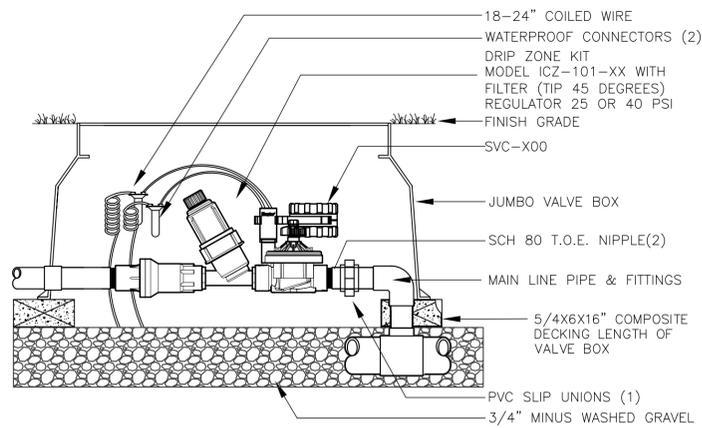
- B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
- CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
- PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 1986 EDITION.
- ALL TREES SHALL BE BRANCHED.
- MULCH ALL PLANTING BEDS WITH 2" MIN. LAYER OF SPECIFIED MULCH.
- IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
- IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
- LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL.
- LANDSCAPE CONTRACTOR TO VERIFY TREE QUANTITIES.
- LANDSCAPE CONTRACTOR IS TO RECEIVE WRITTEN AUTHORIZATION OF PLANT MATERIAL QUALITY ACCEPTANCE BEFORE INSTALLATION BEGINS.



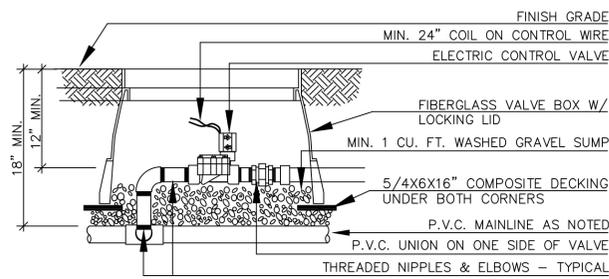
PLAN



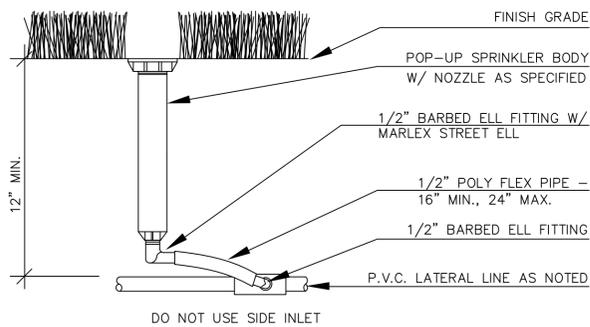
CONIFER PLANTING DETAIL



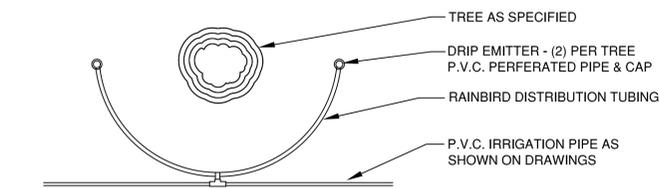
1 1" DRIP CONTROL VALVE MANIFOLD (XCZ-100-LF DRIP MANIFOLD KIT) NTS



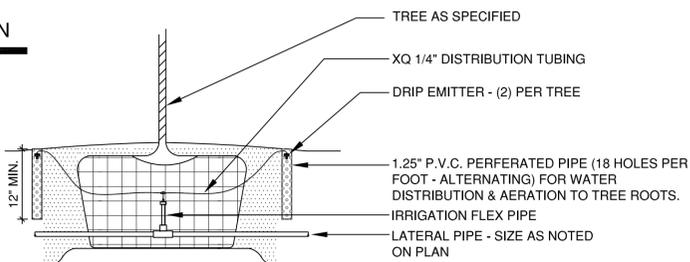
2 CONTROL VALVE & BOX DETAIL NTS



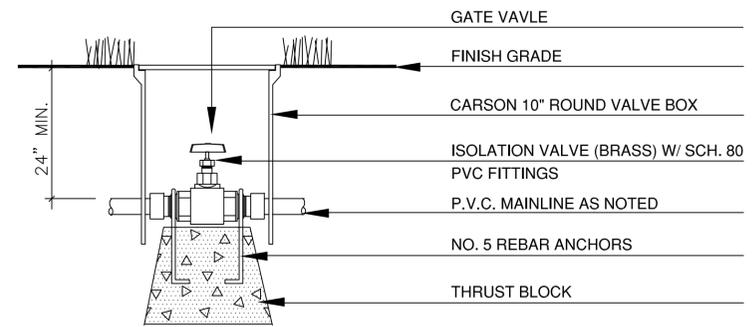
3 POLY FLEX RISER DETAIL 1806 SERIES ONLY NTS



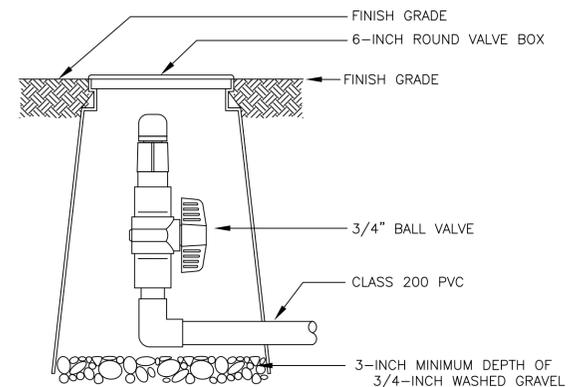
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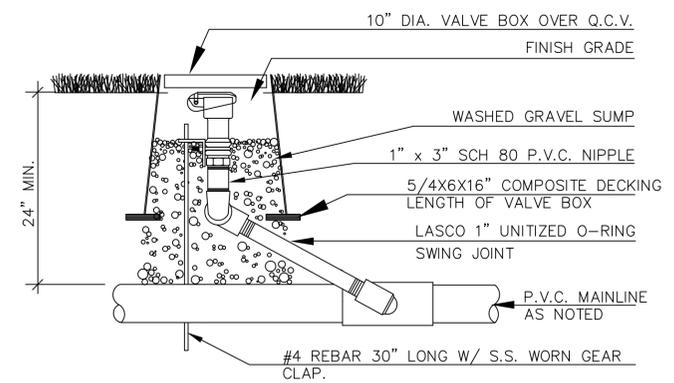
3 TREE WELL IRRIGATION DETAIL NTS



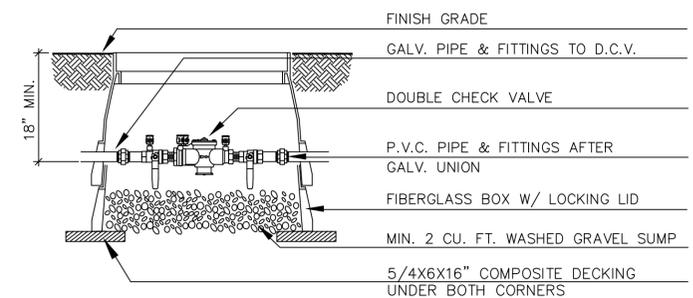
4 ISOLATION / GATE VALVE DETAIL (MAINLINE GATE VALVE SIZE - 2" AND SMALLER) NTS



5 DRIP FLUSH DETAIL NTS



6 QUICK-COUPLING VALVE DETAIL (1") NTS



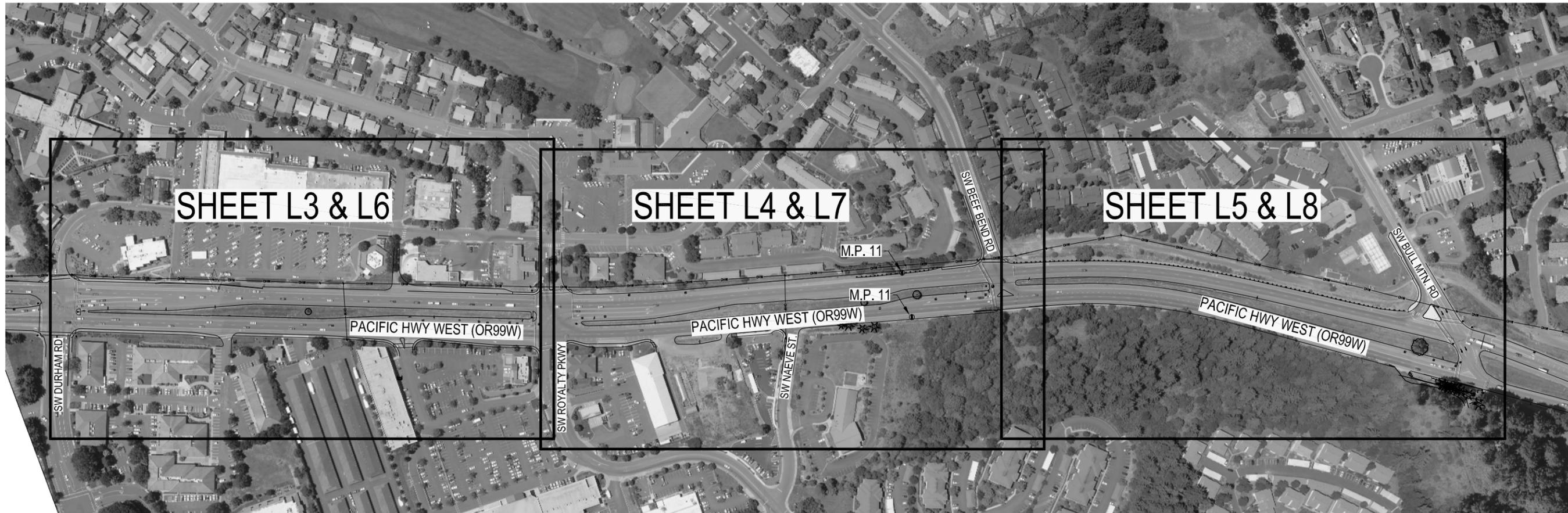
7 DOUBLE CHECK BACKFLOW PREVENTER DETAIL NTS

REV.	DATE	DESCRIPTION

SHEET NAME:
 DETAIL SHEET

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 4/29/2011
 JOB NO.: 0927

SHEET:
L5
 OF 6



LOCATION MAP

PROJECT TEAM

OWNER'S REPRESENTATIVE
 TODD PRAGER - CITY OF TIGARD
 ASSOCIATE PLANNER/ARBORIST
 13125 SW HALL BLVD
 TIGARD, OR 97223
 (503) 718-2700
 (503) 718-2748 FAX

PROJECT LANDSCAPE ARCHITECT
 TROY MEARS
 MEARS DESIGN GROUP, LLC
 11680 SW 113TH PLACE
 TIGARD, OR 97223
 (503) 601-4516
 (503) 924-4688 FAX

PROJECT ARBORIST
 PHIL HICKEY
 PACIFIC ARBOR CONSULTING
 PO BOX 4524
 TUALATIN, OR 97062
 (503) 406-7082

GENERAL NOTES

- ADVISE THE OWNER'S REPRESENTATIVE OF ANY CONFLICTS OR DISCREPANCIES 5 (FIVE) WORKING DAYS PRIOR TO STARTING WORK.
- TRAFFIC CONTROL REQUIRED. SEE SPECIFICATIONS
- STAGING AREAS ARE TO BE WITHIN THE DESIGNATED CONSTRUCTION LIMITS. IF THE CONTRACTOR REQUIRES ADDITIONAL AREA, THEY SHALL SUBMIT A WRITTEN REQUEST TO THE OWNER'S REPRESENTATIVE.
- VERIFY ALL SITE CONDITIONS BY SITE VISIT PRIOR TO CONSTRUCTION.
- STAKE TREE LOCATIONS PRIOR TO INSTALLATION FOR APPROVAL BY ODOT AND CITY OF TIGARD.
- EROSION CONTROL MEASURES ARE TO BE IN PLACE AND MAINTAINED AT ALL TIMES. THEY MUST CONFORM TO THE REQUIREMENTS SET FORTH IN THE EROSION CONTROL PLANS.
- VERIFY LOCATION OF ALL UTILITIES PRIOR TO COMMENCEMENT OF WORK FOR LOCATIONS CONTACT TIGARD PUBLIC WORKS DEPARTMENT, (503) 718-4171 AND THE UTILITIES NOTIFICATION CENTER 1(800) 332-2344 NOT LESS THAN 48 HOURS PRIOR TO BEGINNING WORK.

DRAWING INDEX

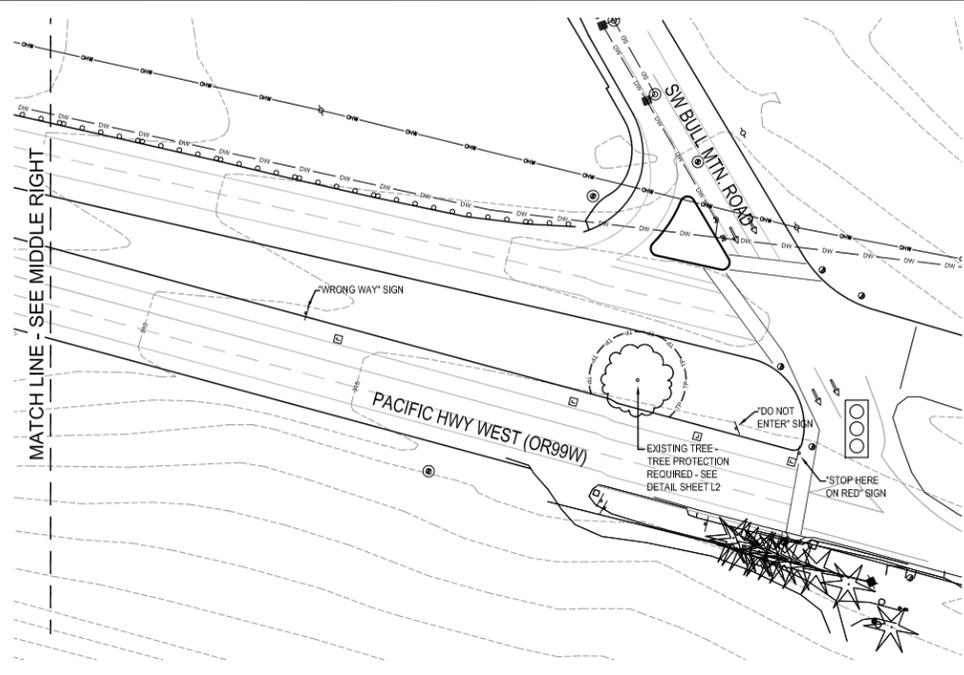
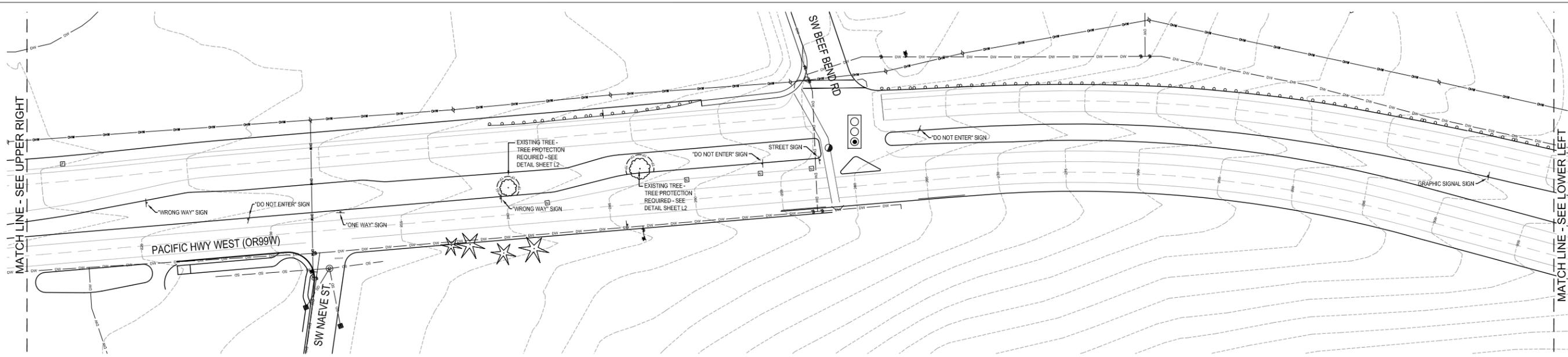
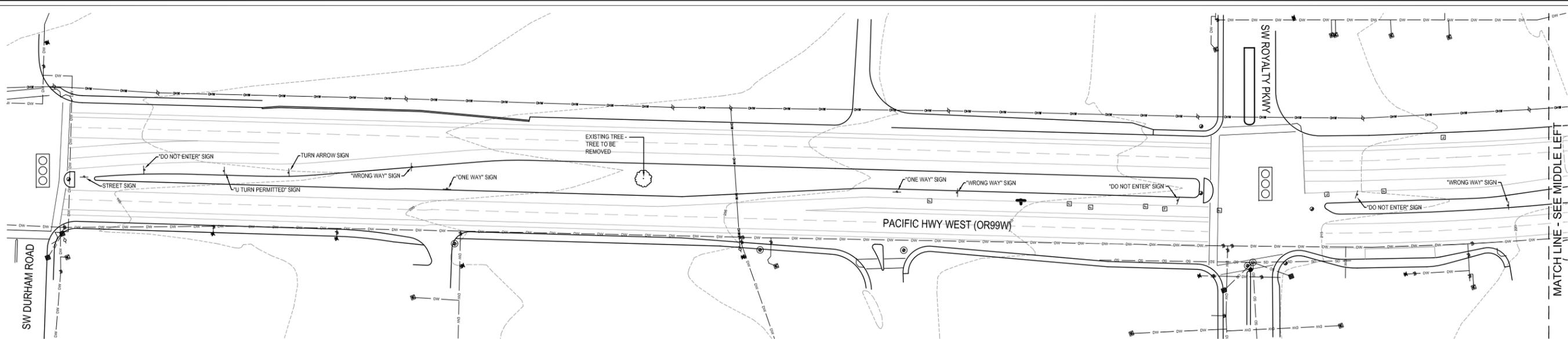
SHEET TITLE	SHEET NUMBER
COVER SHEET	L0
EROSION CONTROL/TREE PROTECTION PLAN	L1
EROSION CONTROL/TREE PROTECTION DETAILS & NOTES	L2
IRRIGATION PLAN	L3
IRRIGATION PLAN	L4
IRRIGATION PLAN	L5
TREE PLANTING PLAN	L6
TREE PLANTING PLAN	L7
TREE PLANTING PLAN	L8
CONSTRUCTION DETAIL SHEET	L9

REV.	DATE	DESCRIPTION
	12/28/09	ODOT Comments
	4/9/2010	ODOT Comments

SHEET NAME:
 COVER SHEET

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 11/20/09
 JOB NO.: 0918-C

SHEET:
L0
 OF 10



- ### GENERAL NOTES
- TREE PROTECTION REQUIRED FOR ALL EXISTING TREES DETERMINED BY PROJECT ARBORIST.
 - INSTALL EROSION CONTROL, TREE PROTECTION AND CONSTRUCTION FENCING PRIOR TO ANY SITE WORK. EROSION CONTROL FENCING MUST BE REVIEWED AND APPROVED BY CITY INSPECTOR. SEE SHEET L2 FOR ADDITIONAL EROSION CONTROL DETAILS AND NOTES.
 - CONTRACTOR TO BE SENSITIVE TO ALL UNDERGROUND UTILITIES EXISTING IN CONSTRUCTION AREA. CONTRACTOR TO NOTIFY CITY OF TIGARD REPRESENTATIVE BEFORE START OF CONSTRUCTION.
 - ALL TREES IDENTIFIED ON DRAWINGS ARE TO REMAIN AS NOTED

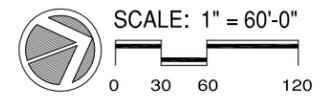
LEGEND

SYM	DESCRIPTION	SYM	DESCRIPTION	SYM	DESCRIPTION
	EXISTING CONTOUR		DENOTES WATER SERVICE ISOLATION VALVE		DENOTES SIGNAL LIGHT POLE
	EXISTING TREE		DENOTES STORM LINE		DENOTES STORM MANHOLE
	DENOTES INLET		DENOTES OVERHEAD WIRE		DENOTES SANITARY MANHOLE
	DENOTES WATER METER		DENOTES WATER LINE		TREE PROTECTION - SEE DETAIL 1/L2
	DENOTES FIRE HYDRANT		DENOTES SIGNAL/JUNCTION BOX		DENOTES TRAFFIC SIGNAL CONTROL ALL DIRECTIONS
	DENOTES SIGN		DENOTES UTILITY POLE		

REFER TO SHEET L2 FOR EROSION CONTROL AND TREE PROTECTION DETAILS AND ASSOCIATED NOTES

DATA PROVIDED BY:
CITY OF TIGARD GIS

HALF SCALE



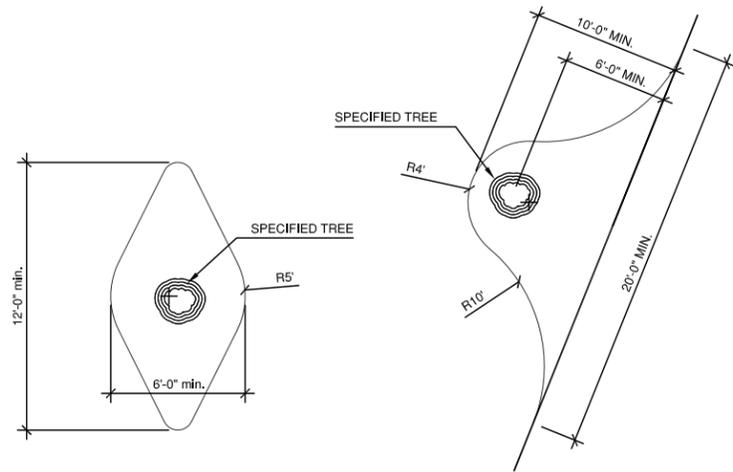
REVISIONS

REV.	DATE	DESCRIPTION
12/29/09		ODOT Comments
4/9/2010		ODOT Comments

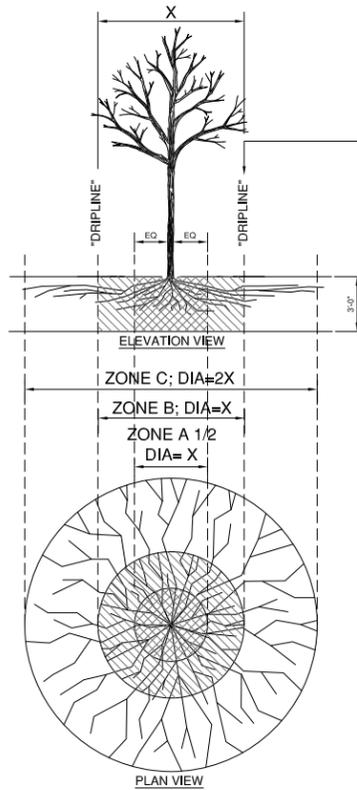
SHEET NAME:
EROSION CONTROL
TREE PROTECTION

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 11/20/09
JOB NO.: 0918-C

SHEET:
L1
OF 10



TREE PLANTING - MULCH RING
TYPICAL NTS



1 TREE PROTECTION DETAIL
L2 N.T.S.

TREE PROTECTION NOTES:

- 5'-6" high chain link fence mounted on two inch dia. galv. iron posts no more than 10-foot spacing or 4' high 14 gauge 4x2 mesh galv. wire mounted on 5-foot metal "T" posts spaced no further apart than 4-foot on center
- Fencing shall not be installed closer to the tree than the dripline of those trees to be saved. Special circumstances shall be reviewed by the City.
- Fencing shall be erected prior to any construction activity. The city shall be notified once the fencing is installed for inspection.
- Under no circumstances shall the protective fencing be removed without proper approval from the City.
- No person shall conduct any activity within the areas proposed to remain.
This shall include, but not limited to:
a. No solvents or chemicals within the protected areas.
b. No building materials or construction equipment within the protected areas.
c. No grade changes, including fill, within the protected areas.
d. No removal of vegetation from ground up without permission from the City.
e. Any required swale needs to be directed around the protected areas. In instances where swales are approved through a protected area, the swales need to be HAND DUG. Machinery of any kind is prohibited.
- Regulated woodlands or regulated trees adjacent to the property are also required to be protected.
- Install required tree protection fencing as specified by the project Arborist and call for an inspection by the City Arborist

FENCING/ROOT PROTECTION

5'-6" HIGH CHAIN LINK FENCE MOUNTED ON TWO INCH DIA. GALV. IRON POSTS NO MORE THAN 10-FOOT SPACING OR 4' HIGH 14 GAUGE 4X2 MESH GALV. WIRE MOUNTED ON 5-FOOT METAL "T" POSTS SPACED NO FURTHER APART THAN 4-FOOT ON CENTER. INSTALLED AND MAINTAINED AT THE DRIPLINE OF EACH TREE OR AROUND A GROUP OF TREES AT THE DRIPLINE OF OUTSIDE TREES AS DIRECTED BY PROJECT ARBORIST.

THE PROJECT ARBORIST'S APPROVAL IS REQUIRED FOR USE/ACCESS WITHIN ZONE B. PERMISSION FOR USE/ACCESS REQUIRES SURFACE PROTECTION FOR ALL UNFENCED, UNPAVED SURFACES WITHIN ZONE B AT ALL TIMES.

*** SURFACE PROTECTION MEASURES**

- MULCH LAYER, @ 6"-8" DEPTH
- 3/4" PLYWOOD
- STEEL PLATES

Trenching / Excavation

Zone A (Critical Root Zone)
(Defined as trunk diameter multiplied by 0.5)

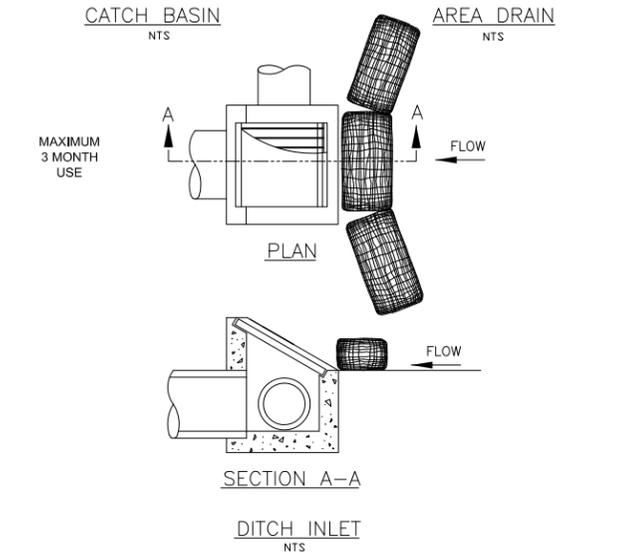
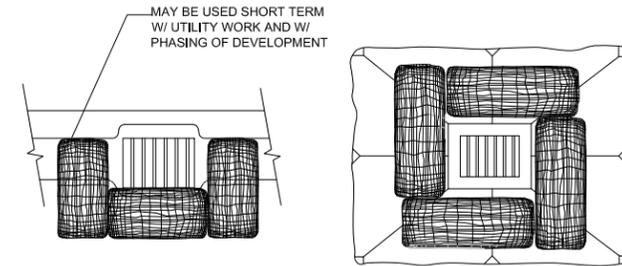
- No disturbance allowed without site-specific inspection and approval of methods to minimize root damage
- Severance of roots larger than 2 inches in diameter requires an engineer's approval
- Tunnelling required to install lines 3 feet below grade or deeper

Zone B (Dripline (define))
(Maximum width of branch extension on tree)

- Operation of heavy equipment and/or stockpiling of materials subject to (specify individual) approval
- Surface protection measures required
Trenching allowed as follows:
- Excavation by hand or with hand-driven trencher may be required
- Limit trench width. Do not disturb Zone A (Critical Root Zone) maintain 2/3 or more of Zone B (Dripline) in undisturbed condition
- Tunnelling may be required for trenches deeper than 3 foot
- Use of pneumatic air ward and excavation may be considered where the trench depth does not exceed 4 feet

Zone C (Absorbing Root Zone)
(Defined as trunk diameter multiplied by 2.0)

- Operation of heavy equipment and or stockpiling of materials subject to (specify individual) approval
- Surface protection measures may be required and is to be determined by (specify individual)
Trenching with heavy equipment allowed as follows:
- Minimize trench width
- Maintain 2/3 or more of Zone C in undisturbed condition
- Or as specified by (specify individual)



3 BIO-FILTER BAGS FOR TEMPORARY INLET PROTECTION
L2 N.T.S.

EROSION CONTROL NOTES:

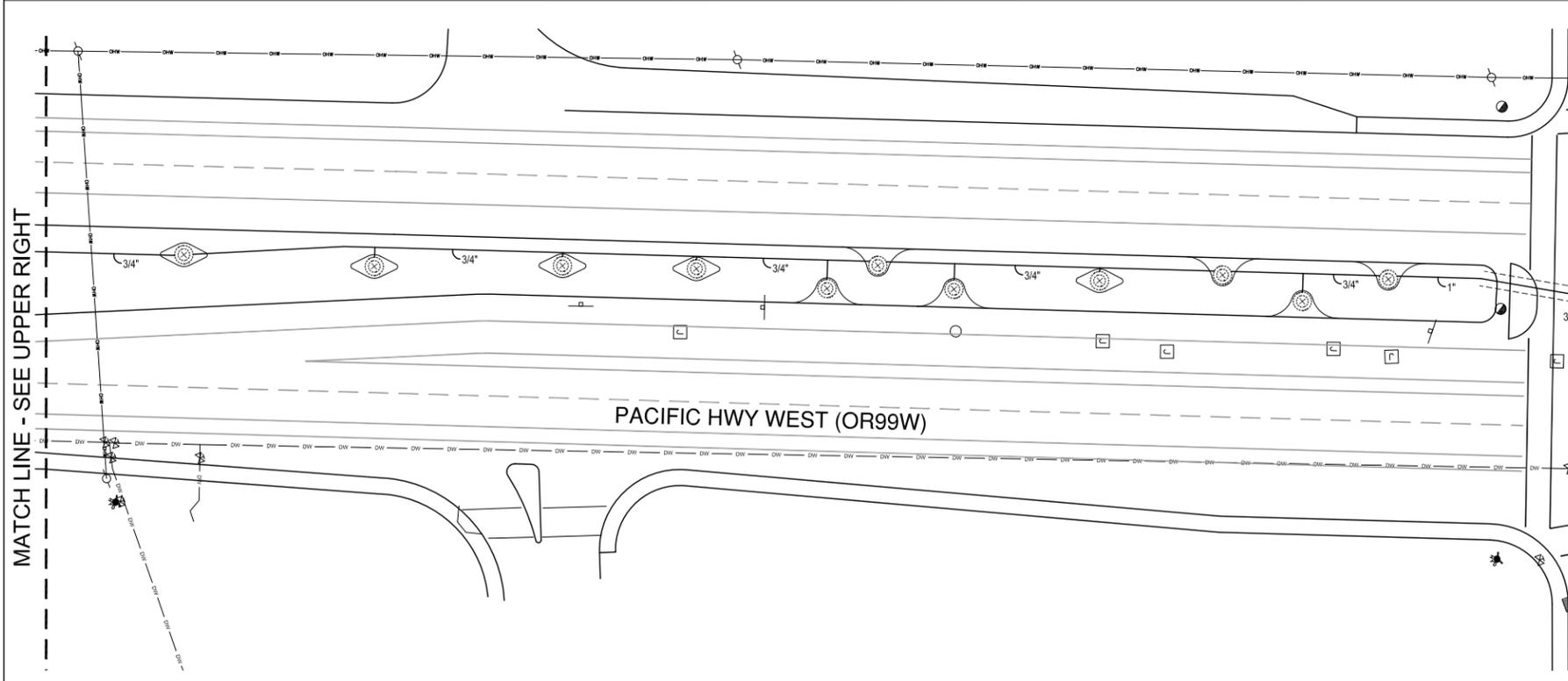
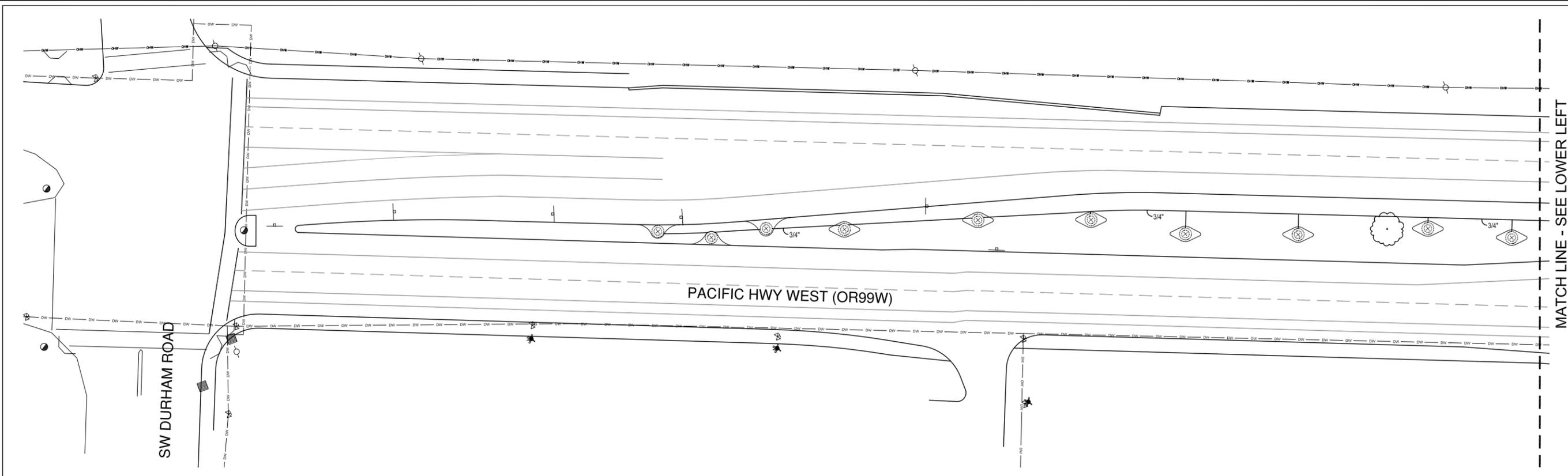
REV.	DATE	DESCRIPTION
12/29/09		ODOT Comments
4/9/2010		ODOT Comments

SHEET NAME:
DETAILS & NOTES

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 11/20/09
JOB NO.: 0918-C

SHEET:
L2

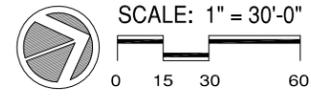
HALF SCALE



MATCH LINE - SEE UPPER RIGHT

MATCH LINE - SEE LOWER LEFT

HALF SCALE



GENERAL KEY

SYM.	DESCRIPTION
4'S	EXISTING CLASS 200 PVC SLEEVE - SIZE AS NOTED
1 1/2"	SCH. 40 IRRIGATION MAINLINE - SIZE AS NOTED
3/4"	CLASS 200 PVC LATERALS - SIZE AS NOTED
[Valve Symbol]	IRRIGATION ISOLATION VALVE - SAME SIZE AS MAINLINE
[Coupling Symbol]	1" QUICK COUPLING VALVE
[M]	1" IRRIGATION METER
[Manifold Symbol]	HUNTER IC2-101-40 DRIP MANIFOLD W/ SVC-100 CONTROL MODULE - SEE DETAIL 2/L9
[1]	CONTROL VALVE NUMBER - REFER TO VALVE KEY
[POC]	POINT OF CONNECTION - REFER TO DETAIL SHEET L9
[Circle]	1" MANUAL DRAIN VALVE
[Dripline Symbol]	DRIPLINE AROUND TREE - SEE DETAIL 1/L9
[X]	INDICATES TREE LOCATION - SEE SHEETS L6 THRU L8

VALVE KEY

CONTROL VALVE NO.	1TR	2TR							
G.P.M.	17	10							
CONTROL VALVE SIZE	1.0	1.0							

DESIGN CRITERIA

THE DESIGN OF THE IRRIGATION SYSTEM IS BASED ON 50 P.S.I. @ 40 G.P.M.

GENERAL NOTES

- LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL SLEEVING UNDER ALL HARD SURFACES. (REFER TO DRAWINGS).
- HOLD HEADS A MIN. 1" FROM EDGES OF ALL HARD SURFACES & 6" MIN. FROM FOUNDATION OF BLDG. WALLS
- INSTALL VALVE BOXES PERPENDICULAR TO WALLS, WALKS AND CURBS.
- WHEN PLACING MORE THAN ONE PIPE IN A TRENCH, ALLOW A MIN. OF 6" BETWEEN PIPES.
- ONE VALVE MAX. PER STANDARD VALVE BOX - TWO VALVES MAX. PER JUMBO VALVE BOX.
- PLACE VALVES IN SHRUB BEDS WHERE POSSIBLE.
- TWO STEP GLUE REQUIRED ON ALL PVC MAINLINE THAT IS NOT GASKETED.
- PLACE CONTROL WIRE 3 TO 6" AWAY FROM MAINLINE



OR99W: SW DURHAM RD - SW BULL MOUNTAIN RD
 MEDIAN LANDSCAPE PROJECT
 OR99W: SW DURHAM ROAD - SW ROYALTY PARKWAY
 CITY OF TIGARD, OREGON

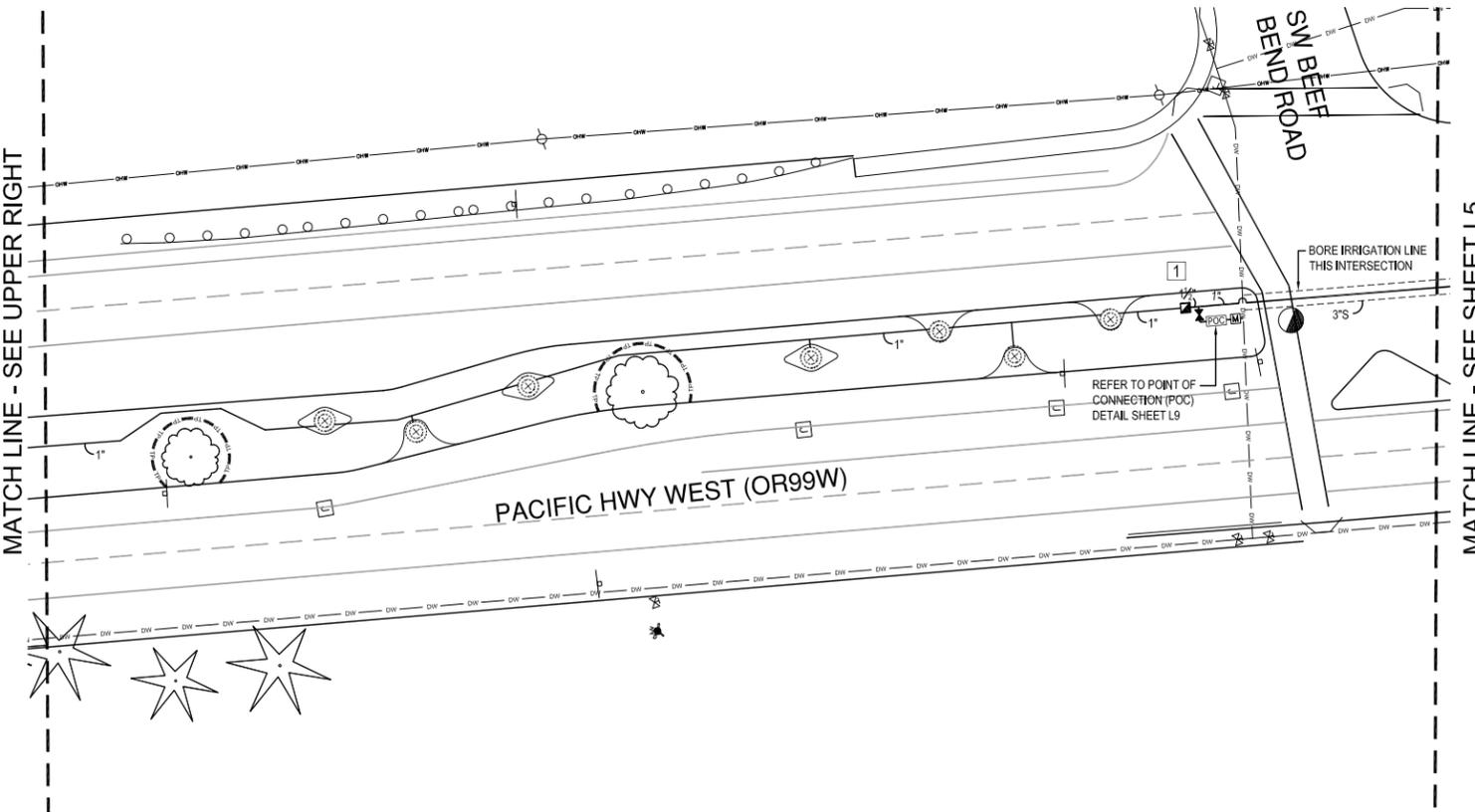
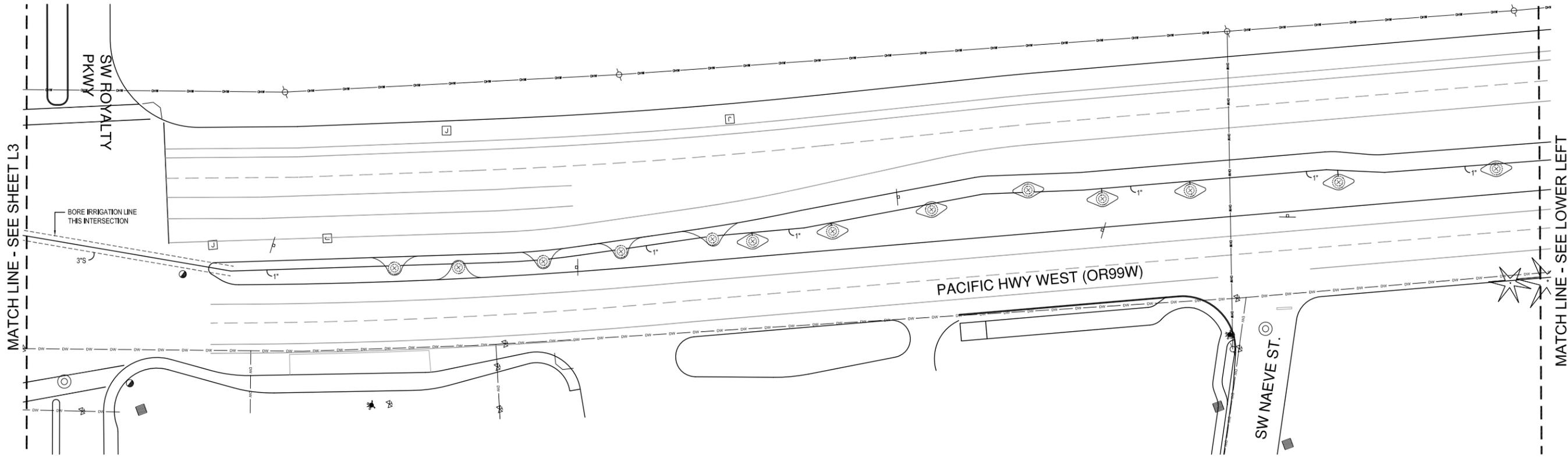
REVISIONS

REV.	DATE	DESCRIPTION
12/29/09		CCOT Comments
4/9/2010		CCOT Comments

SHEET NAME:
IRRIGATION PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 11/20/09
 JOB NO.: 0918-C

SHEET:
L3
OF 10



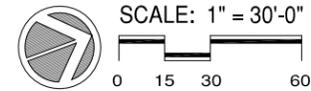
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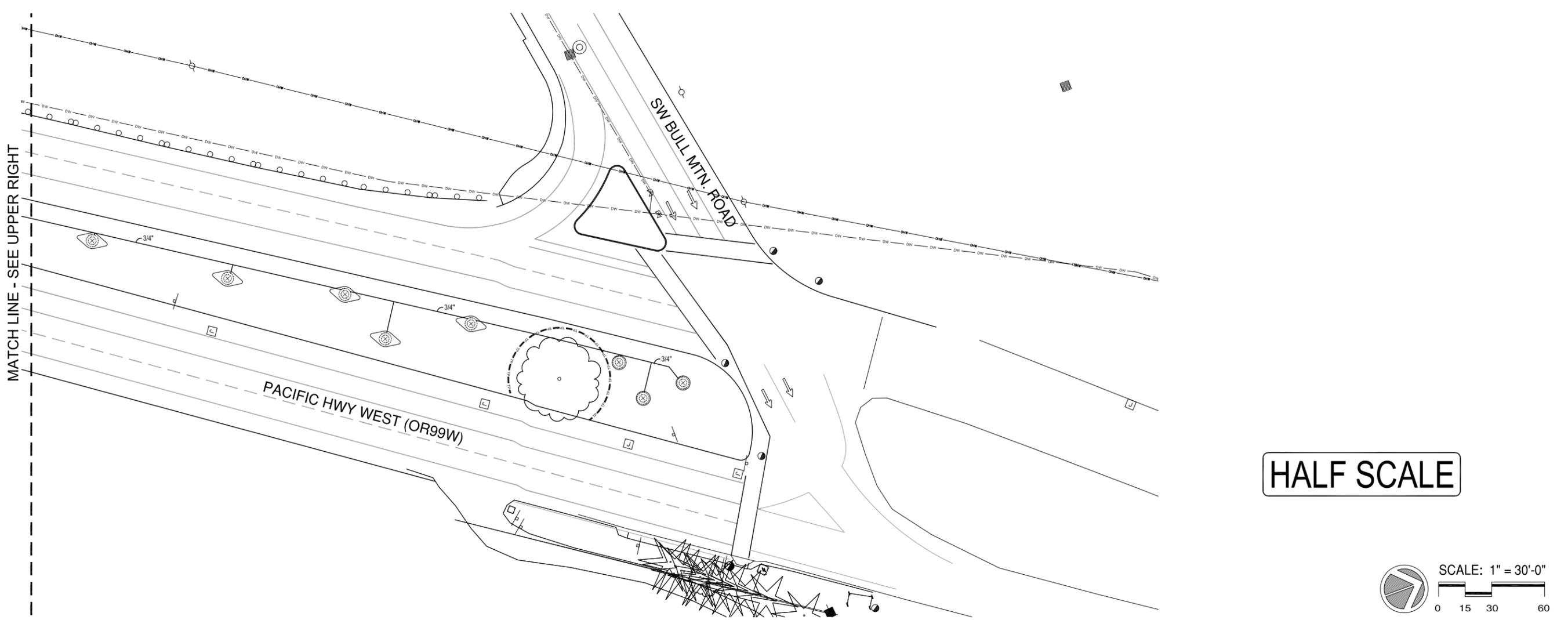
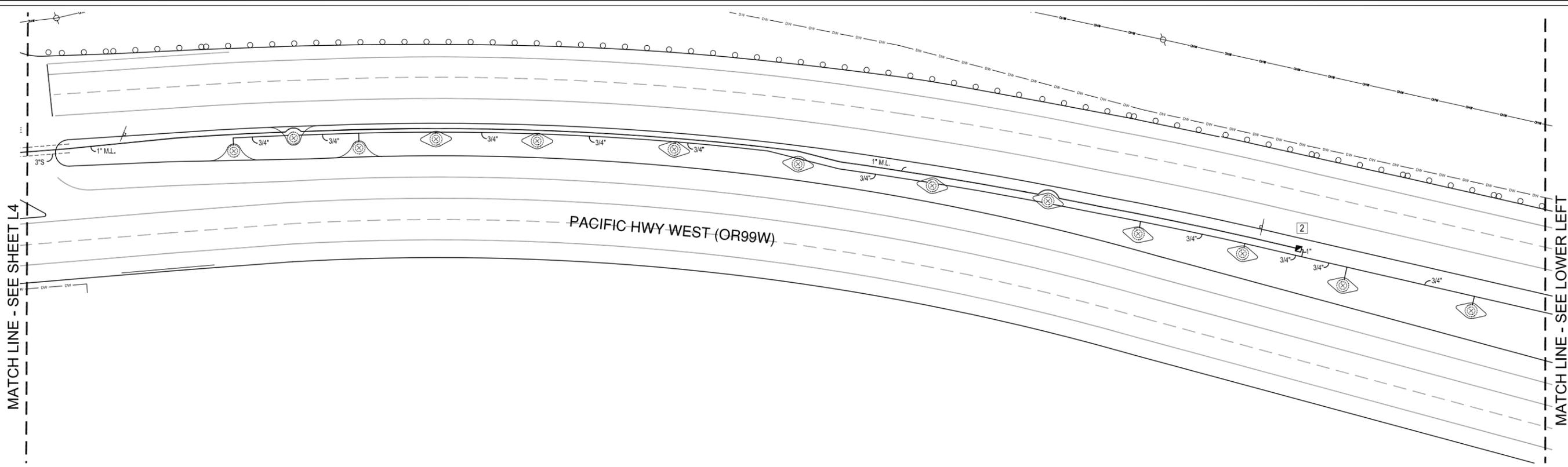
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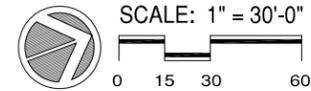
SHEET:
L4
 OF 10

HALF SCALE





HALF SCALE



REVISIONS		
REV.	DATE	DESCRIPTION
12/29/09		CCOT Comments
4/9/2010		CCOT Comments

SHEET NAME:
 IRRIGATION PLAN

DRAWN BY: TAM
 CHECKED BY: TAM
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SHEET:
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 OF 10

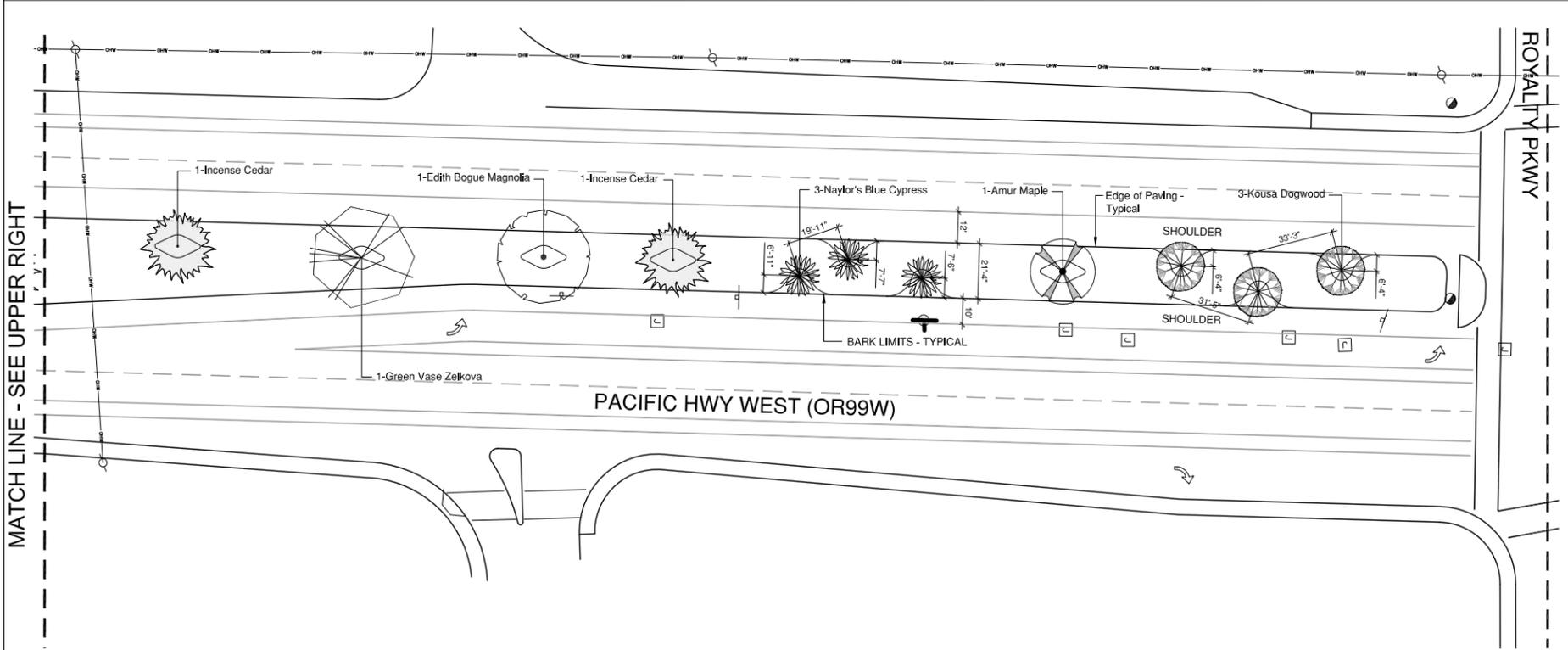
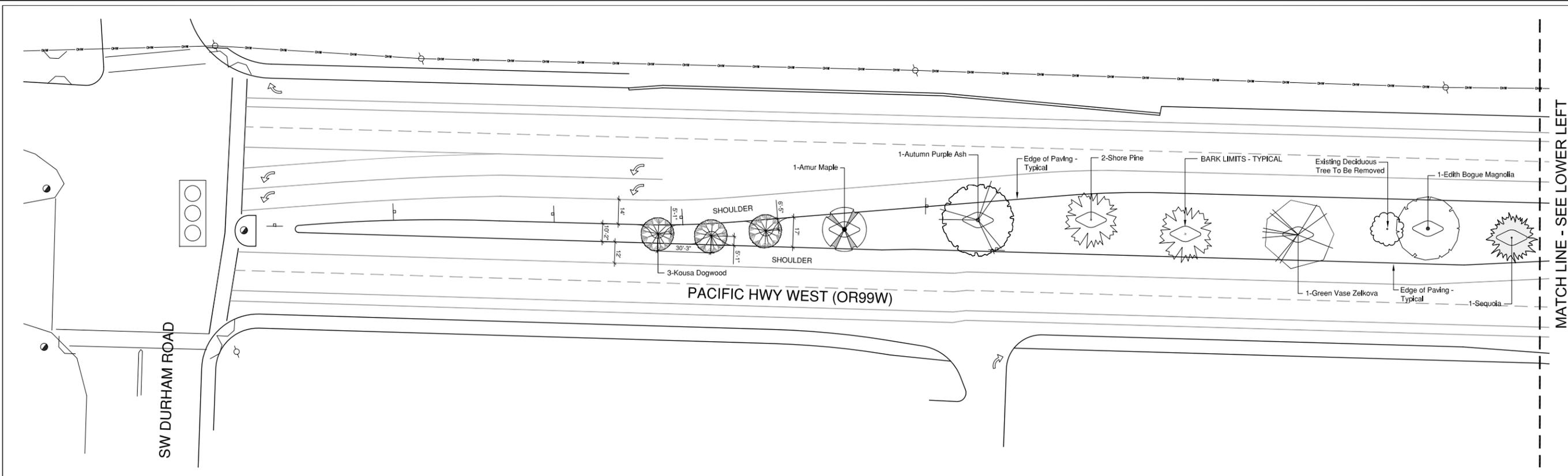
REVISIONS

REV.	DATE	DESCRIPTION
12/29/09		0001 Comments
4/9/2010		0002 Comments

SHEET NAME:
 PLANTING PLAN

DRAWN BY: TAM
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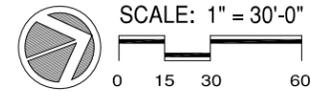
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L6
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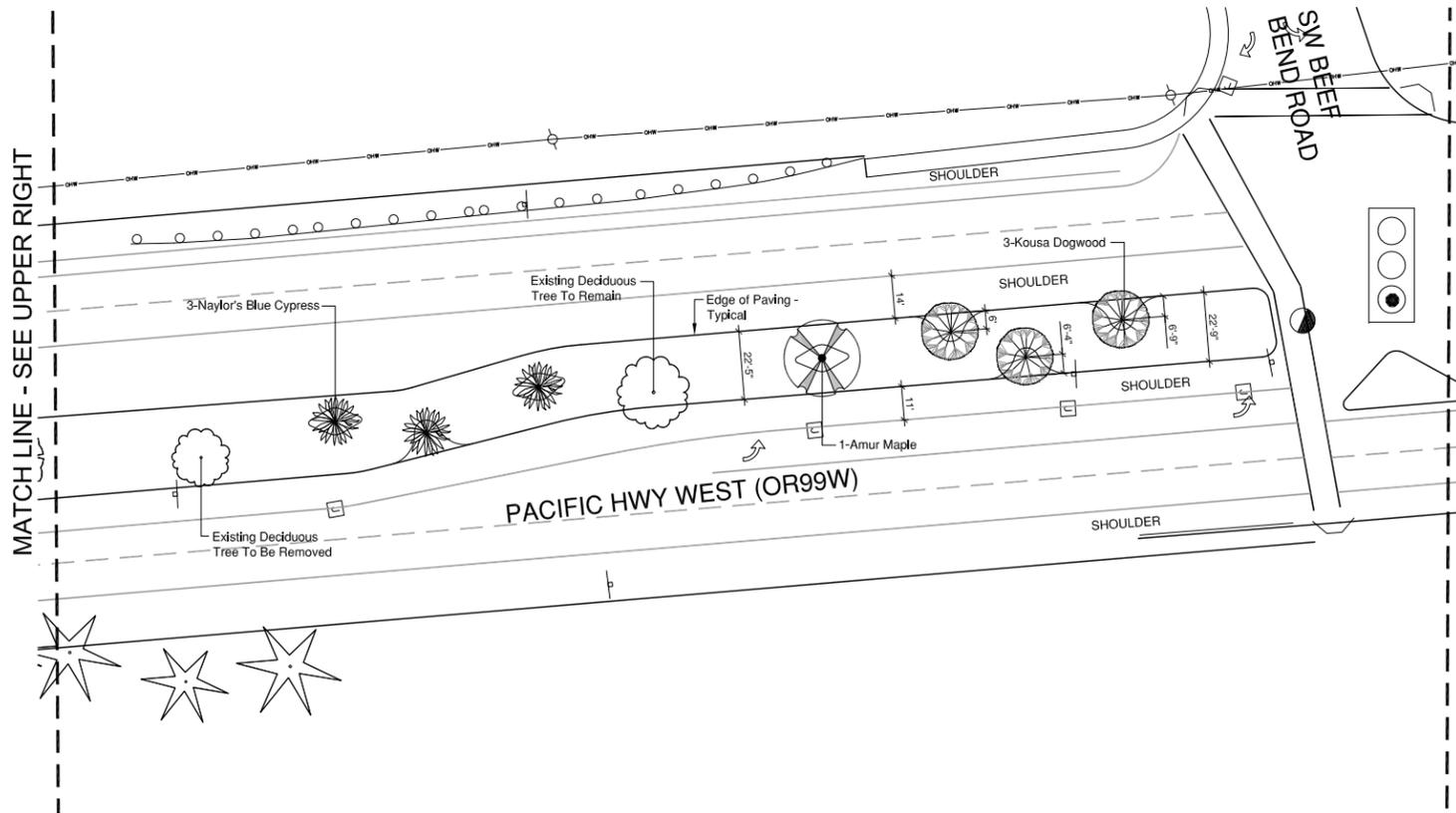
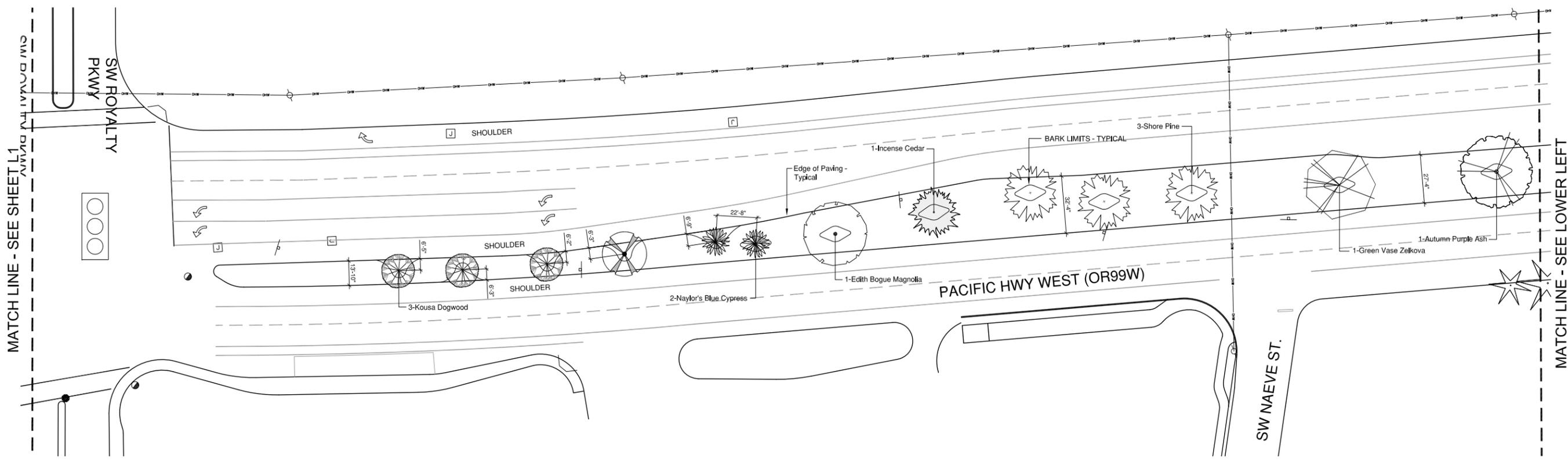


PLANT MATERIALS LISTING: SHEET L7

SYM	TREES	QTY.	SIZE	CONDITION	REMARKS
	<i>Acer ginnala</i> Amur Maple	2	2" Cal.	B&B	
	<i>Magnolia grandiflora</i> 'Edith Bogue' Edith Bogue Magnolia	2	2" Cal.	B&B	
	<i>Calocedrus decurrens</i> Incense Cedar	3	6-7'	B&B	
	<i>Cornus kousa</i> Kousa Dogwood	6	2" Cal.	B&B	
	<i>Cupressocyparis leylandii</i> 'Naylor's Blue' Naylor's Blue Cypress	3	7-8'	B&B	
	<i>Frazinus americana</i> 'Junginger' Autumn Purple Ash	1	2" Cal.	B&B	
	<i>Pinus contorta var. contorta</i> Shore Pine	2	7-8'	B&B	
	<i>Zelkova serrata</i> 'Green Vase' Green Vase Zelkova	2	2" Cal.	B&B	

HALF SCALE





PLANT MATERIALS LISTING: SHEET L7

BOTANICAL NAME COMMON NAME		QTY.	SIZE	CONDITION	REMARKS
SYM	TREES				
	<i>Acer ginnala</i> Amur Maple	2	2" Cal.	B&B	
	<i>Magnolia grandiflora</i> 'Edith Bogue' Edith Bogue Magnolia	1	2" Cal.	B&B	
	<i>Calocedrus decurrens</i> Incense Cedar	1	6-7'	B&B	
	<i>Cornus kousa</i> Kousa Dogwood	6	2" Cal.	B&B	
	<i>Cupressocyparis leylandii</i> 'Naylor's Blue' Naylor's Blue Cypress	5	7-8'	B&B	
	<i>Fraxinus americana</i> 'Junginger' Autumn Purple Ash	1	2" Cal.	B&B	
	<i>Pinus contorta</i> var. <i>contorta</i> Shore Pine	3	7-8'	B&B	
	<i>Zelkova serrata</i> 'Green Vase' Green Vase Zelkova	1	2" Cal.	B&B	

HALF SCALE



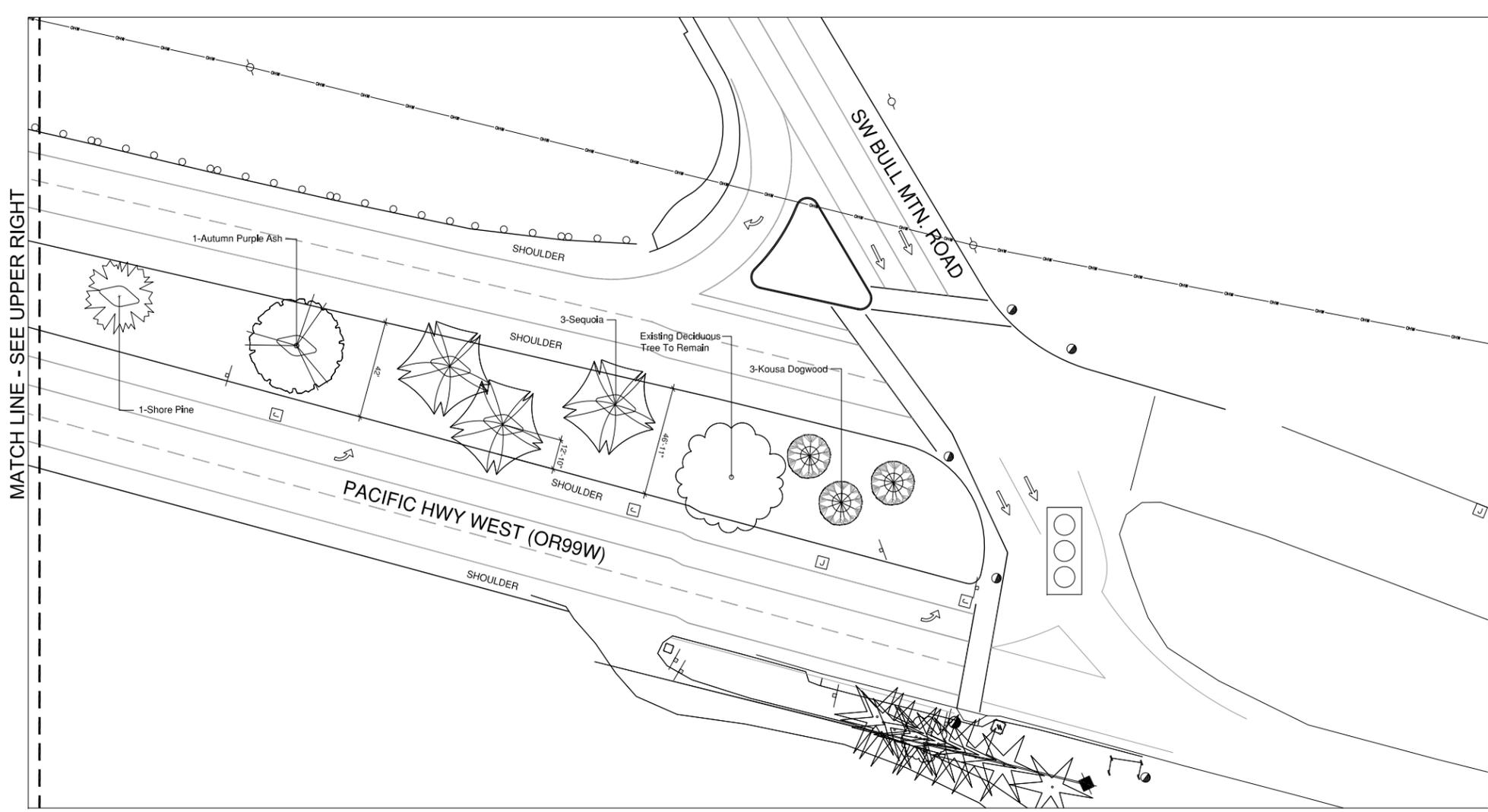
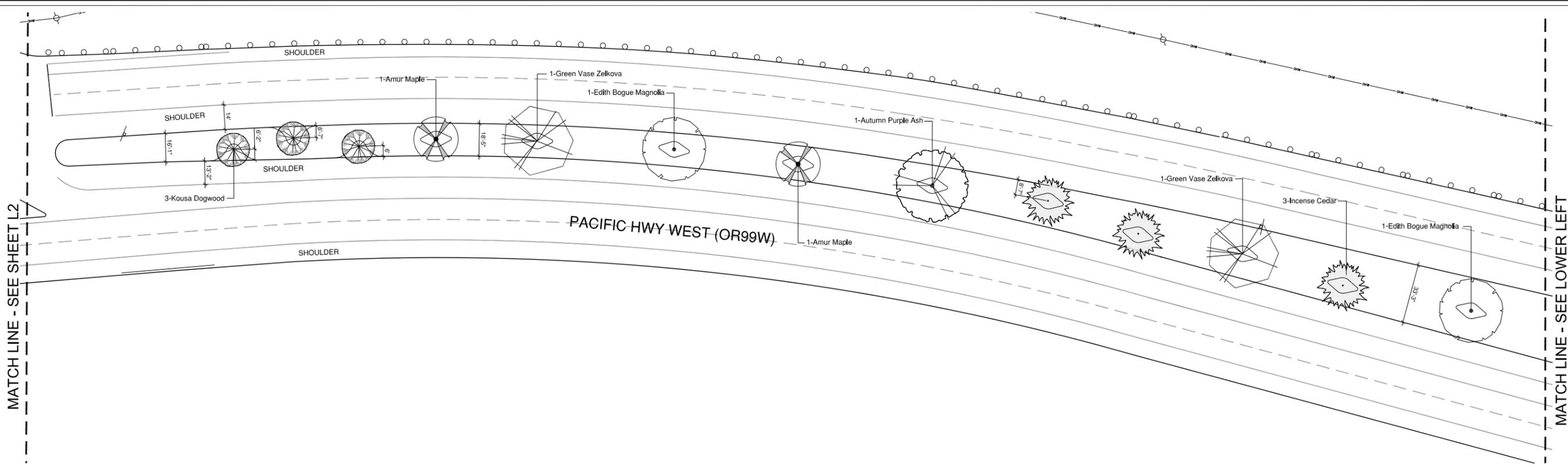
REVISIONS

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12/29/09		CCOT Comments
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SHEET NAME:
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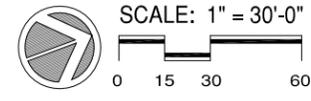
SHEET:
L7
 OF 10



PLANT MATERIALS LISTING: SHEET L7

BOTANICAL NAME COMMON NAME		QTY.	SIZE	CONDITION	REMARKS
SYM	TREES				
	<i>Acer ginnala</i> Amur Maple	2	2" Cal.	B&B	
	<i>Magnolia grandiflora</i> 'Edith Bogue' Edith Bogue Magnolia	2	2" Cal.	B&B	
	<i>Calocedrus decurrens</i> Incense Cedar	3	6-7'	B&B	
	<i>Cornus kousa</i> Kousa Dogwood	6	2" Cal.	B&B	
	<i>Frazinus americana</i> 'Junginger' Autumn Purple Ash	2	2" Cal.	B&B	
	<i>Pinus contorta</i> var. <i>contorta</i> Shore Pine	1	7-8'	B&B	
	<i>Sequoiadendron giganteum</i> Sequoia	3	6-7'	B&B	
	<i>Zelkova serrata</i> 'Green Vase' Green Vase Zelkova	2	2" Cal.	B&B	

HALF SCALE



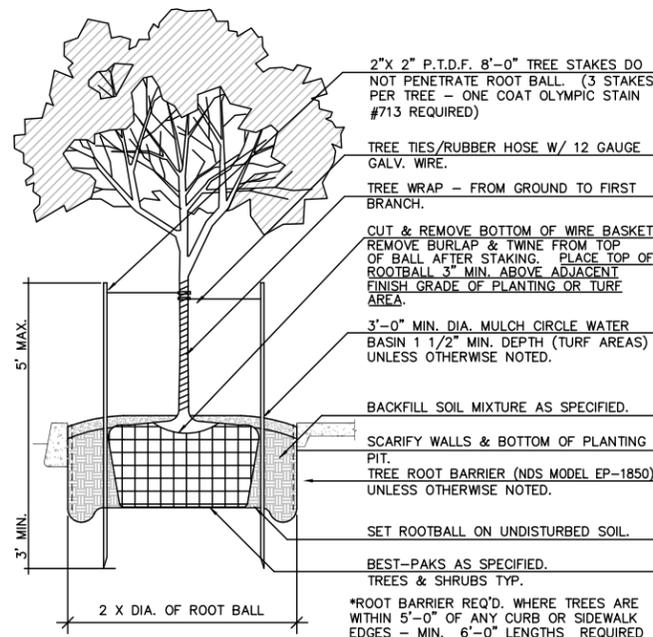
REVISIONS

REV.	DATE	DESCRIPTION
12/29/09		OOOT Comments
4/9/2010		OOOT Comments

SHEET NAME:
PLANTING PLAN

DRAWN BY: TAM
CHECKED BY: TAM
ISSUE DATE: 11/20/09
JOB NO.: 0918-C

SHEET:
L8
OF 10

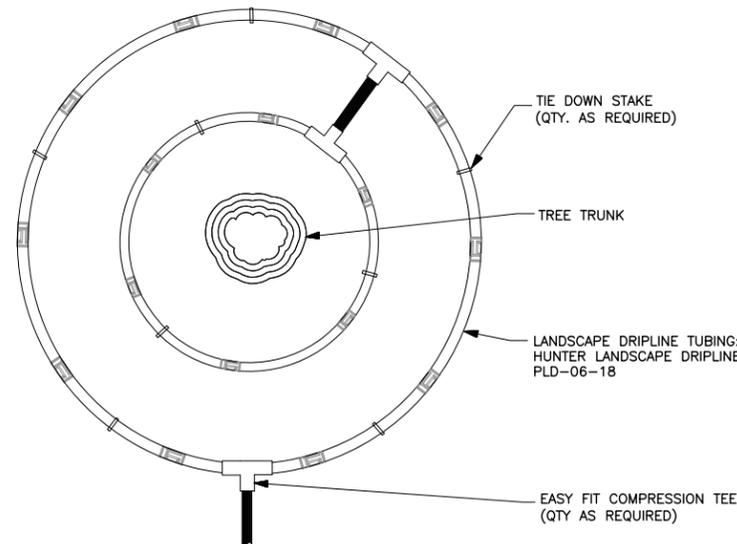


TREE PLANTING DETAIL

NOTES

- B&B STOCK MAY BE SUBSTITUTED WITH CONTAINER STOCK OF EQUAL GRADE.
- CONTAINER STOCK MAY BE SUBSTITUTED WITH B&B STOCK OF EQUAL GRADE.
- PLANT MATERIAL SHALL CONFORM WITH AMERICAN STANDARD FOR NURSERY STOCK, ANSI Z60.1, 1986 EDITION.
- ALL TREES SHALL BE BRANCHED.
- MULCH ALL PLANTING BEDS WITH 2" MIN. LAYER OF SPECIFIED MULCH.
- IN THE EVENT OF A DISCREPANCY BETWEEN THIS MATERIAL LISTING AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN THE PLANT SPECIES AND QUANTITIES REQ.
- IN THE EVENT OF QUESTION OR LACK OF CLARITY ON DRAWINGS, LANDSCAPE CONTRACTOR IS TO CALL LANDSCAPE ARCHITECT BEFORE PROCEEDING.
- LANDSCAPE CONTRACTOR IS TO NOTIFY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION OF PLANT MATERIAL.
- LANDSCAPE CONTRACTOR TO VERIFY TREE QUANTITIES.

NTS

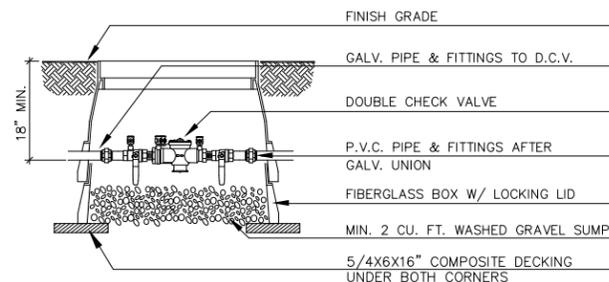


1 DRIPLINE AROUND TREE DETAIL

NTS

- NOTE:
- SEE "LOW-VOLUME LANDSCAPE IRRIGATION DESIGN MANUAL (D39030D) FOR DRIPLINE EMITTER SPACING.
 - QUANTITY OF DRIPLINE RINGS, EMITTER SPACING AND FLOWS ARE DEPENDANT ON TREE CANOPY SIZE.

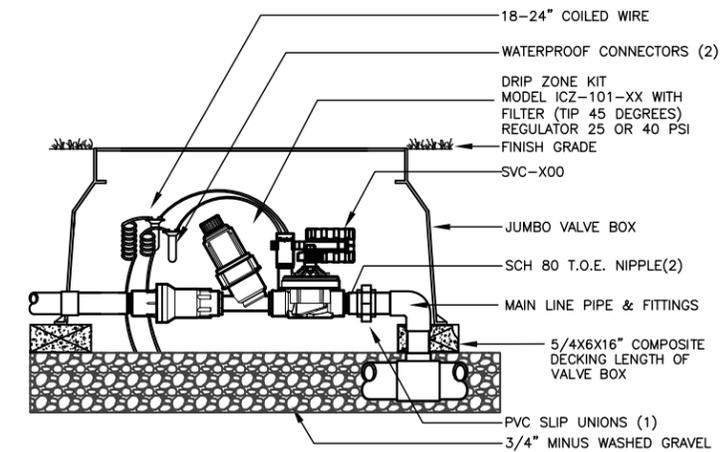
1
L9



DOUBLE CHECK BACKFLOW PREVENTER DETAIL

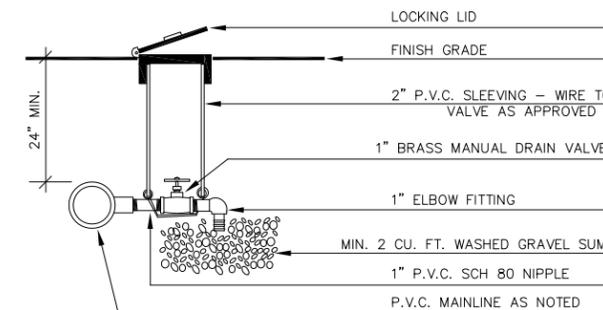
NTS

PLANT MATERIALS LISTING: SHEET L7						
SYM	BOTANICAL NAME COMMON NAME	TREES	QTY.	SIZE	CONDITION	REMARKS
☐	<i>Acer ginnala</i> Amur Maple		6	2" Cal.	B&B	
○	<i>Magnolia grandiflora 'Edith Bogue'</i> Edith Bogue Magnolia		5	2" Cal.	B&B	
☐	<i>Calocedrus decurrens</i> Incense Cedar		7	6-7'	B&B	
☐	<i>Cornus kousa</i> Kousa Dogwood		18	2" Cal.	B&B	
☐	<i>Cupressocyparis leylandii 'Naylor's Blue'</i> Naylor's Blue Cypress		8	7-8'	B&B	
☐	<i>Frazinus americana 'Junginger'</i> Autumn Purple Ash		4	2" Cal.	B&B	
☐	<i>Pinus contorta var. contorta</i> Shore Pine		6	7-8'	B&B	
☐	<i>Sequoiadendron giganteum</i> Sequoia		3	6-7'	B&B	
☐	<i>Zelkova serrata 'Green Vase'</i> Green Vase Zelkova		5	2" Cal.	B&B	



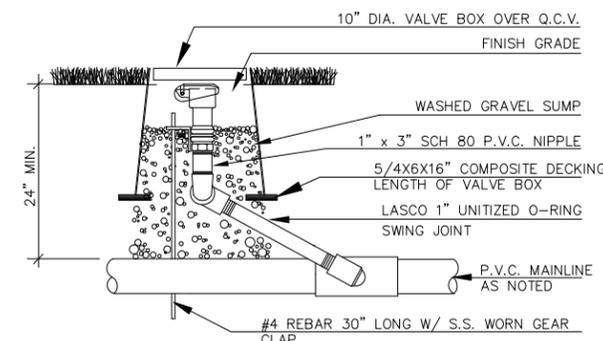
2 1" DRIP CONTROL VALVE MANIFOLD (XCZ-100-LF DRIP MANIFOLD KIT)

NTS



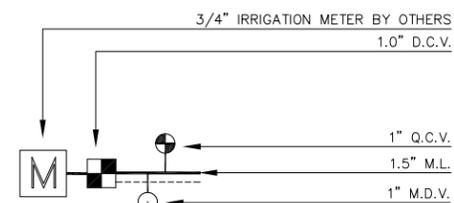
MANUAL DRAIN VALVE DETAIL

NTS



QUICK-COUPLING VALVE DETAIL (1")

NTS

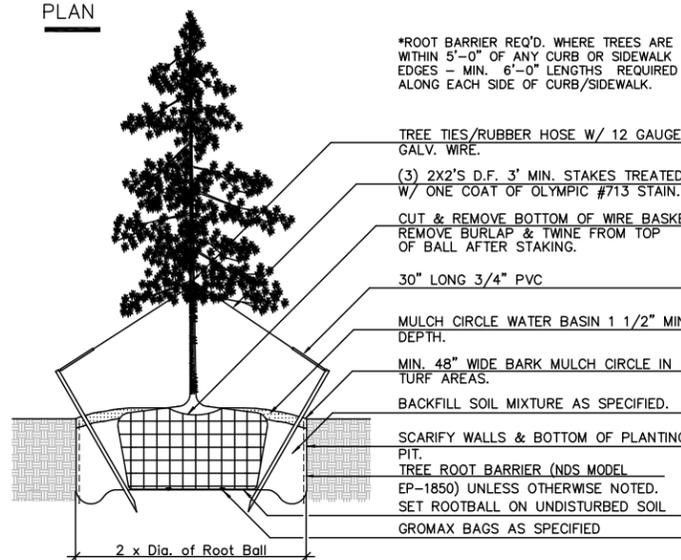


POINT OF CONNECTION

•VALVE BOXES AS SPECIFIED

NTS

PLAN



CONIFER PLANTING DETAIL

NTS

HALF SCALE

MEARS DESIGN GROUP
 LANDSCAPE ARCHITECTURE & PLANNING
 11680 SW 113TH PLACE | TIGARD, OREGON | 97123
 PHONE: 503.601.4516 | FAX: 503.924.4688

REGISTERED 540
 TROY A. MEARS
 OREGON
 LANDSCAPE ARCHITECT

OR99W: SW DURHAM RD - SW BULL MOUNTAIN RD
 MEDIAN LANDSCAPE PROJECT
 OR99W: SW DURHAM RD - SW BULL MOUNTAIN RD
 CITY OF TIGARD, OREGON

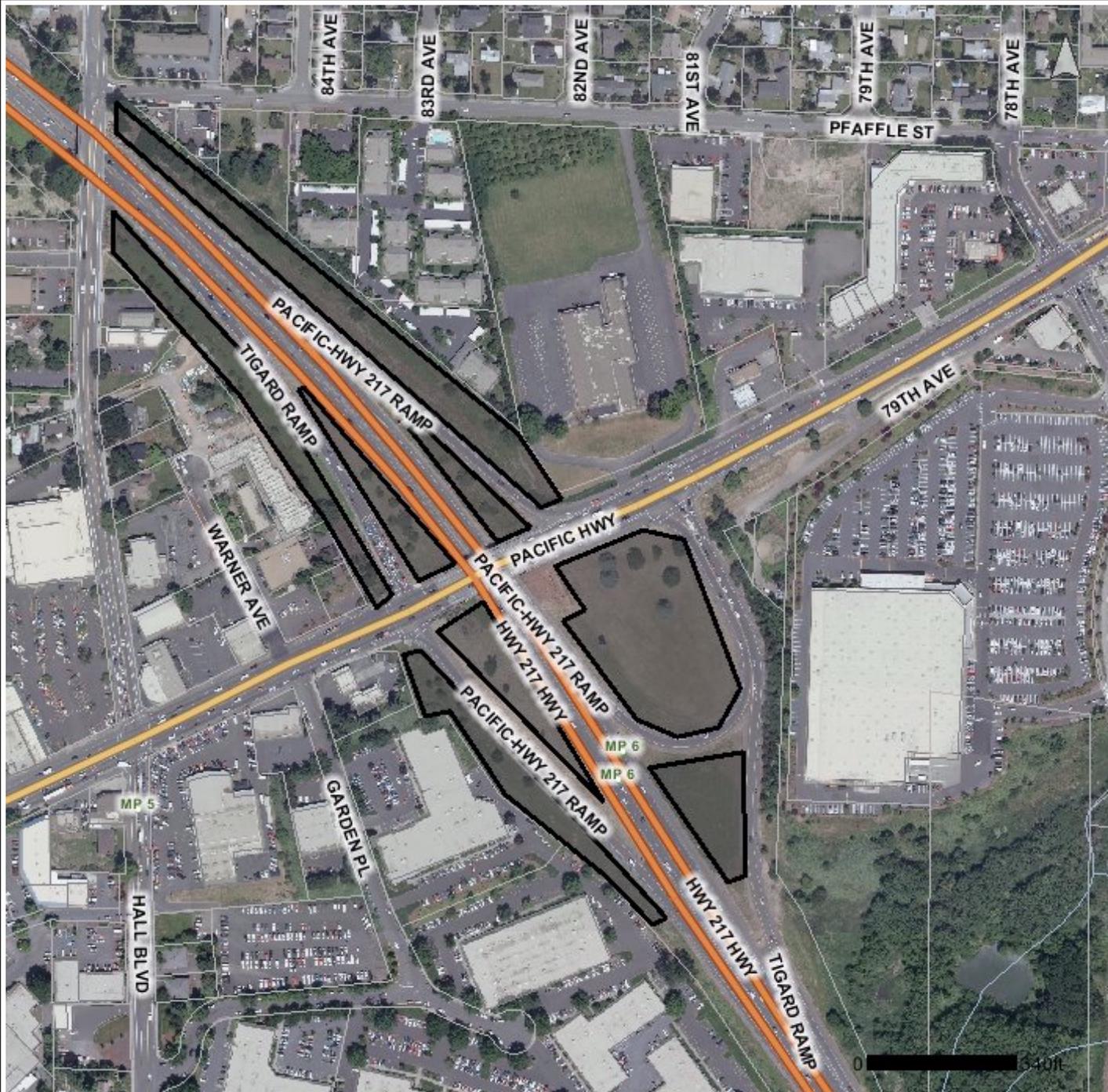
REV.	DATE	DESCRIPTION
12/29/09		COOT Comments
4/9/2010		COOT Comments

SHEET NAME:
 DETAILS & NOTES

DRAWN BY: TAM
 CHECKED BY: TAM
 ISSUE DATE: 11/20/09
 JOB NO.: 0918-C

SHEET:
L9
 OF 10

99W-217 Interchange



Map printed at 02-Jun-09 02:20 PM

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TIGARD MAPS

City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503 639-4171
www.tigard-or.gov



72nd/217 Interchange



Map printed at 02-Jun-09 02:05 PM

DATA IS DERIVED FROM MULTIPLE SOURCES. THE CITY OF TIGARD MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE CITY OF TIGARD SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED.

TIGARD MAPS

City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503 639-4171
www.tigard-or.gov



Funding distribution for Tigard is estimated to be:

- * FY 11-12 \$2,940,089
- * FY 12-13 \$3,013,591
- * FY 13-14 \$3,088,931
- * FY 14-15 \$3,166,155
- * FY 15-16 \$3,245,308

The estimated distribution is generally consistent with the Approved FY 2012 Budget and the five-year General Fund forecast.

Attachments

Public Library Service Agreement

Public Library Services Agreement

This Agreement is made by and between Washington County, a home rule subdivision of the State of Oregon hereinafter referred to as “County”, on behalf of Washington County Cooperative Library Services, hereinafter referred to as “WCCLS”, and the Cities of Banks, Beaverton, Cornelius, Forest Grove, Hillsboro, North Plains, Sherwood, Tigard, and Tualatin, and the Cedar Mill Community Library Association and the Garden Home Community Library Association, hereinafter referred to as “Contractor(s)”.

WHEREAS, Washington County has approved funding for countywide library services including non-fee access by County residents to public libraries operated by Contractors; and

WHEREAS, the parties to this Agreement are either units of local government empowered by ORS 190.010 to enter into an intergovernmental agreement or are private non-profit agencies operating public libraries; and

WHEREAS, all parties are desirous of providing residents of Washington County with access to public library services and Contractors are capable of providing such access and services.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. DEFINITIONS

The following definitions shall be used in this Agreement:

- A. WCCLS (Washington County Cooperative Library Services) – An agency of county government that exists to coordinate, contract for or provide a full range of library and information services to all residents of the county.
- B. WCCLS Information Network (formerly known as WILInet) – The system that includes: the shared integrated library system software (circulation, public access catalog, cataloging, serials control and acquisitions software); the WCCLS.org website and its resources; other databases provided by WCCLS for member library or public access; central site hardware and software; software, hardware or appliances provided to member libraries and supported by WCCLS; and the telecommunications network linking Contractors to the system and for Internet access.
- C. Qualified Borrowers – All Washington County residents, residents of counties with which Washington County has reciprocal borrowing agreements, and paid card holders.

- D. West Slope Community Library - The public library that is a department of WCCLS and managed by the County. For purposes of this agreement, West Slope is treated as a Contractor..
- E. Oregon Public Library Statistical Report – The report mandated by ORS 357.520, containing statistics and provided on an annual basis to the Oregon State Library via a reporting format determined by the State Library. Report data is typically due October 1 of each year.
- F. WCCLS Executive Board – the Board established to advise the Board of County Commissioners and the Cooperative Library Services Director on matters pertaining to the funding for countywide library services, distribution of financial resources by WCCLS for the provision of countywide public library services, and long term governance and funding strategies.
- G. WCCLS Policy Group – the Board established to provide technical and professional support and advice to the WCCLS Executive Board, to develop and implement policies and procedures for delivery of countywide public library services, and to advise the Cooperative Library Services Director.

2. TERM OF AGREEMENT

This Agreement shall be in effect from July 1, 2011, through June 30, 2016, except as otherwise provided in Section 11 of this Agreement. .

3. FUNDS

As compensation to Contractor for the services to be provided pursuant to this Agreement, WCCLS agrees to make funding distributions to Contractor on the basis set forth in Section 4 and the Payment Schedule set forth in Section 6.

Each Contractor agrees by receipt of funds from WCCLS to expend those funds to provide library services according to Contractor’s established policies, and to ensure that Contractor’s library facilities are open for public use by all Qualified Borrowers. Contractors must spend all funds received from WCCLS on the provision of library services, including but not limited to operating and capital expenditures.

4. FUNDING FORMULA

- A. The total payment to be made to each Contractor during the term of this Agreement shall be determined by the method set forth in this Section and shall be based on the figures set forth in EXHIBIT A “Funding Distributions”.

- B. Payments to Contractors shall be budgeted in two (2) funding distribution pools.
 - 1. Pool One. Contractors shall each receive equal increases of 2.5% on an annual basis for the Term of this Agreement provided funding is available. For FY2011-12, Contractors shall receive 2.5% increases over the FY2010-11 Reimbursement Formula distributions. For FY2011-12 the total amount in Pool One shall be \$18,938,126.
 - 2. Pool Two. Based on projected increases in the County's assessed valuation and WCCLS revenues, expenditures and reserve funds, a second distribution pool shall be budgeted by WCCLS. After actual County assessed valuation, tax levies and taxes are certified, the WCCLS Executive Board shall recommend whether funds from Pool Two shall be distributed to Contractors, and if so, on what basis. Typically, this shall be determined in January of each year. Any distribution of funds from Pool Two shall be distributed on a separate schedule from Pool One.

5. ADJUSTMENTS IN PAYMENTS

- A. Payments may be adjusted by WCCLS if funding for payments noted in 4.B is less than projected. Amounts paid to each Contractor will be reduced in an amount proportionate to each library's percentage of the total amount available for payment.
- B. WCCLS shall notify the Contractors in writing of any adjustments under this Section upon adoption of the County's budget for the subsequent fiscal year. In the event that reductions in revenue are necessary after the beginning of a fiscal year, the County would give sixty (60) days notification to Contractors, if possible.

6. PAYMENT SCHEDULE

- A. WCCLS agrees to make payments to those Contractors that are cities as follows:
 - 1. 80% (eighty percent) of the total annual payment shall be made on or before December 31; and
 - 2. 20% (twenty percent) of the total annual payment shall be made on or before April 15.
- B. Notwithstanding paragraph 6.A above, a city not formerly a party to a Public Library Services Agreement with WCCLS, that establishes a public library and becomes a party to this Agreement, shall be entitled to receive payment on a monthly basis during the term of this Agreement. The monthly payment shall be 1/12 of the total annual payment. In addition,

WCCLS agrees that any city to which this subsection applies shall be entitled to receive monthly payments for the entire term of any renewal or successor agreement to which it becomes a party, provided funds are available.

- C. WCCLS agrees to make payments to those Contractors that are community libraries (specifically Cedar Mill Community Library Association and Garden Home Community Library Association) and the West Slope Community Library on a monthly basis. The monthly payment shall be 1/12 of the total annual payment.

7. SPECIAL LIBRARY FUND

The County, on behalf of WCCLS, shall maintain a Special Library Fund that shall include:

- A. Any remaining funds from a previous year which shall be carried over to the next year;
- B. All property tax collections made under all County library local option levies;
- C. All transfers of county general funds made to WCCLS;
- D. All interest earnings on the Special Library Fund, in accordance with ORS 294.080(1); and
- E. Other revenues for library services.

8. SERVICES TO BE PROVIDED BY WCCLS

WCCLS agrees to provide the following central support and outreach services to Contractors and West Slope Community Library:

- A. Reciprocal borrowing with other metropolitan area public libraries;
- B. Coordination of countywide library services among Contractors and with regional and state library service providers;
- C. Enhanced reference services including coordination of selection and purchase of subscription databases and other shared electronic resources available through WCCLS.org and coordination of training and education for adult services staff; and interlibrary loan borrowing from and lending to libraries outside of Washington County;
- D. Outreach services to special populations of Washington County residents, including, but not limited to, circulation of materials to those who cannot get to a public library (homebound), information and education about library-related services for child care providers and the children in their care, Latino and other cultural communities.
- E. Coordination of countywide Youth Services activities, including Summer Reading Programs and shared resources;
- F. Courier pick-up and delivery of materials between Contractors and provision of courier connections to regional library delivery systems;

- G. Planning for long-term growth and development of countywide library services;
- H. Operation and maintenance of the WCCLS Information Network as defined in the WCCLS Information Network Agreement; and
- I. Other services to address Long Range Service Plan goals as agreed upon by all parties.

9. SERVICES TO BE PROVIDED BY CONTRACTORS

- A. Each Contractor agrees that Qualified Borrowers will not be charged a fee for the initial circulation or renewal of library materials.
- B. Each Contractor further agrees that, while it is within the sole discretion of the Contractor whether to charge reasonable fees for services other than circulation, Contractor shall apply all fees and policies uniformly to all Qualified Borrowers. Such fees may include special service and overdue fees.
- C. Each Contractor agrees that it will designate a staff member with whom WCCLS deals in administration of this Agreement on behalf of Contractor and who shall be authorized to receive and give any notices that may be required under this Agreement. Unless otherwise designated, this shall be the Library Director for each Contractor and the West Slope Community Library.
- D. Each Contractor shall meet all requirements for Level 5 Libraries as defined in the Admission of New Public Libraries to Washington County Cooperative Library Services, as approved by the WCCLS Executive Board May 23, 2007 and subsequent revisions.
- E. Each Contractor agrees to abide by shared policies and procedures as agreed upon by the WCCLS Policy Group.
- F. Each Contractor agrees to identify its membership in WCCLS through materials' property identification marks, and through public communications such as library printed materials, websites or other publicity materials.

10. RECORD KEEPING

- A. WCCLS agrees to provide each Contractor with a copy of the County's annual audit, upon request by Contractor.
- B. Each Contractor agrees to provide WCCLS with a copy of Contractor's annual audit. For purposes of this Section, the following requirements shall apply:
 - 1. For Contractors which are cities, the audit shall be that of the city, and shall be supplied upon request of WCCLS.
 - 2. For Contractors which are community libraries (specifically Cedar Mill Community Library Association and Garden Home Community Library Association), the audit shall be the result of an

annual review of the Contractor's financial statements made by an independent certified public accountant in accordance with standards of the American Institute of Certified Public Accountants, and shall be supplied by December 31st of each year to WCCLS.

- C. Each Contractor agrees to provide WCCLS with a copy of its Oregon Public Library Statistical Report.

11. TERMINATION

- A. The County shall have the right to terminate this Agreement upon sixty (60) days written notice, if it determines, in good faith through an open, public process, that:
 - 1. The public interest would be served by such termination; or
 - 2. Adequate funds are not available.
- B. Each Contractor shall have the right to terminate this Agreement upon sixty (60) days written notice, if Contractor determines, in good faith, that:
 - 1. The public interest in its jurisdiction or area of service would be served by such termination; or
 - 2. Appropriated funds for Contractor are less than the amount reasonably anticipated.
- C. The County and each Contractor shall have the right to terminate participation in this Agreement separately, and Agreements between remaining parties and the County shall remain in effect.
- D. In the event of the termination by the County or by the Contractor, the County shall provide funding distributions to the Contractor prorated to the date of termination.

12. COMPLIANCE WITH APPLICABLE LAWS

Each party agrees to comply with all local, state, and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.

- A. Equal Opportunity. Contractor hereby agrees that its employees (including applicants for employment) shall not be discriminated against race, color, religion, gender, sexual orientation, national origin, disability, age, or marital status except in case of bona fide occupational qualifications as defined and provided by applicable federal or state law. No person shall be denied or subjected to discrimination in receipt of the benefits of any services or activities made possible by or resulting from this contract on the grounds of race, color, religion, gender, sexual

orientation, national origin, disability, age, or marital status. Any violation of this provision shall be grounds for cancellation, termination or suspension in whole or in part by County.

B. Compliance with Applicable Provisions of ORS Chapter 279.

ORS 279B.220 through 279B.235 and 279C.500 through 279C.870, as applicable, are incorporated herein by reference. Contractor agrees to:

1. Make payment promptly, as due, to all persons supplying, to Contractor, labor or material for the performance of the work provided for in this contract;
2. Pay all contributions or amounts due the Industrial Accident Fund incurred in the performance of the contract;
3. Not permit any lien or claim to be filed or prosecuted against the County on account of any labor or material furnished pursuant to this contract; and
4. Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

13. INDEMNIFICATION

Each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this Agreement where the loss or claim is attributable to the negligent acts or omissions of that party. If the indemnifying party is a unit of local government, such indemnifications shall be subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.300, and the Oregon Constitution.

14. DEBT LIMITATION

This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.

15. INDEPENDENT CONTRACTOR

Each party is an independent contractor with respect to each other party and has no control over the work performed by the other. No party is an agent or employer of another party. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

16. NOTICE

Any Contractor shall give immediate written notice to the County of any action or suit filed or any claim made against that party that may result in litigation and is directly related to this Agreement.

17. INSURANCE

Each party agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this agreement at levels necessary to protect against public body liability as specified in ORS 30.271. Contractors that are community libraries shall provide certification of insurance upon request.

18. COUNTERPARTS

This Agreement may be executed in several counterparts, each of which shall be an original, all of which shall constitute but one and the same instrument.

19. CAPTIONS

Captions and headings used in this Agreement are for convenience only and shall not be construed or interpreted so as to enlarge or diminish the rights or obligations of the parties hereto.

20. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Agreement is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Agreement unless the result of the holding is a failure of consideration of any party.

21. AMENDMENT

This Agreement may only be amended in writing and with agreement of all parties.

FOR THE CONTRACTOR:

FOR WASHINGTON COUNTY:

Signature

Signature

Title

Title

Date

Date

APPROVED AS TO FORM:

County Counsel

**Public Library Service Agreement, Exhibit A
Pool 1 Funding Distributions FY11-12 through FY15-16**

Library	FY10-11 Distribution	FY11-12 Distribution	FY12-13 Distribution	FY13-14 Distribution	FY14-15 Distribution	FY15-16 Distribution
Banks	\$ 120,082	\$ 123,084	\$ 126,161	\$ 129,315	\$ 132,548	\$ 135,861
Beaverton	\$ 4,369,770	\$ 4,479,014	\$ 4,590,989	\$ 4,705,764	\$ 4,823,408	\$ 4,943,993
Cedar Mill	\$ 3,228,706	\$ 3,309,424	\$ 3,392,159	\$ 3,476,963	\$ 3,563,887	\$ 3,652,984
Cornelius	\$ 157,805	\$ 161,750	\$ 165,794	\$ 169,939	\$ 174,187	\$ 178,542
Forest Grove	\$ 650,466	\$ 666,728	\$ 683,396	\$ 700,481	\$ 717,993	\$ 735,943
Garden Home	\$ 335,727	\$ 344,120	\$ 352,723	\$ 361,541	\$ 370,580	\$ 379,844
Hillsboro	\$ 4,058,289	\$ 4,159,747	\$ 4,263,740	\$ 4,370,334	\$ 4,479,592	\$ 4,591,582
North Plains	\$ 92,487	\$ 94,800	\$ 97,170	\$ 99,599	\$ 102,089	\$ 104,641
Sherwood	\$ 686,849	\$ 704,020	\$ 721,620	\$ 739,661	\$ 758,152	\$ 777,106
Tigard	\$ 2,868,380	\$ 2,940,089	\$ 3,013,591	\$ 3,088,931	\$ 3,166,155	\$ 3,245,308
Tualatin	\$ 1,249,437	\$ 1,280,673	\$ 1,312,690	\$ 1,345,507	\$ 1,379,145	\$ 1,413,623
West Slope	\$ 658,222	\$ 674,678	\$ 691,545	\$ 708,833	\$ 726,554	\$ 744,718
Totals	\$ 18,476,220	\$ 18,938,126	\$ 19,411,579	\$ 19,896,868	\$ 20,394,290	\$ 20,904,147

AIS-544

Item #: 3. F.

Business Meeting

Date: 06/14/2011

Length (in minutes): Consent Item

Agenda Title: Approve Cost-of-Living Adjustment for Non-Represented Management Group July 1, 2011

Prepared For: Sandy Zodrow

Submitted By:

Sandy Zodrow
City Management

Item Type: Motion Requested

Meeting Type:

Consent Agenda

ISSUE

Should the City Council approve a cost-of-living adjustment of 1.4% for the Management Group to be effective July 1, 2011?

STAFF RECOMMENDATION / ACTION REQUEST

Approval a cost-of living-adjustment for the Management Group of 1.4% effective July 1, 2011.

KEY FACTS AND INFORMATION SUMMARY

The City Council discussed the issue of granting a 1.4% cost-of-living increase to the Management Group to be effective July 1, 2011 at their May 10th Study Session. The Council requested further fiscal information regarding the cost of the increase, which is included in the Fiscal Impact section of this agenda item. As mentioned in the prior meeting, the SEIU-OPEU unit will be receiving a 1.4% cost of living adjustment effective July 1, 2011 pursuant to their collective bargaining agreement. The Tigard Police Officer's Association's bargaining agreement expires June 30th, and the City and TPOA are still in negotiations.

The Management Group represents approximately 103 non-represented employees including department directors, managers and supervisors as well as other professional, technical and confidential employees throughout city departments. This group has not received a cost of living adjustment since July 1, 2008.

OTHER ALTERNATIVES

- 1) Grant no cost-of-living increase
- 2) Grant a cost-of-living increase of a different percent

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

To maintain a competitive compensation system, and to retain and recruit the best applicants for City employment

DATES OF PREVIOUS COUNCIL CONSIDERATION

Discussed at the Council's May 10 Study Session

Fiscal Impact

Cost: 143,830
Budgeted (yes or no): Yes
Where Budgeted (department/program): Citywide
Additional Fiscal Notes:

The 1.4 percent COLA for the Non-Represented employee group is included in the Approved FY 2012 Budget.

The total cost across all funds is \$143,830. Of the total cost, 64 percent is in the General Fund, 27 percent is in the Central Service Fund, and the remaining 9 percent is spread across six other funds with city operations. The attached document provides additional details on the costs and split across funds.

Attachments

COLA Mgt Group 2011

Management Group	1.4% COLA	+/- 0.5% COLA
Salary	110,387	39,424
Benefits	33,443	11,944
Total Cost	143,830	51,368

Fund	% of Mngmt Group
General Fund	64%
Gas Tax	1%
Building	2%
Sanitary Sewer	1%
Stormwater	1%
Water	3%
Central Service	27%
Fleet/Prop. Mngmt.	2%

AIS-491

Item #: 4.

Business Meeting

Date: 06/14/2011

Length (in minutes): 10 Minutes

Agenda Title: 2011 If I Were Mayor Contest Winner Announcement & Award

Prepared For: Joanne Bengtson

Submitted By:

Joanne Bengtson
City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type:

Council Business
Meeting - Main

ISSUE

Mayor Dirksen will award a \$50 gift certificate to the winning students in the 2011 Oregon Mayor's Association "If I Were Mayor" contest. The winners names were not available in time for the agenda's publication deadline. Original work was submitted in two categories: 1. Elementary School Poster and 2. Middle School Essay. There were no submissions in the third category - Video/PowerPoint by high school student.

STAFF RECOMMENDATION / ACTION REQUEST

Present a \$50 gift certificate to each child with the winning entry in the essay and poster category.

KEY FACTS AND INFORMATION SUMMARY

Oregon Mayors are elected by the voters in their city to serve as the chair of the city's governing body—the City Council. Between March 31 and May 31, 2011, Mayor Dirksen invited Tigard students from 4th–12th grade, including home school students, to participate in the Oregon Mayor's Association "If I Were Mayor" contest. The students were asked to submit original work depicting what they would do if they were Mayor while demonstrating an understanding of the Mayoral role in local government.

The Mayor selected a local winner in each of the following categories based upon submissions received by 5/31/11:

1. Elementary School Poster
2. Middle School Essay

There were no submissions in the third category - Video/PowerPoint by high school student.

Judging Criteria:

In selecting the winners, Mayor Dirksen considered:

Creativity — Does the student demonstrate curiosity and originality?

Clarity/Sincerity of Thought — Is the submission well thought out and organized?

Proper Use of Grammar — Does the submission contain proper spelling, grammar and punctuation?

Subject Relevancy — Are the major points relevant to the role of a government leader? Does the student demonstrate an understanding of municipal government and the job of Mayor?

The local winner in each category (names are not available in time to meet Agenda Quick deadline) receives a \$50 VISA Gift Card and recognition at tonight's Council meeting. Each winning entry will be forwarded to the Oregon Mayors Association to compete in the statewide contest for a chance to win one of three laptop computers.

This is the fifth year that Tigard has participated in the "If I Were Mayor" contest. The annual event is sponsored by the Oregon Mayors Association.

OTHER ALTERNATIVES

Choose not to participate.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

This item is brought to City Council each year in June to award prizes to the local winners in each category.

Fiscal Impact

Cost: 110.00

Budgeted (yes or no): yes

Where Budgeted (department/program): 100-0500

Additional Fiscal Notes:

Each Visa Gift card in the amount of \$50 (typically) has a \$5 processing fee to activate the card.

AIS-451

Item #: 5.

Business Meeting

Date: 06/14/2011

Length (in minutes): 45 Minutes

Agenda Title: Westside Christian High School Comprehensive Plan and Zone Map Amendment

Prepared For: Gary Pagenstecher

Submitted By:

Gary
Pagenstecher
Community
Development

Item Type: Ordinance
Public Hearing - Quasi-Judicial

Meeting Type:

Council Business
Meeting - Main

ISSUE

Shall council approve the Planning Commission's recommendation to change the Comprehensive Plan and Zoning Map designations of a 7.44 acre parcel from Professional Commercial (CP) to Mixed-Use Employment (MUE) located at 8200 SW Pfaffle Street.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that the City Council approve the proposed comprehensive plan amendment and zone change subject to the findings and proposed condition of approval in the staff report, as recommended by the Planning Commission.

KEY FACTS AND INFORMATION SUMMARY

Westside Christian High School is requesting a comprehensive plan map amendment and zone change amendment to change the Comprehensive Plan designation and Zoning Map designations for a single 7.44-acre lot from Professional Commercial (C-P) to Mixed-Use Employment (MUE). The applicant proposes the changes to accommodate a school use not permitted outright or as a conditional use under the existing zoning. If the request is approved (Attachment 1), the applicant anticipates applying for a required conditional use permit and site development review to redevelop the site and reuse the existing building.

On May 16, 2011 the Planning Commission heard the request and voted seven in favor, with one abstention, to forward a recommendation of approval to the City Council subject to the findings and a condition of approval for a trip cap as described in the staff report (Exhibit "A"). As indicated in the Planning Commission minutes (Attachment 2), the Commission's concerns focused on the appropriateness of the MUE zone, the potential traffic impact on surrounding roads, and understanding the implications of the trip cap. One public comment was made at the hearing by a neighbor of the subject site in favor of the proposal, but with concern for increased traffic.

The applicant proposed (with ODOT and the city development review engineer concurring) that the rezone be conditioned to include a cap limiting vehicular trips to and from the site to a maximum of 373 a.m. peak hour trips and 561 p.m. peak hour trips. The trip cap is based on the maximum number of trips allowed under the existing C-P zone. The analysis for the cap is included in the applicant's submittal (Attachment 3) and supports a finding of "no effect" on the transportation system to meet the Transportation Planning Rule's standards for development.

Staff and the Planning Commission support the applicant's request to rezone the subject site to mixed use employment (MUE) as described in the Land Use Zone Analysis (page 16) in the Staff Report to the Planning Commission (Exhibit "A").

OTHER ALTERNATIVES

As provided for in the Tigard Comprehensive Plan under Land Use Goal 2.1 , Policy 16, City Council could approve a definite land use (such as the proposed school use), specific design/development requirements (such as the proposed trip cap) and/or other requirements as determined through the hearings process.

Council could deny or modify the ordinance approving the Planning Commission's recommendation.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Attachment 1 - Proposed Ordinance

Exhibit A - Proposed Ordinance - Staff Report to the Planning Commission

Attachment 2 - Planning Commission Minutes

Attachment 3 - Westside Christian High School Proposal

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 11-**

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT (CPA2011-00001) AND ZONE MAP AMENDMENT (ZON2011-00001) FOR 8200 SW PFAFFLE STREET, CHANGING THE COMPREHENSIVE PLAN DESIGNATION FROM PROFESSIONAL COMMERCIAL TO MIXED USE EMPLOYMENT AND CHANGING THE ZONING CLASSIFICATION FROM (C-P) TO (MUE), SUBJECT TO A CONDITION OF APPROVAL IMPOSING A TRIP CAP ON THE SITE. THE SUBJECT PROPERTY IS TAX LOT 100, WASHINGTON COUNTY TAX ASSESSOR'S MAP 1S136CC.

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires quasi-judicial zoning map amendments to be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection 18.380.030.B; and

WHEREAS, Section 18.380.030.A.2 of the City of Tigard Community Development Code requires the commission to make a recommendation to the council on an application for a comprehensive plan map amendment; and

WHEREAS, Section 18.380.030.B.1 of the City of Tigard Community Development Code requires demonstration of compliance with all applicable comprehensive plan policies and map designations; and

WHEREAS, Section 18.380.030.B.2 of the Tigard Development Community Development Code requires demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinances; and

WHEREAS, Section 18.380.030.B.3 of the City of Tigard Community Development Code requires evidence of change in the neighborhood or community, or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and

WHEREAS, pursuant to Section 18.390.060.G of the Tigard Development Code, a recommendation by the commission, and a decision by the council, shall be based on consideration of Statewide Planning Goals and guidelines adopted under Oregon Revised Statutes; any federal or state statutes or regulations found applicable; and any applicable Metro regulations; and

WHEREAS, the Tigard Planning Commission held a public hearing on May 16, 2011, and recommended approval of CPA2011-00001/ZON2011-00001 by motion with a vote of seven in favor and one abstention; and

WHEREAS, the Tigard City Council held a public hearing on June 14, 2011, to consider the request for a quasi-judicial comprehensive plan and zone map amendment and determined that the amendments will not adversely affect the health, safety and welfare of the city and meet all applicable review criteria.

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

SECTION 1: Comprehensive Plan Amendment (CPA2011-00001) and Zone Change (ZON2011-00001) are hereby approved by the City Council, subject to the condition of approval in the May 5, 2011 Staff Report to the Planning Commission.

SECTION 2: The attached findings in the May 5, 2011 Staff Report to the Planning Commission are hereby adopted in explanation of the council's decision (**Exhibit "A"**).

SECTION 3: 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 _____, 2011.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2011.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

**STAFF REPORT TO THE
PLANNING COMMISSION
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = NA

SECTION I. APPLICATION SUMMARY

FILE NAME: WESTSIDE CHRISTIAN HIGH SCHOOL
FILE NOS.: Comprehensive Plan Amendment **CPA2011-00001**
 Zone Change Amendment **ZON2011-00001**

PROPOSAL: The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designation and Zoning Map Classification for a single 7.44-acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The applicant proposes a zone change to accommodate a school use not permitted under the existing zoning. If the request is approved, the applicant anticipates applying for a Conditional Use Permit and Site Development Review to redevelop the site and reuse the existing building.

APPLICANT Andy Sears, Principal **OWNER:** City Bible Church
 Westside Christian High School 9200 NE Freemont Street
 4565 Carman Drive Portland, OR 97220
 Lake Oswego, OR 97035-2574

LOCATION: The property is located at 8200 SW Pfaffle Street The site is bounded by SW Pfaffle on the north, Hwy 217 on west, and Pacific Hwy on the south; Washington County Tax Assessor's Map 1S136CC Tax Lot 100.

**CURRENT ZONE/
COMP. PLAN
DESIGNATION:** C-P: Professional/Administrative Commercial District. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.

**PROPOSED ZONE/
COMP. PLAN
DESIGNATION:** MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and

transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intradistrict pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process.

**APPLICABLE
REVIEW
CRITERIA:**

Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals: 1, Citizen Involvement; 2, Land Use Planning; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; Statewide Planning Goals 1, 2, 9, 10, 11, 12, and 13; and the Oregon State Transportation Planning Rule (TPR);

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend **APPROVAL** to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of this Staff Report and the following proposed condition of approval.

CONDITION OF APPROVAL

1. The site shall be limited to a maximum of 373 a.m. peak hour trips and 561 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council.

SECTION III. BACKGROUND INFORMATION

Site History

The subject 7.44 acre site is approximately 415 feet in width by 800 feet in length occupying a hill with a high elevation of approximately 245 feet and a low elevation of approximately 220 feet at both Pfaffle and Pacific Hwy. The site includes a filbert orchard and open lawn on the north with the existing building surrounded by parking at the center and high point of the property. Access is from SW Pfaffle.

Staff reviewed the zoning history of the subject property utilizing old zoning maps and city records. The 1983 Comprehensive Plan and Zoning Map and all subsequent maps show the subject property designated Professional Commercial (C-P).

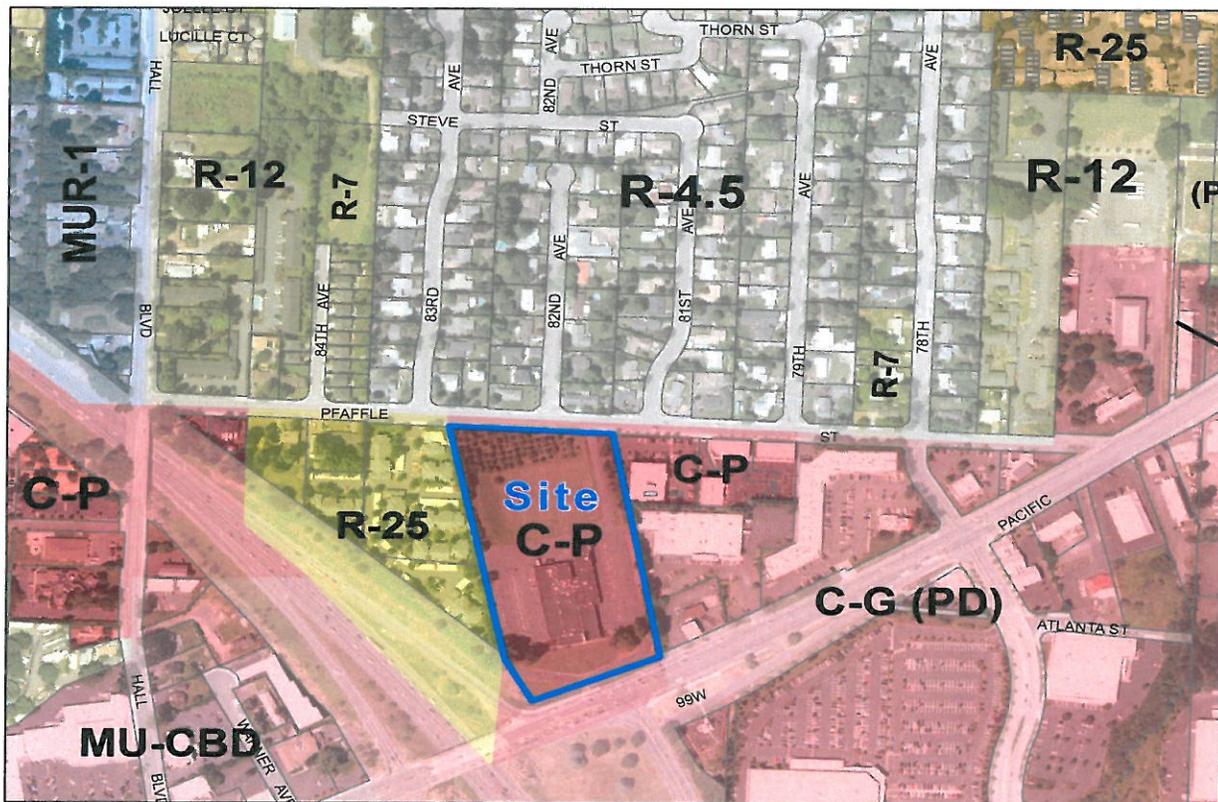
The existing 38,000 single-story building was designed as a General Motors automotive training center that operated at the site until 2002. After being vacant for a number of years, the property was purchased by City Bible Church for its "217 Campus" satellite. The church planned a major renovation and expansion of the site in 2005 and received a Site Development Review permit (SDR2005-00010) to construct two new 35,000 square foot commercial office buildings, a 1,000-seat (41,000 sq. ft.) auditorium addition to the existing building, and 366 parking spaces. The church's entitlement has since expired. Except for a small pre-school program that operates weekday mornings, the church's activities are primarily Sunday-based.

Vicinity Information

The site (see figure below) is bounded by SW Pfaffle on the north, Hwy 217 and multi-family residential development on west, commercial development on the east, and SW Pacific Hwy on the south. Initially the adjacent properties west and east were also zoned C-P, but have since been rezoned to Medium-High Density Residential (R-25) on the west and General Commercial (C-G) on the southeast.

North of SW Pfaffle there is an established low density residential neighborhood served by five streets from SW 79th to SW 84th Avenues. SW 82nd Avenue is located directly across Pfaffle from the subject site which terminates in a cul-de-sac serving seventeen residences. This neighborhood would be affected by increased traffic to the subject site.

Increased use of Pfaffle can be expected resulting from a recent closure of vehicular access from SW Pacific Hwy on the south. With Pfaffle providing sole access to the subject site, increased impact to the intersections with SW Hall to the west and SW Pacific Hwy to the east, would be expected.



Site Information and Proposal Description

The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designation and Zoning Map Classification for a single 7.44-acre lot from Professional/Administrative Commercial (C-P) to Mixed Use Employment (MUE). The applicant proposes a zone change to accommodate a school use not permitted under the existing zoning. Schools would be allowed as a conditional use in the MUE zone.

The applicant states that if a zone change is obtained for the site that permits the high school as a conditional use, Westside Christian High School (WCHS) proposes a major renovation of the existing building with two expansions: on the north side for additional classrooms (2,700 gsf) and in the southwest corner to provide a gymnasium, student commons and related facilities (20,000 gsf) (Phase 1). At a later date, WCHS hopes to add an auditorium in the southeast corner (13,600 gsf) (Phase 2).

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

TIGARD DEVELOPMENT CODE CHAPTER 18.380:

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map

Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection B below.

A. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.

The proposed zone change application to change the zoning on the subject site from C-P to MUE also involves a comprehensive plan map amendment from Professional Commercial to Mixed Use Employment. Therefore, the Planning Commission shall make a recommendation to Council on the proposed zone change application and comprehensive plan map amendment.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

18.380.030. B.1

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

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES

The City has an acknowledged Comprehensive Plan consistent with the statewide planning goals. Therefore, consistency with the applicable Comprehensive Plan goals and policies as addressed in this section of the staff report constitute consistency with the applicable statewide planning goals.

The Transportation Planning Rule (TPR) OAR 660-012-0060 is applicable to this application and is addressed under the Transportation Goal, below.

CITIZEN INVOLVEMENT

Goal 1.1 Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.

The applicant's representative sent out notices to surrounding property owners and neighborhood representatives, posted a sign on the property, and held a neighborhood meeting on February 7, 2011 in accordance with the City of Tigard's neighborhood meeting notification process. According to the minutes of the neighborhood meeting contained in the record, 14 people attended. Discussion related primarily to expected traffic on SW Pfaffle and questions about the proposed school.

In addition, the City mailed notice of the Planning Commission hearing to property owners within 500 feet of the subject site, interested citizens, and agencies, published notice of the hearing and posted the site pursuant to TDC 18.390.050 for Type III Procedures. These parties have the opportunity to attend the Planning Commission hearing and provide testimony.

FINDING: As shown in the analysis above, the proposed comprehensive plan and zone change is consistent with the applicable Citizen Involvement Goal.

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.

Request for comments for the proposed zone change were sent to Department of Land Conservation and Development (DLCD), Metro, Washington County and Oregon Department of Transportation (ODOT). DLCD was provided the opportunity to comment and coordinate the application for the Post Acknowledgement Plan Amendment process per ORS 197.610. ODOT submitted comments on the proposal, which are included in their entirety under the Transportation Goal section, below. This policy is met.

Policy 5. The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.

The 2040 Growth Concept, the region's 50-year land use plan adopted in 1995 by Metro, identifies centers for compact urban development. It also protects existing neighborhoods and natural areas within the urban growth boundary as well as farm and forestlands outside of the boundary. The plan calls for high capacity transit service to support the identified centers, and facilitate travel between housing and employment centers. The 2035 Regional Transportation Plan (RTP), along with the 2040 Growth Concept, emphasizes the need to coordinate land use decision-making and transportation investment. These policies direct future projects to be developed as multimodal transportation and land use planning efforts. State, Metro, and local policies and plans seek to promote the integration of land use transportation planning investment to promote dense, efficient, compact urban development in centers.

The City of Tigard is currently engaged in a regional coordinated planning effort being referred to as the "Southwest Corridor Plan." The SW Corridor Plan is comprised of five separate plans. These include land use plans for the cities of Tigard, Tualatin, and Portland that are focused on identifying land uses to support future transit investments. In conjunction with these land use plans, Metro, ODOT, and TriMet are leading efforts specifically addressing multi-modal transportation analyses, needs, and solutions.

The *TGM: Tigard High Capacity Transit Corridor Land Use Plan (HCT Corridor Land Use Plan)* will identify locations and land use characteristics for potential future high capacity transit (HCT) stations. The purpose of the HCT Corridor Land Use Plan is to help the Tigard community identify the best land use and development alternatives in a way that integrates transportation with land use planning, and supports Tigard's vision for the future. The *HCT Corridor Land Use Plan* is expected to be completed in 2012.

One key principle and priority of the project is to inform current planning in Tigard to ensure that its land use designations and urban design principles will support future community, transit, and other transportation investments. The proposed up-zoning of the subject site, located within the Southwest corridor on Pacific Hwy, from C-P to MUE is in keeping with this policy as well as the visions for nearby Downtown Tigard to the southwest and the Tigard Triangle to the southeast. This policy is met.

Policy 6. The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.

The following excerpt from Table 18.520.1, Use Table: Commercial Zones shows a comparison of uses between the C-P and MUE zones where they differ. In sum, the proposed MUE zone permits a number of residential, civic, commercial, and industrial uses not currently permitted in the C-P zone. Where no residential or industrial uses are permitted in the C-P zone, the MUE permits multifamily residential (R-25), light industrial, research and development, and some warehouse/freight movement. Civic uses are expanded in the MUE to include colleges, schools, and community recreation. Commercial uses such as commercial lodging, eating drinking establishments and sales oriented retail where limited to a percentage of permitted uses in the C-P, are permitted outright in the MUE. Only two uses, outdoor entertainment and heliports are permitted in the C-P but not in the MUE.

TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES
 (Excerpt)

USE CATEGORY	C-P	MUE ^[20]
RESIDENTIAL		
Household Living	R	R ^[21]
CIVIC(INSTITUTIONAL)		
Colleges	N	C
Community Recreation	N	C
Schools	N	C
COMMERCIAL		
Commercial Lodging	R ^[14]	P
Eating and Drinking Establishments	R ^[15]	P
Outdoor Entertainment	R ^[15]	N
Sales-Oriented	R ^[16]	R ^[22]
Personal Services	P	R ^[22]
Repair-Oriented	N	R ^[22]
Bulk Sales	N	R ^[22]
Animal-Related	N	P
Motor Vehicle Servicing/Repair	N	R ^[22]
INDUSTRIAL		
Light Industrial	N	R ^[23]
Research and Development	N	R ^[24]
Warehouse/Freight Movement	N	R ^[24]
OTHER		
Heliports	C	N

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

- [14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
- [15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
- [16] May not exceed 10% of the total square footage within an office complex.
- [20] All permitted and conditional uses subject to special development standards contained in Section 18.520.050.C.
- [21] Multifamily residential, at 25 units/gross acre, allowed outright. Pre-existing detached and attached single-family dwellings are permitted outright.
- [22] New retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.
- [23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.
- [24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.

In addition, special limitations in the MUE zoning district (18.520.050.C) include: 1) a maximum floor area ratio (FAR) for all commercial and industrial use types and mixed-use developments shall not exceed 0.40, exempting residential use; and 2) on lots greater than three acres, general retail sales uses are limited to 30,000 square feet of gross leasable area plus one additional square foot of gross leasable area of general retail sales use for each additional four square feet of non-general retail sales use.

The footnote restriction for certain commercial uses (note [22]) may not apply to the proposed zone change as the subject site is not located in either the Washington Square Regional Center or the Tigard Triangle. However, the 0.40 FAR limitation for all permitted MUE uses and the 30,000 square foot limitation for general retail use would apply to the subject site. Because these limitations do not apply to uses permitted in the C-P zone, some development types (applicant's medical office example) could result in less development potential under the MUE zone. Residential uses are not subject to the FAR limitation.

The city wishes to promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability. Notwithstanding the more limited build out potential of the site under the proposed MUE zone, the greater variety of uses allowed (presumably of sufficient economic value underlying their application to the Tigard Triangle) will, in the case of this applicant, permit redevelopment of an underutilized development and site. This policy is met.

Policy 7. The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:

C. Mixed use;

The subject site is suited to mixed use zoning because of its location on SW Pacific Highway, a High-Capacity Transit Corridor, proximity to Downtown Tigard and the Tigard Triangle, and adjacency to Highway 217. The proposed MUE zone permits a number of residential, civic, commercial, and industrial uses not currently permitted in the C-P zone. Where no residential or industrial uses are permitted in the C-P zone, the MUE permits multifamily residential (R-25), light industrial, research and development, and some warehouse/freight movement. Civic uses are expanded in the MUE to include colleges, schools, and community recreation. Commercial uses such as commercial lodging, eating drinking establishments and sales oriented retail where limited to a percentage of permitted uses in the C-P, are permitted outright in the MUE. This policy is met.

Policy 12. The City shall provide a wide range of tools, such as planned development, design standards, and conservation easements that encourage results such as:

B. Land use compatibility;

As shown in the excerpt from Table 18.520.1 above, additional uses would be permitted under the proposed comprehensive plan amendment and zone change request. Permitted uses under the new zone should be generally compatible with the existing uses in the area to approve the request. However, the goal speaks to tools that encourage land use compatibility for those uses otherwise allowed under the code. For example, the specific school use proposed for the subject site will be processed under a concurrent Conditional Use/Site Development Review. The conditional use review provides discretion by the hearings officer to adequately condition a proposal to be compatible with surrounding uses. This policy is met.

E. Regulatory flexibility necessary for projects to adapt to site conditions.

As noted above, the city has the opportunity to provide regulatory flexibility in the Conditional Use process that will apply to the specific use, a high school, proposed for the subject site, with additional flexibility provided by the process for Variances and Adjustments. This policy is met.

Policy 14. Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies.

As shown in the findings in this staff report, the applicant's submittal demonstrates consistency with applicable criteria and requirements of the Tigard Development Code, Comprehensive Plan, and state agencies. This policy is met.

Policy 15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation.

In Chapter III of the applicant's submittal, the applicant included a preliminary impact analysis to demonstrate that the proposed new zoning district, MUE, and proposed conditional use, a high school, will not unduly tax the public infrastructure system for water, sanitary sewer and stormwater disposal. To address the transportation impacts, the applicant proposes a trip cap for the site to ensure the proposed re-zoning will not exceed existing or future roadway capacity. The proposed trip cap is supported by ODOT as evidenced in their comment letter included under the Transportation Goal section, below. A detailed impact analysis for all of these types of infrastructure would be provided in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services.

As noted above, the applicant requests that the city condition the approval of the requested re-zoning with a trip cap that does not exceed the total number of automobile trips associated with the most intense use, a medical/dental office, allowed by right in the existing C-P zone. With a condition of approval implementing a trip cap on the subject site, this policy is met.

C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;

As shown above in Table 18.520.1, the proposed Mixed Use Plan Designation would allow a number of residential, civic, commercial, and industrial uses not currently permitted in the C-P zone. The subject site is located on Pacific Hwy which is a designated transit corridor and a route for High Capacity Transit in the future. Mixed use zones would support the intensity and density of development needed to support the enhanced transit use. This policy is met.

D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;

As documented in the applicant's submittal in Chapter III pages 6-8, an alternatives analysis finds that there are no alternative vacant sites of adequate size, appropriate zoning, availability, and development readiness within the Tigard city limits to accommodate the proposed 400-student high school. The analysis evaluates 7 sites within the city limits between 3.7 and 12.5 acres in size. The applicant's suitability criteria included a site of at least 7.4 acres, available for sale or lease, and without major development constraints.

As mentioned above, the proposed MUE zoning designation is more appropriate for the site in general given changes in surrounding areas and in keeping with the evolving vision for this portion of Tigard, including SW Pacific Highway as a High-Capacity Transit Corridor and redevelopment envisioned for Downtown Tigard and the Tigard Triangle to the west and east of the site, respectively. This policy is met.

E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled.

The subject site does not include any overlay districts at present. Subsequent Conditional Use and/or Site Development Reviews would ensure development would comply with all applicable development code regulations. This policy can be met.

F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses.

The subject site is high ground in Tigard and does not contain any sensitive lands. Surrounding land uses include low and medium residential, retail, office, and motor vehicle fuel sales. The range of uses permitted in the MUE zone would require Conditional Use and/or Site Development Review to ensure development would comply with all applicable development code regulations. This policy can be met.

G. Demonstration that the amendment does not detract from the viability of the City's natural systems.

The subject site is high ground in Tigard and does not contain any sensitive lands. 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.

The applicant has proposed, and ODOT has recommended a condition, to comply with the Transportation Planning Rule by implementing a trip cap to ensure development allowed under the MUE zone does not contribute any more trips to the surrounding transportation facilities than is already allowed under the C-P zone. Given approval of the zone change, the applicant has stated they will apply for a conditional use permit to develop the specific school use on the site. Under this policy, the Planning Commission could recommend and City Council could approve a definite land use, such as the proposed school use, and specific design/development requirements, such as the proposed trip cap, and/or other uses or requirements for development if they determine through the hearings process that it would be appropriate to the site and adjacent development.

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.

Concurrent review is allowed but would occur subject the developer's risk in applying for concurrent review. The applicant represented that they would apply sequentially to avoid the risk of losing substantial investment in specific land use reviews with the possibility of denial of the zone change. This policy is met.

FINDING: As shown in the analysis above, the applicable Land Use goals and policies have been met. The Planning Commission could recommend and City Council could approve a definite land use and specific design/development requirements if they determine through the hearings process that it would be appropriate to the site and adjacent development.

ECONOMIC DEVELOPMENT

Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.

Policy 2. The City shall actively encourage businesses that provide family-wage jobs to start up, expand, or locate in Tigard.

As indicated in the applicant's submittal, when it relocates to Tigard from Lake Oswego, WCHS will have a combined faculty/staff of 38 full- and part-time employees, which will increase to 40 when the school reaches its maximum size of 400 students. As most of these employees are teachers and administrators, these jobs command family wages and full benefits. Recommendation by the Commission and approval by Council of the proposed zone change and comprehensive plan amendment would actively encourage WCHS to locate in Tigard, consistent with this policy.

Policy 3. The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.

The applicant proposes a change in the zoning of the subject site to allow a school use. The standards in TDC 18.380 provide for amendments to the comprehensive plan and zoning map. Provided the standards for a zone change and map amendment can be met, and the required infrastructure is available as indicated in the transportation findings below, the school use may be accommodated, thereby promoting the anticipated development allowed by the comprehensive plan and zoning map amendment. This policy is met.

Policy 5. The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.

The subject site is significantly under-utilized. The proposed re-zoning from C-P to MUE will permit the relocation of WCHS from Lake Oswego to Tigard. As noted above, the school plans to renovate the existing facilities extensively, expand the building footprint and make other site improvements including the landscaping of existing parking lots and creation of outdoor sports facilities. As a result, the use of the site will be extended throughout the work week in addition to the part-time use of the site by City Bible Church, which will remain a weekend tenant. The rezone and comprehensive plan amendment would facilitate redevelopment of underutilized commercial land, consistent with this policy.

Policy 12. The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future.

The proposed MUE zone includes a full range of civic and institutional uses, including schools, which makes an important contribution to the community's livability. By approving the proposed re-zoning, the city will facilitate several things: 1) permit the re-use of an archaic building with few options for alternative use; 2) increase the intensity of use of an under-utilized site in a critical location; 3) upgrade the facility by adding additional landscaping and outdoor sports facilities; 4) provide additional potential transit riders among students, staff and faculty. This policy is met.

Goal 9.3: Make Tigard a prosperous and desirable place to live and do business.

Policy 1. The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

The subject site lies on the SW Pacific Highway Corridor between downtown Tigard to the west and Tigard Triangle to the east. By approving the proposed re-zoning request, the city will permit this partially-vacant, under-utilized site to redevelop. As noted above, the applicant states that the proposed high school will bring 38 new professional, family-wage jobs into Tigard, which will expand to as many as 40 such jobs when the school grows to its maximum student body of 400. This policy is met.

Policy 3. The City shall commit to improving and maintaining the quality of community life (public safety, education, transportation, community design, housing, parks and recreation, etc.) to promote a vibrant and sustainable economy.

As noted in the policy statement, educational facilities contribute to the quality of community life. The proposed re-zoning will permit the subject site, which is partially vacant and significantly under-utilized, to be redeveloped for a high school with up to 400 students and 40 faculty/staff, in support of this policy.

FINDING: As show in the analysis above, the applicable Economic Development goals and policies have been met.

HOUSING

Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Policy 5. The City shall provide for high and medium density housing in the areas such as town centers(Downtown), regional centers (Washington Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future (SW Pacific Hwy).

Although the purpose of this quasi-judicial request is to re-zone the subject site to allow its redevelopment for a high school, the proposed zoning designation, MUE, does permit housing at 25 units/acre, considered "medium high-density" in the city's Development Code, as an outright use. Should the high school close or be relocated, the site could redevelop to include housing, most likely in a mixed-use configuration with the vertical or horizontal mix of residential and nonresidential uses. Thus, re-zoning expands future housing options on the site, something that the current C-P zone does not permit. The allowed density in the MUE zone of 25 units/acre is consistent with the R-25 zoning immediately to the west. This policy is met.

Goal 10.2: Maintain a high level of residential livability.

Policy 3. The City shall commit to improving and maintaining the quality of community life public safety, education, transportation, community design; a strong economy, parks and recreation, etc.) as the basis for sustaining a high-quality residential environment.

As noted above, educational facilities are considered an important contribution to the community's quality of life and social fabric. Approving this request to re-zone the subject site from C-P, where schools are prohibited, to MUE, where schools are permitted conditionally, facilitates the redevelopment of the subject site for a 400-student high school. This policy is met.

Policy 7. The City shall insure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.

The proposed MUE zoning designation allows housing at a density of 25 units/acre by right. This is the appropriate density given that the apartment complex immediately to the west of the subject site is zoned R-25, the equivalent residential zone to MUE. At the same time, the MUE designation recognizes the subject site's critical location on SW Pacific Highway, a designated High-Capacity Transit Corridor, at the juncture of Highway 217 and between downtown Tigard and the Tigard Triangle. The zoning adjacent to the site to the south, east and west include C-G, MU-CBD and MUE, reflecting the city's intent to transition the area to a broader mix of uses at higher densities/intensities. This policy is met.

Policy 8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as: A. Orderly transitions from one residential density to another.

The proposed MUE zoning designation features the same maximum density, 25 units/acre, as the apartment complex immediately to the west. This policy is met.

FINDING: As shown in the analysis above, the applicable Housing goals and policies have been met.

PUBLIC FACILITIES

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

FINDING: The applicant has demonstrated through their alternatives analysis that the proposed MUE zone is needed to locate their school in the City of Tigard. To ensure maintenance of adequate transportation facilities for the proposed MUE zone the applicant has requested a trip cap be a condition of approval. ODOT and the city Development Review Engineer concur that the rezone conditioned by a trip cap would result in no significant effect on the transportation system as defined under Oregon's Transportation Planning Rule (see findings under Transportation Goal, below). This Goal is met.

TRANSPORTATION

Goal 12.1: Develop mutually supportive land use and transportation plans to enhance the livability of the community.

Policy 5. The City shall develop plans for major transportation corridors and provide appropriate land uses in and adjacent to those corridors.

The proposed rezoning from C-P to MUE would permit more intensive uses in close proximity to SW Pacific Hwy, an existing transit way. Expansion of this corridor to include High Capacity Transit (HCT), through planning processes currently underway, suggest that increased density and intensity of uses should apply to the subject site. Approval of the proposed zone change would provide appropriate land uses adjacent to the Pacific Hwy corridor. This Goal is met.

Goal 12.5: Coordinate planning, development, operation, and maintenance of the transportation system with appropriate agencies.

The Oregon Department of Transportation (ODOT) submitted the following comment letter dated April 26, 2011 (Attachment #4) for the proposed comprehensive plan amendment and zone change:

We have reviewed the applicant's proposal to change the classification of a 7.44 acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The site is adjacent to 99W and Highway 217. ODOT has jurisdiction of these State highway facilities and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of these facilities. For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility. After reviewing the applicant's proposal and associated TPR Analysis prepared by Lancaster Engineering dated February 10, 2011, we have determined that while the zone change has the potential to have a significant effect on the transportation system, the applicant's proposed trip cap can accommodate the trips generated by the intended school use and allow the city to make a finding of no significant effect.

The applicant's TPR analysis shows a comparison between a Medical/Dental office allowed outright under the proposed zoning/comp plan designation with a larger Medical/Dental office allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). ODOT did not have the opportunity to review and concur with the mix of land uses and square footage used for the "reasonable worst case" traffic analysis for both existing and proposed zoning. Although the flexibility inherent in the MUE district makes determining a reasonable worst case mix of uses difficult, after consulting with city staff, ODOT has determined that the MUE zoning allows a broad range of uses (particularly retail and eating and drinking establishments) that could reasonably generate more trips than the existing zoning. In addition, the FAR and maximum retail use restrictions on the MUE zone are not sufficient to determine that there will not be a significant effect when compared to the restrictions on the C-P zone.

Nevertheless, ODOT and the city concur with the applicant's proposal to limit the trips allowed under the proposed zoning to the amount generated by a Medical/Dental office building as allowed under the existing zoning. This trip cap can accommodate the intended conditional school use while placing a reasonable limit on trip generation for allowed uses should this parcel redevelop in the future. In order to ensure that the zone change will not result in a significant effect upon State facilities, ODOT requests that the City of Tigard condition a trip cap to be placed on the zone change:

A condition of this zone change is that the site is limited to a maximum of 373 a.m. peak hour trips and 561 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Plan Amendment with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed.

It is important that any proposal to allow more trips be addressed in the Plan Amendment process and will trigger a new evaluation of TPR compatibility at that time to determine whether or not the new proposal will have a significant effect on State highway facilities and the limit can be revised or removed.

ODOT is supportive of the city's efforts to implement transit supportive zoning in this corridor. Based on this proposal as well as the previous Knoll development, ODOT recommends that the city review their mixed use zones to ensure that land use implementation is reflective of the city's vision. In the current case, while there are some restrictions on the MUE zone, we encourage the city to consider additional measures such as limiting drive-through uses, parking maximums, and more clarification of the type of retail intended for this zone. The Knoll zone change showed that the MUR-1 zone allows development density far greater than the approved 49 unit apartment complex and could generate significantly more trips than the 300 daily trips assumed. Both cases show that trip generation under the mixed use zones is difficult to determine and neither zone change has been proposed with a mixed use development in mind. ODOT will continue to work with the city and Metro to refine the code in the HCT corridor and Town Center.

Note: The applicant's preliminary site plan shows an emergency access directly across from the highway 217 ramp terminal. No access can be approved in this vicinity due to safety concerns and state rules (OAR 734.51).

As identified in the ODOT comment letter and concurred on by the city Development Review Engineer, limiting trip generation to that allowed under the existing C-P zone, as shown in the Lancaster Engineering analysis dated February 10, 2011 (373 a.m. peak hour trips and 561 p.m. peak hour trips), would avoid a significant effect finding. Approval of the proposed code amendment would comply with the Transportation Planning Rule, OAR 660-012-0060. The city's request for comment, staff consultation between ODOT and the city, and incorporation of ODOT comments and recommendations within the staff report to the Planning Commission constitute a coordinated approach to planning, development, operation, and maintenance of the transportation system with appropriate agencies. This goal is met.

FINDING: As shown in the analysis above, with the requirement of the following condition of approval, the applicable Transportation goals and policies are met.

CONDITION:

The site shall be limited to a maximum of 373 a.m. peak hour trips and 561 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Plan Amendment with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. This condition shall be a condition of any land use decision on the subject property.

ENERGY

Goal 13.1: Reduce energy consumption.

Policy 1. The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:

A. Land use patterns that reduce dependency on the automobile.

Up-zoning the subject site from C-P to MUE per this request will permit a broader range of land uses, if not more potential intensity, due to the FAR limitation of the zone. The potential mix of uses can facilitate intradistrict pedestrian and transit trips and support alternative modes of transportation. The proposal to redevelop the site for a 400-student high school will intensify the use of this under-utilized site and potentially increase use of transit. However, the full benefits of the MUE zone may not be realized until the site included a mix of uses. This policy is met.

B. Public transit that is reliable, connected, and efficient.

The SW Pacific Highway Corridor already is well-served by bus transit and will be even better served if the corridor is selected for the extension of Light Rail Transit (LRT). The proposed up-zoning of the site will provide a significant number of potential transit riders to support the maintenance and expansion of transit service. This policy is met.

FINDING: As shown in the analysis above, the applicable Energy goals and policies are met.

FINDING: Pursuant to 18.380.030. B.1, and as shown in the analysis above, the proposed zone change and comprehensive plan map amendment comply with, or have been conditioned to comply with, all applicable comprehensive plan goals and policies.

18.380.030.B.2

Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

Note: During review for this staff report, staff discovered several errors in the code and inconsistencies between the zone descriptions for the C-P and MUE zones and the Use Tables 18.510.1 (Residential) and 18.520.1 (Commercial). A finding is provided here to address those inconsistencies pertaining to the subject request:

- 1) Table 18.510.1 Use Table, Residential Zoning Districts, erroneously carries a footnote [13], which correctly applies to “Major Event Entertainment” but not to “Schools.”
- 2) The List of Zoning Districts (18.520.020) includes zone descriptions for each zone. The description for C-P includes outdated language referring to residential use on Triangle properties zoned C-P prior to the change to MUE in 1997(Ord. 97-02). The Use Table 18.520.1 shows "R" under C-P for “Household Living” when it should be changed to "N". There is no residential use permitted in the C-P zone.
- 3) The description for the MUE zone includes “religious institutions” as a conditional use, “C”. However, the Use Table 18.520.1 shows that use as permitted, “P”. Ordinance 09-13 amended Table 18.520.1, but did not amend the description, resulting in the inconsistency. Therefore, in this case the Table governs. “Religious institutions” are permitted outright in the MUE zone.

To address needed changes to the code to correct these inconsistencies an item has been added to the Development Code Database to flag review under the Regulatory Improvement Initiative.

For the purposes of the proposed comprehensive plan amendment and zone change, the applicant has satisfactorily addressed the applicable Sections of Chapter 18.380, Zoning Map and Text Amendments, of the Tigard Development Code. The standards of Chapter 18.390.050 for Type III-PC procedures are applicable to this proposal, as identified in 18.380.030. The applicant has submitted an Impact Statement as required under 18.390.050.B.e. Potential impacts to the transportation system have been addressed under the Transportation goal, above.

The proposed comprehensive plan amendment and zone change do not include a specific development proposal at this time. However, the applicant states that if a zone change is obtained for the site that permits the high school as a conditional use, Westside Christian High School (WCHS) proposes a major renovation of the existing building with two expansions: on the north side for additional classrooms (2,700 gsf) and in the southwest corner to provide a gymnasium, student commons and related facilities (20,000 gsf) (Phase 1). At a later date, WCHS hopes to add an auditorium in the southeast corner (13,600 gsf) (Phase 2). See Figure II-5 in the applicant’s submittal (Attachment #3) for a proposed development site plan. Any proposed development must meet all of the applicable Tigard Development Code standards in effect at the time an application is submitted.

FINDING: As shown in the analysis above, the proposed comprehensive map and zone change amendment is consistent with the applicable standards of the Tigard Development Code.

18.380.030.B.3

Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

As the applicant points out, since the last Comprehensive Plan Map was adopted, the segment of SW Pacific Highway on which the subject site is located has been designated in the Metro 2040 Growth Management Plan Concept as a “Corridor” design type and in the Regional Transportation Plan (RTP) as a “High-Capacity Transit Corridor”. In addition, Metro has designated the corridor as the next priority for the extension of light rail transit (LRT) from downtown Portland to Sherwood. Although detailed land use and transportation planning for the corridor is just beginning, the city envisions up-zoning of sites along the corridor to increase the mix of uses, including residential, retail, office, industrial, institutional and civic activities, and development density/intensity to support transit. Significant redevelopment of Downtown Tigard as a Metro-designated “Town Center”, and likely extension of that designation to include the Tigard Triangle, is planned. Together, these planning actions represent change in the neighborhood of the subject site and the community.

FINDING: The proposal demonstrates that there is evidence of change in the neighborhood and community. Long-range planning for the neighborhood of the subject site is toward higher density and an increase in mixed use. The proposed rezone would be consistent with this direction as the MUE zone permits a wider range of civic, commercial, and industrial uses and introduces residential use (Medium-High Density) not permitted in the existing C-P zone. The proposal is consistent with this standard for zone changes.

18.380.030.C Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

FINDING: The land use action requested is quasi-judicial as it is limited to a specific parcel and does not apply generally across the city. Therefore, the Planning Commission recommendation to Council may be for denial, approval, or approval with conditions.

SECTION V. OUTSIDE AGENCY AND ADDITIONAL CITY STAFF COMMENTS

ODOT, Metro, LCDC, and Washington County were notified and requested to comment on the subject proposal. Of these agencies, only ODOT provided comment.

Oregon Department of Transportation (ODOT) commented on the proposal, whose comments are included under the Transportation goal section of this staff report.

Clean Water Services (CWS) processed a Sensitive Area Pre-Screening Assessment (File No. 11-000250) stating that the proposal does not meet the definition of development. An earlier CWS Assessment (05-004310) indicated that sensitive areas do not appear to exist on site or within 200 feet of the site.

The City of Tigard’s Development Review Engineer reviewed the proposal and provided information, which is included in the findings for the Transportation section of the staff report.

SECTION VI. STAFF ANALYSIS, CONCLUSION, AND RECOMMENDATION

ANALYSIS:

Zone Change Request

The applicant has requested a zone change on the subject site in order to permit a school use not permitted under the current C-P zone. The applicant’s alternative analysis showed few options suitable for locating the Westside Christian High School (WCHS) that offered vacant sites of adequate size, appropriate zoning, availability, and development readiness within the Tigard city limits to accommodate the proposed 400-student high school. The analysis evaluates 7 sites within the city limits between 3.7 and 12.5 acres in size. The applicant’s suitability criteria included a site of at least 7.4 acres, available for sale or lease, and without major development constraints. The subject site meets the applicant’s suitability criteria, provided a zone change can be approved.

Land Use Zone Analysis

Schools are conditionally permitted in all residential and mixed use zones and are permitted outright in the MU-CBD zone. Given the characteristics of the zone and circumstances of the subject site, staff believes the MUE zone would be the most applicable zone to allow the school use and to address long range land use and transportation planning:

1) The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle. At the time the Tigard Triangle District was adopted, the MUE zoned lands were zoned C-P. The subject site is located adjacent to one of the three boundary roads that make up the Triangle. Unlike other mixed use zones, the code's MUE description explicitly anticipates the application of the MUE zone "elsewhere in the city through the legislative process."

2) The MUE zone is compatible with adjacent uses. The adjacent zones include Medium-High Density Residential (R-25) on the west, General Commercial (C-G) on the southeast and Professional Commercial (C-P) on the northeast. Low Density Residential (R-4.5) is across SW Pfaffle Street to the north. The adjacent properties are built out with multifamily housing on the west and commercial and office uses on the east. The MUE zone permits multifamily residential at 25 units/acre consistent with residential densities to the west.

The MUE permits a range of other uses not permitted in the C-P including: light industrial and research and development (restricted to interior locations) and some warehouse/freight movement; civic uses are expanded in the MUE to include colleges, schools, and community recreation; commercial uses such as commercial lodging, eating drinking establishments and sales oriented retail (where limited to a percentage of permitted uses in the C-P) are permitted outright in the MUE.

Mixed use development is difficult to predict both in terms of how uses might be mixed and which uses would be mixed. Complicating factors for development include the high visibility of the site's hilltop location to Pacific Hwy and Hwy. 217 but access to the site from Pfaffle only. Reuse or redevelopment of the existing development on the site is both an opportunity (for the applicant) and potentially a limitation to development of mixed uses on the site, at least in the near term.

3) The Pacific Hwy High Capacity Corridor Planning process is designed to integrate land use planning and transportation/transit planning. This proposed rezone comes in advance of any recommendations that may result from the HCT process and plan for rezoning along the corridor, and this site in particular. However, it is likely that mixed use zoning will be applicable to the site given the potential for mixed uses to facilitate intradistrict pedestrian and transit trips and support alternative modes of transportation.

4) Other mixed use zones are geographically specific or are less compatible to the site: MU-CBD applies to the Tigard Town Center which terminates west of Hwy 217; MUC-1 applies to the Durham Quarry area; MUE-1/MUE-2, MUR-1/MUR-2, and MUC are tied to the Washington Square Regional Center and are subject to the Center's development standards. There is no prohibition in the code to prevent the more appropriate of these zones (arguably MUR-2) being applied to the subject site, but they lack the MUE zone's explicit direction for "application elsewhere in the city."

5) The applicant hopes to keep City Bible Church as a tenant on sale of the property. The MUE zone continues to permit religious institutions outright.

Transportation Planning Rule

ODOT is supportive of the city's efforts to implement transit supportive zoning in this corridor. As identified in the ODOT comment letter and concurred on by the city Development Review Engineer, limiting trip generation (as proposed by the applicant) to that allowed under the existing C-P zone, as shown in the Lancaster Engineering analysis dated February 10, 2011 (373 a.m. peak hour trips and 561 p.m. peak hour trips), would avoid a significant effect finding.

Outstanding Issues

Currently, application of the MUE zone carries with it the 1) 0.40 FAR limitations for commercial and industrial use types and 2) the 30,000 square foot limitation for general retail use. Because these limitations do not apply to uses permitted in the C-P zone, some commercial uses could result in less development potential under the MUE zone. Residential uses are not subject to the FAR limitation. The limit on intensity of uses within the Southwest Corridor Study Area is under review and may be adjusted at some point in the years ahead based on a number of factors including revised mobility standards for the corridor. Also, new zoning for station area plans may not use the MUE zone and avoid any potential conflict.

ODOT commented that recent mixed use zone changes have not had mixed uses in mind in the case of the Knoll apartments and WCHS and asks that the city review the mixed use zones to ensure that land use implementation is reflective of the city's vision. Additionally, ODOT suggests the city consider additional measures such as limiting drive-through uses, parking maximums, and more clarification of the type of retail intended for this zone.

The applicant's preliminary site plan shows an emergency access directly across from the Highway 217 ramp terminal. ODOT has commented that no access can be approved in this vicinity due to safety concerns and state rules (OAR 734.51).

CONCLUSION:

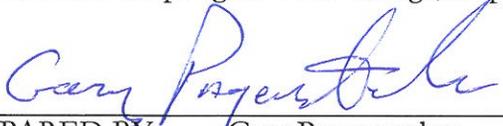
Based on the foregoing findings and analysis, staff finds that the proposed comprehensive plan map and zone change amendments are consistent with applicable provisions of the Tigard Comprehensive Plan, Tigard Development Code, statewide planning goals and the Transportation Planning Rule, and provides evidence of change in the neighborhood as it relates to the property which is the subject of the development application.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend to City Council approval of the proposed comprehensive plan map and zone change amendments with the following condition of approval and any others they deem appropriate through the public hearing process:

Recommended Condition of Approval

The site shall be limited to a maximum of 373 a.m. peak hour trips and 561 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council.



PREPARED BY: Gary Pagenstecher
Associate Planner

May 5, 2011
DATE



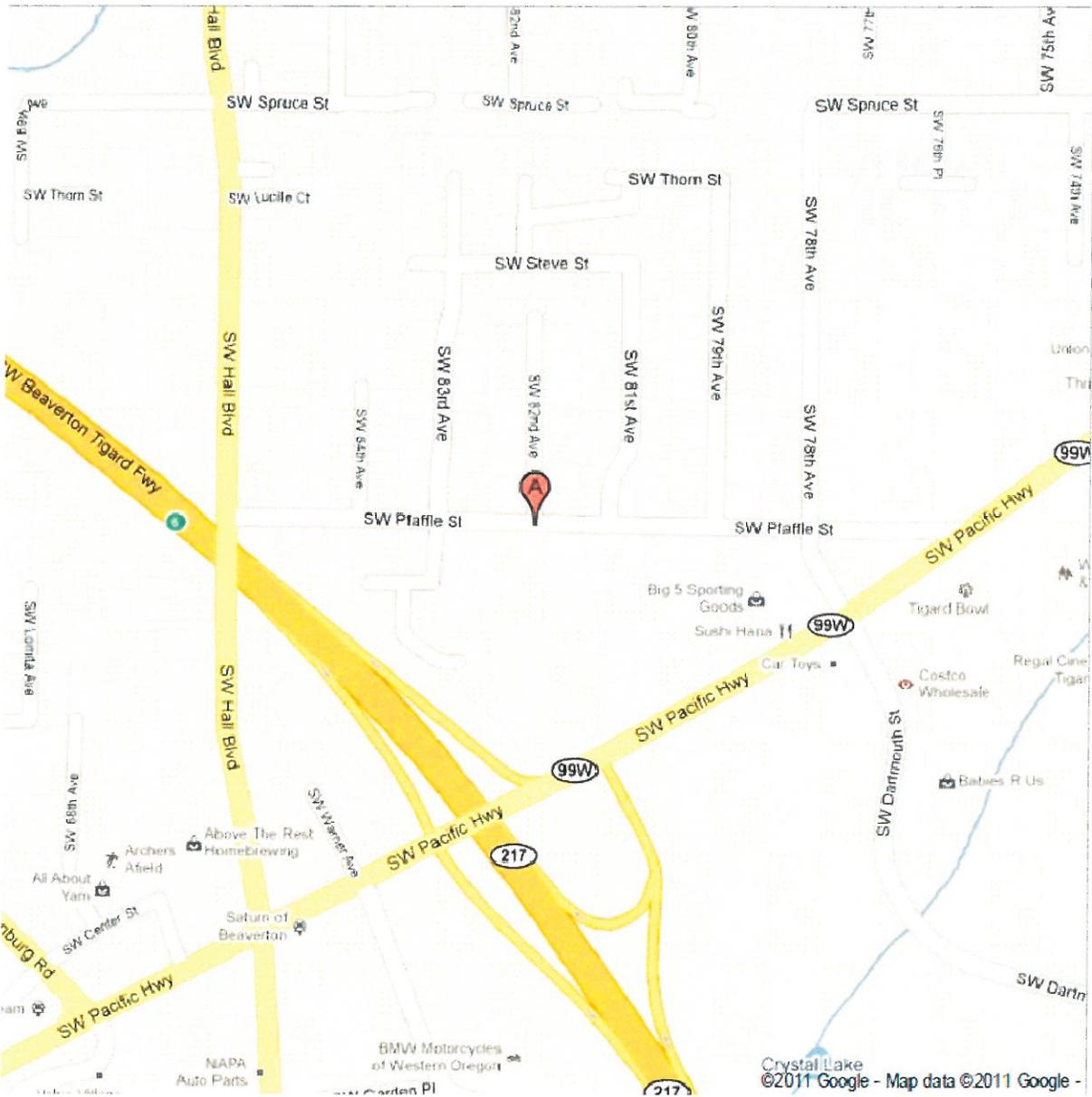
APPROVED BY: Ron Bunch
Community Development Director

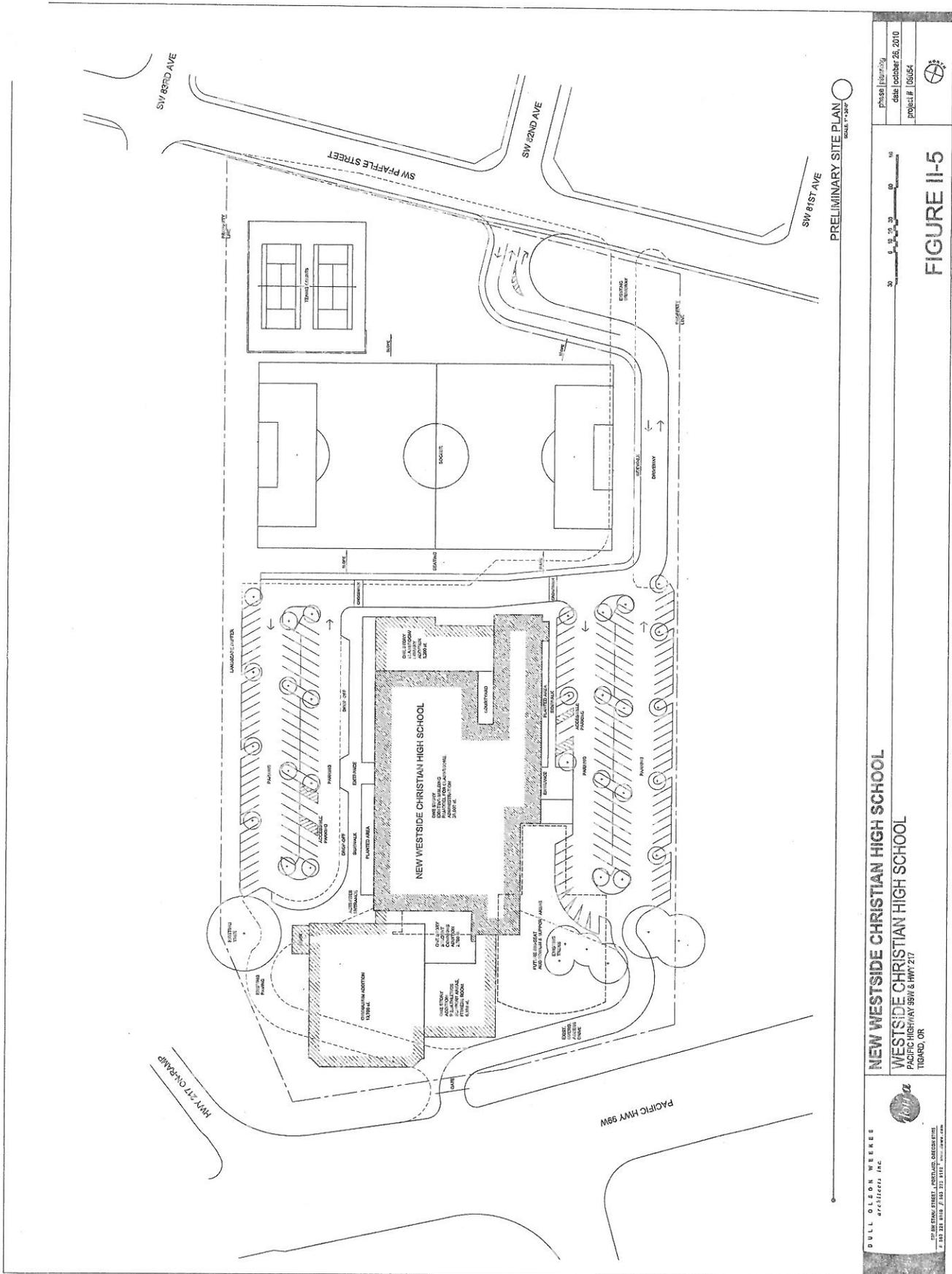
May 5, 2011
DATE

Exhibits

- A. Vicinity Map
- B. Current Zoning Map
- C. Preliminary Site Plan
- D. 4/26/11 Letter from ODOT

**FIGURE II-1
VICINITY MAP**





PRELIMINARY SITE PLAN
SCALE: 1" = 20'

Phase I	date: October 26, 2010
Project #	106054



FIGURE II-5

NEW WESTSIDE CHRISTIAN HIGH SCHOOL
WESTSIDE CHRISTIAN HIGH SCHOOL
 PACIFIC HIGHWAY 99W & HWY 217
 TIGARD, OR

DULL OLSON WHEELER
 ARCHITECTS, INC.



200 SW STARK STREET, PORTLAND, OREGON 97205
 P 503.255.8100 F 503.251.9117 www.dowh.com



Oregon

John A. Kitzhaber, MD, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, OR 97209
(503) 731.8200
FAX (503) 731.8531

4/26/11

City of Tigard
Planning Division
13125 SW Hall Blvd
Tigard, OR 97223

ATTN: Gary Pagenstecher, Associate Planner

RE: CPA2011-00001/ZON2011-00001: Pacific Highway (99W) and Highway 217

We have reviewed the applicant's proposal to change the classification of a 7.44 acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The site is adjacent to 99W and Highway 217. ODOT has jurisdiction of these State highway facilities and an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard of these facilities. For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system, or if there is a significant effect, require assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facility. After reviewing the applicant's proposal and associated TPR Analysis prepared by Lancaster Engineering dated February 10, 2011, we have determined that while the zone change has the potential to have a significant effect on the transportation system, the applicant's proposed trip cap can accommodate the trips generated by the intended school use and allow the City to make a finding of no significant effect.

The applicant's TPR analysis shows a comparison between a Medical/Dental office allowed outright under the proposed zoning/comp plan designation with a larger Medical/Dental office allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the "reasonable worst case" traffic analysis). ODOT did not have the opportunity to review and concur with the mix of land uses and square footage used for the "reasonable worst case" traffic analysis for both existing and proposed zoning. Although the flexibility inherent in the MUE district makes determining a reasonable worst case mix of uses difficult, after consulting with City staff, ODOT has determined that the MUE zoning allows a broad range of uses (particularly retail and eating and drinking establishments) that could reasonably generate more trips than the existing zoning. In addition, the FAR and maximum retail use restrictions on the MUE zone are not sufficient to determine that there will not be a significant effect when compared to the restrictions on the C-P zone.

Nevertheless, ODOT and the City concur with the applicant's proposal to limit the trips allowed under the proposed zoning to the amount generated by a Medical/Dental office building as

allowed under the existing zoning. This trip cap can accommodate the intended conditional school use while placing a reasonable limit on trip generation for allowed uses should this parcel redevelop in the future. In order to ensure that the zone change will not result in a significant effect upon State facilities, ODOT requests that the City of Tigard condition a trip cap to be placed on the zone change:

A condition of this zone change is that the site is limited to a maximum of 373 a.m. peak hour trips and 561 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Plan Amendment with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed.

It is important that any proposal to allow more trips be addressed in the Plan Amendment process and will trigger a new evaluation of TPR compatibility at that time to determine whether or not the new proposal will have a significant effect on State highway facilities and the limit can be revised or removed.

ODOT is supportive of the City's efforts to implement transit supportive zoning in this corridor. Based on this proposal as well as the previous Knoll development, ODOT recommends that the City review their mixed use zones to ensure that land use implementation is reflective of the City's vision. In the current case, while there are some restrictions on the MUE zone, we encourage the City to consider additional measures such as limiting drive-through uses, parking maximums, and more clarification of the type of retail intended for this zone. The Knoll zone change showed that the MUR-1 zone allows development density far greater than the approved 49 unit apartment complex and could generate significantly more trips than the 300 daily trips assumed. Both cases show that trip generation under the mixed use zones is difficult to determine and neither zone change has been proposed with a mixed use development in mind. ODOT will continue to work with the City and Metro to refine the code in the HCT corridor and Town Center.

Note: The applicant's preliminary site plan shows an emergency access directly across from the highway 217 ramp terminal. No access can be approved in this vicinity due to safety concerns and state rules (OAR 734.51).

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any further questions regarding this matter, please contact me at 503-731-8234.

Sincerely,



Seth Brumley
Development Review Planner

C: Kirsten Pennington, ODOT Region 1 Planning Manager
Marah Danielson, ODOT Region 1 Planning
Doug Baumgartner, ODOT Region 1 Traffic

**CITY OF TIGARD
PLANNING COMMISSION
DRAFT Meeting Minutes
May 16, 2011**

CALL TO ORDER

President Walsh called the meeting to order at 7:01 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Walsh
Vice President Anderson
Commissioner Doherty
Commissioner Hasman
Commissioner Muldoon
Commissioner Ryan
Commissioner Schmidt
Commissioner Shavey

Absent: Commissioner Rogers

Staff Present: Ron Bunch, Community Development Director; Gus Duenas, Development Engineer; Doreen Laughlin, Confidential Executive Assistant; Gary Pagenstecher, Associate Planner

Others Present: Andy Sears, Principal; and other Westside Christian High School Representatives

COMMUNICATIONS: Commissioner Shavey reported that he'd attended the City Council meeting regarding the Economic Opportunities Analysis and had testified on behalf of the Planning Commission. He said the Council was impressed with the product and the commission had been recognized & commended for their part in it.

CONSIDER MEETING MINUTES

May 2nd Meeting Minutes: President Walsh asked if there were any additions, deletions, or corrections to the May 2 minutes; there being none, Walsh declared the minutes approved as submitted.

**PUBLIC HEARING OPENED
COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00001 / (ZON) 2011-00001
WESTSIDE CHRISTIAN HIGH SCHOOL**

REQUEST: The applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications for a single 7.44-acre lot from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE). The applicant proposes a zone change to accommodate a school use not permitted under the existing zoning. **LOCATION:** The property is located at 8200 SW Pfaffle Street. The site is bounded by SW Pfaffle on the north, Hwy. 217 on the west, and Pacific Hwy. on the south.

STAFF REPORT

Gary Pagenstecher, Associate Planner, went over the staff report (the staff report is available to the public one week before the hearing.)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend APPROVAL to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of this Staff Report and the following proposed condition of approval.

QUESTIONS FOR STAFF

There were some questions regarding topics other than the zone change and Gus Duenas, Development Engineer, got up and introduced himself. He reminded the commissioners that at this time they were not looking at “a school” and the details of that but, rather, a zoning change. He explained the large differences between a C-P zone and an MUE.

There were questions regarding trip caps and it was explained that the trip cap stays with the site – regardless of the development use.

Were there any concerns that there’s only one way in and one way out - only one entrance? I don’t think so – TVF&R would comment on that. As far as we’re concerned, Pfaffle is a collector and the site is relatively big – relatively easy to access from Pfaffle. ODOT’s concern is that the entry on Pacific Hwy is right next to an interchange and they closed that as part of their sidewalk project on Pacific Hwy. They’re reluctant to open it up – it’s not a good location for access.

APPLICANT’S PRESENTATION

Three people spoke on behalf of the applicant: Andy Sears, principal of Westside Christian High School; Beverly Bookin, Land Use Planner for The Bookin Group, LLC; and Mike Guard, transportation engineer. The project manager, David Elkins, and Hunt Johnson, the board chair for the school were also present, but didn’t speak publically.

Principal Sears thanked city staff for their hard work and for the approval recommendation. By way of an introduction, he gave a little of the background and spoke about the vision of the school. Sears noted the school's current location is on Carman Drive and Cruz Way and has been there for 30 years - with 250 students currently enrolled. He said their vision isn't to become a "big" school and, in fact, much of their uniqueness is in being a smaller sized school allowing for deeper, more impacting relationships with their students. He explained their vision is service-oriented and also focuses on leadership development. Every year they pick 30 non-profits in the community that they serve at all over the city. All of the families, alumni and students come together to do a complete day of service. He said that's just one example of the kind of community service. They also have international partnerships in Thailand where students go and do service overseas. The thrust of their message for the students is that life isn't just purely about themselves, but also to serve other people, and to prepare for a purpose.

Sears explained that they're in the process of negotiating a purchase and sale agreement with City Bible with contingencies on approvals with zoning change and conditional use.

Beverly Bookin, of Bookin Group, spoke to the commissioners. She said the hope is that with the approval of this first of a series of land use approvals, that this High School will be at this location for the foreseeable future. She reminded them that at this time they are making a zoning decision that will change the underlying zoning of the property forever unless changed again – and they need to look at it in a broader sense and not for just a specific use in mind. She said “We want to talk about the zone change, keeping the high school on the table, but talking about the zone in general because obviously your questions are broader based than this specific use. Moreover, if the zone change is approved, we'll be coming back with a conditional use and you'll get to look at that use in a much more detailed manner. But right now we are more at the 30,000 foot level.

At this point, Ms. Bookin hit the highlights of the staff report. She explained that “change of condition” is an appropriate basis for requesting a Comp Plan and Zone Change. She noted conditions have changed along SW Pacific Hwy because it's now the focus of regional high capacity planning for a potential extension of high capacity transit. She noted it is a difficult, problematic site. It was formerly a light industrial building and, except for City Bible Church which is using it as is and is using it only on weekends, it's been essentially vacant for a long time. She believes that if there was a use in the CP zone that really suited that building, presumably it would have been reoccupied in the years since it was closed. She noted the site has a single exit onto Pfaffle because the exit onto the highway has been closed - which really limits its reuse because many users, including most retail uses, will not use a site where you can see it – but you can't get to it easily. So the issue of redevelopment for retail is less a concern because of these constraints than one would think.

She explained why other zones were not appropriate. She pointed out and spoke to the analysis they'd done on that in their material on page VIII.

Mike Ard, a traffic consultant from Lancaster Engineering, talked about zone changes in general, and then about the specific zone change before the commissioners at this time. He explained that as they approached this particular site – they looked at what was allowed under

the existing zoning through the planning horizon and determined the number of trips that could be generated on the transportation system as a result of full redevelopment of the site. Then they made a comparison to what they thought could be developed under the new zoning. They contemplated using a medical/dental office as their standard. Generally, the requirement is to look at the most intense use that can reasonably be developed on the site and at the time they ran their analysis they didn't believe commercial was a good, viable option based on the frontage and the lack of access to 217. They ultimately determined that it's necessary to limit the number of trips that can come in and out of this site. So they said "Under existing zoning, we can allow this number of trips during the morning and this number of trips in the evening" – and that's accommodated in the current planning. So we will cap the site at that level so that we can't create new problems or a need for new mitigation – and by doing that we meet the state of Oregon's Transportation Planning Rule.

Mr. Ard went on to explain that the next question would be "What happens when we develop this site?" Any future redevelopment of the site is going to require an application process where the real number of trips will be dealt with – not the theoretical maximum, but the actual number of trips that will be generated. He gave a few more theoretical questions that would need to be answered at the time of the Conditional Use application. He explained that they're not something that apply at the time of the zone change. He said at the time of the Conditional Use application there would be a very robust traffic study brought before them.

QUESTIONS FROM COMMISSIONERS

There were some land use questions but President Walsh reminded the commissioners that they were discussing the zoning change only at this time.

PUBLIC COMMENT

TESTIMONY IN FAVOR

Bob McGuire – Homeowner at 8470 SW Pfaffle for 31 years. He testified that his concern was impact on the traffic and not on the re-zoning issue. He isn't against the Christian High School being there because he believes they'd be a valuable asset to the entire neighborhood. He's concerned about the traffic impact regardless of the type of establishment that ultimately goes there.

TESTIMONY IN OPPOSITION

None

CLOSED PUBLIC HEARING

At this point, President Walsh opened the meeting up for deliberations.

DELIBERATIONS

The following was discussed:

- Concern about possible traffic impact.
- An appreciation that the applicant comprehensively took them through the various zoning ideas
- The belief that it would be good to develop the 7 acre piece of prime real estate, particularly since it's not getting a "sniff" under a commercial zoning and that it's across the residential area so MUE works better there anyway.
- A general belief that the MUE would work well there and that the thing to do would be to seriously look at the problem of Pfaffle and the traffic there

REOPENED THE HEARING TO ASK QUESTIONS OF STAFF

There were some general questions regarding traffic which Gus Duenas answered. President Walsh referred to page 9 of staff report, under Policy 16 where the second sentence says "the Planning Commission could recommend and City Council could approve a definite land use, such as the proposed school use, and specific design/development requirements if they determine through the hearings process that it would be appropriate to the site and adjacent development. He asked staff to elaborate on that as to what he thinks options might be. Gary Pagenstecher addressed the question saying there are two parts to this – one is identifying specific uses and the other is identifying certain design requirements. He gave an example of a design requirement as the trip cap. He said that if the Planning Commission approves the recommendation and applies the trip cap as a condition of approval of the zone change – then any land use that goes in there would be subject to that. The development couldn't be approved if it exceeded however many trips are at the cap – and that could only be changed by coming back through the Planning Commission. He gave some examples of changes in use.

The question was asked "If you put a trip cap in place and a year later the reality is you have far more trips than what were planned or expected... what happens?"

Ron Bunch, Community Development Director, answered that they would enforce the code as they have in the past. They enforce the conditions of approval by counting the trips as they go through the intersections and, if appropriate, they would report that they are above the trip level. It is very obvious in many instances by lots of congestion – that they're exceeding their allowable trip cap. So in that case we would enforce the code with any business or any land use violation. Gus Duenas said a specific condition of approval that stated "if you exceed this trip cap based on observation we can enforce it" would be a good idea.

HEARING RECLOSED

DELIBERATION CONTINUES

At this point a motion was made.

MOTION

The following motion was made by Commissioner Doherty, seconded by Commissioner Ryan:

“I move the Planning Commission forward a recommendation of approval to the City Council of application CPA2011-00001/ZON2011-00001, and adoption of the findings and conditions of approval contained in the staff report - which also includes the trip cap.”

The motion **CARRIED** on a recorded vote; the Commission voted as follows:

AYES:	Commissioner Anderson; Commissioner Doherty; Commissioner Hasman; Commissioner Ryan; Commissioner Schmidt; Commissioner Shavey, and President Walsh
NAYS:	None.
ABSTAINERS:	Commissioner Muldoon
ABSENT:	Commissioner Rogers

OTHER BUSINESS

- There was a short discussion about the upcoming joint Planning Commission/City Council May 17 meeting. President Walsh said this would be a great time to get some feedback from Council.
- Ron Bunch reminded the commissioners that there's an open house coming up on May 25 regarding HCT and a June 6 Workshop.

ADJOURNMENT

President Walsh adjourned the meeting at 8:55 p.m.

Doreen Laughlin, Planning Commission Secretary

ATTEST: President Dave Walsh

I. SUMMARY OF PROPOSAL

Applicant: Andy Sears, Principal
Westside Christian High School
4565 Carman Drive
Lake Oswego, OR 97035-2574
Telephone: (503) 697-4711
Facsimile: 503.697-4711 Ext. 225
Email: sears@westsidechristianhs.org

Land Use Planner: Beverly Bookin, AICP
The Bookin Group LLC
1020 SW Taylor Street, Suite 760
Portland, Oregon 97205
Telephone: 503.241.2423
Facsimile: 503.241.2721
Email: bookin@bookingroup.com

Request: Type III-PC Comprehensive Plan Map Amendment from General Commercial to Mixed-Use Employment and Zoning Map Amendment from Professional/Administrative Commercial (C-P) to Mixed-Use Employment (MUE), subject to a "trip cap" that recognizes the limitations of the existing and future transportation system in the vicinity of the site. A copy of the 11/9/10 Pre-Application Conference (PAC) notes is contained in Appendix A. The mandatory neighborhood meeting was held on 2/7/11. Once copy of the required meeting materials is being included in this submission.

Location: 8200 SW Pfaffle Street

Site Size: 7.44 acres

Legal Description: 1S136CC00100

Zoning: Professional/Administrative Commercial (C-P)

Neighborhood: CPO 4B, CPO 4M

Summary: Currently located in leased space on the Lake Bible Church campus in Lake Oswego, Westside Christian High School (WCHS) has been looking for a permanent site for the past few years. The school is considering the purchase of a 7.44-acre site at 8200 SW Pfaffle Street near downtown Tigard. Formerly a General Motors automotive training center, the site currently is owned by City Bible Church (CBC). WCHS proposes to renovate and expand the existing facilities to accommodate a student body of up to 400. CBC would remain as a tenant using the facility on Sundays and on Wednesday and Saturday evenings when not needed for school activities.

Although churches are permitted in the C-P zone, schools are not allowed by right. Thus, WCHS cannot relocate to the site without a zone change. WCHS has sought guidance from the City of Tigard Planning Department about the most appropriate zoning designation. As noted in the PAC notes, the city has indicated that it "would support" the application of the Mixed-Use Employment (MUE) zone, currently applied only in the nearby Tigard Triangle, for the following reasons:

.....1) the zone allows schools as a conditional use; 2) the zone continues to allow religious institutions outright; 3) the zone allows residential use with a maximum density of 25 units/acre, consistent with the adjacent R-25 zone; 4) the zone allows a greater mix of uses than C-P, consistent with Pacific Hwy High Capacity Corridor Planning; and 5) the code anticipates the application elsewhere in the city through the legislative process.

As part of the request, the applicant is asking that a condition of approval be the imposition of a trip cap on site trips no greater than the most intense allowed use, medical/dental office, in the C-P zone, in recognition that any up-zoning of the site could lead to overtaxing existing or future roadway capacity in the vicinity. A high school is a perfect use at this location because its afternoon peak occurs before the general PM peak. The implementation of a trip cap is a way to demonstrate compliance with the State Transportation Planning Rule (TPR), although the applicant will have to undertake a detailed transportation analysis for the proposed school as part of its subsequent concurrent Conditional Use/Site Development Review applications.

Because the MUE zone does not share the same Comprehensive Plan Map designation as C-P, a Type III-PC Comprehensive Plan Map Amendment from General Commercial to Mixed-Use Employment also is required in addition to the Zoning Map Amendment from C-P to MUE. The request is “quasi-judicial” (Type III) in that it affects a single property. However, because it involves changes to both the city’s Comprehensive and Zoning Maps, the request must be approved by the Tigard City Council based on a recommendation of the city’s Planning Commission, per Section 18.380.030(A)(2), subject to the approval process contained in Section 18.390.060. Since the decision is made by means of a Type IV Legislative process, the state mandated 120-day timeframe does not apply.

If the request in this application is approved, WCHS will proceed to the next level of land use entitlements including concurrent Type III Conditional Use and Type II Site Development Review for approval of its proposed redevelopment plan.

II. PROPOSED DEVELOPMENT

Summary of Proposed Project. WCHS has signed a letter of intent (LOI) to purchase a 7.44-acre site located at 8200 SW Pfaffle Street currently owned by City Bible Church (CBC). The building, formerly a General Motors' (GM) training center, faces SW Pacific Highway (SW Barbur Boulevard), but takes its access for SW Pfaffle Street. Currently located in Lake Oswego, WCHS has student body of 250 and faculty/staff of 38. The school hopes to relocate to the subject site to accommodate an eventual student body of 400, which will require the renovation and expansion of the existing building and site improvements for parking and athletic facilities to be described in further detail below. As a secondary use, WCHS intends to make the facility available for lease back to CBC to use on Sundays and Wednesday and Saturday evenings; the school will not schedule activities during these times to eliminate parking and space conflicts. Currently the site is zoned Professional/Administrative Commercial (C-P) in which a church, the current use, is permitted by right but educational facilities, including K-12 schools and colleges, are not. As a result, the use of the site for the proposed high school is not feasible without a change of zoning, which is discussed in further detail in Chapter III, Discussion and Analysis.

Vicinity. As illustrated in Figure II-1¹, the proposed site is located in the heart of Tigard, on the north side of SW Pacific Highway just east of its intersection with Highway 217. The site lies just east of downtown Tigard across the highway interchange and just northwest of the Tigard Triangle, a major employment area. This stretch of SW Pacific Highway features a wide array of general retail and office uses.

Zoning. The site is located on the south side of SW Pfaffle Street. Immediately to the west is a large multi-family apartment complex zoned Medium High-Density Residential (R-25). To the east lie two office buildings both zoned C-P, the same designation as the WCHS site. All along the north side of SW Pfaffle Street is a well-established single-family neighborhood zoned Low-Density Residential (R-4.5). Beyond this to the east and west are other residential areas zoned Low-Density Residential (R-7) and Medium-Density Residential (R-12), respectively.

Because of the topography to the south of SW Pfaffle Street, all of the buildings on sites described above sit upon the top of a knoll overlooking SW Pacific Highway. However, the proposed WCHS site's southern boundary extends all the way down to the highway's right-of-way. To the west beyond the apartment complex is the Highway 217/Pacific Highway interchange that separates the site from downtown Tigard further to the west. The downtown area is zoned Mixed Use-Central Business District (MU-CBD). The north-bound exit ramp from Highway 217 comes up to SW Pacific Highway to the east of the site, so that all of the intervening property across Pacific Highway from the site is part of the highway's right-of-way owned by the Oregon Department of Transportation (ODOT) and, therefore, undeveloped. Further to the east of the site are a series of commercial uses including a gasoline station and highway-oriented strip malls. Virtually all of the property to the east and south of the site is zoned General Commercial (C-G), in which schools are not permitted. A zoning map that illustrates this mix of zoning districts is contained in Figure II-2.

Site Characteristics

Access. Currently, the site's only access is from SW Pfaffle Street. At one time, there was an entrance-only driveway on the center of the site's frontage from SW Pacific Highway but the driveway apron now is closed and the sidewalk extended over it. The two-pronged driveways still curve up to the site on the east and west sides providing access to pedestrians, transit riders and bicyclists but not to vehicles. Because there is viable access via SW Pfaffle Street, it is unlikely that ODOT will ever allow driveway rights to be re-established onto SW Pacific Highway. If it develops here, WCHS is likely to request the driveway's use for emergency fire access only, a request that is likely to be honored if such access is required by the City's fire code. The loss of direct access to SW Pacific Highway diminishes the site's value for office, commercial or light industrial use.

¹ All figures are placed at the end of this chapter.

Existing Development. Figure II-3 illustrates the current development on the site. As noted above and illustrated in the figure, the site has significant topography, climbing from SW Pfaffle southward up the hill upon which the current facilities are perched and then sloping downward to SW Pacific Highway. Starting at the north end of the site, there is an existing grove of filbert trees, the remnant of an old orchard. The access road to the top of the knoll is located on the far eastern side of the site, lying between two streets, SW 81st Avenue and SW 83rd Avenues, on the north side of Pfaffle Street. The remainder of this northern portion is planted in grass.

As illustrated in the photographs in Figure II-4, The existing one-story brick-clad building lies in the center of the site between two paved parking areas. Containing 38,000 gross square feet (gsf), the building was for many years an automotive training center for General Motors so it once featured a series of engine bays on the east and west facades accessible from the parking areas by garage doors. These have been closed with plywood. The remainder of the facility, including a major entrance at the south end overlooking SW Pacific Highway, consists of a lobby, classrooms, offices and other related facilities.

The facility was closed in 2002. In 2004 the site was acquired by CBC for its "Highway 217" location. The church has undertaken minimal internal renovations to convert the building into a church. CBC filed a Type II Site Development Review application in November 2005 to undertake a major renovation and expansion, but decided not to pursue the project. Instead, the church is now negotiating with WCHS to purchase the site to renovate and expand the existing facility for a 400-student private four-year high school. As part of the sale, the church would remain as a tenant for use of the facility on weekends when not needed for the school.

Proposed Development. Figure II-5 illustrates the preliminary redevelopment plan for WCHS at this location. This includes extensive renovation of the existing building; a 20,000-gsf addition containing a student commons, gymnasium and athletic support facilities on the southwest side; and a 2,700-gsf classroom addition on the north side of the existing building, bringing total Phase 1 development to about 61,000 gsf. In Phase 2, WCHS plans to add a 500-seat auditorium (13,600 gsf) on the southeast end of the existing building, for total development of about 74,000 gsf, nearly double the current building inventory of 38,000 gsf.

Site improvements include reconfiguration and landscaping of the existing east and west parking lots and construction of athletic facilities on the northern portion of the site including a soccer field and tennis courts. The eastern-most driveway from SW Pacific Highway will be retained to provide continued access for pedestrians, transit riders and bicyclists from the sidewalk that now crosses the old driveway apron. As noted above, WCHS intends to discuss possible use of this driveway access for a secondary fire/emergency access with the City Traffic Engineering Department and ODOT. Also under discussion is the exact location of the reconfigured main driveway out onto SW Pfaffle Street, with regard to its location relative to the two streets, SW 81st and 82nd Avenues, respectively, on the north side of the street.

Infrastructure Capacity. A preliminary assessment has been undertaken to determine the availability and location of in-street infrastructure as described below. However, detailed civil engineering for the site will not be undertaken until the development plan for the site is completed, which will not occur until the requested zone change is granted. This detailed infrastructure analysis will be included in the subsequent concurrent Type III Conditional Use/Type II Site Development Review application.

Water. The existing building is served by an existing water meter of unknown size. This meter connects to an existing water main in the SW Pacific Highway right-of-way. The size and available pressure of this water main is unknown at this time. There is also a public water main in SW Pfaffle Street. These water mains are operated and maintained by the Tualatin Valley Water District. WCHS' civil engineer has had preliminary discussions with the water provider and been assured that there is adequate capacity for a proposed use of this type and size.

Fire. Fire protection is provided by the Tualatin Valley Fire and Rescue Department (TVFR) There is an existing fire suppression service protecting the existing building. It is assumed that this service has the capacity to serve the renovation and expansion of the existing building to accommodate the proposed high school. If during the detailed design process it is determined that a new service and/or additional on-site fire hydrants for fire suppression are required, a new connection will be made to the water main in SW Pfaffle Street or SW Pacific Highway, at the direction of TVFR. A detailed analysis of the proposed fire suppression system will be included in the subsequent concurrent Type III Conditional Use/Site Development Review application.

Sanitary Sewer. Sanitary sewer service is provided by the City of Tigard. The existing building is served by a 6" sewer lateral that is connected to an 8" sewer main in SW Pacific Highway. It is assumed that this service has the capacity to serve this project but the lateral can be up-sized if required as part of the renovation. The exact configuration of sanitary service will be determined when detailed planning for the renovation is undertaken, following the approval of the requested zone change.

Stormwater Disposal. The existing building and site drainage are served by two laterals of undetermined size that connect to a stormwater sewer main in SW Pacific Highway. At this time, it is not clear what water quality or detention components may exist as part of this system. Any redevelopment of the site will be addressed by the standards and requirements of the City of Tigard and Clean Water Services (CWS), which governs stormwater disposal services to all of Washington County.

Transportation Capacity. The applicant's transportation engineer, Lancaster Engineering, has prepared a letter identifying the relative traffic impacts for the worst-case redevelopment of the site under the current zoning designation, C-P, and proposed zoning designation, MUE, and in so doing, addresses State Transportation Planning Rule (TPR) requirements for zone changes (Appendix B). The worst-case use from a traffic-generating perspective is a medical/dental office, which is allowed by right in both zones. According to Lancaster's analysis, the "reasonable worst-case" development permitted on the site under the existing zoning would be a two-story medical/dental office building with 25% lot coverage for a total of 162,000 gsf. Under the proposed MUE zoning, the "reasonable worst-case" development would be the same, a two-story medical/dental office building; however, the MUE zone has a maximum floor area ratio of 0.40, whereas the C-P has no maximum FAR standard. Thus, in the MUE example, the worst-case development would have only 129,000 square feet.

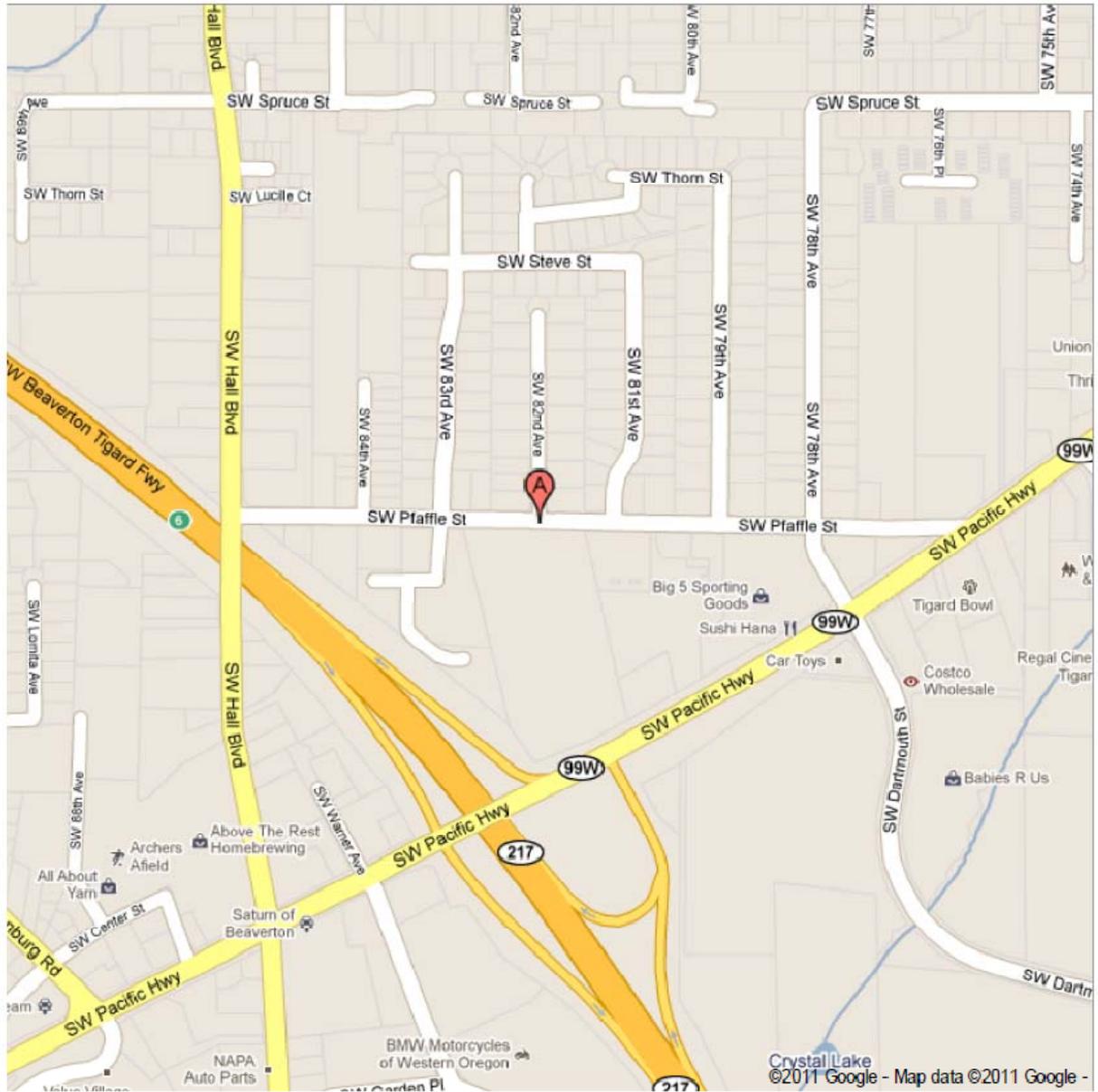
In the resulting analysis, the worst-case scenario in the existing zone would generate 76 more AM trips and 115 more PM trips than the worst-case scenario in the MUE zone. Thus, the proposed zone change will not have a "significant effect" on the transportation system as defined under the TPR. To ensure that future potential development with a conditionally-permitted private school also would not result in a significant affect as defined under the TPR, a trip cap is proposed for the subject property. The trip cap should limit any future use of the site to a maximum of 373 site trips during the morning peak hour and 561 site trips during the evening peak hour, that equal to the trip generation allowed by right under the existing zoning.

The preliminary traffic analysis suggests that the proposed 400-student high school will generate less traffic than the proposed cap, especially in the PM peak since a bulk of school-related afternoon trips will be made between 3:00 – 4:00 PM before the general PM peak occurs, although its morning trips coincide with the morning peak. A detailed traffic study that documents this will be prepared for the subsequent Conditional Use/Site Development Review application to be filed after the zone change in this application is approved.

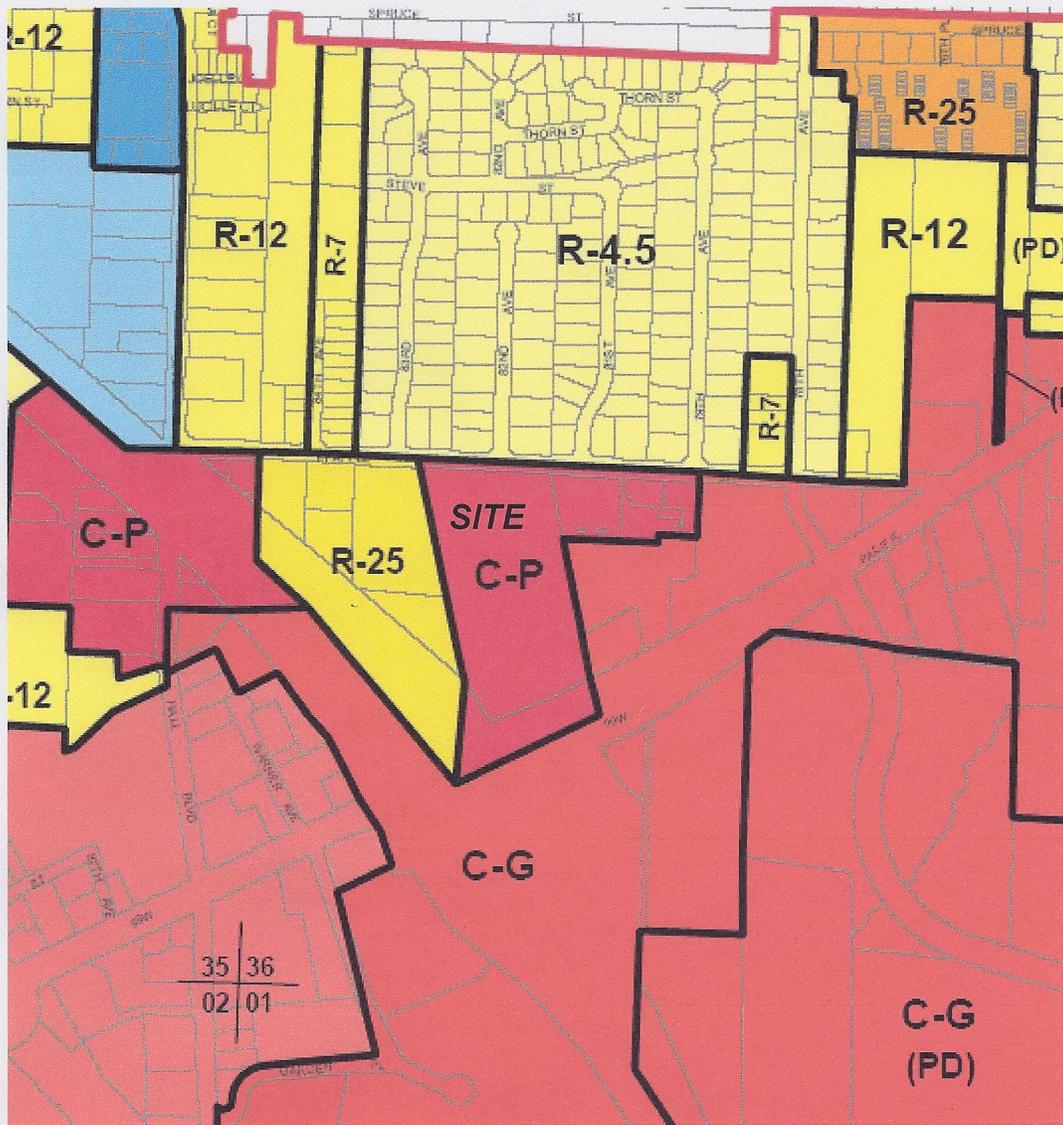
Public Outreach. Representatives of WCHS held the mandatory neighborhood meeting on Monday, 2/7/11, from 7:00 – 8:00 PM. Fourteen neighbors representing 11 households attended. Many neighbors wanted information about the school, including number of students, faculty and staff; hours of operations; likely parking demand; and planned building expansion and site improvements. The biggest concern appears to be related to traffic on SW Pfaffle Street. WCHS

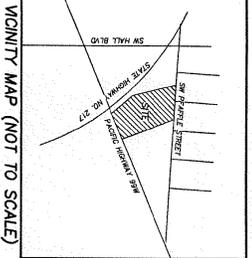
representatives noted that a preliminary analysis of the potential traffic impacts related to the school's operation were likely to be lower than other uses allowed on the site by right under the existing zoning. They further explained that assuming the zone change is approved, the school will have to prepare a conditional use application for which a full traffic study will be required. Since the city requires the applicant to have a second neighborhood meeting before the submission of the conditional use application, interested neighbors will have a chance to review the school's detailed development plans including a discussion of the findings of the traffic study. One set of the required meeting materials is being submitted as part of this application.

**FIGURE II-1
VICINITY MAP**

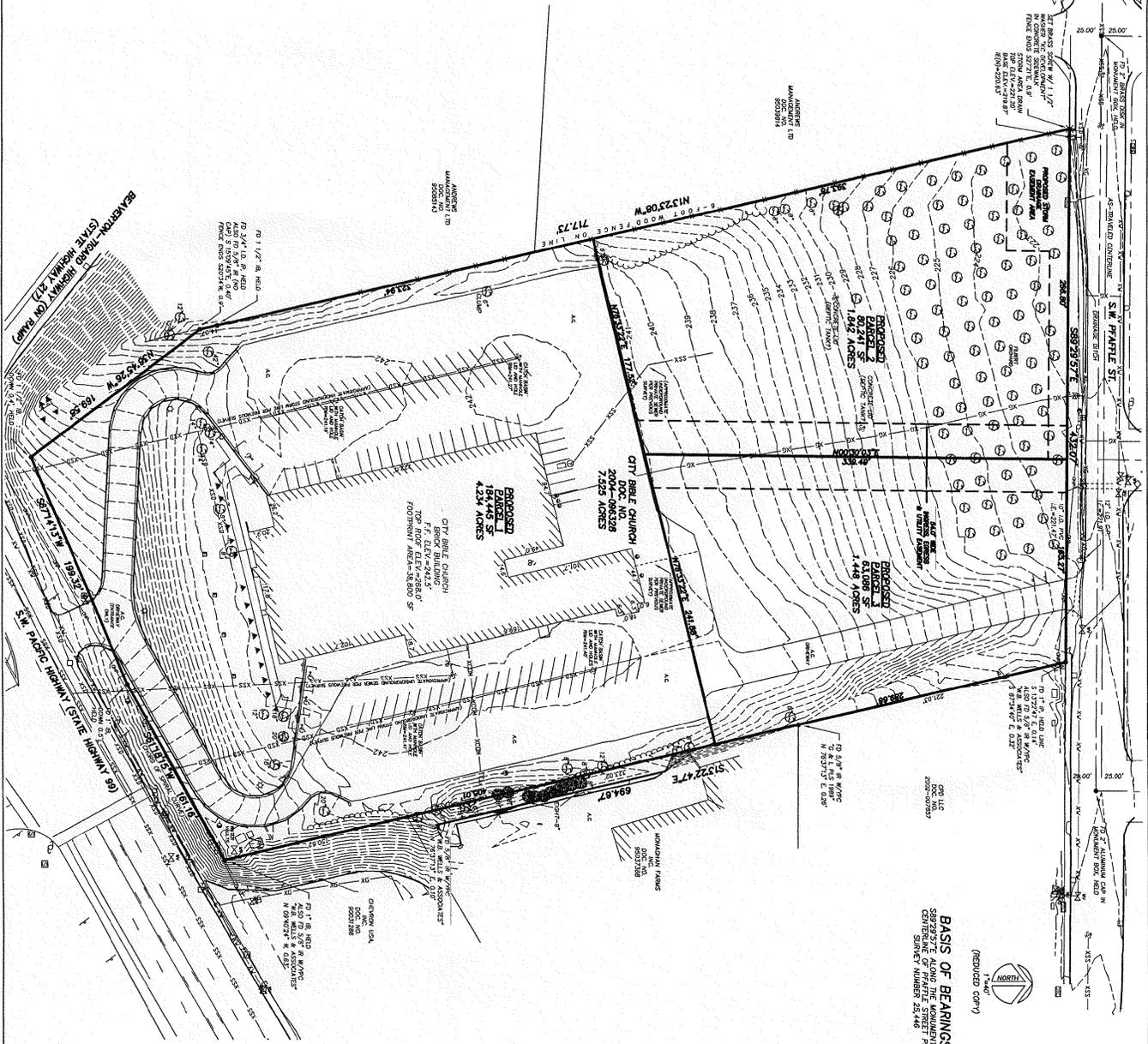


**FIGURE II-2
ZONING MAP**





VICINITY MAP (NOT TO SCALE)



VERTICAL CONTROL
 CITY OF TOLSON BRIDGE LAKE NO. 2877
 FINED AND FORFEITED FOR VIOLATION OF
 THE NORTHERLY 7/4 OF PARALLEL STREET
 STAMENI CITY OF TOLSON
 ELEVATION 2531.6 (PARC 28)

SITE DATA
 ADDRESS : 11783 SW PACIFIC HIGHWAY
 PARCEL NUMBER: 137803 0000
 ZONE: CP PROFESSIONAL / ADMINISTRATIVE
 EXISTING/PROPOSED USES:
 PARCEL 1: CITY BIBLE CHURCH
 PARCELS 2 & 3: 3 STORY OFFICE
 PARCELS 1 HAS 52,776 SF OF EXISTING
 LANDSCAPED TOTAL LAND AREA

PROPOSED PARCEL 1
 184,445 SF
 4,234 ACRES

PROPOSED PARCEL 2
 80,241 SF
 1,825 ACRES

PROPOSED PARCEL 3
 1,449 ACRES

CITY BIBLE CHURCH
 DOC. NO. 2004-096326
 7,525 ACRES

CITY BIBLE CHURCH
 BRICK BUILDING
 TOP ROOF ELEV. = 358.0
 FOOTPRINT AREA = 38,800 SF

BASIS OF BEARINGS
 (REDUCED COPY)
 THE CENTERLINE OF PRAIRIE STREET PER
 SURVEY NUMBER 25,748

- UTILITY LEGEND**
- 1 SANITARY SEWER MAINLINE
 - 2 SANITARY SEWER MANHOLE
 - 3 STORM DRAINAGE MAINLINE
 - 4 STORM DRAINAGE MANHOLE
 - 5 CLEAN OUT
 - 6 POWER POLE
 - 7 GUY WIRE
 - 8 STREET LIGHT
 - 9 GROUND LIGHT
 - 10 ELECTRIC TRANSFORMER
 - 11 ELECTRIC BOX AT GROUND SURFACE
 - 12 SIGNAL BOX
 - 13 POWER JUNCTION BOX
 - 14 BALLPOND
 - 15 NATURAL GAS VALVE
 - 16 MAIL BOX
 - 17 STANDARD SIGN
 - 18 OVERSIZED SIGN
 - 19 FIRE DEPARTMENT CONNECTION
 - 20 WATER VALVE
 - 21 WATER PIPE
 - 22 DECIDUOUS TREE
 - 23 CONIFEROUS TREE
 - 24 TELEPHONE PEDESTAL
 - 25 UNDERGROUND SANITARY SEWER LINE
 - 26 UNDERGROUND STORM DRAIN LINE
 - 27 UNDERGROUND COMMUNICATION LINE
 - 28 UNDERGROUND WATER LINE
 - 29 UNDERGROUND NATURAL GAS LINE
- BOUNDARY LEGEND**
- DENOTES FOUND MONUMENT AS NOTED
 - W/YTC DENOTES "WHI YELLOW PLASTIC CAP"
 - IR DENOTES "IRON ROD"
 - IP DENOTES "IRON PIPE"
 - IB DENOTES "IRON BAR"
 - FD DENOTES "FOUND"
- NOTE:** UNDERGROUND UTILITIES ARE APPROXIMATE, SHOWN ON SURVEY MAPS AS-BUILT MAPPING, OTHER UTILITY LOCATIONS BY OTHERS.

PREPARED BY
K
 DEVELOPMENT
 2401 NE 200th Avenue
 Suite 100
 Portland, OR 97218
 Phone: 503.255.1111
 Fax: 503.255.1112

DATE: 2006.07
 SHEET NO. 1

PRELIMINARY SITE PLAN
CITY BIBLE CHURCH
 FOUNDATION REAL ESTATE DEVELOPMENT
 1000 COME LANE, SW 57215 900

PREPARED FOR
 FOUNDATION REAL ESTATE DEVELOPMENT
 1000 COME LANE, SW 57215 900

DECEMBER 12, 2007

LOCATED IN THE SW 1/4 OF THE SW 1/4 OF SECTION 36,
 IN THE CITY OF TOLSON, COUNTY OF WASHINGTON,
 AND STATE OF OREGON

FIGURE II-4 PHOTOGRAPHS OF SITE



Existing driveway onto site looking south across SW Pfaffle Street.



Northern property line of site west of driveway illustrating remnant of an old orchard.



SW Pfaffle Street looking west.



SW Pfaffle Street looking east.

FIGURE II-4 PHOTOGRAPHS OF SITE



North side of the existing building looking south from the driveway at SW Pfaffle Street.



Looking north from SW Pacific Highway to the south side/entrance of the existing building complex.



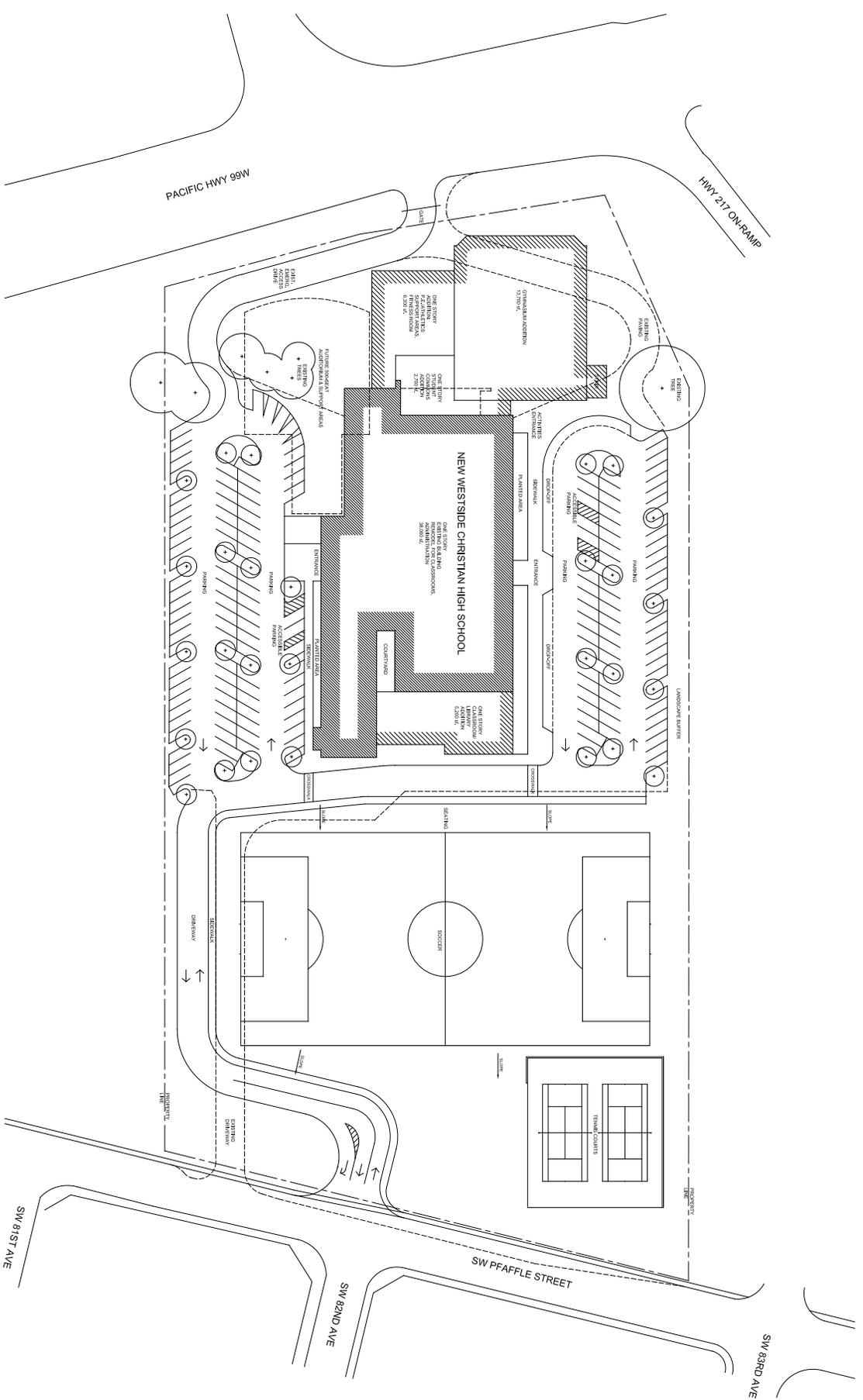
Looking east from west driveway at west facade of the existing building.



FIGURE II-4 PHOTOGRAPHS OF SITE



Looking west on SW Pacific Highway. Subject site is just beyond the Chevron station.



PACIFIC HWY 99W

HWY 217 ON-RAMP

NEW WESTSIDE CHRISTIAN HIGH SCHOOL

SW 81ST AVE

SW 82ND AVE

SW PFAFFLE STREET

SW 83RD AVE

PRELIMINARY SITE PLAN

PULL OLSON WEEKS
architects inc.

500 SW STEAK STREET, PORTLAND, OREGON 97205
TEL: 503 228 9328 F: 503 273 9179 WWW.POWW.COM

NEW WESTSIDE CHRISTIAN HIGH SCHOOL
WESTSIDE CHRISTIAN HIGH SCHOOL
PACIFIC HIGHWAY 99W & HWY 217
TIGARD, OR

phase planning
date | october 26, 2010
project # | 09054

30 0 30 60 90

FIGURE II-5

phase planning
date | october 26, 2010
project # | 09054

III. DISCUSSION AND ANALYSIS

Introduction. The purpose of this chapter is to provide the documentation that the proposed Comprehensive Plan/Zoning Map Amendment is justified for this site. Detailed legal findings for the request are contained in Chapter IV.

Background. Westside Christian High School (WCHS) currently is negotiating the purchase of a 7.44-acre site at 8200 SW Pfaffle Street just east of downtown Tigard. Formerly a General Motors automotive training center, the site currently is owned by City Bible Church (CBC). WCHS proposes to renovate and expand the existing facilities to accommodate a student body of up to 400. CBC would remain as a tenant using the facility on Sundays and Wednesday and Saturday evenings; the school will not schedule activities during these times to eliminate parking and space conflicts.

However, schools are not allowed in the underlying C-P zone, although churches are permitted by right. Thus, WCHS cannot locate at the site without a zone change. WCHS has sought guidance from the City of Tigard Current Planning Department as to the most appropriate zoning designation. As noted in the PAC notes, the city has indicated that it “would support” the application of the Mixed-Use Employment (MUE) zone, currently applied only in the nearby Tigard Triangle, for reasons discussed in greater detail below. Because the existing C-P and proposed MUE zones have different Comprehensive Plan designations, the request also requires a Comprehensive Plan map change.

As part of the request, the applicant is asking that a condition of approval be the imposition of a trip cap on site trips no greater than the most intense allowed use, medical/dental office, in the C-P zone, in recognition that any up-zoning of the site could lead to overtaking existing or future roadway capacity in the vicinity. A high school is a perfect use at this location because its afternoon peak occurs before the general PM peak. The implementation of a trip cap is a way to demonstrate compliance with the State Transportation Planning Rule (TPR), although the applicant will have to undertake a detailed transportation analysis for the proposed school as part of its subsequent concurrent Conditional Use/Site Development Review applications. This also is discussed in greater detail later in this chapter.

Planning Context

Metro Designation of SW Pacific Highway. The segment of SW Pacific Highway from I-5 to the east to the City of Sherwood to the west was designated as a “corridor” on Metro’s 2040 Growth Management Concept Plan Map in the early 1990’s. According to the Summary of the 2040 Growth Concept in the Regional Framework Plan, a “corridor” is one of several “design types” to be applied to existing lands within the Regional Urban Growth Boundary (UGB):

Corridors. Corridors are not as dense as centers [another design type], but are located along good quality transit lines. They provide a place for increased densities and feature a high-quality pedestrian environment and convenient access to transit. Typical developments along corridors include rowhouses, duplexes and one- to three-story office and retail buildings. While some corridors may be continuous, narrow bands of higher intensity development along arterial roads, others may be more nodal, that is, a series of smaller centers at major intersections or other locations along the arterial that have high quality pedestrian environments, good connections to adjacent neighborhoods and good transit service. As long as increased densities and a range of uses are allowed and encouraged along the corridor, many different development patterns - nodal or linear - may meet the corridor objective. (Regional Framework Plan, Summary)

Metro/City of Tigard High-Capacity Transit Planning. In addition to its designation as a “corridor”, SW Pacific Highway is designated as a “high-capacity transit” corridor in Metro’s Regional Transportation Plan (RTP), making it suitable for the eventual construction of light rail transit (LRT). In fact, the corridor now has been designated as the next priority for extension of the region’s LRT system. Although detailed transportation and land use planning for LRT within the corridor is just getting underway, Metro and Tigard commissioned the development of a vision document by the University of Oregon’s School of Architecture, “Pacific Highway to a Sustainable Future: Tigard 99

Corridor Urban Design Vision Executive Summary” (May 2010). As noted in the summary of the project:

The state Hwy OR 99W corridor connects Portland, Tigard, and Sherwood. It is designated a High Capacity Transit corridor in Metro’s Regional Transportation Plan (RTP).....The portion of the Hwy 99W corridor considered for this project includes 4.5 miles running southwest from the Highway’s intersection with Interstate 5, crossing over Hwy 217, to its intersection with Durham Road. This portion of the corridor is called Pacific Highway. Pacific Hwy, Interstate 5, and Hwy 217 are designated by Metro, in the RTP as Regional Mobility Corridors. All three of these road facilities are designated by the Oregon Department of Transportation (ODOT) as Freight Routes in the Oregon Highway Plan (OHP). Pacific Highway is significant to ODOT and has been designated a “mobility corridor” connecting communities from Portland to Eugene, Oregon. Any future land use and transportation planning for Pacific Highway must recognize and be consistent with statewide interests.

Herein lies a basic paradox that must be resolved by future policy decisions and infrastructure investment. The statewide interest is to maintain traffic flow (capacity) within the Interstate 5 / Pacific Hwy Corridor necessary for efficient intrastate travel. The local and regional interest is for the corridor and adjacent lands to redevelop and infill as a denser, livable, urban form. If future redevelopment had to rely only on the automobile for access, it would be counter to the interests of the state in maintaining the capacity of the highway.

The boundary of the study area includes the highway, adjacent commercially zoned land, and the Tigard Triangle.....

The following findings of the vision document pertain to the area around the subject site:

2. LAND USE

- a. A positive future for the Corridor depends on providing the opportunity for a much wider range of land uses than currently allowed. Therefore, Tigard should amend its Tigard Comprehensive Plan and Zoning Maps to allow a variety of land uses including medium and high density housing, employment, commercial, professional services, institutional and civic uses.
- c. Future transportation and land use planning should be focused on creating a unique sense of place, or identity, for the Pacific Highway Corridor. This would include distinct entry points, neighborhood and employment districts, activity nodes at key locations, defined station community districts, interconnected green networks, etc. Also, even though there are a few churches, private child care and a school along the corridor, there are no civic buildings or larger institutions. Future land use plans and redevelopment efforts should ensure that a wide range of civic and institutional uses can locate in the corridor..... (Emphasis added)

Tigard Downtown Center Planning. In addition to the designation of SW Pacific Highway as a “corridor”, downtown Tigard, which lies immediately to the west of the subject site across Highway 217, is designed as a “town center” on the 2040 Growth Management Concept Plan Map and 2040 Functional Plan. Although the site itself lies immediately outside of the boundaries of the town center, the vision for development/redevelopment in downtown Tigard does affect nearby properties. According to the “Downtown Tigard—Heart of Our Community: Downtown Tigard Improvement Plan” (2005):

The primary objectives of the Tigard Downtown Improvement Plan (TDIP) are fourfold. First and foremost, the TDIP is a downtown “improvement” plan, one that builds upon the good “bones” of the current Downtown area, and that builds upon the sound foundation of community-based planning for the area. Second, the TDIP is intended to serve as the “master conceptual plan” for the Downtown neighborhood, as envisioned by the Tigard Comprehensive Plan. Third, the TDIP is intended to meet the objectives of the Metro Functional Plan, as that plan designates Tigard’s downtown area as a Town Center. Finally, the overarching objective of the Plan is to ensure that Downtown Tigard will serve the community’s stated future needs for an active, mixed use “urban village”.

The TDIP aims to provide the blueprint for the evolution of Downtown Tigard into a vital, vibrant, mixed-use and pedestrian-friendly environment over the next 20-30 years. The TDIP summarizes the rationale for, and the evolution of, the conceptual design plan. It identifies development types and "catalyst projects", projects that are needed to jumpstart other development in the area and create a climate for investment. It promotes a multi-modal transportation system and concurrent development that is conducive to the planned evolution into a Town Center. (Preface)

Site Suitability

Site. The 7.4-acre subject site lies on the north side of SW Pacific Highway just east of its intersection with Highway 217. Because of its depth, the site extends to the south side of SW Pfaffle Street. Initially, the site took its major access from SW Pacific Highway and secondary access from SW Pfaffle Street, although the Oregon Department of Transportation (ODOT) required the closure of the driveway onto SW Pacific Highway several years ago, the rights to which are now lost. As a result, SW Pfaffle Street is the only point of access. The curb-cut onto SW Pacific Highway has been removed and replaced with a sidewalk although two driveways up to the west and east parking lots at the top of the knoll remain intact. As a result, access to the site for pedestrians, transit riders and cyclists from the highway has been retained even as vehicle access has been eliminated.

Existing Development. The existing 38,000 single-story building was designed as a General Motors automotive training center that operated at the site until 2002. The building was designed for a specific purpose, training automobile mechanics, including provision of a number of automotive bays on the east and west sides of the building accessible by large garage doors. Because of its unique use, its redevelopment for other purposes including office, commercial, industrial and institutional uses, is significantly constrained. Moreover, the loss of the primary access onto SW Pacific Highway significantly reduces the site's attractiveness for redevelopment, particularly for retail uses for which access to a major arterial is a prerequisite. Moreover, as noted in Chapter II, there are significant transportation limitations on SW Pacific Highway especially in the PM peak period, creating an added complication for re-use/redevelopment of the site.

After being vacant for a number of years, the property was purchased by CBC for its "217 Campus" satellite; churches are outright used in the underlying C-P zone. The church planned a major renovation and expansion of the site in 2005, reaching the point of submitting a Site Development Review applications. The church reconsidered this major renovation and has used the facility "as is" with only minor internal improvements since then. Except for a small pre-school program¹ that operates weekday mornings, the church's activities are primarily Sunday-based, and as a result, the site is significantly under-utilized.

The proposed high school at this location is a feasible alternative to the dilemma posed for the appropriate reuse of the site given its combination of an archaic building and limited site access. If a zone change is obtained for the site that permits the high school as a conditional use, Westside Christian High School (WCHS) proposes a major renovation of the existing building with two expansions: on the north side for additional classrooms (2,700 gsf) and in the southwest corner to provide a gymnasium, student commons and related facilities (20,000 gsf) (Phase 1). At a later date, WCHS hopes to add an auditorium in the southeast corner (13,600 gsf) (Phase 2).

Positive features of the plan include:

- Reusing existing building stock for which there are limited options. From an energy conservation perspective, it is preferable to reuse existing buildings rather than demolish them and re-build, both in terms of the energy consequences of moving a significant amount of building debris to a land fill and the energy costs surrounding the manufacture and transportation of new building materials to the site.

¹ If WCHS develops the site for a high school, the CBC pre-school program will be discontinued.

- *Reuse of the site for a high school as the primary use and church as secondary use is consistent with surrounding residential uses to the west and north of SW Pfaffle Street, as institutions are frequently approved as conditional uses in residential neighborhoods. Moreover, the school plans to use the northern portion of the site for an outdoor soccer field and tennis courts, buffering the school's development further to the south from nearby residences and providing additional green/open space.*
- *At the end of full build-out, the proposal will increase the intensity of development from the existing 38,000 gsf to 74,300 gsf, a 96% increase. This will nearly double the site's FAR from 0.12 to 0.23.*
- *The proposed design brings the facility down from the top of the knoll to the street level on the south (SW Pacific Highway) side, significantly improving urban design and pedestrian character at the property line, as envisioned in the redevelopment of the highway corridor consistent with high-capacity transit.*
- *The proposed high school is one use for the site where direct access from SW Pacific Highway is not a requirement for economic/access reasons. The proposed access from SW Pfaffle Street is appropriate for a school where it is less attractive for retail or office use.*
- *Although the existing western driveway lies in the path of the gymnasium/commons expansion, the eastern driveway will be preserved even at full build-out to provide pedestrian, transit and bicycle access to and from SW Pacific Highway. Because about half of the high school students are too young to drive, access to transit is an important alternative transportation mode. This will be even more the case when and if there is an extension of LRT in this corridor. As the school's student population is dispersed throughout the southwest portion of the region, most students will not live close enough to the school to bike or walk. However, there are substantial opportunities for carpooling with parent and/or student drivers, which will reduce total vehicle trips.*
- *Because school is out at 3:00 PM, the afternoon peak traffic for the school occurs substantially before the general PM peak from 5:00 – 6:00 PM. As a result, the proposed use most likely will not contribute to the serious evening peak traffic congestion now experienced on SW Pacific Highway and its environs, which only is expected to get worse in coming decades².*

Burden of Proof. *A Comprehensive Plan/Zoning Map Amendment has two major implications, for the proposed use itself, which is not permitted in the underlying zone, and globally, as once the site is re-zoned, it can be used for any outright use permitted in the zone should the proposed use close or relocate. This exact nature of this burden is first articulated in the approval criteria for a quasi-judicial (property-owner-initiated) Comprehensive Plan/Zoning Map Amendment contained in Section 18.380.030 (A):*

1. *Demonstration of compliance with all applicable comprehensive plan policies and map designations;*
2. *Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and*
3. *Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.*

² *WCHS will do a full traffic study as part of its concurrent Conditional Use/Site Development Review applications, assuming that this request for Comprehensive Plan/Zoning Map Amendment is approved.*

With regard to these criteria:

- A demonstration of full compliance with all applicable Comprehensive Plan goals, policies and recommended action items [Section 18.380.030 (A)(1)] is contained in Chapter IV, Legal Justification. However, there is specific guidance on the applicant's burden of proof in Goal 2.1, Policy 15 of Chapter 2, Land Use Planning, which require both an "alternatives analysis" and "impact analysis" as follows:
 15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zoning Map shall be subject to the following specific criteria:
 - A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;
 - B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services;
 - C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;
 - D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;
 - E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled;
 - F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and
 - G. Demonstration that the amendment does not detract from the viability of the city's natural systems.

Discussion of these in greater detail is presented below.

- With regard to 18.380.030(A)(2), there also will be analysis of other governing regional policies and ordinances and the Statewide Planning Goals in Chapter IV. The proposed high school's compliance with the specific design and development standards in the Tigard's Development Code (Title 18) will be demonstrated in the subsequent concurrent Conditional Use/Site Development Review application following the approval of this application.
- With regard to 18.380.030(A)(3), the proposed Comprehensive Plan/Zoning Map Amendment must be justified by demonstrating that either a change in circumstances or a mistake in the initial zoning designation has occurred. In this case, the proposed change from C-P to MUE is justified by the evolving vision for the SW Pacific Highway Corridor and nearby downtown Tigard as described in the Planning Context above.

To ensure that all of the requirements for a Comprehensive Plan/Zoning Map Amendment are met properly, the following analysis is presented:

- **Alternatives Analysis:** What are the benefits to the community of new high school? (Policy 15C) Why a high school at this site, which requires a Comprehensive Plan/Zoning Map Amendment? Are there other sites within the city's boundaries of sufficient size and appropriate zoning that could provide alternative locations? (Policy 15D)
- **Zoning District Alternatives.** What changes have occurred in the city's vision and land use planning that justifies a change in zoning designation for the site? Why has the MUE zone been selected over other options? [Approval Criterion 18.380.030 (A)(3)]

- **Consistency to Other Code Provisions.** *Is the proposed use compatible in its design/development standards and operational characteristics, and in compliance to all other applicable city regulations? (Policy 15E) Are the proposed use and other outright uses in the proposed zone compatible with existing surrounding development in terms of development characteristics, operational characteristics and environmental impacts? (Policy 15F-G)*
- **Impact Analysis:** *Is there adequate infrastructure capacity – transportation, water, sanitary sewer, stormwater disposal, parks – to accommodate the specifically-proposed use and all other outright uses in the new zoning district? (Policy 15A-B).*

Each of these is discussed below.

Alternative Analysis. *As noted above, there are two policy statements in the Tigard Comprehensive Plan, Goal 2.1, Goal 15C and 15D, that must be addressed to justify a change of zoning districts:*

Policy 15C: The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties.

Policy 15D: Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation.

With regard to Policy 15C, K – 12 schools are part of the community’s institutional fabric along with parks, community centers, churches, medical centers, universities and day care centers. Institutions are considered an important category both as conditional uses in residential zones and within mixed-use districts where they are often coupled with “civic” uses. This is in recognition that institutions such as schools are important to the health, safety, economic prosperity and livability of the community’s residents. In the United States, education is highly localized in which deference is given to families’ decisions of which schools best meet the needs of their children, which has resulted in a healthy balance of public and private schools, the latter designed to serve specific constituencies. WCHS is a private high school for grades 9 – 12. That the school has 300 students and a waiting list of potential students and has outgrown its current facility is a de facto indication of public need. The request complies with Policy 15C.

In Tigard, the status of K – 12 schools, as defined in Chapter 18.130, is as follows in various zones:

- *Allowed as a conditional use in all residential zones, R-1 – R-40. However, Footnote 13 to Table 33.510.1 limits schools to those “on public school sites”, i.e., public schools. This raises the question whether such a distinction is legal³, but on the face of it, this suggests that a private high school may not allowed even as a conditional use in any of Tigard’s residential zones.*
- *Prohibited in all four exclusively commercial zones, Neighborhood Commercial (C-N), Community Commercial (C-C), Professional/Administrative Commercial (C-P), and General Commercial (C-G), as well as in all exclusively industrial zones, Industrial Park (I-P), Light Industrial (I-L) and Heavy Industrial (I-H).*
- *Allowed as a conditional use in all mixed use (MU) zones including Mixed-Use Residential (MUR-1 and MUE-2), Mixed-Use Commercial (MUC and MUC 1), and Mixed-Use Employment (MUE, MUE-1 and MUE-2).*
- *Allowed by right in Mixed Use – Central Business District (MU-CBD).*

³*Typically, a school’s tenure, whether public or private, is not an issue in the land use system because ownership does affect a school’s external impacts, that is, schools of the same size have the same impacts.*

In summary then, a new site for WCHS within the Tigard city limits is feasible only in a residential zones, but only if the city waives the restriction on public schools per Footnote 13; and in mixed-use zones as conditional uses in all but MU-CBD, where schools are permitted by right.

Figure III-1 features the city' Buildable Land Inventory Map, which identifies all vacant parcels throughout the city, by underlying zoning. Seven of these have been selected for study because: 1) they appear to be similar in size to the subject 7.4-acre site, the minimum required for a high school with on-site playing fields and surface parking; and 2) have either residential or mixed-use zoning designations. To ensure that this alternatives analysis is on the conservative side, it is assumed that potential residential sites are in play because the city is willing to waive Footnote 13. As noted on Figure III-1, seven sites have been identified as "vacant" and appropriately zoned in the city's buildable land inventory for further study, the results of which are summarized in Table III-1. Tax lot maps of these sites are provided in Appendix B.

**TABLE III-1
ALTERNATIVES ANALYSIS FOR WCHS IN CITY OF TIGARD**

#	LOCATION	ZONE	LEGAL	SIZE (ACS)	REASON(S) NOT AVAILABLE
1	SW Scholls Ferry Road/ SW 135 th Avenue	R-7	TL 14500, 1S1 33AC	10.5	Tax Map 1S 1 33AC notes that the site is dedicated to the "Hawks Beard Townhomes", likely a PUD. Thus, the site is not available for alternative use.
2	SW Gaarde Street/SW Bigleaf Court	R-4.5	TL 1300, 2S1 04DA	12.5	The applicant's real estate agent spoke with Terry Hauck who is trustee for this property, indicated that the property is definitely not for sale. It also is mapped on the City of Tigard's Significant Habitat map as well as CWS Vegetated Corridors map. Even if for sale, if the buffer/set backs are applied to such areas, the site's useable/buildable areas could be significantly impacted, as well as the costs to mitigate would need to be added to the development costs which would impact the feasibility for development .
3	SW Beef Bend Road/ SW Summit Ridge St	R-7	Various/ 2S1 10CB	NA	A bulk of site platted for single-family residential development; only TL 9100, Tract A and TL 19700 (2S1 09DA), remain vacant. At 1.2 and 2.6 acres, respectively, these two TLs too small for high school.
4	SW 103 rd Avenue/SW 103 rd Street	R-3.5	TL 2700, 2S1 11CB	3.7	Appears to be planned for single-family residential although not yet platted; see proposed cul-de-sac access. At 3.7 acres, too small for high school.
5	SW Hall Boulevard/SW Ashford Street	R-12	TL 400, 2S1 11DA	9.1	WCHS considered site; CWS designates 8.0 acres as low-grade wetland; after six months of negotiations with owner, no feasible mitigation plan for replacing wetland elsewhere. Sale not finalized.*
6	SW 72 nd Avenue/SW Pacific Highway	MUE	TL 902, 1S1 36DA	8.1	This site is next door to Costco, PetSmart, Winco and other major retailers and is owned/controlled by PacTrust which is currently under negotiations with an "undisclosed buyer", likely to be Wal-Mart for a super center. The applicant's real estate agent has inquired at PacTrust on whether it would sell the property and it indicated that the site is worth \$18/sf and at that price, the total costs would be prohibitive once the traffic improvements, wetlands mitigations and other costs are added.
7	SW 89 th Avenue/Highway 217	MUR-1	TL 2800, 1S1 35AC	8.4	This site is owned by Dr. Gene Davis and is bound by wetlands /CWS vegetated corridor, as well as designated as "Highest Value Habitat" areas on the City of Tigard's "Significant Habitat Areas" map. Additionally, the bulk of the actual site in question is mapped as either "Moderate" or "Lower" "Value Habitat". With CWS vegetated corridors, wetlands, coupled with significant Habitat areas as mapped by the City of Tigard, the cost would be prohibitive to develop as well as the site would be too small once all appropriate buffer/setbacks area applied to such areas.

Source: City of Tigard Buildable Lands Inventory, January 2009.

*The city Current Planning Department did not raise the restriction in Footnote 13 at the two Pre-Application Conferences for the development of this site for WCHS.

Based on this analysis, there is not an existing vacant parcel with appropriate zoning within the Tigard city limits that is suitable for development of a high school with a student body of 400. For the purposes of this analysis, "suitable" is defined as: 1) a site of at least 7.4 acres; 2) available for sale or lease; and/or 3) without major development constraints.

In addition, WCHS' real estate agent has not identified an already-developed site within the city limits suitable for conversion to or redevelopment as a high school of this size, with the exception of the subject parcel. As noted above, the latter is owned and occupied by CBC that only uses the facility for Wednesday and Saturday evening and Sunday events and is willing to permit WCHS the use of the facility during all other times. There are two available developed sites with sufficient acreage for the a high school, the vacated Coe Manufacturing Plant (SW Hunziker/Wall Street) and combined vacant Gerber Knife/Williams Controls sites (SW 72nd Avenue/Bonita), but these are zoned industrial where schools are prohibited. Metro establishes a very high bar for converting existing industrial sites within the UGB to non-industrial uses. Given that there is no existing site with appropriate zoning that is of sufficient size, available for sale/ lease, and/or without serious development constraints, the re-zoning of the subject 7.4-acre parcel at 8200 SW Pfaffle Street is justified under Policy 15C and D.

Zoning District Alternatives. Given that a re-designation of the subject parcel is justified, what is the appropriate zoning designation?

Low-Density Residential District (R-4.5). This designation for the site is the same as the large established single-family neighborhood north of the site across SW Pfaffle Street. However, according to "Pacific Highway to a Sustainable Future: Tigard 99 Corridor Urban Design Vision Executive Summary" (May 2010), it is the city's intent to "up-zone" properties along SW Pacific Highway to be more transit-supportive and feature a mix of residential, retail, office, light industrial, institutional and civic uses. A single-family zone such as R-4.5, which only allows a small list of non-residential uses conditionally, does not comply with this vision. Moreover, if strictly enforced, Footnote 13 prohibits a private high school, requiring a text amendment to remove or modify the footnote to permit private schools.

Medium High-Density Residential District (R-25). The application of R-25 to the site has some merit as this is what the large apartment complex to the west is zoned. Although R-25 has the medium high-density feature appropriate for a high-capacity transit corridor, non-residential uses are limited, so that the zone is not truly a mixed-use zone as envisioned by the city for the SW Pacific Highway Corridor. Moreover, if strictly enforced, Footnote 13 prohibits a private high school, requiring a text amendment to remove or modify the footnote.

Mixed-Use Residential 1 and 2 (MUR-1/MUR-2). According to the definitions in Chapter 18.520, the characteristics of the MUR-1/MUR-2 zones are as follows:

Mixed-Use Residential Zones. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district. [Section 18.520.020(J)]

Technically, the mixed-use zones in which schools are allowed conditionally, the two MUR zones are to be applied to "predominantly residential areas". Although it is true that the subject site has exclusively residential development to the west (R-25) and north (R-4.5), it is located prominently on the north side of SW Pacific Highway, even if there is no longer direct access to this right-of-way. When viewed in the context of this street frontage, the surrounding zoning pattern is primarily non-residential and of moderate intensity, including MU-CBD in downtown Tigard immediately to the west, C-G to the east and south, and MUE to the southeast in the Tigard Triangle. As a result, a mixed-use zone in which residential uses are allowed but do not predominate is more compatible given both the existing zoning pattern and proposed vision for the SW Pacific Highway Corridor.

Mixed-Use Employment 1 and 2 (MUE-1/MUE-2). According to the definitions in Chapter 18.520, the characteristics of the MUR-1/MUR-2 zones are as follows:

MUE-1 and MUE-2: Mixed Use Employment Districts. The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities. [Section 18.520.020(G)].

Either of these zones could work because they include the mix of uses envisioned for the SW Pacific Highway Corridor, including schools as conditional uses. However, the city Current Planning Department prefers the Mixed-Use Employment (MUE) for reasons articulated below. Three other zones were analyzed and rejected:

Mixed-Use – Central Business District (MU-CBD). This is the only zone in which schools are allowed by right. However, as it lies to the east across Highway 217, the site is not within the official boundaries of downtown Tigard as identified in its urban renewal district. The city Current Planning Department has indicated that extension of the MU-CBD zone beyond these boundaries is not acceptable.

Mixed-Use Commercial (MUC)/Mixed-Use Commercial 1 (MUC-1) both allow schools as conditional uses but the Development Code indicates that MUC applies only to the Washington Square Regional Plan Area and MUC-1 to the Durham Quarry site. The subject site is not located in either of these areas.

As a result, the MUE zone is the “best fit” in this case.

Mixed-Use Employment (MUE). According to the definitions in Chapter 18.520, the characteristics of the MUE zone is as follows:

MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the city through the legislative process. [Section 33.520.020(F)].

Although it is nearby, the subject site is not located within the Tigard Triangle, which is why superficially the MUE-1 or MUE-2 zoning designation appears to be the more appropriate choice. However, note that the city reserves the right to apply the zoning designation elsewhere in the city “through the legislative process”. Although, the request for the re-zoning of the subject site is a quasi-judicial action, that is, initiated by the applicant, the city Current Planning Department has indicated in the Pre-Application Conference notes that it “would support” the application of the Mixed-Use Employment (MUE) zone for the following reasons:

.....1) the zone allows schools as a conditional use; 2) the zone continues to allow religious institutions outright; 3) the zone allows residential use with a maximum density of 25 units/acre, consistent with the adjacent R-25 zone; 4) the zone allows a greater mix of uses than C-P, consistent with Pacific Hwy High Capacity Corridor Planning; and 5) the code anticipates the application elsewhere in the city through the legislative process.

For all of these reasons, MUE appears to be the best alternative and one acceptable to the city. More important, the proposed MUE zone reflects the significant change in thinking about the development/redevelopment of this segment of SW Pacific Highway to:

- *Reflect its designation as a High-Capacity Transit Corridor, especially now that this corridor has been chosen as the next priority for extension of the region’s LRT system.*
- *Implement the vision for downtown Tigard as a Town Center, including the creation of an urban renewal district to encourage redevelopment of downtown with a greater mix of uses and higher densities to support mass transit;*
- *Reinforce on-going hopes for the development/redevelopment of the Tigard Triangle as one of the city’s major employment areas.*

Thus, the proposed zone change can meet 18.380.030(A)(3) for a Comprehensive Plan/Zoning Map, i.e., “Evidence of change in the neighborhood or community.....as it relates to the property which is the subject of the development application”.

Because the MUE zone does not share the same Comprehensive Plan Map designation as C-P, a Type III-PC Comprehensive Plan Map Amendment from General Commercial to Mixed-Use Employment also is required in addition to the Zoning Map Amendment from C-P to MUE. The request is “quasi-judicial” (Type III) in that it affects a single property. However, because it involves changes to both the city’s Comprehensive and Zoning Maps, the request must be approved by the Tigard City Council based on a recommendation of the city’s Planning Commission, per Section 18.380.030(A), subject to the approval process contained in Section 18.390.060. Since the decision is made by means of a Type IV Legislative process, the state mandated 120-day timeframe does not apply.

Consistency to Other Development Regulations. *There are three policies, 15E-G that deal with a proposed project’s consistency with all applicable development regulations. These include:*

- E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled;*
- F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and*
- G. Demonstration that the amendment does not detract from the viability of the city’s natural systems.*

If the Comprehensive Plan/Zoning Map Amendment is granted, WCHS will be a conditional use in the MUE zone and its redevelopment of the site will trigger a Type III Conditional Use and concurrent Type II Site Development Review. It is then that the applicant will provide a detailed description of the proposed development that addresses both compliance with all applicable development regulations, except where Variances or Adjustments are sought, and demonstration that the facility both in its design and operation will have no undue negative impacts on surrounding land uses. The applicant also will demonstrate in greater detail that the existing infrastructure including water, sanitary sewer, stormwater disposal and transportation, has sufficient capacity to accommodate the project as proposed.

Impact Analysis. *A “first-level” impact analysis is required for a Comprehensive Plan/Zoning Map Amendment to ensure that there is sufficient capacity within public infrastructure facilities to support the most intense of the uses permitted by right in the new zone, per Policies 15A-B as follows.*

- A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;*
- B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services;*

Transportation. As noted in the letter from Lancaster Engineering, WCHS' traffic engineer (Appendix C), the proposed zone change from C-P to MUE could result in the degradation of the transportation system per the requirements of the State Transportation Planning Rule (TPR), which requires analysis of both existing and future impacts; the latter is defined as within a 20-year planning horizon. To prevent creating a "significant impact" as defined by the TPR, the applicant is proposing a trip cap that limits maximum traffic impact in all site trips equal to that permitted in the existing C-P zone for the most intense outright use, medical/dental office. As governed by Goal 2.1, Policy 16 of the Tigard Comprehensive Plan:

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.

Preliminary analysis suggests that the operation of the proposed WCHS at this site will fall beneath the trip cap both in the AM and PM peak, the latter especially so because its afternoon peak (3-4 PM) occurs before the general PM peak. Assuming that the Comprehensive Plan/Zoning Map Amendment is approved, the applicant then will have to undertake a detailed transportation analysis for its subsequent concurrent Conditional Use/Site Development Review applications.

Water. WCHS has developed only a preliminary concept plan for the renovation/redevelopment of this site because it does not want to invest the funds for a fully-developed plan until the proposed Comprehensive Plan/Zoning Map Amendment is granted. However, WCHS' consulting engineer, KPFF, has undertaken a preliminary analysis of the water demand associated with a 400-student high school at this location and has concluded that there is sufficient capacity in the existing in-street water system to accommodate any increase in demand for water. A detailed analysis of the demand for potable and non-potable water and adequate fire suppression capacity will be provided in the subsequent concurrent Conditional Use/Site Development Review applications.

Sewer. As noted above, WCHS has developed only a preliminary concept plan for the renovation/redevelopment of this site because it does not want to invest the funds for a fully-developed plan until the proposed Comprehensive Plan/Zoning Map Amendment is granted. However, WCHS' consulting engineer, KPFF, has undertaken a preliminary analysis of the sanitary sewer demand associated with a 400-student high school at this location and has concluded that there is sufficient capacity in the existing in-street sanitary sewer system to accommodate any increase in demand for disposal of sewage. A detailed analysis of the demand for sanitary sewer will be provided in the subsequent concurrent Conditional Use/Site Development Review applications.

Stormwater Disposal. Because WCHS has developed only a preliminary concept plan for the renovation/redevelopment of this site, development of a detailed stormwater collection, retention and treatment system is premature. However, WCHS' consulting engineer, KPFF, has undertaken a preliminary analysis of the demand for stormwater disposal, per the requirements of Clean Water Services (CWS), and has concluded that adequate on-site stormwater collection, retention and treatment facilities can be provided. A detailed analysis of the applicant's approach to stormwater management, as governed by CWS, will be provided in the subsequent concurrent Conditional Use/Site Development Review applications.

Parks. The renovation/redevelopment of the site for a 400-student high school will not trigger the need to provide additional park land. Thus, there will be no impact on the city's park system.

Noise. Because the northern end of the site is adjacent to the apartment complex to the west and across SW Pfaffle Street from an established single-family residential neighborhood to the north, noise levels are of concern. Activities associated with the operation of a 400-student high school primarily will be undertaken within the facility, including the proposed indoor gymnasium, and, as a result, there will be no significant noise impacts.

However, it is anticipated that students will use the proposed soccer field and tennis courts on the north end of the site both for physical education during the day and inter-mural sports in the late afternoon and possibly on weekends, primarily in the fall and spring. There is some noise associated with outdoor sports activities but these are a normal part of neighborhoods where schools are often located. As these facilities will not be lighted, they only will be used during daylight hours when most residents are either not home or more tolerant of noise. There will be few if any such outdoor activities in the winter because of inclement weather and shorter days. The proposed gymnasium will provide indoor space for sports that do not need to be played outdoors, e.g., volleyball and basketball, and for physical education when outdoor play is not suitable. Thus, it is not anticipated that the occupation of the site by a high school will engender any significant noise impacts. This issue will be discussed again in the concurrent Conditional Use/Site Development Review applications.

Buildable Lands Inventory January 1, 2009 City of Tigard Oregon



Zoning Classifications

- C-C Community Commercial
- C-G General Commercial
- C-N Neighborhood Commercial
- C-P Professional Commercial
- CBD Central Business District
- HH Heavy Industrial
- IL Light Industrial
- LP Industrial Park
- MUC Mixed Use Commercial
- MUE Mixed Use Employment
- MUE-1 Mixed Use Employment 1
- MUE-2 Mixed Use Employment 2
- MUR-1 Mixed Use Residential 1
- MUR-2 Mixed Use Residential 2
- R-1 30,000 Sq Ft Min Lot Size
- R-2 20,000 Sq Ft Min Lot Size
- R-3.5 10,000 Sq Ft Min Lot Size
- R-4.5 7,500 Sq Ft Min Lot Size
- R-7 5,000 Sq Ft Min Lot Size
- R-12 3,650 Sq Ft Min Lot Size
- R-25 1,480 Sq Ft Min Lot Size
- R-40 40 Units Per Acre
- (PD) Planned Development Overlay
- (HD) Historic District Overlay

The inventory presented is based on specific assumptions and was compiled over a four-year period. The inventory is available for development, but a status representation based on the available data. Inclusion does not mean a property will develop or confer a mandate to do so, as inclusion does not prevent a property from developing on the future, for purposes of this inventory. The information is current as of January 1, 2009. Revisions will be made as new decisions or amendments occur to alter the content of the map.

1. Fully vacant, undeveloped, privately-owned parcels
2. Partially vacant, undeveloped, privately-owned parcels with 1/4 acre or more of the parcel vacant

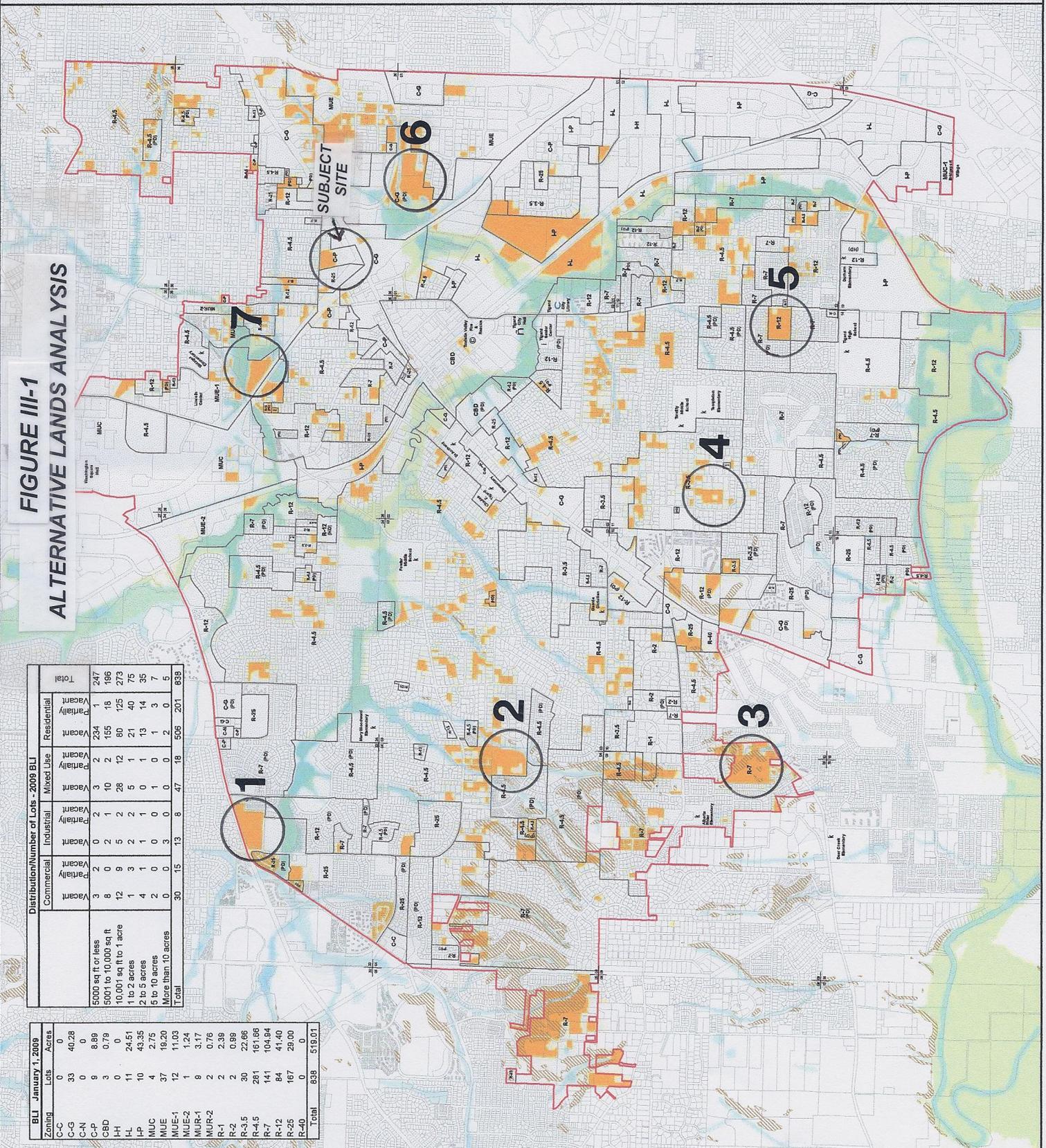


Source: City of Tigard, Oregon
Map Date: March 2009
City of Tigard, Oregon
11227 SW 16th Blvd., Tigard, Oregon 97144
http://www.tigard.or.gov

FIGURE III-1 ALTERNATIVE LANDS ANALYSIS

Zoning	Commercial		Industrial		Mixed Use		Residential		Total
	Partially	Vacant	Partially	Vacant	Partially	Vacant	Partially	Vacant	
5000 sq ft or less	3	2	0	2	3	2	234	1	247
5001 to 10,000 sq ft	8	0	2	1	10	2	155	16	196
10,001 sq ft to 1 acre	12	9	5	2	28	12	80	125	273
1 to 2 acres	1	3	2	2	5	1	21	40	75
2 to 5 acres	4	1	1	1	0	1	13	14	35
5 to 10 acres	2	0	0	0	0	0	1	3	7
More than 10 acres	0	0	13	8	47	18	506	201	839
Total	30	15	3	3	8	47	18	506	201

Zoning	January 1, 2009	Acres
C-C	0	0
C-G	33	40.28
C-N	0	0
C-P	3	8.89
CBD	0	0
HH	11	24.51
IL	10	43.35
LP	4	2.75
MUC	37	19.20
MUE-1	12	11.03
MUE-2	1	1.24
MUR-1	9	3.17
MUR-2	2	0.76
R-1	2	2.39
R-2	2	0.99
R-3.5	30	22.66
R-4.5	281	161.66
R-7	141	104.94
R-12	84	41.40
R-25	167	29.00
R-40	0	0
TOTAL	838	518.01



IV. LEGAL JUSTIFICATION

Introduction. Westside Christian High School (WCHS) currently is negotiating the purchase of a 7.4-acre site at 8200 SW Pfaffle Street just east of downtown Tigard. Formerly a General Motors automotive training center, the site currently is owned by City Bible Church (CBC). WCHS proposes to renovate and expand the existing facilities to accommodate a student body of up to 400. CBC plans to remain as a tenant using the facility on Sunday and Wednesday and Saturdays evenings, which are times not scheduled for school activities.

However, schools are not allowed in the underlying C-P zone, although churches are permitted by right. Thus, WCHS cannot locate at the site without a zone change. WCHS has sought guidance of the City of Tigard Planning Department about the most appropriate zoning designation. As noted in the PAC notes, the city has indicated that it “would support” the application of the Mixed-Use Employment (MUE) zone, currently applied only in the nearby Tigard Triangle.

As part of the request, the applicant is asking that a condition of approval be the imposition of a trip cap on site trips no greater than the most intense allowed use, medical/dental office, in the C-P zone, in recognition that any up-zoning of the site could lead to overtaking existing or future roadway capacity in the vicinity. A high school is a perfect use at this location because its afternoon peak occurs before the general PM peak. The implementation of a trip cap is a way to demonstrate compliance with the State Transportation Planning Rule (TPR), although the applicant will have to undertake a detailed transportation analysis for the proposed school as part of its subsequent concurrent Conditional Use/Site Development Review applications. As noted below, the Comprehensive Plan allows the city to impose such conditions: “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”. (Chapter 2, Land Use Planning, Policy 16).

Because the MUE zone does not share the same Comprehensive Plan Map designation as the C-P zone, a Type III-PC Comprehensive Plan Map Amendment from General Commercial to Mixed-Use Employment also is required in addition to the Zoning Map Amendment from C-P to MUE. The request is “quasi-judicial” (Type III) in that it affects a single property. However, because it involves changes to both the city’s Comprehensive and Zoning Maps, the request must be approved by the Tigard City Council based on a recommendation of the city’s Planning Commission, per Section 18.380.030(A)(2), subject to the approval process contained in Section 18.390.060. Since the decision is made by means of a Type IV Legislative process, the state mandated 120-day “clock” does not apply. A Comprehensive Plan/Zoning Map Amendment also has the highest legal burden of any land use entitlement.

If the request in this application is approved, WCHS will proceed to the next round of land use entitlements including concurrent Type III Condition Use and Type II Site Development Review for approval of its proposed redevelopment plan.

Approval Criteria [Section 18.380.030 (A)(2)]. The approval criteria for a Comprehensive Plan/Zoning Map Amendment are contained in Section 18.380.030 as follows:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations. **Finding:** Demonstration of compliance with all applicable goals, policies and action items from the Tigard Comprehensive Plan is provided immediately below. Since this request also includes a Comprehensive Plan Map Amendment as well as a Zoning Map Amendment, compliance to applicable regional (Metro) plans and policies and Statewide Planning Goals also is provided below. This criterion will be met.

2. Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance. **Finding:** WCHS has developed only a preliminary concept plan for the renovation/redevelopment of this site because it does not want to invest the funds for a fully-developed plan until the proposed Comprehensive Plan/Zoning Map Amendment is granted. Once this has occurred, the applicant will develop a detailed redevelopment plan incorporating all applicable design, development and functional requirements of the Tigard Development Code (Title 18), except where Variances and Adjustments are sought. Documentation of compliance with Title 18 will be provided in the subsequent concurrent Type III Conditional Use/Type II Site Development Review applications. This criterion is met provisionally now and will be met with the submission of subsequent land use applications.
3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application. **Finding:** Having completed the required alternatives analysis as described in detail in Chapter III, there is ample documentation that re-zoning of the subject site is justified.

To comply with this criterion, there is “evidence of change in the neighborhood or community”, based on events that have occurred since the last Comprehensive Plan Map was adopted. Namely, the segment of SW Pacific Highway upon which the subject site is located has been designated in the Metro 2040 Growth Management Plan Concept as a “Corridor” design type and in the Regional Transportation Plan (RTP) as a “High-Capacity Transit Corridor”. Recently, Metro has designated the corridor as the next priority for the extension of light rail transit (LRT) from downtown Portland to Sherwood. Although detailed land use and transportation planning for the corridor is just beginning, the city’s vision statement calls for the up-zoning of sites along the corridor to increase the mix of uses, including residential, retail, office, industrial, institutional and civic activities, and development density/intensity to support transit. Significant redevelopment of Downtown Tigard as a Metro-designated “Town Center”, described in planning documents as a medium-/high-density mixed-use “urban village”, also is planned.

As a result of this change in circumstances, the city Current Planning Department has suggested that the Mixed-Use Employment (MUE) is the most appropriate zone for the site. According to the definitions in Chapter 18.520, the characteristics of the MUE zone is as follows:

MUE: Mixed-Use Employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, religious institutions, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the City through the legislative process. [Section 33.520.020(F)]. (Emphasis added.)

In the Pre-Application Conference notes (Appendix A), the City Current Planning Department has indicated that it “would support” the application of the Mixed-Use Employment (MUE) zone for the following reasons:

.....1) the zone allows schools as a conditional use; 2) the zone continues to allow religious institutions outright; 3) the zone allows residential use with a maximum density of 25 units/acre, consistent with the adjacent R-25 zone; 4) the zone allows a greater mix of uses than C-P, consistent with Pacific Hwy High Capacity Corridor Planning; and 5) the code anticipates the application elsewhere in the city through the legislative process.

This criterion is met.

Compliance With Tigard Comprehensive Plan. As required by the approval criterion in Section 18.380.030(A), the applicant is required to demonstrate compliance with the applicable policies of the city's Comprehensive Plan. These include the applicable policies of the following chapters:

- Chapter 2: Land Use Planning
- Chapter 9: Economic Development
- Chapter 10: Housing
- Chapter 11: Public Facilities
- Chapter 12: Transportation
- Chapter 13: Energy
- Chapter 15: Special Planning Areas: Downtown Tigard

Chapter 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.

Policies

4. **The City's land use program shall promote the efficient use of land through the creation of incentives and redevelopment programs.** **Finding:** Although this is directed towards city action, the proposed re-zoning of the subject site will aid in re-use/redevelopment of a large site along SW Pacific Highway, a designated "High-Capacity Transit Corridor", which currently is significantly under-utilized and with minimal re-use options due to a archaic building and limited transportation access. This policy is met.
5. **The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.** **Finding:** This segment of SW Pacific Highway is a designated Corridor in the Metro 2040 Framework Plan. The proposed up-zoning of the subject site from C-P to MUE is in keeping with this policy as well as the visions for nearby Downtown Tigard to the west and Tigard Triangle to the east. This policy is met.
6. **The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.** **Finding:** The current zoning, C-P, provides a relatively short list of allowed and conditional uses, and the current development on the subject site offers limited options for redevelopment of a large under-utilized parcel on SW Pacific Highway, a designated "High-Capacity Transit Corridor". The re-zoning of the site to MUE, in which schools are allowed conditionally and churches by right, is in keeping with this policy. This policy is met.
7. **The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:**
 - C. **Mixed use.** **Finding:** This policy envisions the city adopting mixed-use zoning wherever appropriate, no more appropriate than on this segment of SW Pacific Highway upon which the subject site is located because of its designation as a High-Capacity Transit Corridor, proximity to Downtown Tigard and the Tigard Triangle; and adjacency to Highway 217. This policy is met.
 - F. **Public services.** **Finding:** Although up-zoning to create a broader mix of uses and higher densities on the subject site is justified, there are significant existing and future traffic constraints on the segment of SW Pacific Highway upon which the subject site is located unless and until the capacity for alternative modes, particularly high-capacity transit, is available. The proposed re-use of the subject site for a 400-student high school is a perfect use of the site because it contributes little traffic to the PM peak demand on SW Pacific Highway and in the long-run provides a body of transit riders once high-capacity transit is provided. To further ensure that the proposed development does not exceed existing/future roadway capacity, the applicant is asking the city to approve the re-zoning with a maximum "trip cap" that does not exceed the AM and PM traffic impact of the most intense allowed

use in the existing C-P zone, which in this case is medical/dental office. The school's AM peak trips will coincide with the general peak but still less than the worst-case scenario. The PM peak traffic generated by the proposed high school will be less than this maximum cap because most students and staff will leave the site by 4 PM. These traffic impacts will be demonstrated in the transportation analysis prepared as part of the subsequent concurrent Type III Conditional Use/Type II Site Development Review applications. This policy is met.

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:** A "high-level" impact analysis is provided in this application as detailed in Chapter III and Policy 15A-B below that demonstrates the proposed 400-student high school will not tax the existing infrastructure system including that for water, sanitary sewer, stormwater disposal and transportation. A more detailed analysis of the project's impact on public infrastructure will be provided in the subsequent concurrent Conditional Use/Site Development Review applications. This policy is partially met with this application and will be fully met in subsequent land use applications.

12. The City shall provide a wide range of tools, such as planned development, design standards, and conservation easements, that encourage results such as:
 - B. Land use compatibility. **Finding:** In quasi-judicial decisions such as this, the city can judge the compatibility of the proposed zoning district based on an analysis of the impacts of the zone's proposed uses on surrounding development in making its decision to approve the request. The city has the opportunity to judge the compatibility of a specific use at a specific site in subsequent land use approvals. In the case of a high school allowed conditionally in the proposed MUE zone, this evaluation will take place in the subsequent concurrent Conditional Use/Site Development Review applications. This policy is met.

 - E. Regulatory flexibility necessary for projects to adapt to site conditions. **Finding:** As noted above, the city has the opportunity to provide regulatory flexibility in the Conditional Use process that will apply to the specific use, a high school, proposed for the subject site, with additional flexibility provided by the process for Variances and Adjustments. This policy is met.

14. Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies. **Finding:** The applicant bears the burden of proof in this application, particularly through demonstration of compliance with city, regional and state goals, policies, plans and implementing measures that pertain to the request. All of these are described in this chapter. This policy is met.

15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:
 - A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation. **Finding:** In Chapter III of this application, the applicant undertakes a preliminary impact analysis to demonstrate that the proposed new zoning district, MUE, and proposed conditional use, a high school, will not unduly tax the public infrastructure system for water, sanitary sewer and stormwater disposal. The applicant proposes a trip cap for the site that is equal to the maximum amount of automobile trips for both the AM and PM peaks that would be allowed by the most intense use, a medical/dental office, in the existing C-P zone. This ensures that the proposed re-zoning will not exceed existing or future roadway capacity. Detailed impact analysis for all of these types of infrastructure will be provided in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.

- B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services. **Finding:** As noted above, the applicant requests that the city condition the approval of the requested re-zoning with a trip cap that does not exceed the total number of automobile trips associated with the most intense use, a medical/dental office, allowed by right in the existing C-P zone. This policy will be met.
- C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties. **Finding:** K-12 schools are part of the community's institutional infrastructure along with parks, community centers, churches, medical centers, universities and day care centers. As such, institutions are considered an important category both as conditional uses in residential zones and within mixed-use districts where they are often coupled with "civic" uses. This is in recognition that institutions such as schools are important to the health, safety, economic prosperity and quality of life of the community's residents. In the United States, education is a highly localized in which deference is given to families' decisions of which schools best meet the needs of their children, which has resulted in a healthy balance of public and private schools, the latter designed to serve specific constituencies. WCHS is a private high school for grades 9-12. That the school has 250 students and a waiting list of potential students and has outgrown its current facility is a de facto indication of public need. The request complies with Policy 15C.
- D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation. **Finding:** As described in Chapter III, the applicant has undertaken an alternatives analysis to document that there are no alternative vacant sites of adequate size, appropriate zoning, availability, and development readiness within the Tigard city limits to accommodate the proposed 400-student high school. Moreover, there is no other already-developed site than is appropriate for re-use, renovation and/or expansion for a high school. As there are no other alternative sites, re-zoning of the subject site from C-P, where schools are not permitted, to MUE, where schools are allowed conditionally, is warranted. Moreover, there is ample evidence in the record that the proposed zoning designation is more appropriate for the site in general given changes in surrounding areas and in keeping with the evolving vision for this portion of Tigard, including SW Pacific Highway as a High-Capacity Transit Corridor and redevelopment envisioned for Downtown Tigard and Tigard Triangle to the west and east of the site, respectively. This policy is met.
- E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled. **Finding:** This will be demonstrated amply when the detailed redevelopment plan for the site is undertaken following the approval of this application for a zone change and reviewed by the city in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.
- F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses. **Finding:** See Policy 15E above. This policy will be met.
- G. Demonstration that the amendment does not detract from the viability of the City's natural systems. **Finding:** See Policy 15E above. This policy will be met.

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:** The applicant asks that the city not limit the zone change to this particular use, i.e., a high school as a primary use and church as secondary use, as this unduly limits the future re-use of the property should the high school close or be relocated. However, the applicant does request the trip cap noted above to ensure that the proposed use and any subsequent uses do not unduly impact existing or future roadway capacity in the vicinity of the subject site. This policy is at the discretion of the city. This policy is optional and depends on city action in during the approval process.
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:** The staff of the city's Current Planning Department indicated that the city would not accept an application for the next set of land use reviews, in this case a concurrent Type III Conditional Use/Type II Site Development Review applications, until the decision on the Comprehensive Plan/Zoning Map Amendment has been rendered. The applicant wishes to revisit this issue with the city in the near future given this policy language. This policy is advisory
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:** At this stage, the re-zoning of the subject site, additional infrastructure is not required. The applicant is requesting a trip cap as a condition of approval to eliminate any threat that redevelopment of the site will exceed the existing or future capacity of the adjacent transportation system. Any specific infrastructure upgrades will be proposed when the detailed development plan is completed. Documentation of infrastructure sufficiency will be contained in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.

Recommended Action Measures

- iii. Implement measures to preserve and enhance the quality and character of Tigard's residential districts. Examples include managing the design of infill development, mitigating impacts of adjacent dissimilar land uses, improving quality of streetscapes and the pedestrian environment, and providing greater access to open space. **Finding:** Currently the subject site is governed by a non-residential zone, C-P, as is the proposed new zone, MUE. By approving the proposed high school as a conditional use, the city is insuring the protection of nearby residential areas to the west and north. This proposal is in keeping with this action measure.
- v. Revise the Comprehensive Plan text, maps, and related findings as needed to maintain reliability and timeliness; to insure consistency among goals, policies, and recommended action measures; to assure accuracy of findings; and to comply with state, regional, and federal laws and rules. This includes review by the Planning Commission every two years, formal evaluation every five years, and an overall update at least every ten years. **Finding:** This action measure directs the city to update the Comprehensive Plan legislatively to "insure consistency among goals, policies and recommended action measures....." However, through the quasi-judicial process, the city has the opportunity to update the Comprehensive Plan and Zoning Map designations on specific properties dictated by the change in vision, policy and/or circumstances. This is the case on the subject site where planning in the vicinity of the site now dictates up-zoning to allow a greater mix of uses at higher densities/intensities. Approval of this quasi-judicial request is in keeping with this action measure.

- x. Implement incentive and redevelopment programs to utilize urban land and existing public facilities more efficiently. **Finding:** The existing site is under-utilized, but its redevelopment is hobbled by an archaic building inventory; restricted vehicle access, and capacity constraints on SW Pacific Highway. The proposed high school at this location would re-use the existing building inventory and expand facilities to increase intensity without negative impact upon the nearby roadway system. This redevelopment cannot be achieved without approval of the proposed quasi-judicial Comprehensive Plan/Zoning Map Amendment, which would be consistent with this action measure.

Chapter 9: Economic Development

Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.

Policies

1. The City shall establish strategies to retain and encourage the growth of existing businesses. **Finding:** To the degree that an institution, in this case City Bible Church (CBC), is a business, the approval of this quasi-judicial Comprehensive Plan/Zoning Map Amendment will permit the subject site to be more intensely used through its sale to WCHS. This is possible because the church will remain as a secondary weekend user while the facility is expanded and put to use during the work week. WCHS has a combined faculty/staff of 38 full- and part-time employees for an existing student body of 250. It is expected that the faculty/staff will increase by two full-time staff, for a total of 40, when the school achieves its maximum size of 400 students. This includes upgrading several part-time employees to full-time status, thus, significantly increasing total payroll. This policy is met.
2. The City shall actively encourage businesses that provide family-wage jobs to start up, expand, or locate in Tigard. **Finding:** As noted above, when it relocates to Tigard from Lake Oswego, WCHS will have a combined faculty/staff of 38 full- and part-time employees, which will increase to 40 when the school reaches its maximum size of 400 students. As most of these employees are teachers and administrators, these jobs command family wages and full benefits, in keeping with this policy.
3. The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available. **Finding:** As noted above, the subject site is under-utilized and hobbled by an archaic building inventory, the re-use of which is significantly restricted. Moreover, the planning in the area, both for the SW Pacific Highway Corridor and nearby Downtown and Tigard Triangle areas envisions a greater mix of uses and higher densities/intensities than permitted by existing zoning on and in the vicinity of the subject site. By approving this quasi-judicial request for a Comprehensive Plan/Zoning Map Amendment, the city will up-zone the site to achieve greater flexibility in its redevelopment, in this case for a 400-student high school. This policy is met.
5. The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands. **Finding:** Now zoned C-P, the subject site is significantly under-utilized and hobbled with an archaic building inventory with limited re-use capability. The proposed re-zoning to MUE will permit the relocation of WCHS from Lake Oswego to Tigard. As noted above, the school plans to renovate the existing facilities extensively, expand the building footprint and make other site improvements including the landscaping of existing parking lots and creation of outdoor sports facilities. As a result, the use of the site will be extended throughout the work week in addition to the part-time use of the site by City Bible Church, which will remain a weekend tenant. The school brings 400 students and combined faculty/staff of 40. This policy is met.

12. The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future. **Finding:** Provision of a full range of civic and institutional uses, including schools, makes an important contribution to the community's livability. By granting the requested re-zoning, the city will facilitate several things: 1) permit the re-use of an archaic building with few options for alternative use; 2) increase the intensity of use of under-utilized site in a critical location; 3) upgrade the facility by adding additional landscaping and outdoor sports facilities; 4) provide additional potential transit riders among students, staff and faculty; and 5) provided additional patronage of nearby retail businesses. This policy is met.

Recommended Action Measures

- vi. Support redevelopment of existing vacant and underutilized industrial and commercial lands rather than designating additional lands for these purposes. **Finding:** Approval of this quasi-judicial request for re-zoning helps to accomplish this action measure by allowing the re-use of a partially-vacant and under-utilized site in a critical location along SW Pacific Highway just east of downtown Tigard. This proposal is in the spirit of this action measure.
- viii. In view of the limits imposed on Tigard's ability to expand its City limits by surrounding jurisdictions, develop strategies to increase employment growth through more intense and efficient use of existing lands. **Finding:** As noted above, approval of the proposed re-zoning request will permit intensification of the use of this under-utilized site, which is located at a critical juncture along the SW Pacific Highway, a designated High-Capacity Transit Corridor. Approval of this request is in the spirit of this action measure.
- xii. Increase opportunities for higher density housing and employment development in the Downtown Urban Renewal District, Washington Square Regional Center, Tigard Triangle, and designated Corridors to enable more intense housing and employment uses to be located in close proximity to transit and other urban uses. **Finding:** By approving this re-zoning request, the city will expand the use of the site to provide 38 new professional, family-wage jobs upon occupancy and up to 40 such jobs when the maximum of 400 students is reached. Approval of this request is in the spirit of this action measure.

Goal 9.3: Make Tigard a prosperous and desirable place to live and do business.

Policies

1. The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle. **Finding:** The subject site lies on the SW Pacific Highway Corridor between downtown Tigard to the west and Tigard Triangle to the east. By approving the proposed re-zoning request, the city will permit this partially-vacant, under-utilized site to redevelop. As noted above, the proposed high school will bring 38 new professional, family-wage jobs into Tigard, which will expand to as many as 40 such jobs when the school grows to its maximum student body of 400. This policy is met.
3. The City shall commit to improving and maintaining the quality of community life (public safety, education, transportation, community design, housing, parks and recreation, etc.) to promote a vibrant and sustainable economy. **Finding:** As noted in the policy statement, educational facilities contribute to the quality of community life. The proposed re-zoning will permit the subject site, which is partially vacant and significantly under-utilized, to be redeveloped for a high school with up to 400 students and 40 faculty/staff, in support of this policy.

Recommended Action Measures

- iii. Promote Tigard's cultural, historic, recreational, educational, and environmental assets as important marketing tools for the City's business areas and neighborhoods. **Finding:** Approval of this quasi-judicial request for a re-zoning of the subject parcel, will enable its redevelopment for a 400-student high school, thereby increasing the city's educational assets. Approval of this request is in the spirit of this action measure.
- v. Investigate ways to improve the appearance and function of Hwy 99W and other transportation corridors. **Finding:** Approval of this quasi-judicial request for a re-zoning of the site will enable the redevelopment of the site for a 400-student high school. This result in the renovation and re-use of an archaic building with limited re-use options; expansion of the facility to bring it closer to the SW Pacific Highway right-of-way, enhancing the facility's presence at the street and contribution to a positive pedestrian experience; and installation of additional landscaping and other site improvements. Approval of this request is in the spirit of this action measure.

Chapter 10: Housing

Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.

Policies

- 5. The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future. **Finding:** Although the purpose of this quasi-judicial request to re-zone the subject site to allow its redevelopment for a high school, the propose zoning designation, MUE, does permit housing at 25 units/acre, considered "medium high-density" in the city's Development Code, as an outright use. Should the high school close or be relocated, the site could redevelop to include housing, most likely in a mixed-use configuration with the vertical or horizontal mix of residential and non-residential uses. Thus, re-zoning expands future housing options on the site, something that the current C-P zone does not. Moreover, the allowed density of 25 units/acre is consistent with the R-25 zoning immediately to the west. This policy is met.

Recommended Action Measures

- iii. Increase opportunities for higher density mixed use development in the Downtown Urban Renewal District, Washington Square Regional Center, Tigard Triangle, and designated Corridors to enable residential uses to be located in close proximity to retail, employment, and public facilities, such as transit and parks. **Finding:** The proposed zone requested in this application is MUE, in which housing at a density of up to 25 units/acre is permitted by right. Approval of this request is in the spirit of this action measure.
- vi. Provide incentives to encourage the development of a range of housing choices at transit-supportive densities near existing and planned transit routes, and/or in proximity to major activity centers such as employment, commercial areas, schools, and recreation areas. **Finding:** As noted immediately above, the proposed zoning designation, MUE, requested in this application allows housing at a density of 25 units/acre by right. Approval of this request is in the spirit of this action measure.

Goal 10.2: Maintain a high level of residential livability.

3. The City shall commit to improving and maintaining the quality of community life public safety, education, transportation, community design; a strong economy, parks and recreation, etc.) as the basis for sustaining a high-quality residential environment. **Finding:** As noted above, educational facilities are considered an important contribution to the community's quality of life and social fabric. Approving this request to re-zone the subject site from C-P, where schools are prohibited, to MUE, where schools are permitted conditionally, facilitates the redevelopment of the subject site for a 400-student high school. This policy is met.
7. The City shall insure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns. **Finding:** The proposed zoning designation, MUE, allows housing at a density of 25 units/acre by right. This is the appropriate density given that the apartment complex immediately to the west of the subject site is zoned R-25, the equivalent residential zone to MUE. At the same time, the MUE designation recognizes the subject site's critical location on the SW Pacific Highway, a designated High-Capacity Transit Corridor, at the juncture of Highway 217 and between downtown Tigard and the Tigard Triangle. The zoning adjacent to the site to the south, east and west include C-G, MU-CBD and MUE, reflecting the city's intent to transition the area to a broader mix of uses at higher densities/intensities. This policy is met.
8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:
 - A. Orderly transitions from one residential density to another; **Finding:** The proposed zoning designation, MUE, features the same maximum density, 25 units/acre, as the apartment complex immediately to the west. This policy is met.

Chapter 11; Public Facilities

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

Policies

1. The city shall require that all new development:
 - A. Construct the appropriate stormwater facilities or insure construction by paying their fair share of the cost. **Finding:** Assuming this request for re-zoning the subject site is approved by the city, the applicant will submit concurrent Conditional Use/Site Development Review applications that will contain a detailed stormwater disposal plan, including any on-site facilities required to meet development and design standards imposed by Clean Water Services (CWS) that regulates stormwater disposal for all jurisdictions in Washington County. As part of its development, the applicant will pay the cost of such on-site upgrades and any systems development charges (SDCs) that apply. This policy will be met in a later stage of the development process for this site.
 - B. Comply with adopted plans and standards for stormwater management. **Finding:** As noted above, CWS regulates the development and maintenance of on-site stormwater disposal systems within the Tigard city limits. The applicant will comply with all applicable regulations and standards imposed by CWS. This policy will be met in a later stage of the redevelopment process for this site.

C. Meet or exceed regional, state, and federal standards for water quality and flood protection.
Finding: The subject site is not in flood zone, so flood protection requirements do not apply in this case. As noted above in Policy 1A-B, the applicant will comply with all applicable regulations and standards imposed by CWS. This policy will be met in a later stage of the development process for this site.

5. The City shall require maintenance access to all stormwater infrastructure and easements
Finding: At a later time in the redevelopment process, the applicant will grant all necessary infrastructure access easements to CWS as required. This policy will be met.

7. The City shall encourage low impact development practices and other measures that reduce the amount of, and/or treat, stormwater runoff at the source. **Finding:** At a later time in the development process when WCHS undertakes the detailed design of the project, its consulting engineers, KPFF, will address stormwater disposal per the requirements of the CWS Stormwater Manual, which requires the implementation of low-impact development practices. In addition, architectural design teams are becoming savvier about designing new development/redevelopment in a manner that minimizes stormwater run-off. This policy will be met in a later stage of the development process for this site.

Goal 11.2: Secure a reliable, high quality, water supply to meet the existing and future needs of the community.

Policies

3. The City shall require maintenance access to all public water infrastructure and easements.
Finding: At a later time in the redevelopment process, the applicant will grant all necessary infrastructure access easements for water facilities to the city as required. This policy will be met.

6. The City shall require all new connections within the Tigard Water Service Area to pay a system development charge. **Finding:** At the point in the redevelopment process when it applies for building permits, the applicant will pay all required water-service system development charges. This policy will be met.

8. The City shall require all new development needing a water supply to :

A. Connect to a public water system. **Finding:** The site already is connected to the public water system via the water main in SW Pfaffle Street. Therefore, the site already is in compliance with this requirement, although the on-site service may need to be up-sized for the proposed use.

B. Pay a system development charge and other costs associated with extending service.
Finding: At the point in the redevelopment process when it applies for building permits, the applicant will pay all required water-service system development charges. This policy will be met.

C. Insure adequate pressure and volume to meet consumption and fire protection needs.
Finding: As part of its responsibility as the civil engineer on the project, KPFF will design the on-site water system to maintain adequate pressure to meet consumption and fire suppression needs. This will be demonstrated in the subsequent concurrent Condition Use/ Site Development Review applications. This policy will be met.

- D. Extend adequately sized water lines with sufficient pressure to the boundaries of the property for anticipated future extension. **Finding:** As indicated in the preliminary impact analysis in Chapter III, the applicant's civil engineer, KPFF, has indicated that it is likely that the on-site water line may have to be up-sized to accommodate the increase in development on the site to ensure adequate pressure for consumption and fire suppression. This nature and extent of these on-site upgrades to the water system will be contained in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.

Goal 11.3: Develop and maintain a wastewater collection system that meets the existing and future needs of the community.

Policies

1. The City shall require that all new development:

- A. Connect to the public wastewater system and pay a connection fee. **Finding:** The subject site already is connected to the public sanitary sewer system via the sewer line in SW Pfaffle Street. At the time it applies for building permits, the applicant will pay all applicable connection fees as levied by the city. This policy will be met.
- B. Construct the appropriate wastewater infrastructure. **Finding:** As part of its responsibility as the civil engineer on the project, KPFF will design the on-site sanitary sewer system in compliance with all applicant development and technical standards imposed by the city's Engineering Department; this may require the up-sizing of on-site piping to the sewer main in the street. This adequacy of this on-site upgrade will be documented in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.
- C. Comply with adopted plans and standards for wastewater management. **Finding:** As noted above, the applicant's civil engineer, KPFF, will design the upgrade of the on-site sanitary sewer system to support redevelopment of the site for a 400-student high school in compliance with all City of Tigard regulations. This policy will be met.

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

Policies

4. The City shall require that all new development:

- A. Can be provided fire and police protection. **Finding:** As the site is located within the city limits, both fire and police protection is available from the Tigard Police Department and Tualatin Valley Fire and Rescue (TVFR), respectively. This policy is met.
- B. Provide Tigard Police, Tualatin Valley Fire and Rescue, and the school districts the opportunity to comment on the proposal. **Finding:** These two agencies will have an opportunity to respond to the proposal for redevelopment in the subsequent concurrent Conditional Use/Site Development Review applications. The proposal will have impact on the school system, so outreach to the Tigard-Tualatin School District will not be required. This policy will be met.
- C. Have sufficient fire hydrants and fire flow. **Finding:** As part of its civil engineering work on the redevelopment plan for the site, KPFF will ensure that there is adequate capacity and pressure to provide code-required on-site fire suppression. This includes the provision of additional on-site fire hydrants as required by TVFR regulations. This policy will be met.

D. Have a street layout and design that is accessible by emergency vehicles. **Finding:** The applicant's consulting team will consult with TVFR to ensure that there is adequate access to the site for all emergency vehicles. This may include permission from the Oregon Department of Transportation (ODOT) to use the now-closed access on SW Pacific Highway for an emergency-only access. This policy will be met.

E. Have buildings that meet fire and building code requirements. **Finding:** As part of the detailed redevelopment plans, the applicant's design team will ensure that the project meets all applicable building and fire code requirements. This will be discussed in the subsequent concurrent Conditional Use/Site Development Review applications and demonstrated in detail on the construction plans submitted for building permit. This policy will be met later in the development process.

Recommended Action Measures

iii. Review the Community Development Code to identify locational barriers to constructing new schools and fire stations. **Finding:** Although this action directs the city to make appropriate changes to its Development Code text and Zoning Map to address the need for new schools, the approval of this quasi-judicial request for a zone change from C-P, where schools are prohibited, to MUE, where they are permitted conditionally, the city will ensure that the subject site will be properly zoned to permit its redevelopment for a high school. Approval of this request is in the spirit of this action measure.

Chapter 12: Transportation

Goal 12.1: Transportation System

Policies

7. Implement the transportation system plan (TSP) in a coordinated manner by coordinating and cooperating with adjacent agencies (including Washington County, Beaverton, Tualatin, Lake Oswego, City of Portland, TriMet, Metro and ODOT) when necessary to develop transportation projects which benefit the region as a whole in addition to the City of Tigard. **Finding:** Although this is a global policy that will require legislative action to address, the city's approval of this quasi-judicial request for re-zoning is in keeping with the redevelopment of this portion of SW Pacific Highway now envisioned in recent planning efforts related to the corridor's priority for the next extension of LRT and redevelopment of downtown Tigard. This policy is met.

Goal 12.2: Trafficways

Policies

3. The City shall require as a precondition to development approval that:

A. Development abut a publicly dedicated street or have adequate access approved by the appropriate approval authority. **Finding:** The site abuts SW Pacific Highway to the south and SW Pfaffle Street to the north. However, ODOT has permanently closed the driveway onto SW Pacific Highway and is unlikely to re-grant approval to re-open the driveway. For this reason, the site takes its only access from SW Pfaffle. Currently, as part of the redevelopment plan, the applicant is discussion the exact location of the driveway on SW Pfaffle Street in terms of its relationship to the location of SW 81st and SW 83rd Avenues entering the street from the neighborhood to the north. Final determination of this will be made by the city Engineering Department in the subsequent concurrent Conditional Use/Site Development Review applications. This policy is met.

- B. Street right of way be dedicated where the street is substandard in width. **Finding:** At the current time, there is no indication that further dedication of street right-of-way (ROW) will be required for this development. However, a final determination will be made as part of the subsequent concurrent Conditional Use/Site Development Review applications. The applicant will dedicate additional ROW on SW Pfaffle Street if required by the city Engineering Department. This policy will be met.
- C. The developer commits to the construction of the streets, curbs and sidewalks to city standards within the development. **Finding:** As part of the redevelopment plan, the applicant will ensure that the project meets the city's sidewalk standards on both of the site's street frontages, SW Pacific Highway and SW Pfaffle Street. This will be demonstrated in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met, if applicable.
- D. Individual developers participate in the improvement of existing streets, curbs and sidewalks to the extent of the development's impacts. **Finding:** The need to fund off-site improvements such as these will be determined later in the redevelopment process as documented in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met, if applicable.
- E. Street improvements be made and street signs or signals be provided when the development is found to create or intensify a traffic hazard. **Finding:** The need to fund off-site improvements such as these will be determined later in the redevelopment process as documented in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met, if applicable.
- F. Transit stops, bus turnout lanes and shelters be provided when the proposed use of a type which generates transit ridership. **Finding:** The need for additional off-site transit facilities such as these will be determined later in the redevelopment process as documented in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met, if applicable.
- G. Parking spaces be set aside and marked for cars operated by disabled persons and that the spaces be located as close as possible to the entrance designed for disabled persons. **Finding:** The total number, design and location of disabled-accessible parking spaces in private parking lots are governed by the building code. The applicant will meet or exceed code requirements for disabled parking when a detailed redevelopment plan for the site is formulated. Documentation of compliance to these standards will be contained in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.
- H. Land be dedicated to implement the bicycle/pedestrian corridor in accordance with the adopted plan. **Finding:** The applicant will dedicate additional ROW to provide public pedestrian and bicycle improvements to the degree that this is required. This issue will be addressed as part of the formulation of the detailed redevelopment plan for the site and documented in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.
6. The City shall adopt the following transportation improvement strategy in order to accommodate planned land uses in the Tigard
- A. Highway 99W should be widened to six lanes throughout the study area (tool box). This improvement should be constructed in the short term. In the event that widening highway 99 to six lanes is prohibitive due to physical constraints, the Dartmouth extension could potentially provide needed northeast-to-southwest travel demand. **Finding:** This is a legislative mandate rather than a quasi-judicial one. However, as part of the redevelopment process, the applicant will provide additional ROW dedication on SW Pacific Highway if required. This policy will be met, if applicable.

Goal 12.3: Public Transportation

Policies

2. The City shall encourage the expansion and use of public transit by:

- A. Locating land intensive uses in close proximity to transit ways. **Finding:** The proposed re-zoning of this site will provide a wider range of land uses at higher densities/intensities envisioned in this policy. The proposed re-use of the site for a high school, allowed conditionally only if the site is re-zoned, will greatly increase the utilization of the site and provide additional transit riders among its 400 students and 40 employees. This policy will be met.

Goal 12.5: Pedestrian and Bicycle Pathways

Policies

1. The City shall locate bicycle/pedestrian corridors in a manner which provides for pedestrian and bicycle users, safe and convenient movement in all parts of the city, by developing the pathway system shown on the adopted pedestrian/bikeway plan. **Finding:** Although this is a legislative mandate, the granting of this request for re-zoning will further the provision of a comprehensive pedestrian and bicycle facilities along this critical transportation corridor by requiring the applicant to make on-site and frontage improvements related to pedestrian and bicycle access as part of the redevelopment process. This policy will be met.

Chapter 13: Energy

Goal 13.1: Reduce energy consumption.

Policies

1. The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:
- A. Land use patterns that reduce dependency on the automobile. **Finding:** Up-zoning the subject site to MUE per this request will permit a broader range of land uses at higher densities/intensities as envisioned in this policy than currently allowed in the underlying C-P zone. The proposal to redevelop the site for a 400-student high school, which is only possible if the re-zoning request is approved, will significantly intensify the use of this significantly under-utilized site. This policy is met.
- B. Public transit that is reliable, connected, and efficient. **Finding:** The SW Pacific Highway Corridor already is well-served by transit and will be even better served if the corridor is selected for the extension of LRT. The proposed up-zoning of the site will provide a significant number of potential transit riders to support the maintenance and expansion of transit service. This policy is met.
- C. Bicycle and pedestrian infrastructure that is safe and well connected. **Finding:** As a part of the redevelopment process, the applicant will provide the on-site bicycle pedestrian environment needed to support high-capacity transit. This policy is met.
3. The City shall require future development to consider topography, vegetation, and solar access during the design phase to reduce demands for artificial heating, cooling, and lighting. **Finding:** In this case, the city will have the opportunity to undertake the analysis for this policy in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.

6. The City shall support energy conservation by:

- A. Encouraging designs that incorporate Leadership in Energy and Environmental Design (LEED) or other accepted standards or achieve a minimum certification. **Finding:** Although it has not decided whether to seek a particular LEED certification level, applicant has directed its design team to incorporate design, building materials and construction practices very similar to those used for LEED-certified educational projects. Such practices are designed to protect site users' health, safety and well-being, and enhance the fundamental teaching and learning capabilities of the school. Planned are strategies that use energy and material resources wisely and protect and preserve the school site environment. Moreover, the applicant wishes to exceed the minimum requirements of the newly-adopted Oregon Energy Code. Further discussion of energy-efficient practices and materials will be contained in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.
- D. Providing flexibility in the land use process to take advantage of solar radiation. **Finding:** Given the southern site orientation and site's location on the north side of SW Pacific Highway, the facility currently receives the maximum solar exposure. This important feature will be protected in the ultimate redevelopment of the site as demonstrated in the subsequent concurrent Conditional Use/Site Development Review applications. This policy will be met.

Recommended Action Measures

- i. Create a process that requires new development to consider topography, vegetation, and solar access during the design phase. **Finding:** The city has the opportunity to review the incorporation of these on-site elements to the optimum degree. Efforts to maximize the energy efficiency of the site will be demonstrated in the subsequent concurrent Conditional Use/Site Development Review applications. The proposal is in the spirit of this action measure.

Chapter 15 – Special Planning Areas: Downtown. Although it lies outside the boundary for Downtown Tigard, the subject site lies immediately the east across Highway 217 and, therefore, to a degree, the vision for Downtown Tigard provides some guidance for the nearby properties.

Goal 15.1: The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enable people to live, work, play, and shop in an environment that is uniquely Tigard. **Finding:** The site is just to the east of downtown Tigard separated by SW Pacific Highway's intersection with Highway 217. There is no reason that the principles of the downtown vision cannot be extended to immediately adjacent properties outside the official downtown urban renewal boundary. The proposed re-zoning and proposed redevelopment of the site for a 400-student high school are in keeping with the downtown Tigard vision as articulated in this goal.

Compliance with Regional Plans. As noted in Chapter III, the subject site is located on SW Pacific Highway that is designated as a "Corridor" design type on the Metro's 2040 Growth Management Concept Plan Map and "high-capacity transit corridor" in the Regional Transportation Plan (RTP); in fact, the corridor is the next priority corridor for the extension of LRT. According to Chapter 1, Land Use Planning, of the Framework Plan, there are two policies that pertain to the subject site:

- 1.8.1 Identify and actively address opportunities for and obstacles to the continued development and redevelopment of existing urban land using a combination of regulations and incentives to insure that the prospect of living, working and doing business in those locations remains attractive to a wide range of households and employers.

1.8.2 Encourage, in coordination with affected agencies, the redevelopment and reuse of lands used in the past or already used for commercial or industrial purposes wherever economically-viable and environmentally-sound.

Finding: The proposed redevelopment of the site made possible by the requested re-zoning is in keeping with these policies, namely “identify and actively address opportunities for and obstacles to development or redevelopment of urban land” that results in a broad mix of uses (Policy 1.8.1). Moreover, the proposal allows for the re-use of already-developed commercial land, to minimize expansions of the regional UGB (Policy 1.8.2).

Compliance with Vision of Metro/City of Tigard High-Capacity Transit Planning. As noted in Chapter III, SW Pacific Highway is designated as a “high-capacity transit” corridor in Metro’s Regional Transportation Plan (RTP); the corridor is now the next priority for the extension LRT. Although detailed transportation and land use planning for the corridor is just getting underway, Metro and Tigard commissioned the development of a vision document by the University of Oregon’s School of Architecture, “Pacific Highway to a Sustainable Future: Tigard 99 Corridor Urban Design Vision Executive Summary” (May 2010), proposed recommendations for which provide guidance about development/redevelopment along the corridor. Pertinent recommendations include:

2. LAND USE

- a. A positive future for the Corridor depends on providing the opportunity for a much wider range of land uses than currently allowed. Therefore, Tigard should amend its Tigard Comprehensive Plan and Zoning Maps to allow a variety of land uses including medium and high density housing, employment, commercial, professional services, institutional and civic uses. **Finding:** The proposed zoning designation, MUE, allows a far greater range of uses by right and conditionally than does the current zoning designation, C-P. If there was not this quasi-judicial request to re-zone the site, the city would eventually have to “up-zone” this site as well as others along the SW Pacific Highway Corridor to comply with this policy. As noted in the Pre-Application Conference notes (Appendix A), the city prefers the use of the MUE zone over other potential options; the selection of the proposed MUE re-designation is discussed in further detail in Chapter III. The proposed use of the site for a high school also complies as it is an institution, one within the range of uses envisioned for the corridor. Physically, the redevelopment of the site will both intensify its use by doubling the FAR and bring the building closer to SW Pacific Highway, creating a more pedestrian-friendly street frontage. The addition of up to 400 students and 40 faculty/staff will also provide increases in transit ridership. This policy is met.
- b. Associated with the planning for high capacity transit, Tigard should adopt land use and urban design standards that allow future development to create a variety of high amenity, pedestrian oriented developments, especially associated with the design and designation of high capacity transit station communities. **Finding:** As noted above, the redevelopment will double the FAR on the site and bring the building in much closer proximity to the Pacific Highway ROW, creating a more pedestrian-friendly street frontage. Although there will no longer be vehicular access from SW Pacific Highway, the existing east roadway will be retained providing access to the sidewalk for pedestrians, transit riders and cyclists. This policy is met.
- c. Future transportation and land use planning should be focused on creating a unique sense of place, or identity, for the Pacific Highway Corridor. This would include distinct entry points, neighborhood and employment districts, activity nodes at key locations, defined station community districts, interconnected green networks, etc. Also, even though there are a few churches, private child care and a school along the corridor, there are no civic buildings or larger institutions. Future land use plans and redevelopment efforts should insure that a wide range of civic and institutional uses can locate in the corridor. The future land use pattern of Pacific Highway must respond to a variety of transportation modes beyond the automobile. The automobile will remain an important part of the transportation system, but other modes such as rail, bus transit, walking, and biking must also be considered. This will require a land use pattern of mixed-use development types that are functionally and economically interdependent.

Finding: A 400-student high school is an example of a “larger institution” contained in this policy statement. Both the proposed physical intensification of the site, doubling the existing FAR, and the operational intensity, bringing up to 440 people to the site daily, are in keeping with this policy. However, most institutions, including schools, are not allowed by the current zoning designation, C-P. As noted above, the city has indicated that if the zoning is changed, it prefers the MUE zoning designation for a number of reasons, as described in greater detail in Chapter III. This policy is met.

4. URBAN DESIGN AND ENVIRONMENT

- a. Corridor businesses and property owners, the City of Tigard, and ODOT should cooperate on a sustained effort to increase the appearance and overall aesthetics of the Pacific Highway Corridor on both public and private properties. This effort can have significant effect, beginning with strategic tree planting and other landscape improvements within street right-of-ways, freeway interchanges, and public easements. **Finding:** As noted in Chapter III, the existing building is archaic and has limited options for re-use. After being vacant for about two years, it is now occupied since 2004 by a church that uses the facility “as is” with primarily weekend activities. As a result, the site is physically and operationally under-utilized and, therefore, not a potentially significant generator of transit trips. WCHS proposes to redevelop the site for a 400-student high school, which will intensify both the physical site and operations, with the potential of both upgrading the street frontage and providing a pool of transit riders. This policy is met.
- b. Develop and implement strategies to improve the design quality of new and existing development such as assistance with clean-up, tree planting and landscaping; store front improvements; building and nuisance code enforcement, and land use design standards. **Finding:** As noted above, the conceptual redevelopment plan features building expansions to the southwest and southeast that will bring the facilities closer to the SW Pacific Highway ROW, thus, improving the street frontage and providing enhanced access for pedestrians, transit riders and cyclists. The redevelopment also will provide the opportunity to enhance landscaping and stormwater treatment/disposal. In Tigard, the Site Development Review, which in this case will be undertaken concurrently with the Conditional Review, provides a platform for evaluating design as well as function. This policy is met.

Statewide Planning Goals. Because involves a quasi-judicial Comprehensive Plan Map modification, State statute requires the applicant to demonstrate compliance with all of the applicable Statewide Planning Goals, which in this case, are Goals 1 – 14.

Goal 1: Citizen Involvement. To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. **Finding:** In quasi-judicial land use cases, the City of Tigard requires the applicant call a special meeting of property-owners within 500’ prior to the submission of an application to present the proposed project and seek feedback, presumably to ensure the resulting application addresses any questions or concerns raised by neighbors. In addition, the city has incorporated notice requirements to comply with State statute. In this case, neighbors within 500’ are notified of the date, time and location of the public hearing(s) and provided a chance to respond with questions and concerns by e-mail, letter and/or oral testimony. Neighbors who officially respond to the notice then become parties of standing and are notified of the decision so that they can exercise their rights to appeal. In this case, the required neighborhood meeting was held on 2/7/11. This goal is met.

Goal 2: Land Use Planning. To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. **Finding:** The city has complied with the goal by adopting its Comprehensive Plan, Development Code and Zoning Map, which it periodically updates through a combination of legislative and quasi-judicial modifications. In this quasi-judicial request, the applicant is demonstrating compliance with the Comprehensive Plan and Development Code by means of this application, especially Chapter 2, Land Use Planning, of the Comprehensive Plan, which the city adopted specifically to respond to this goal.

Goal 3: Agricultural Lands. *To preserve and maintain agricultural lands.* **Finding:** This goal does not apply as the subject site already is located within the regional UGB, and as such is designated for urban development.

Goal 4: Forest Lands. *To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.* **Finding:** This goal does not apply as the subject site already is located within the regional UGB, and as such is designated for urban development.

Goal 5: Natural Resources. Scenic and Historic Areas and Open Spaces. *To protect natural resources and conserve scenic and historic areas and open spaces.* **Finding:** This goal does not apply as the subject property has no scenic, historic, natural resource or open space overlay designations.

Goal 6: Air, Water and Land Resources. *To maintain and improve the quality of the air, water and land resources of the state.* **Finding:** Infill/redevelopment ("refill") is seen as one of the best ways to use existing urban land more efficiently, as it reduces the need to expand the regional UGB. Mixed-use at increasing densities/intensities also use existing infrastructure such as water, sanitary sewer, stormwater disposal and police/fire services, to the degree there is remaining capacity, more efficiently and, thus, reduce the need to extend infrastructure in "green field" sites either already within the regional UGB or immediately outside. Thus, up-zoning the site from C-P to MUE, maintains and improves air, water and land resources of the state by allowing a wider range of uses – including the proposed 400-student high school – at higher densities/intensities than the existing zoning designation. This goal is met.

Goal 7: Areas Subject to Natural Hazards. *To protect people and property from natural hazards.* **Finding:** This goal does not apply as the subject site has no natural hazard overlays.

Goal 8: Recreational Needs. *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.* **Finding:** If the re-zoning request is approved and the proposed project moves forward, the northern portion of the site will be improved to contain a soccer field and tennis courts to accommodate the recreational and physical education needs of students at WCHS. This goal is met.

Goal 9: Economic Development. *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.* **Finding:** As noted in Chapter III, the site once accommodated a GM automotive training center that resulted in a facility that is highly individualized in design and not readily amenable to re-use. Currently, City Bible Church is housed there using the facilities "as is" but only primarily on weekends. By re-zoning the site, the city will permit WCHS high school to renovate extensively and expand the existing building stock, doubling the FAR; create a much more transit- and pedestrian-friendly street frontage on SW Pacific Highway, a designated High-Capacity Transit Corridor and next priority for expansion of LRT; re-utilize the site during the work week rather than just on weekends; and serve 400 students and 40 faculty/staff who can patronize nearby businesses and ride transit. Moreover, up to 40 jobs associated with the school are family-waged, professional positions for the most part. By demonstrating compliance with Chapter 9, Economic Development, of the Tigard Comprehensive Plan, the applicant demonstrates compliance with this goal.

Goal 10: Housing. *To provide for the housing needs of citizens of the state.* **Finding:** Currently, housing is not an allowed use in the C-P zone. However, the proposed MUE zone allows housing up to 25 units/acre, similar to the large apartment complex to the west that is zoned R-25. Up-zoning the site to a zoning designation with a broader range of uses at greater intensity/density is in keeping with this goal, although the stated purpose is to provide a site for the relocation for WCHS, the likely use for the foreseeable future. In the unlikely event that the school closes or relocates, the site could be used for high-density housing by right.

Goal 11: Public Facilities. *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.* **Finding:** *There is a full complement of public services and facilities available to the site. The exact sizing and location of on-site water, sanitary sewer and stormwater disposal facilities will be determined once detailed design of the project is undertaken, which not occur until the proposed zone change is approved. This detailed infrastructure analysis and resulting plan will be prepared by the applicant's civil engineer and incorporated into the subsequent concurrent Type III Conditional Use/Type II Site Development Review applications. This goal is met.*

Goal 12: Transportation. *To provide and encourage a safe, convenient and economic transportation system.* **Finding:** *In recognition of its regional importance, SW Pacific Highway has been designated as a High-Capacity Transit Corridor in the Metro Regional Transportation Plan (RTP) and has been identified as the next priority for the extension of the region's LRT system. Given all of the demands on the nearby roadway system, it is recognized by the city, Metro and the Oregon Department of Transportation (ODOT) that a significant shift from automobile travel to alternative modes is necessary if the corridor's capacity is to be used efficiently. Even as planning for the LRT begins, it is incumbent upon the City of Tigard to begin up-zoning adjacent properties both legislatively and, when the opportunity presents itself, quasi-judicially to permit redevelopment into a broader mix of uses at transit-supportive densities. The proposed high school, which is only feasible if this re-zoning request is approved, will increase the intensity of use both physically, by doubling the existing FAR, and temporally by provided activity throughout the week. The up to 400 students and 40 faculty/staff also provide a large pool of potential transit riders. This goal is met.*

Goal 13: Energy Conservation. *To conserve energy.* **Finding:** *Re-using existing building stock conserves energy because it is not necessary to expend energy either to demolish the existing building and transport debris to a remote landfill or to manufacture new building materials and transport these to the site. At the same time, the renovation/expansion of the existing building permits the facility to be brought up to code for current design/development, stormwater disposal, health/life safety, energy efficiency and seismic regulations. This goal is met.*

Goal 14: Urbanization. *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to insure efficient use of land, and to provide for livable communities.* **Finding:** *Because the proposed up-zoning will permit the re-use and intensification of the subject site, it is in keeping with this goal since the site already is located within the regional UGB.*

Applicable Provisions of Development Code. *As noted throughout this application, this request for a Comprehensive Plan/Zoning Map Amendment is being undertaken to change the range of allowed/conditional uses so that the site can be productively re-used at a density/intensity envisioned in policy documents related to SW Pacific Highway's designation as a High-Capacity Transit Corridor. Assuming that this application is approved, the applicant will prepare a detailed site plan that will comply with all applicable provisions of the Development Code unless Variances/Adjustments are sought. This will be accomplished through the subsequent concurrent Type III Conditional Use/Site Development Review applications. This provision will be met prior to construction of the proposed project.*

Impact Analysis. *As noted earlier in this application, there are a full complement of public services and facilities – including water, sanitary sewer, stormwater disposal, and police and/fire services – to serve the proposed use. Assuming that this application is approved, the applicant will prepare a detailed site plan that will include a detailed analysis of infrastructure capacity and design of on-site facilities that meet all applicable city, regional and state-wide requirements. This will be accomplished through the subsequent concurrent Type III Conditional Use/Site Development Review applications. This provision will be met prior to construction of the proposed project.*

APPENDIX A
PRE-APPLICATION CONFERENCE NOTES

APPENDIX A

PRE-APPLICATION NOTES FOR COMPREHENSIVE PLAN & ZONING MAP AMENDMENT OR TEXT AMENDMENT November 9, 2010

STAFF PRESENT: Gary Pagenstecher, Gus Duenas

APPLICANT: Andy Sears (Westside Christian High School), Beverly Bookin (TBG)

PROPERTY LOCATION: 8200 SW Pfaffle Street (City Bible Church)

TAX MAP/ LOT #'s: 1S136CC00100

PROPOSAL DESCRIPTION:

The applicant prefers a text amendment adding "schools" as a permitted or conditional use in the C-P zone.

Alternatively, at the City's suggestion, the applicant anticipates a Comprehensive Plan Amendment and Zoning Map Amendment to change the Comprehensive Plan Designations and Zoning Map Classifications of the subject 7.44-acre site from Professional/Administrative Commercial (C-P) to either Mixed Use Residential (MUR 1 or 2), Mixed Use Employment (MUE1 or 2), or Residential (R-25).

COMP PLAN DESIGNATIONS: Professional/Administrative Commercial

ZONING: C-P

NEIGHBORHOOD MEETING

A neighborhood meeting is required for a quasi-judicial comp plan and zoning map amendment.

NARRATIVE

Include a narrative that responds to the applicable review criteria. Provide background and findings of fact as to why the comprehensive plan amendment and zoning map amendment are necessary, or what public benefit is being promoted. **Note:** The list of specific goals and standards below is intended to provide guidance in preparation of your application, and that additional criteria may be identified dependant upon the nature of the specific application, or as other issues are raised. This is not an exhaustive list of all criteria. It is the applicant's responsibility to ensure that all applicable standards are met.

APPLICABLE CRITERIA

Standards for making quasi-judicial decisions apply to the proposed zoning map amendment. A recommendation to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations (e.g. Goal #2, Land Use Planning; Goal #9, Economic Development; Goal #10 Housing; Goal #12, Transportation).
2. Demonstration of compliance with all applicable standards of any provision of the Tigard Development Code or other applicable implementing ordinance (including but not limited to

18.380.020 Zoning Map and Text Amendments, 18.390.050/.060 Decision Making Procedures);
and

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

In addition, the recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;
2. Any federal or state statutes or regulations found applicable;
3. Any applicable METRO regulations;
4. Any applicable comprehensive plan policies; and
5. Any applicable provisions of the City's implementing ordinances.

APPLICATION REQUIREMENTS:

- a. Include the information requested on the application form;
- b. Address the relevant criteria in sufficient detail for review and action;
- c. Be accompanied by the required fee;
- d. Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in Section 18.390.050C.
- e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users.
- f. Be accompanied by 18 copies of the narrative.

PROCESS

The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the application on the record as provided by Section 18.390, as a Type IV review.

DECISION

The decision timeline is generally about 4 months from receipt of a complete application. The 120-day rule is not applicable to legislative changes.

COMMENTS

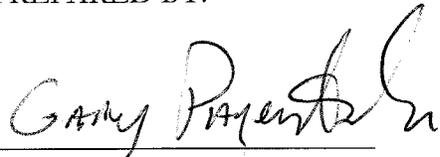
With respect to the applicant's preference for a text amendment to allow schools in the C-P zone, the Planning Director has determined that text amendments, as a Type IV Legislative procedure will not be processed for quasi-judicial actions and should not be initiated by the public but reserved for City initiation.

The applicant requested guidance on which zone the City would support to accommodate schools at the subject location. The City would support the MUE zone for the site for the following reasons: 1) the zone allows schools as a conditional use, 2) the zone continues to allow religious institutions outright, 3) the zone allows residential use with a maximum density of 25 units/acre, consistent with the adjacent R-25 zone, 4) the zone allows for a greater mix of uses than C-P, consistent with Pacific Hwy High Capacity Transit Corridor Planning, and 5) the code anticipates application of the zone elsewhere in the city through the legislative process.

APPLICATION FEES:

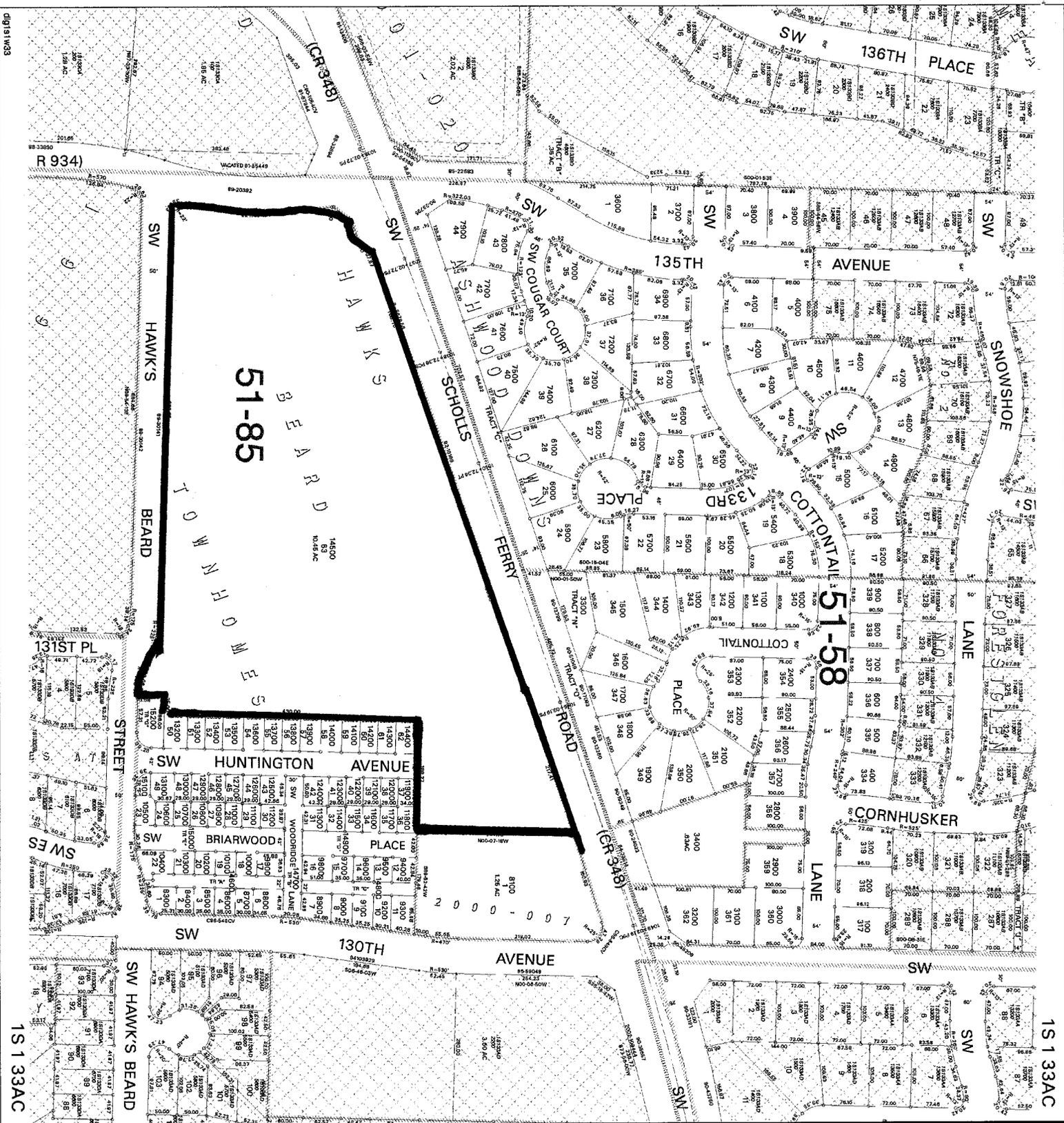
Comprehensive Plan Amendment:	\$9,195.00
Quasi Judicial Zoning Map Amendment:	<u>3,459.00</u>
Total Fees:	\$12,654.00

PREPARED BY:



Gary Pagenstecher
Associate Planner

APPENDIX B
ALTERNATIVES ANALYSIS



BEAVERTON
TIGARD
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Map users authorized by either county, city, or a contractor
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PLAT DATE August 12, 2003
 FOR ASSESSMENT PURPOSES
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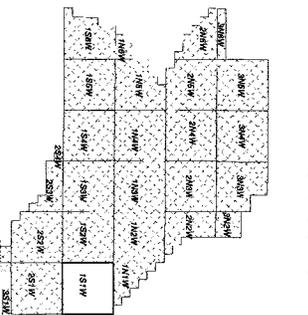
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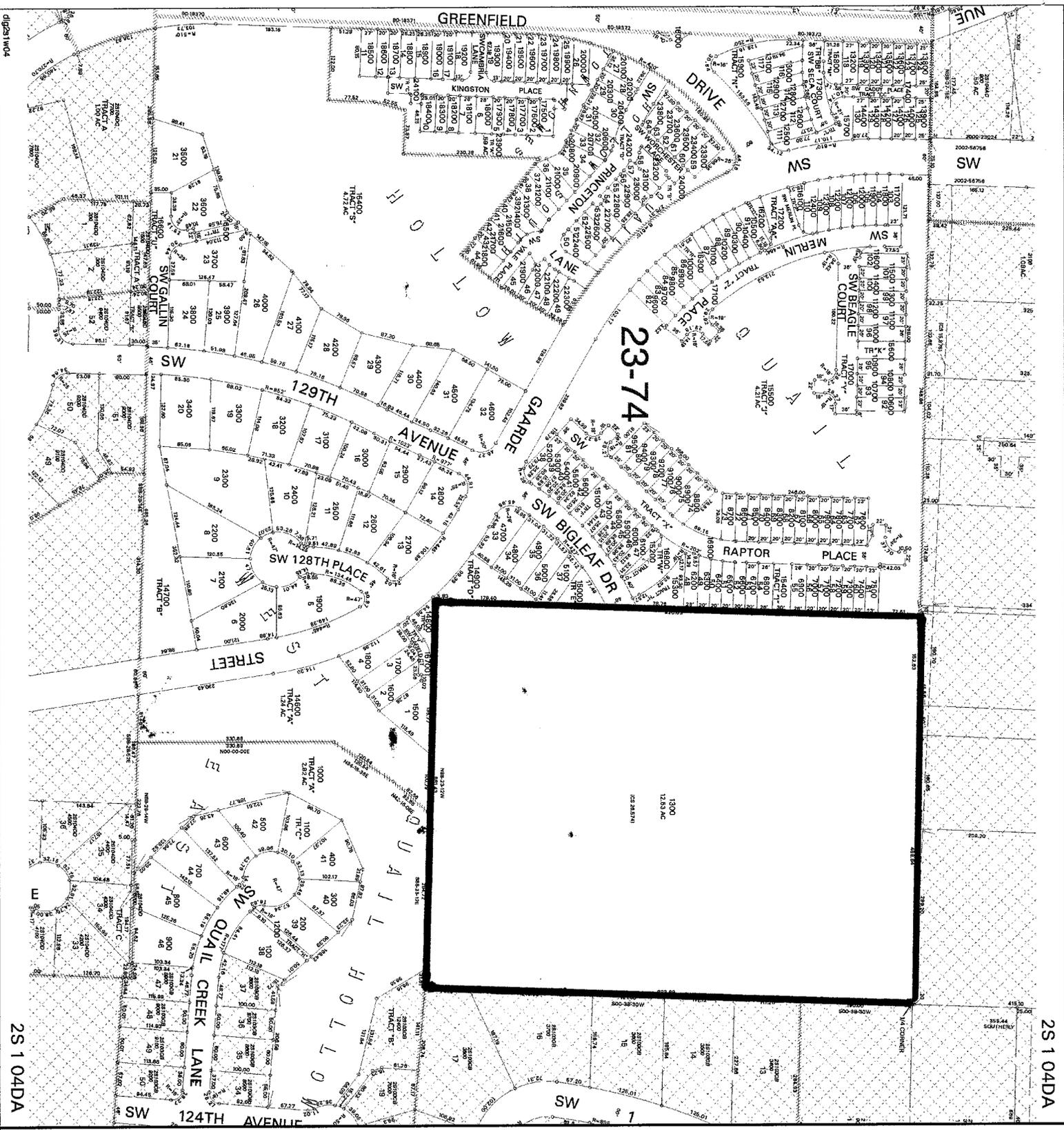
FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.washington.or.us

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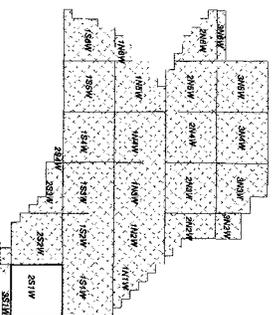


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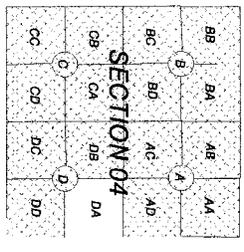
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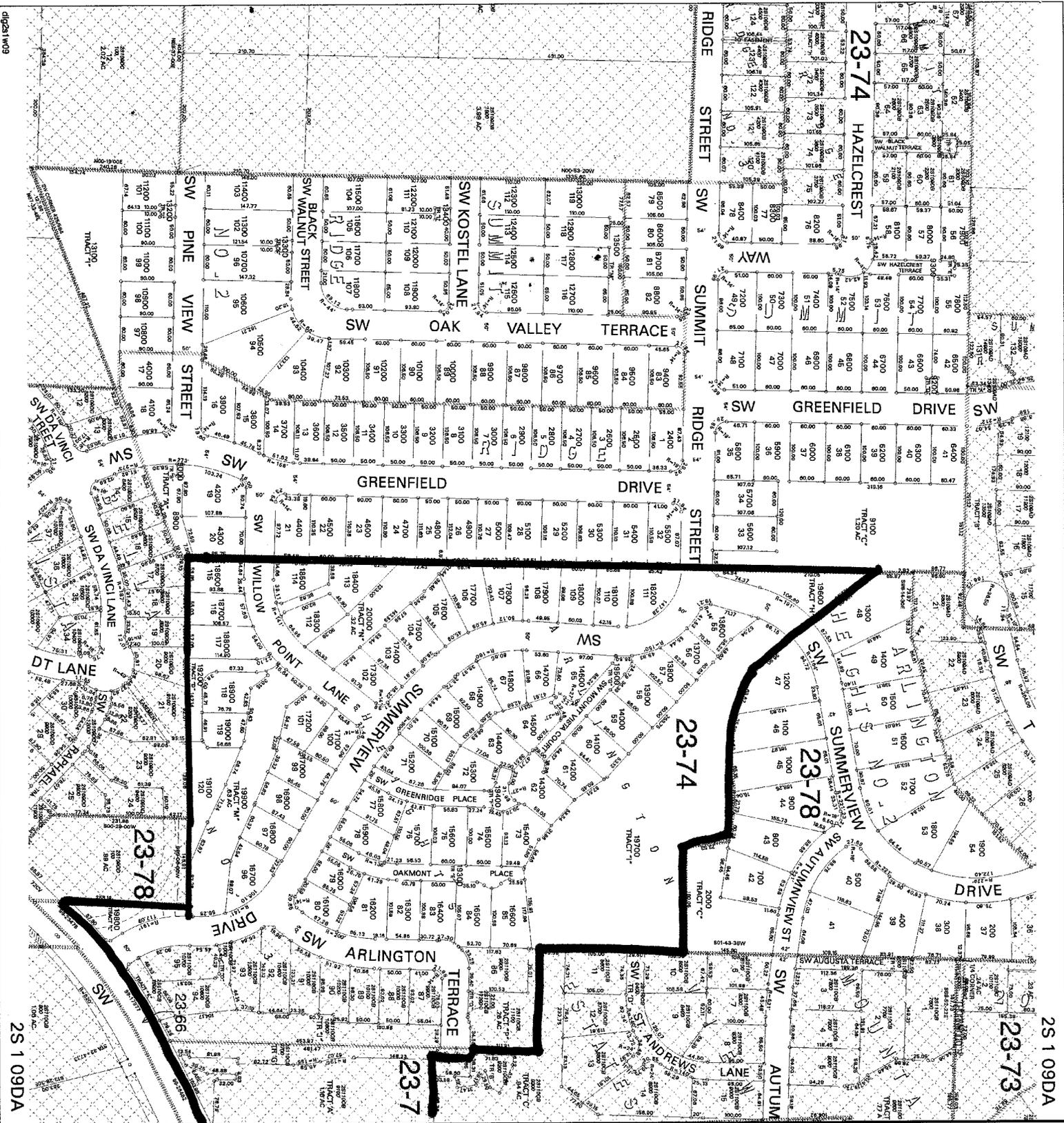


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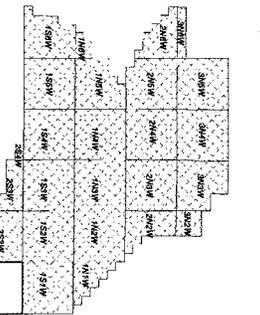
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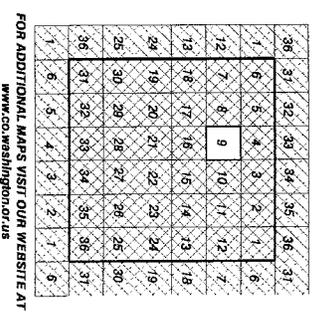


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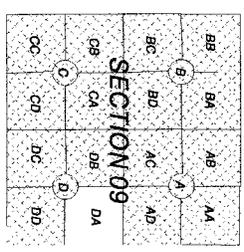
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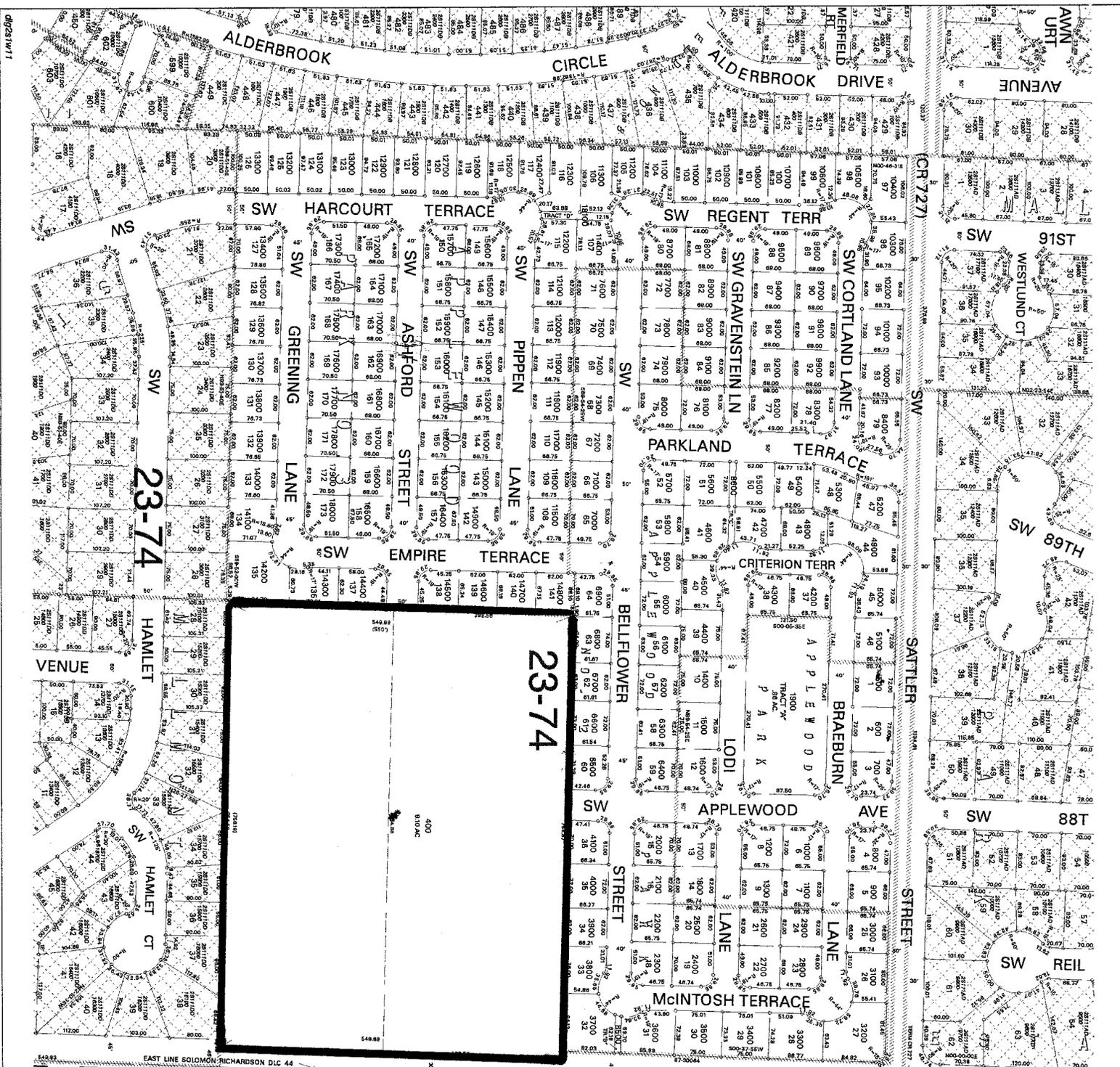
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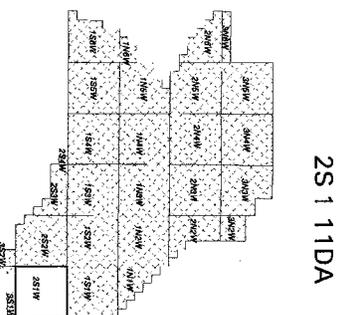
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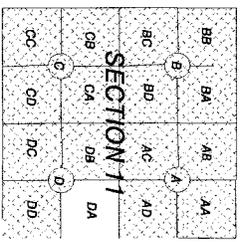
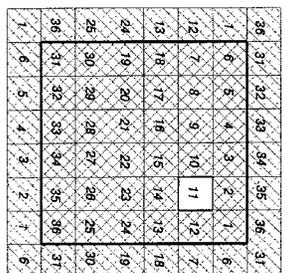
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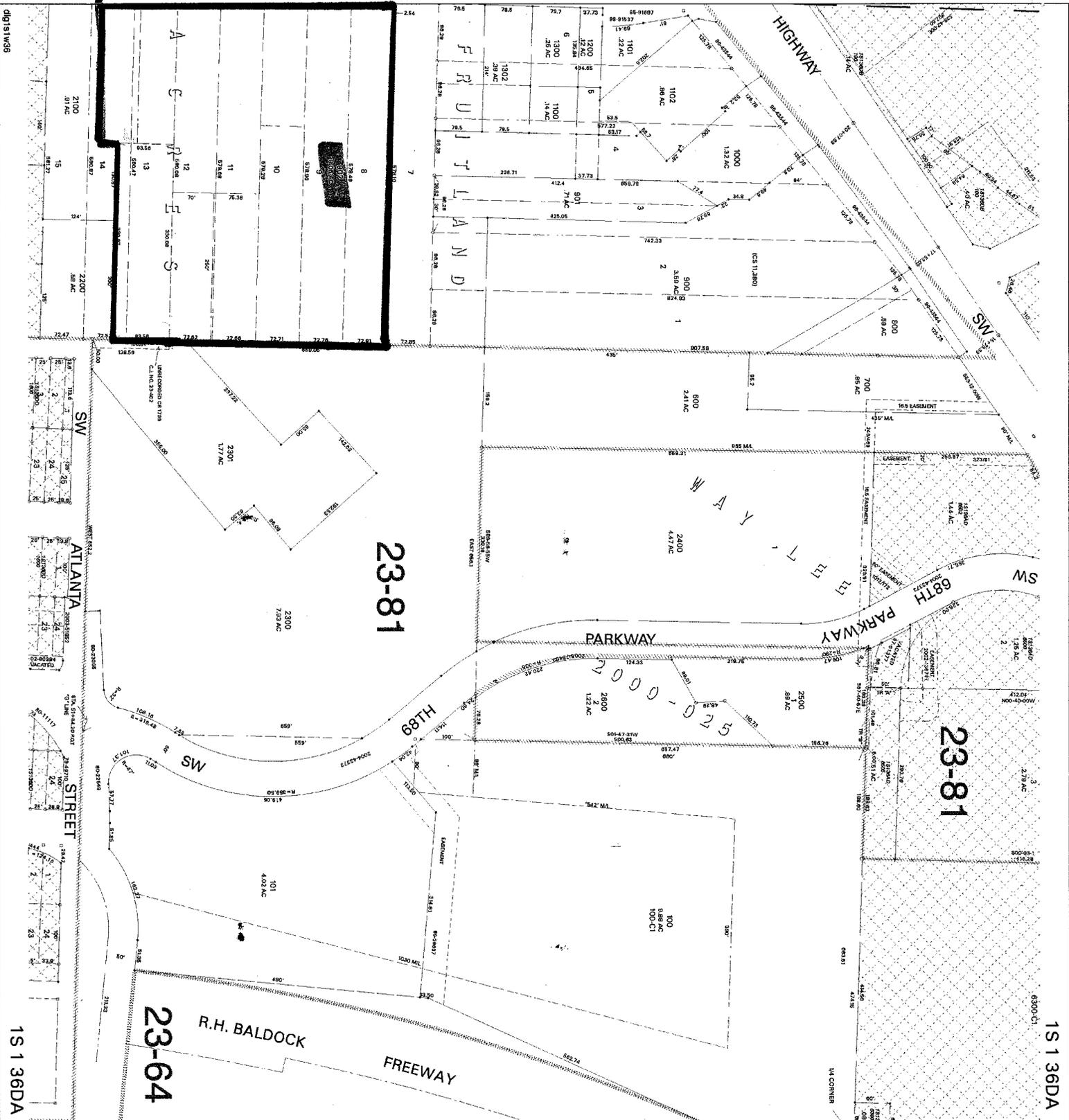
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WASHINGTON COUNTY
ASSESSMENT
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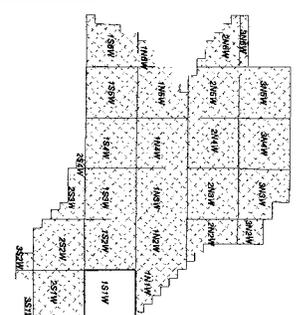
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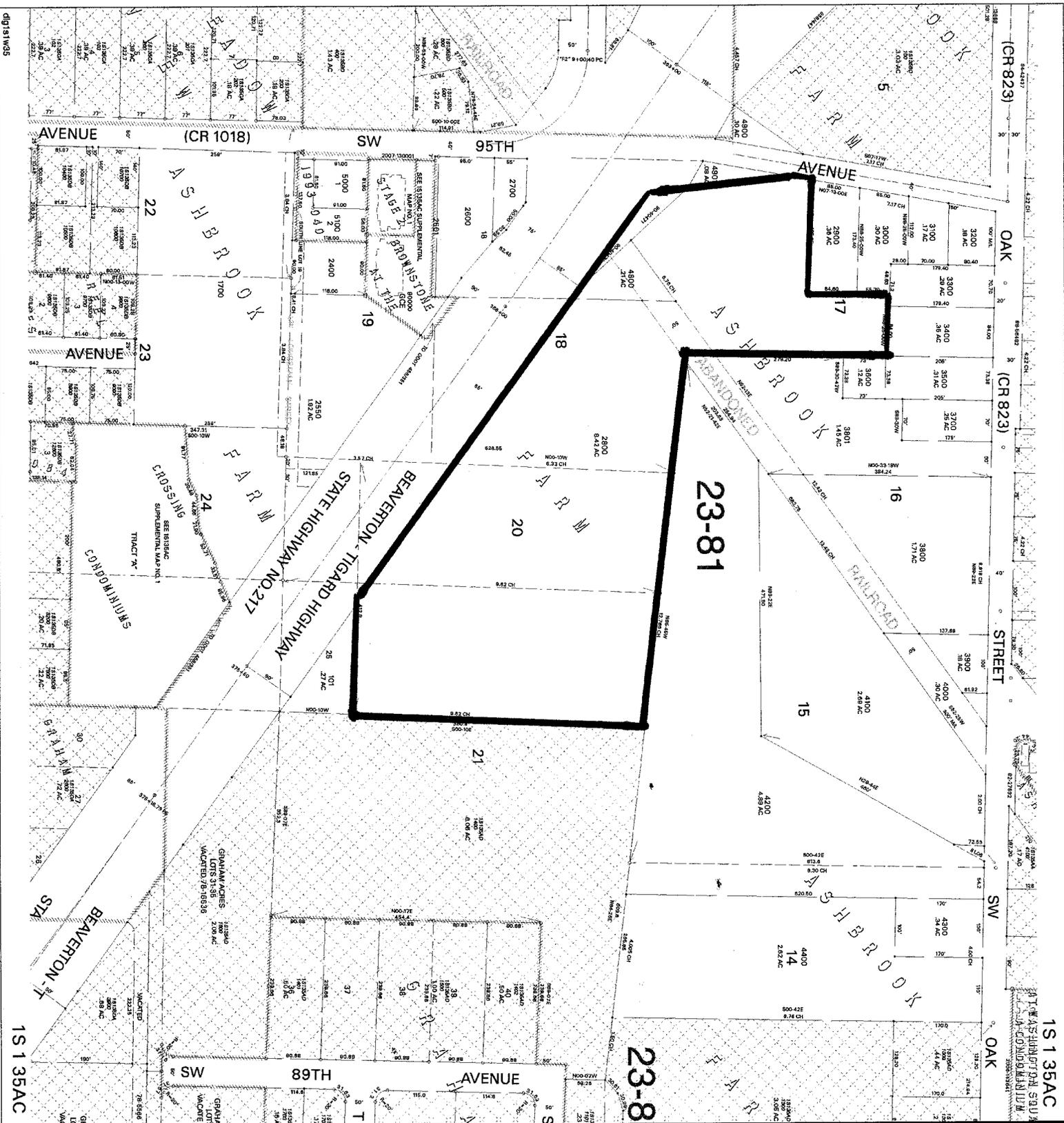
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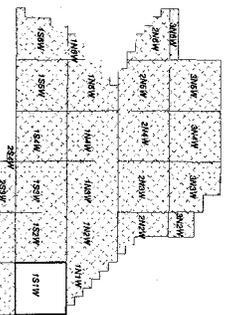
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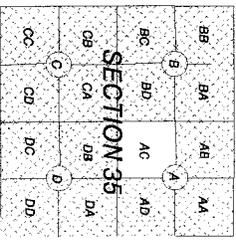
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WASHINGTON COUNTY OREGON
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FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.washington.or.us

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1	6	5	4	3	2	1	6
12	7	8	9	10	11	12	7
13	18	17	16	15	14	13	18
24	19	20	21	22	23	24	19
25	30	29	28	27	26	25	30
36	31	32	33	34	35	36	31
1	6	5	4	3	2	1	6



Cancelled Taxlots For: 1S135AC
200,211,202,203,204,300,311,302,400,500,511,502,
513,514,515,516,700,710,700,800,810,811,812,800,
400,200,500,100,800,900,100,110,120,200,
400,200,500,100,800,900,100,110,120,200.



WASHINGTON COUNTY
ASSESSMENT
CARTOGRAPHY
DIVISION

PLAT DATE: May 12, 2010
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either gray shading or a cross-hatched pattern are for reference only and may not indicate the most current property boundaries. Please consult the appropriate map for the most current information.

TIGARD
1S 1 35AC

digitals

APPENDIX C
TRANSPORTATION PLANNING RULE ANALYSIS

February 10, 2011

Karl Sonnenberg, Board Member
Westside Christian High School
4565 Carman Drive
Lake Oswego, OR 97035



321 SW 4th Ave., Suite 400
Portland, OR 97204
phone: 503.248.0313
fax: 503.248.9251
lancasterengineering.com

RE: Tigard Site Zone Change: Transportation Planning Rule Analysis

Dear Karl,

This letter is intended to describe the potential traffic impacts of a proposed rezone in Tigard, Oregon. The site is located at 8200 SW Pfaffle Street, in the northeast quadrant of the Highway 217 interchange with Highway 99W and consists of 7.44 acres zoned C-P (Professional/Administrative Commercial). Under the proposed zone change, the property would be rezoned to MUE (Mixed-Use Employment). This analysis will determine the difference in site trips that could be associated with the proposed zone change. It will also address the Transportation Planning Rule (TPR) as it relates to the proposed zone change.

The primary references for this letter are the ITE Trip Generation Manual, the City of Tigard's Development Code, the City of Tigard's Transportation System Plan, and the TPR as established by the Oregon Administrative Rules (OAR) 660-012-0060.

Trip Generation

In order to determine the difference in site trips that could be associated with the proposed zone change, an analysis was undertaken of the maximum-density development that could reasonably be achieved on the subject property under the proposed MUE zoning designation. This level of development was compared to the level of development permitted under the existing site C-P zoning.

Under the existing C-P zoning, the "reasonable worst case" development permitted on the subject property per the City of Tigard's Development Code would consist of a two-story medical-dental office building. It is reasonable to think that the site could be developed with 25 percent lot coverage, resulting in a gross floor area of 162,000 square feet.

Under the proposed MUE zoning, the "reasonable worst case" development would also consist of a two-story medical-dental office building, however the maximum floor area ratio is limited to 0.40, resulting in an allowable gross floor area of 129,000 square feet.

To estimate the difference in site trips that could be generated under the existing and proposed zoning designations, trip rates from the manual *TRIP GENERATION*, Eighth Edition, published by the



Institute of Transportation Engineers (ITE), were used. The trip rates used were from land-use code 720, *Medical-Dental Office Building*, and are based on the gross floor area.

It is estimated that the decrease in allowable density associated with the proposed zone change would result in a net decrease of 76 trips during the morning peak hour and 115 trips during the evening peak hour. A summary of the trip generation calculations is shown in the following table. Detailed trip generation calculations are included in the technical appendix attached to this letter.

TRIP GENERATION SUMMARY
 8200 SW Pfaffle Street Rezone

	sf	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Existing (C-P) Zoning	162	294	79	373	151	410	561
Proposed (MUE) Zoning	129	234	63	297	121	325	446
Net Decrease in Site Trips		60	16	76	30	85	115

Transportation Planning Rule

The primary test of the TPR is to determine if an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation will “significantly affect” an existing or planned transportation facility. The definition of significant affect is addressed in the following sections of this letter.

OAR 660-012-0060

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

The proposed zone change will not change the functional classification of any existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

The proposed zone change will not change the standards underlying the City’s functional classification system.



Karl Sonnenberg
February 10, 2011
Page 3 of 4

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

The property at 8200 SW Pfaffle Street will take access exclusively via SW Pfaffle Street, since direct access to Highway 99W is restricted. SW Pfaffle Street is classified by the City of Tigard as a Collector. According to the City of Tigard's Transportation System Plan, "*Collector Streets provide both access and circulation within and between residential and commercial/industrial areas. Collectors differ from arterials in that they provide more of a citywide circulation function, do not require as extensive control of access (compared to arterials) and penetrate residential neighborhoods, distributing trips from the neighborhood and local street system.*" Based on this description, SW Pfaffle Street is functioning as intended. Since the proposed zone change will not result in an increase in site trips on the subject property, the proposed rezone will not require reclassification of SW Pfaffle Street or any other roadways in the site vicinity.

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

As demonstrated in the trip generation analysis, the proposed rezone would result in a reduction in site trips when compared to existing allowed uses on the subject property. Therefore, development of the subject property with uses allowed under the proposed MUE zoning cannot reduce or worsen the performance of any existing or planned transportation facilities.

Since the likely use of the subject property is not an outright permitted use, it is appropriate to establish a maximum level of development permissible on the subject property in order to ensure that the future conditional-use development will also not reduce or worsen the performance of any existing or planned transportation facilities. Accordingly, it is proposed that a trip cap be established on the subject property at the level permitted under the existing C-P zoning. The trip cap should allow a maximum of 373 site trips during the morning peak hour and 561 site trips during the evening peak hour.

Karl Sonnenberg
February 10, 2011
Page 4 of 4

Conclusions

The proposed zone change is projected to result in a net decrease in site trips when compared to allowed uses under the existing zoning. As such, the zone change will not have a significant affect on the transportation system as defined under Oregon's Transportation Planning Rule.

In order to ensure that future potential development with a conditionally-permitted private school would also not result in a significant affect as defined under Oregon's Transportation Planning Rule, a trip cap is proposed for the subject property. The trip cap should limit any future use of the site to a maximum of 373 site trips during the morning peak hour and 561 site trips during the evening peak hour.

If you have any questions regarding this analysis, please do not hesitate to call.

Yours truly,

Michael Ard, PE
Senior Transportation Engineer

APPENDIX



TRIP GENERATION CALCULATIONS

Land Use: Medical-Dental Office Building
Land Use Code: 720
Variable: 1,000 Sq Ft Gross Floor Area
Variable Quantity: 162.0

AM PEAK HOUR

Trip Rate: 2.30

	Enter	Exit	Total
Directional Distribution	79%	21%	
Trip Ends	294	79	373

PM PEAK HOUR

Trip Rate: 3.46

	Enter	Exit	Total
Directional Distribution	27%	73%	
Trip Ends	151	410	561

WEEKDAY

Trip Rate: 36.13

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	2,927	2,927	5,854

SATURDAY

Trip Rate: 8.96

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	726	726	1,452



TRIP GENERATION CALCULATIONS

Land Use: Medical-Dental Office Building
Land Use Code: 720
Variable: 1,000 Sq Ft Gross Floor Area
Variable Quantity: 129.0

AM PEAK HOUR

Trip Rate: 2.30

	Enter	Exit	Total
Directional Distribution	79%	21%	
Trip Ends	234	63	297

PM PEAK HOUR

Trip Rate: 3.46

	Enter	Exit	Total
Directional Distribution	27%	73%	
Trip Ends	121	325	446

WEEKDAY

Trip Rate: 36.13

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	2,330	2,330	4,660

SATURDAY

Trip Rate: 8.96

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	578	578	1,156

AIS-494

Item #: 6.

Business Meeting

Date: 06/14/2011

Length (in minutes): 10 Minutes

Agenda Title: FY 2010-11 Supplemental Budget Amendment

Prepared For: Toby LaFrance

Submitted By:

Carissa Collins
Financial and
Information
Services

Item Type: Resolution
Public Hearing - Legislative

Meeting Type:

Council Business
Meeting - Main

ISSUE

Since the adoption of the FY 2011 Budget, there is a need to bring forth a supplemental budget amendment to City Council in order to address budget items that were unknown at the time that the budget was adopted. The following issues are addressed in the amendment:

1. Recognition of \$17 million parks bond proceeds
2. Street Maintenance & Gas Tax Funds
3. Water Capital Improvement Program
4. General Obligation Debt Service Fund
5. Professional/Contractual Service
6. Transfer from Water Fund
7. Recognition of Grants & Intergovernmental Revenues
8. The Knoll at Tigard
9. Water Building Lease Payment

STAFF RECOMMENDATION / ACTION REQUEST

Approve the FY 2011 Supplemental Budget Amendment.

KEY FACTS AND INFORMATION SUMMARY

The following is a list of items that require action by council for the FY 2011 Adopted Budget. The first four items were included in the FY 2011 Third Quarter Financial Report presented to the Budget Committee on April 25, 2011. Item numbers five and six were verbally presented as known items at the time the report was provided. Also at that time, staff informed the Budget Committee that there may be additional issues that could be included in a year end supplemental, these are reflected in item numbers seven through nine. The items included in this requested supplemental are:

1. Recognition of \$17 million parks bond proceeds - Voters approved the parks bond in November 2010. While it is not required to appropriate bond proceeds in the year they are received, it is preferable to appropriate these funds to present an accurate accounting in the city's financial records.
2. Street Maintenance & Gas Tax Funds - Most of the expenses for the Street Maintenance Fund occur in the first quarter of the fiscal year. However, the revenues are collected throughout the year. As a result, the Street Maintenance Fund does not have sufficient beginning fund balance to cover the costs from the work completed in the first quarter. In FY 2011, this problem was solved by transfer of \$200,000 from the Gas Tax Fund with a reciprocal transfer back when there was enough cash in the Street Maintenance Fund to pay back the Gas Tax Fund. These transfers corrected the cash flow issue. This budget amendment will amend the budget to reflect the action taken when the cash flow correction was made.
3. Water Capital Improvement Program - The FY 2011 has \$9,562,003 in improvements for the Water CIP. All transfers and other resources necessary to support the Water CIP Fund are adopted; however, due to a scrivener's error, only \$7,143,043 in CIP expenses were appropriated. This supplemental request will correct the budget and appropriate the intended amount of \$9,562,003 enabling the city to pay for projects

such as the Water Mainline Oversizing project, the Water SDC Update, and the Lake Oswego/Tigard Water Partnership.

4. General Obligation Debt Service Fund - The Library GO Bond was refinanced in January. Due to the costs associated with refinancing, expenditures exceed budget. Additionally, the structure of the refinance added revenues within the fund. The additional revenues and a higher than budgeted beginning fund balance offset the additional costs associated with the refinance. Action is required to correct the budget in this fund.
5. Professional/Contractual Service - Additional budget appropriation is required due to increased labor attorney costs and city manager recruitment expenses for Human Resources.
6. Transfer from Water Fund - Additional funding is needed in Utility Billing due to increased costs in printing, mailing, and meter reading resulting from the switch to monthly billing.
7. Recognition of Grants & Intergovernmental Revenues - Receipt of grant and intergovernmental revenues not included in the FY 2011 budget and awarded since the last supplemental in September 2010 for expenses in Public Works and Police.
8. The Knoll at Tigard - The city is the administrator for the Community Development Block Grant (CDBG) that funds this project managed by Community Partners for Affordable Housing (CPAH). As such, this amendment will recognize total expenses and revenues associated with passing through the grant revenues for this project.
9. Water Building Lease Payment - In August 2007, an intergovernmental agreement was established between the Intergovernmental Water Board and the City of Tigard to lease the Water Building which houses some of the Public Works staff. The budgeted payment from the Water Fund is correct; however, due to changes in staff occupying the building the allocation of the payment across funds needs to be corrected. The funds impacted are: General Fund, Gas Tax Fund, Sanitary Sewer Fund, and Stormwater Fund. Both General Fund and Gas Tax Fund have fewer staff in the building and the revised allocation will save money in these two funds. Costs in Sewer and Stormwater funds will increase.

OTHER ALTERNATIVES

Do not approve the supplemental budget amendment.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

3. Complete Plans for Parkland Acquisition
5. Continue Coordination with Lake Oswego on Water Partnership.
6. Financial Stability

DATES OF PREVIOUS COUNCIL CONSIDERATION

During the Budget Committee meeting on April 25, 2011 staff informed Council that this request would be brought to Council and specifically addressed the first four items in the FY 2011 Third Quarter Report provided to the Budget Committee.

Fiscal Impact

Cost: 35,314,130
Budgeted (yes or no): No
Where Budgeted (department/program): Various
Additional Fiscal Notes:

The total impact of this action will increase the FY 2011 Adopted Budget by \$35,314,130 with a supporting amount of additional resources to maintain a balanced budget. The vast majority of the increase is due to the Parks Bond. The proceeds are first recognized in the Parks Bond Fund and are then transferred to the Parks CIP Fund to pay for land acquisitions and parks improvements. Due to the nature of multi-fund budgeting, the \$17,000,000 is recognized and appropriated in both funds, accounting for \$34,000,000 of the total budgetary increase. Attachment A has the details; however, a summary for each impacted fund is provided below:

Fund	Budget Impact	Source
Parks Bond Fund	17,000,000	Bond Proceeds
Parks CIP Fund	17,000,000	Transfer from Parks Bond Fund
Gas Tax Fund	659,769	Grant and Transfer from Street Maintenance Fee Fund
GO Debt Service Fund	250,175	Increase in Beginning Fund Balance and proceeds from Library Bond Refinance
Street Maintenance Fee Fund	200,000	Transfer from Gas Tax Fund
Central Service Fund	108,000	Transfer from Water Fund
General Fund	96,186	Grant revenues
Total	35,314,130	

Attachments

Resolution

Supplemental Exhibit A

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO.**

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO ACHIEVE THE FOLLOWING: 1) TO RECOGNIZE THE \$17 MILLION PARKS BOND PROCEEDS; 2) CORRECT THE BUDGETS FOR THE GENERAL OBLIGATION DEBT SERVICE, GAS TAX, STREET MAINTENANCE FEE, AND WATER CAPITAL IMPROVEMENT FUNDS; 3) RECOGNITION OF GRANT AND INTERGOVERNMENTAL REVENUES FOR PUBLIC WORKS, POLICE, AND THE CAPITAL IMPROVEMENT PROGRAM; 4) BUDGET OF UNANTICIPATED EXPENDITURES IN POLICY AND ADMINISTRATION.

WHEREAS, the city is acknowledging those items that were unknown at the time the FY 2011 Budget was adopted; and

WHEREAS, voters approved the Tigard Parks Bond on November 2, 2010 to be used for land acquisitions and development; and

WHEREAS, the city will recognize the use of the \$17,000,000 parks bond proceeds; and

WHEREAS, there is not sufficient beginning fund balance in the Street Maintenance Fee Fund to pay for expenses incurred by the PMP within the first quarter, resulting in a \$200,000 loan from the Gas Tax Fund to Street Maintenance Fee Fund to resolve the cash flow issue; and

WHEREAS, the FY 2011 Adopted CIP includes \$9,562,003 in capital improvements for the Water Capital Improvement Program (CIP) including the corresponding transfers; and

WHEREAS, a scrivener's error resulted in only \$7,143,043 of capital improvements were budgeted within Water CIP; and

WHEREAS, the city will appropriate the remaining \$2,418,960 to be used for the Water Mainline Oversizing project (\$100,000), the Water System Development Charge Update (\$25,000), and the Water Fund's portion of the L.O./Tigard Water Partnership in the amount of \$2,293,960; and

WHEREAS, the Library General Obligation Bond was refinanced in January 2011 resulting in a \$180,000 refund and an additional beginning fund balance of \$70,175; and

WHEREAS, the city recognizes \$555,955 of expenses to be reimbursed by grants and intergovernmental revenues in Public Works (\$6,339); Police (\$89,847); The Knoll at Tigard (\$459,769);

WHEREAS, additional appropriations are needed that are not included in the FY 2011 Adopted Budget as detailed in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2010-11 Budget is hereby amended as detailed in Supplemental Budget #11-04 including Exhibit A.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

City of Tigard

FY 2011 Supplemental Budget Amendment

Exhibit A

Fiscal Year 2010-11 Budget
Amendment #11-04

1. Recognition and Use of Parks Bond Proceeds

On November 2, 2010, Tigard voters approved the issuance of \$17 million in General Obligation Bonds. Those bonds were issued in January 2011. Oregon State Budget Law does not require the issuing agency to budget use of bond proceeds in the year they are issued; however, this action will add to the transparency of the use of the Bond funds. This action will allow the full amount of the bond funds to be utilized this fiscal year, if they are needed resulting in a budgeted ending fund balance of \$0 in the Parks Bond Fund in FY 2011. It is anticipated that approximately \$9 million will be spent in this fiscal year. If only \$9 million is spent, then the actual ending fund balance in the Parks Bond Fund would be \$8 million at the end of FY 2011, which would be consistent with the beginning fund balance in the Parks Bond Fund in the Approved FY 2012 Budget.

	Revised Adopted Budget	Amendment	Revised Budget
Parks Bond Fund			
Resources			
Beginning Fund Balance	\$ -		\$ -
Intergovernmental	\$ -	\$ 17,000,000	\$ 17,000,000
Total Resources	\$ -	\$ 17,000,000	\$ 17,000,000
Requirements			
Debt Service	\$ -		\$ -
Transfers to Other Funds	\$ -	\$ 17,000,000	\$ 17,000,000
Total Budget	\$ -	\$ 17,000,000	\$ 17,000,000
Reserve For Future Expenditure	\$ -	\$ -	\$ -
Total Requirements	\$ -	\$ 17,000,000	\$ 17,000,000

	Revised Adopted Budget	Amendment	Revised Budget
Parks Capital Fund			
Resources			
Beginning Fund Balance	\$ 115,020		\$ 115,020
Intergovernmental	\$ 3,350,000		\$ 3,350,000
Transfers In from Other Funds	\$ 2,692,100	\$ 17,000,000	\$ 19,692,100
Total Resources	\$ 6,157,120	\$ 17,000,000	\$ 23,157,120
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Work-In-Progress	\$ 6,074,100	\$ 17,000,000	\$ 23,074,100
Transfers to Other Funds	\$ 71,898		\$ 71,898
Total Budget	\$ 6,145,998	\$ 17,000,000	\$ 23,145,998
Reserve For Future Expenditure	\$ 11,122	\$ -	\$ 11,122
Total Requirements	\$ 6,157,120	\$ 17,000,000	\$ 23,157,120

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

2. Street Maintenance & Gas Tax Funds

The Street Maintenance Fee funds the Pavement Management Program (PMP). Although the Street Maintenance Fee Fund collects enough revenue in total by the end of the year, the construction for the PMP is completed by October. Therefore, there is a lag in timing between when revenues are received and when they are expensed by the PMP. As a result, Gas Tax Funds have been used to provide a loan to the Street Maintenance Fee Fund.

	Revised Adopted Budget	Amendment	Revised Budget
Street Maintenance Fund			
Resources			
Beginning Fund Balance	\$ 201,256		\$ 201,256
Charges for Services	\$ (5,000)		\$ (5,000)
Interest Earnings	\$ 2,013		\$ 2,013
Miscellaneous	\$ 1,271,046		\$ 1,271,046
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ -	\$ 200,000	\$ 200,000
Total Resources	\$ 1,469,315	\$ 200,000	\$ 1,669,315
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Work-In-Progress	\$ 840,400		\$ 840,400
Transfers to Other Funds	\$ 254,454	\$ 200,000	\$ 454,454
Contingency	\$ -		\$ -
Total Budget	\$ 1,094,854	\$ 200,000	\$ 1,294,854
Reserve For Future Expenditure	\$ 374,461	\$ -	\$ 374,461
Total Requirements	\$ 1,469,315	\$ 200,000	\$ 1,669,315

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

2. Street Maintenance & Gas Tax Funds

Gas Tax Fund	Revised Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 3,963,528		\$ 3,963,528
Licenses & Permits	\$ 2,602		\$ 2,602
Intergovernmental	\$ 2,586,716		\$ 2,586,716
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 54,906		\$ 54,906
Miscellaneous	\$ -		\$ -
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 877,310	\$ 200,000	\$ 1,077,310
Total Resources	\$ 7,485,062	\$ 200,000	\$ 7,685,062
Requirements			
Public Works	\$ 1,986,472		\$ 1,986,472
Program Expenditures Total	\$ 1,986,472	\$ -	\$ 1,986,472
Debt Service	\$ 564,000		\$ 564,000
Loans	\$ 200,000		\$ 200,000
Work-In-Progress	\$ 4,187,915		\$ 4,187,915
Transfers to Other Funds	\$ 475,622	\$ 200,000	\$ 675,622
Contingency	\$ 58,000		\$ 58,000
Total Budget	\$ 7,472,009	\$ 200,000	\$ 7,672,009
Reserve For Future Expenditure	\$ 13,053	\$ -	\$ 13,053
Total Requirements	\$ 7,485,062	\$ 200,000	\$ 7,685,062

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

3. Water Capital Improvement Program

The Capital Improvement Program has \$9,562,003 of improvements budgeted in FY 2011. The necessary transfers to support the Water CIP Fund have been budgeted. However, only \$7,143,043 of capital improvements were budgeted due to a scrivener's error. The difference of \$2,418,960 is made up of the following projects: Water Mainline Oversizing (\$100,000), Water System Develop Charge Update (\$25,000); and the Water Fund's portion of the L.O./Tigard Water Partnership (\$2,293,960).

	Revised Adopted Budget	Amendment	Revised Budget
Water CIP Fund			
Resources			
Beginning Fund Balance	\$ 2,290,176		\$ 2,290,176
Licenses & Permits	\$ 70,000		\$ 70,000
Intergovernmental	\$ 3,543,043		\$ 3,543,043
Interest Earnings	\$ 12,902		\$ 12,902
Other Financing Sources	\$ 2,500,000		\$ 2,500,000
Transfers In from Other Funds	\$ 3,261,652		\$ 3,261,652
Total Resources	\$ 11,677,773	\$ -	\$ 11,677,773
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ 225,000		\$ 225,000
Work-In-Progress	\$ 7,143,043	\$ 2,418,960	\$ 9,562,003
Transfers to Other Funds	\$ 1,141,024		\$ 1,141,024
Total Budget	\$ 8,509,067	\$ 2,418,960	\$ 10,928,027
Reserve For Future Expenditure	\$ 3,168,706	\$ (2,418,960)	\$ 749,746
Total Requirements	\$ 11,677,773	\$ -	\$ 11,677,773

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

4. General Obligation Debt Service Fund

The Library General Obligation Bond was refunded in January 2011. As a result, there were some additional unanticipated expenses to be paid which would result in expenditures being over budget if not corrected. In addition, the refunding also produced unanticipated revenues in the form of a \$180,000 premium. Finally the FY 2010-11 Beginning Fund Balance was larger than anticipated when the Budget was adopted, in the amount of \$70,175. The unanticipated revenues and larger Beginning Fund Balance cover the unanticipated expenses.

	Revised Adopted Budget	Amendment	Revised Budget
GO Debt Service Fund			
Resources			
Beginning Fund Balance	\$ 78,761	\$ 70,175	\$ 148,936
Property Taxes	\$ 988,883		\$ 988,883
Interest Earnings	\$ 4,544		\$ 4,544
Miscellaneous	\$ -	\$ 180,000	\$ 180,000
Total Resources	\$ 1,072,188	\$ 250,175	\$ 1,322,363
Requirements			
Program Expenditures Total	\$ -	\$ -	\$ -
Debt Service	\$ 976,383	\$ 250,175	\$ 1,226,558
Total Budget	\$ 976,383	\$ 250,175	\$ 1,226,558
Reserve For Future Expenditure	\$ 95,805	\$ -	\$ 95,805
Total Requirements	\$ 1,072,188	\$ 250,175	\$ 1,322,363

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

5. Professional/Contractual Services

Additional labor attorney costs are anticipated to occur prior to the end of the fiscal year due to the Tigard Police Officer's Association arbitration meetings. In addition, costs have been anticipated for the executive search firm's expenses for recruitment of a new City Manager.

	Revised Adopted Budget	Amendment	Revised Budget
Central Services Fund			
Resources			
Beginning Fund Balance	\$ 58,376		\$ 58,376
Licenses & Permits	\$ 20,000		\$ 20,000
Interest Earnings	\$ 584		\$ 584
Transfers In from Other Funds	\$ 6,517,963		\$ 6,517,963
Total Resources	\$ 6,596,923	\$ -	\$ 6,596,923
Requirements			
Policy and Administration	\$ 6,031,190	\$ 41,000	\$ 6,072,190
Program Expenditures Total	\$ 6,031,190	\$ 41,000	\$ 6,072,190
Contingency	\$ 559,336	\$ (41,000)	\$ 518,336
Total Budget	\$ 6,590,526	\$ -	\$ 6,590,526
Reserve For Future Expenditure	\$ 6,397	\$ -	\$ 6,397
Total Requirements	\$ 6,596,923	\$ -	\$ 6,596,923

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

6. Transfer from Water Fund

Due to the switch to monthly billing in January 2011, the costs for printing and mailing utility bills has increased \$68,000 and contracted meter reading has increased \$40,000 in Utility Billing.

The increased costs are supported through an increased transfer from the Water Fund.

	Revised Adopted Budget	Amendment	Revised Budget
Water Fund			
Resources			
Beginning Fund Balance	\$ 2,410,162		\$ 2,410,162
Licenses & Permits	\$ 55,000		\$ 55,000
Charges for Services	\$ 8,067,083		\$ 8,067,083
Interest Earnings	\$ 24,086		\$ 24,086
Total Resources	\$ 10,556,331	\$ -	\$ 10,556,331
Requirements			
Public Works	\$ 6,334,338		\$ 6,334,338
Program Expenditures Total	\$ 6,334,338	\$ -	\$ 6,334,338
Transfers to Other Funds	\$ 3,910,366	\$ 108,000	\$ 4,018,366
Contingency	\$ 70,487	\$ (70,487)	\$ -
Total Budget	\$ 10,315,191	\$ 37,513	\$ 10,352,704
Reserve For Future Expenditure	\$ 241,140	\$ (37,513)	\$ 203,627
Total Requirements	\$ 10,556,331	\$ -	\$ 10,556,331

	Revised Adopted Budget	Amendment	Revised Budget
Central Services Fund			
Resources			
Beginning Fund Balance	\$ 58,376		\$ 58,376
Licenses & Permits	\$ 20,000		\$ 20,000
Interest Earnings	\$ 584		\$ 584
Transfers In from Other Funds	\$ 6,517,963	\$ 108,000	\$ 6,625,963
Total Resources	\$ 6,596,923	\$ 108,000	\$ 6,704,923
Requirements			
Policy and Administration	\$ 6,031,190	\$ 108,000	\$ 6,139,190
Program Expenditures Total	\$ 6,031,190	\$ 108,000	\$ 6,139,190
Contingency	\$ 559,336	\$ -	\$ 559,336
Total Budget	\$ 6,590,526	\$ 108,000	\$ 6,698,526
Reserve For Future Expenditure	\$ 6,397	\$ -	\$ 6,397
Total Requirements	\$ 6,596,923	\$ 108,000	\$ 6,704,923

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

7. Recognition of Grant and Intergovernmental Revenues in PW & Police

Receipt of grant revenues not included in the FY 2011 budget and awarded since last Supplemental at end of September 2010 for Public Works and Police. The following is a list of the items:

Public Works

\$	2,700	Reimbursement Homeland Security for emergency tracking system.
\$	2,806	Reimbursement from Homeland Security for purchase of satellite phones.
\$	833	Reimbursement from Homeland Security for costs associated with the Community Emergency Response Team program including travel.

Police

\$	12,425	2010 Homeland Security
\$	10,000	Grant from State Farm Insurance
\$	6,000	SAFE Schools Grant - Summer Camp
\$	5,000	SAFE Schools Grant - Twality
\$	6,800	Washington Square
\$	24,022	Tigard Turns the Tide
\$	12,800	Metro Gang Task Force
\$	12,800	Innocence Lost Task Force

General Fund		Revised Adopted Budget	Amendment	Revised Budget
Resources				
Beginning Fund Balance		\$ 6,117,299		\$ 6,117,299
Property Taxes		\$ 12,218,117		\$ 12,218,117
Franchise Fees		\$ 4,706,831		\$ 4,706,831
Licenses & Permits		\$ 861,296		\$ 861,296
Intergovernmental		\$ 5,616,141	\$ 96,186	\$ 5,712,327
Charges for Services		\$ 254,793		\$ 254,793
Fines & Forfeitures		\$ 936,000		\$ 936,000
Interest Earnings		\$ 102,184		\$ 102,184
Miscellaneous		\$ 22,209		\$ 22,209
Other Financing Sources		\$ 249,000		\$ 249,000
Transfers In from Other Funds		\$ 3,523,981		\$ 3,523,981
Total Resources		\$ 34,607,851	\$ 96,186	\$ 34,704,037
Requirements				
Policy and Administration		\$ 808,510		\$ 808,510
Community Development		\$ 3,050,141		\$ 3,050,141
Community Services		\$ 19,304,054	\$ 89,847	\$ 19,393,901
Public Works		\$ 4,569,689	\$ 6,339	\$ 4,576,028
Program Expenditures Total		\$ 27,732,394	\$ 96,186	\$ 27,828,580
Loans		\$ 249,000		\$ 249,000
Work-In-Progress		\$ -		\$ -
Transfers to Other Funds		\$ 1,158,456		\$ 1,158,456
Contingency		\$ 632,966		\$ 632,966
Total Budget		\$ 29,772,816	\$ 96,186	\$ 29,869,002
Ending Fund Balance		\$ 4,835,035	\$ -	\$ 4,835,035
Total Requirements		\$ 34,607,851	\$ 96,186	\$ 34,704,037

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

8. The Knoll at Tigard

This project is funded by a Community Development Block Grant. This grant is a pass-through, of which the city is the administrator for Community Partners for Affordable Housing (CPAH). This amendment will recognize both revenues and expenses for this project. The grant runs through the Gas Tax Fund because the proceeds were used for right-of-way, road, and sidewalk improvements.

		Revised		Revised
		Adopted	Amendment	Budget
		Budget		Budget
Gas Tax Fund				
Resources				
Beginning Fund Balance		\$ 3,963,528		\$ 3,963,528
Licenses & Permits	\$ 2,602			\$ 2,602
Intergovernmental	\$ 2,586,716	\$ 459,769		\$ 3,046,485
Interest Earnings	\$ 54,906			\$ 54,906
Transfers In from Other Funds	\$ 877,310			\$ 877,310
Total Resources		\$ 7,485,062	\$ 459,769	\$ 7,944,831
Requirements				
Public Works	\$ 1,986,472			\$ 1,986,472
Program Expenditures Total		\$ 1,986,472	\$ -	\$ 1,986,472
Debt Service	\$ 564,000			\$ 564,000
Loans	\$ 200,000			\$ 200,000
Work-In-Progress	\$ 4,187,915	\$ 459,769		\$ 4,647,684
Transfers to Other Funds	\$ 475,622			\$ 475,622
Contingency	\$ 58,000			\$ 58,000
Total Budget		\$ 6,908,009	\$ 459,769	\$ 7,367,778
Ending Fund Balance		\$ 577,053	\$ -	\$ 577,053
Total Requirements		\$ 7,485,062	\$ 459,769	\$ 7,944,831

City of Tigard
FY 2011 Supplemental Budget Amendment

Fiscal Year 2010-11 Budget
 Amendment #11-04

9. Water Building Lease Payment

Payment for the lease of the Water Building is in the FY 2011 budget. However, a change in the allocation is needed that will save the General Fund a total of \$39,487. Payment is based on FTE of which those operating funds including General Fund, Sanitary Sewer, and Storm Funds will share the cost.

General Fund	Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 6,117,299		\$ 6,117,299
Property Taxes	\$ 12,218,117		\$ 12,218,117
Franchise Fees	\$ 4,706,831		\$ 4,706,831
Licenses & Permits	\$ 861,296		\$ 861,296
Intergovernmental	\$ 5,616,141		\$ 5,616,141
Charges for Services	\$ 254,793		\$ 254,793
Fines & Forfeitures	\$ 936,000		\$ 936,000
Interest Earnings	\$ 102,184		\$ 102,184
Miscellaneous	\$ 22,209		\$ 22,209
Other Financing Sources	\$ 249,000		\$ 249,000
Transfers In from Other Funds	\$ 3,523,981		\$ 3,523,981
Total Resources	\$ 34,607,851	\$ -	\$ 34,607,851
Requirements			
Policy and Administration	\$ 808,510		\$ 808,510
Community Development	\$ 3,050,141		\$ 3,050,141
Community Services	\$ 19,304,054		\$ 19,304,054
Public Works	\$ 4,569,689		\$ 4,569,689
Program Expenditures Total	\$ 27,732,394	\$ -	\$ 27,732,394
Loans	\$ 249,000		\$ 249,000
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 872,956	\$ (39,487)	\$ 833,469
Contingency	\$ 918,466		\$ 918,466
Total Budget	\$ 29,772,816	\$ (39,487)	\$ 29,733,329
Reserve For Future Expenditure	\$ 4,835,035	\$ 39,487	\$ 4,874,522
Total Requirements	\$ 34,607,851	\$ -	\$ 34,607,851

City of Tigard
FY 2011 Supplemental Budget Amendment

Exhibit A

Fiscal Year 2010-11 Budget
 Amendment #11-04

9. Water Building Lease Payment

Gas Tax Fund	Adopted Budget	Amendment	Revised Budget
Resources			
Beginning Fund Balance	\$ 3,963,528		\$ 3,963,528
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ 2,602		\$ 2,602
Intergovernmental	\$ 2,586,716		\$ 2,586,716
Charges for Services	\$ -		\$ -
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 54,906		\$ 54,906
Miscellaneous	\$ -		\$ -
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ 877,310	\$ -	\$ 877,310
Total Resources	\$ 7,485,062	\$ -	\$ 7,485,062
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ 1,986,472		\$ 1,986,472
Program Expenditures Total	\$ 1,986,472	\$ -	\$ 1,986,472
Debt Service	\$ 564,000		\$ 564,000
Loans	\$ 200,000		\$ 200,000
Work-In-Progress	\$ 4,187,915		\$ 4,187,915
Transfers to Other Funds	\$ 475,622	\$ (31,156)	\$ 444,466
Contingency	\$ 58,000		\$ 58,000
Total Budget	\$ 7,472,009	\$ (31,156)	\$ 7,440,853
Reserve For Future Expenditure	\$ 13,053	\$ 31,156	\$ 44,209
Total Requirements	\$ 7,485,062	\$ -	\$ 7,485,062

City of Tigard
FY 2011 Supplemental Budget Amendment

Exhibit A

Fiscal Year 2010-11 Budget
 Amendment #11-04

9. Water Building Lease Payment

	Adopted Budget	Amendment	Revised Budget
Sanitary Sewer Fund			
Resources			
Beginning Fund Balance	\$ 9,884,621		\$ 9,884,621
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ 25,000		\$ 25,000
Intergovernmental	\$ -		\$ -
Charges for Services	\$ 1,700,000		\$ 1,700,000
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 98,846		\$ 98,846
Miscellaneous	\$ 125,000		\$ 125,000
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ -		\$ -
Total Resources	\$ 11,833,467	\$ -	\$ 11,833,467
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ 1,068,269		\$ 1,068,269
Program Expenditures Total	\$ 1,068,269	\$ -	\$ 1,068,269
	\$ -		
Loans	\$ -		\$ -
Work-In-Progress	\$ -		\$ -
Transfers to Other Funds	\$ 196,289	\$ 30,275	\$ 226,564
Contingency	\$ 265,000	\$ (30,275)	\$ 234,725
Total Budget	\$ 1,529,558	\$ -	\$ 1,529,558
Reserve For Future Expenditure	\$ 10,303,909	\$ -	\$ 10,303,909
Total Requirements	\$ 11,833,467	\$ -	\$ 11,833,467

City of Tigard
FY 2011 Supplemental Budget Amendment

Exhibit A

Fiscal Year 2010-11 Budget
 Amendment #11-04

9. Water Building Lease Payment

	Adopted Budget	Amendment	Revised Budget
Storm Fund			
Resources			
Beginning Fund Balance	\$ 781,889		\$ 781,889
Property Taxes	\$ -		\$ -
Franchise Fees	\$ -		\$ -
Licenses & Permits	\$ -		\$ -
Intergovernmental	\$ -		\$ -
Charges for Services	\$ 1,796,757		\$ 1,796,757
Fines & Forfeitures	\$ -		\$ -
Interest Earnings	\$ 7,819		\$ 7,819
Miscellaneous	\$ -		\$ -
Other Financing Sources	\$ -		\$ -
Transfers In from Other Funds	\$ -		\$ -
Total Resources	\$ 2,586,465	\$ -	\$ 2,586,465
Requirements			
Policy and Administration	\$ -		\$ -
Community Development	\$ -		\$ -
Community Services	\$ -		\$ -
Public Works	\$ 1,315,372		\$ 1,315,372
Program Expenditures Total	\$ 1,315,372	\$ -	\$ 1,315,372
Loans	\$ -		\$ -
Work-In-Progress	\$ 304,000		\$ 304,000
Transfers to Other Funds	\$ 214,839	\$ 40,368	\$ 255,207
Contingency	\$ 270,000	\$ (40,368)	\$ 229,632
Total Budget	\$ 2,104,211	\$ -	\$ 2,104,211
Reserve For Future Expenditure	\$ 482,254	\$ -	\$ 482,254
Total Requirements	\$ 2,586,465	\$ -	\$ 2,586,465

AIS-462

Item #: 7.

Business Meeting

Date: 06/14/2011

Length (in minutes): 5 Minutes

Agenda Title: Resolution Certifying that the City of Tigard Provides Services Qualifying for State Shared Revenues

Prepared For: Toby LaFrance

Submitted By:

Liz Lutz
Financial and
Information
Services

Item Type: Resolution

Meeting Type:

Council Business
Meeting - Main

ISSUE

Shall the City Council approve a resolution certifying that the City of Tigard provides certain services making the City eligible to receive state shared revenues?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends approval of the attached resolution.

KEY FACTS AND INFORMATION SUMMARY

The City has estimated the receipt of the following state shared revenues:

	FY 2010-11	FY 2011-12
Cigarette Tax	63,596	62,960
Liquor Tax	664,400	684,332
State Gas Tax	2,394,898	2,766,107

The State of Oregon requires the City to certify its eligibility to receive these revenues by stating that it provides more than four of the services listed in ORS 221.760. The city does provide six of the seven required services and is therefore eligible for receiving the state shared revenues. The services the city provides include police services; street construction, maintenance, and lighting; sanitary sewer and storm water management; planning, zoning, and subdivision control; and water utility. Approval of the attached resolution will meet the State of Oregon requirement of certification.

OTHER ALTERNATIVES

Do not accept the revenues from the State of Oregon.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Acceptance of these revenues will assist in the funding of city goals and strategies.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: NA
Budgeted (yes or no): Yes

Where Budgeted (department/program): General Fund & Gas Tax Fund

Additional Fiscal Notes:

These are regularly budgeted, anticipated revenues. The amounts for 2012 are forecasted based on information from the League of Oregon Cities. Cigarette and Liquor taxes are in the General Fund and the State Gas Tax is the primary revenue for the Gas Tax Fund.

Attachments

Qualifying for State Shared Revenues

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION CERTIFYING THAT THE CITY OF TIGARD PROVIDES SERVICES QUALIFYING FOR STATE SHARED REVENUES.

WHEREAS, ORS 221.760 (1) provides as follows:

The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.82, and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection
- (2) Fire protection
- (3) Street construction, maintenance and lighting
- (4) Sanitary sewers
- (5) Storm sewers
- (6) Planning, zoning and subdivision control
- (7) One or more utility services; and

WHEREAS, City Officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The City of Tigard hereby certifies that it provides the following six services enumerated in Section 1, ORS 221.760:

- (1) Police protection
- (2) Street construction, maintenance and lighting
- (3) Sanitary sewers
- (4) Storm sewers
- (5) Planning, zoning and subdivision control
- (6) Water utility

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-461

Item #: 8.

Business Meeting

Date: 06/14/2011

Length (in minutes): 5 Minutes

Agenda Title: Resolution Declaring the City's Election to Receive State Revenue Sharing

Prepared For: Toby LaFrance

Submitted By:

Liz Lutz
Financial and
Information
Services

Item Type: Resolution

Meeting Type:

Council Business
Meeting - Main

ISSUE

Should the City of Tigard elect to receive State Revenues as outlined in ORS 221.770, State Revenue Sharing Law?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends adopting this resolution.

KEY FACTS AND INFORMATION SUMMARY

State Revenue Sharing Law, ORS 221.770, requires cities to annually pass an ordinance or resolution to request state revenue sharing money. The Law also requires public hearings be held by the city and certification of these hearings is also required. In order to receive state revenue sharing in FY 2011-2012, the city must levy property taxes in the preceding year, which the city has done. The city estimates the receipt of \$414,000 of state revenue sharing funds in the FY 2011-12 budget.

OTHER ALTERNATIVES

Do not pass resolution.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Acceptance of this revenue will assist in the funding of city goals and strategies.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Fiscal Impact

Cost: NA

Budgeted (yes or no): Yes

Where Budgeted (department/program): General Fund

Additional Fiscal Notes:

Approval of this resolution would secure \$414,000 of revenue for the General Fund.

Attachments

[Resolution for State Revenue Sharing](#)

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING.

WHEREAS, State Revenue Sharing Law, ORS 221.770, requires cities to annually pass an ordinance or resolution requesting state revenue sharing money ; and

WHEREAS, the law mandates public hearings be held by the city and that certification of these hearings is also required; and

WHEREAS, in order to receive state revenue sharing in FY 2011-12, the city must have levied property taxes in the preceding year; and

WHEREAS, the city did levy property taxes in FY 2010-11.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Pursuant to ORS 221.770, the city hereby elects to receive state revenue sharing for the Fiscal Year 2011-12.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-460

Item #: 9.

Business Meeting

Date: 06/14/2011

Length (in minutes): 5 Minutes

Agenda Title: Resolution Adopting the Citywide Master Fees and Charges Schedule, Which Replaces Resolution 10-30 and All Subsequent Amendments to Date

Prepared For: Toby LaFrance

Submitted By:

Liz Lutz
Financial and
Information
Services

Item Type: Resolution

Meeting Type:

Council Business
Meeting - Main

ISSUE

As part of the annual budget process, the City Council has the opportunity to adjust fees and charges related to city services.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends that City Council adopt the resolution to adopt the Fees and Charges Schedule for FY 2011-12.

KEY FACTS AND INFORMATION SUMMARY

Every fiscal year, a revised Master Fees & Charges Schedule is submitted to Council for approval along with the citywide operating budget. The attached schedule includes fee updates for the following departments: Library, Police, Policy and Administration, Community Development and Public Works. Included in the schedule are phased-in fees such as water, and street maintenance. These phased in fees have already been approved by City Council and are included in the FY 2012 Approved Budget.

A Study Session was held on May 24, 2011 to discuss all the changes in the Master Fees and Charges. The Master Fees and Charges Schedule is attached. Also attached is the Fee Change Summary that includes a description of the change and the authority that constitutes the basis of the proposed fee changes. Some of the proposed updates that are outlined and detailed in the attached Fee Change Summary include the following:

1. Fees that are adjusted annually based on cost indices for labor and construction. One example is Planning Fees with annual changes authorized in Resolution #03-59 based on the Seattle Construction Cost Index (CCI), which is 0.9% as of May 2011.
2. Fees established by Washington County or Clean Water Services (CWS) and fees administered by the city including the Transportation Development Tax (TDT), Traffic Impact Fee (TIF) or sanitary sewer and storm water charges.

Any fee change that is based on prior Council action, such as phase-in increases, or changes based on economic indices that have been approved by prior Council action, have been included in the Approved FY 2012 Budget. Any new fee that has not come to Council for consideration have not been included in the Approved FY 2012 Budget.

OTHER ALTERNATIVES

Alter only those fees that are set by other agencies or are adjusted annually using an already approved formula.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The fees and charges help fund several Council Goals.

- The Parks System Development Charges (SDC's) will help Tigard complete plans for parkland acquisition.
- The Water fees, charges, and SDC's will enable our continued coordination with Lake Oswego on the Water Partnership
- Several fees and charges, including franchise fees, land use fees and business license are key to the funding of the General Fund and achieving the Council Goal of Financial Stability

DATES OF PREVIOUS COUNCIL CONSIDERATION

A Study Session to review the proposed changes for FY 2012 was conducted on May 24, 2011.

Council Adopted the FY 2011 Master Fees and Charges with the Adopted FY 2011 Budget on June 8, 2010 and most recently amended the fee schedule on December 28, 2010.

Fiscal Impact

Cost: NA
Budgeted (yes or no): Yes
Where Budgeted (department/program): All Departments

Additional Fiscal Notes:

It is standard practice to include fee changes that are based on prior Council decision in the Approved Budget. These fee increases and the additional revenues they will generate are included in the Approved Budget for Fiscal Year 2012. On the attached Fee Changes Summary, these fees are denoted with a "Y" in the right column titled "Included in Budget? (Y/N)".

Similarly, fee changes that have not come before Council for prior decisions have not been included in the revenues supporting the Approved Budget for FY 2012. On the attached Fee Changes Summary, these fees are denoted with a "N" in the right column titled "Included in Budget? (Y/N)". The revenue impact for all fees and charges that have not come to Council previously will generate less than \$10,000 in revenue for the city and have not been anticipated as part of the Approved FY 2012 Budget.

Attachments

Master Fees and Charges Resolution

Fees & Charges Schedule

Fees & Charges Change Summary

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION ADOPTING THE CITYWIDE MASTER FEES AND CHARGES SCHEDULE WHICH REPLACES RESOLUTION NO 10-30 AND ALL SUBSEQUENT AMENDMENTS TO DATE.

WHEREAS, the City of Tigard has a Master Fees and Charges Schedule; and

WHEREAS, city staff has reviewed fees and services provided; and

WHEREAS, city staff has proposed a few new fees and changes to certain fees to recover costs or due to previously approved annual adjustment formulas; and

WHEREAS, the city's Master Fees and Charges Schedule includes fees set by other agencies; and

WHEREAS, Tigard Municipal Code (TMC) 3.32.050 requires that the City Council review fees and charges annually.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The fees and charges for the City of Tigard are enumerated and set as shown in the attached schedule (Exhibit A).

SECTION 2: This resolution is effective July 1, 2011.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

City of Tigard, Oregon

Master Fees & Charges Schedule

Fiscal Year 2011-2012



**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
CITY ADMINISTRATION MANAGEMENT			
	<u>Claims Application Fee (TMC 1.21.050 & 1.22; Ord. 08-09)</u>	\$1,000.00 /deposit*	11/28/2000
	*Application-Claim fee shall be actual cost incurred by the city to process application claim .		6/24/2008
	Any funds remaining from the deposit after the application claim has been processed will be refunded to the applicant claimant, and applicant shall be responsible for any additional costs incurred.		
	Payment of any costs exceeding the amount of the deposit is required prior to issuance of a final decision by the city on the claim.		
 ADMINISTRATIVE SERVICES			
	<u>Municipal Court Fees</u>		
	Civil Compromise	\$150.00	4/10/2003 8/28/2008
	Traffic School and Compliance Program Fee		
	Criminal	\$150.00	4/10/2003 8/28/2008
	Juvenile non-traffic	\$75.00	4/10/2003 8/28/2008
	Traffic School	Equal to the relevant fine provided for the violation in the Violations Bureau Fine Schedule	5/25/2006 8/28/2008
	Traffic School Setover	\$20.00	4/10/2003 8/28/2008
	License Reinstatement	\$15.00	4/10/2003 8/28/2008
	Payment Agreement Administrative Fee	\$15.00	4/10/2003 8/28/2008
	Overdue Payment Letter	\$10.00	4/10/2003 8/28/2008
	Show Cause Hearings - Court Costs		4/10/2003 8/28/2008
	Non-compliance	\$25.00	
	Non-payment - fees paid prior to hearing	No Fee	
	Warrant Fee	\$50.00	4/10/2003 8/28/2008
 CITY MANAGEMENT			
	<u>Public Assembly</u>		8/25/1970
	Application Fee		
	Persons Reasonably Anticipated		
	1,000 to 2,499	\$100.00	
	2,500 to 4,999	\$150.00	
	5,000 to 9,999	\$500.00	
	10,000 to 49,999	\$1,000.00	
	50,000 and over	\$1,500.00	
 ADMINISTRATIVE SERVICES/RECORDS			
	<u>Tigard Municipal Code (TMC) (Titles 1 - 17) or TMC/CDC (Titles 1-18)</u>		
	Compact Disk (CD)	\$10.00	7/1/2009

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
CITYWIDE	<u>Attorney Time</u>	Current attorney billing rate	1999
	<u>2GB Flash Drives</u>	\$11.00 each	7/1/2011
	<u>Audio/Video Tapes</u>	\$6.00	7/1/2003
	<u>Computer/Compact Disks</u>	\$10.00	7/1/2006
	<u>DVD/VHS</u>	\$12.00	7/1/2006
	<u>Faxes for Public</u>	\$2.00 /first page \$1.00 /each additional page	7/1/2007
	<u>Microfiche Sheet Copies</u>	\$1.00 /sheet up to 50 sheets plus staff time	7/1/2007
	<u>Microprints</u>	\$0.25 /8-1/2 x 11 page \$1.00 /11 x 17 page	2000 7/1/2009
	<u>Microfilm/Microfiche & Photocopies</u>		
	8-1/2 x 11	\$0.25 /page	1999
	11 x 14	\$0.50 /page	1999
	11 x 17	\$1.00 /page	7/1/2005
	17 x 24	\$1.50 /page	7/1/2007
	36 x 36	\$2.50 /page	7/1/2007
	<u>Nomination Petition Fee</u>	\$50.00	7/1/2008
	<u>Oversized Copies</u>	\$2.50 /page	7/1/2011
	<u>Photographs</u>	Actual Cost	1999
	<u>Recording of Documents</u>	Actual Cost	1999
	<u>Research Fee</u>	Staff hourly rate + Citywide Overhead Fee + Materials	2/7/2002

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
FINANCIAL & INFORMATION SERVICES			
	<u>Assessment Assumption</u>	\$50.00	4/22/1985
	<u>Budget Document</u>		
	Compact Disk (CD)	\$10.00	7/1/2007
	Paper	\$50.00	
	<u>Business License</u>		
	Annual Fee*		
	0-2 employees	\$79.50 \$80.50 /per year	7/1/ 2009 2011
	3-5 employees	\$106.00 \$107.00 /per year	7/1/ 2009 2011
	6-10 employees	\$347.00 \$351.00 /per year	7/1/ 2009 2011
	11-50 employees	\$571.00 \$578.00 /per year	7/1/ 2009 2011
	51 or more employees	\$776.00 \$785.00 /per year	7/1/ 2009 2011
	* Adjusted annually in conjunction with the Portland Consumer Price Index (CPI)		
	Pro-Rated Fee Schedule		
	Issued January 1 - June 30	See Fee Schedule above	
	Issued July 1 - December 31	1/2 the annual fee	
	Temporary License	\$25.00	1/1/2008
	Duplicate License/Change of Ownership Fee		
	Change in ownership or name only	\$10.00	1/1/2008
	Copy/replacement of license	\$10.00	1/1/2008
	Delinquency Charge		
	Whenever the business license fee is not paid on or before the delinquent date, a delinquency charge equal to ten percent (10%) of the original business license fee due and payable shall be added for each calendar month or fraction thereof that the fee remains unpaid. The total amount of the delinquency penalty for any business license year shall not exceed one hundred percent (100%) of the business license fee due and payable for such year.		
	<u>Comprehensive Annual Financial Report</u>	\$0.00	2/7/2002
	<u>Franchise Fee (See TMC 15.06 & ROW Usage Fee Below)</u>		
	Cable TV	5% of gross revenue	1/26/1999
	Electricity	3.5% of gross revenue	2/23/1993

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Natural Gas	5% of gross revenue	7/13/2004
	Telecommunication <i>(Includes telecommunication utilities, long distance providers, private networks and competitive access providers)</i>	5% of gross revenue or \$2.90/linear foot of installation in right-of-way, whichever is greater	8/8/2006
	Telecommunication Franchise Application Fee	\$2,000.00	1/23/2001
	Solid Waste Disposal (See TMC 11.04)	4% of gross revenue	1/1/2006
	<u>Lien Search Fee</u>	\$35.00	2/1/2004
	<u>Overhead Fee</u>		
	Added to charges for property damage/repair	10% of total charge	
	<u>Passport Execution Fee</u>	\$25.00	2/1/2008
	<u>Passport Photographs Fee</u>	\$10.00	4/1/2007
	<u>Returned Check Fee</u>	\$20.00	10/9/2001
	<u>Right-of-Way Usage Fee (See TMC 15.06 and Franchise Fee Above)</u>		9/8/2006
	Electricity	3.5% of gross revenue or \$2.90/linear foot of installation in right-of-way, whichever is greater	
	Natural Gas	5% of gross revenue or \$2.90/linear foot of installation in right-of-way, whichever is greater	
	Sanitary Sewer	5% of gross revenue or \$2.90/linear foot of installation in right-of-way, whichever is greater	
	Telecommunication	5% of gross revenue or \$2.90/linear foot of installation in right-of-way, whichever is greater	
	Water	5% of gross revenue or \$2.90/linear foot of installation in right-of-way, whichever is greater	

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
LIBRARY	<u>Collection Agency Fee</u>	\$10.00	7/1/2007
	<u>Disk or CD (Blank)</u>	\$1.00	2/7/2002
	<u>Headphones</u>	\$2.00	7/1/2007
	<u>Lost Items</u>	Replacement cost + \$5.00 processing fee	7/1/2003
	<u>Overdue Items</u>		
	Daily Charge (All Items except DVDs & Blu-Rays)	\$0.15 /item	7/1/2003
	Daily Charge (DVDs & Blu-Rays)	\$1.00 /item	7/1/2005
	Maximum Charge	\$5.00 /item	7/1/2005
	<u>Public Copier and Printer Charges</u>		
		\$0.10 /page for black & white	2001
		\$0.50 / page for color	7/1/2011
	<u>Replacement Library Card Fee</u>	\$1.00	7/1/2007

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
POLICE	<u>Alarm Permits</u>		
	Burglary or Robbery	\$25.00	7/1/2009
	<u>Failure to Obtain or Renew Alarm Permit Fee</u>		
		\$25.00	6/28/1982
	<u>False Alarm Charge</u>		
	3rd false alarm	\$50.00	7/1/2003
	4th false alarm	\$75.00	
	5th false alarm	\$100.00	
	6 or more false alarms	\$150.00	
	<u>Law Enforcement Officers Safety Act Qualification Fee</u>		
		\$25.00	7/1/2006
	<u>Liquor License</u>		
		\$25.00	7/10/2001
	<u>Police Services Fees</u>		
	DVD and VHS Evidence Copies	Actual staff costs plus materials	7/1/2005
	Police Documents/Reports	\$10.00 /for the first 15 pages and \$0.30 /page thereafter	7/1/2008
	Police Digital Photo CD Copies	\$10.00 /CD	7/1/2005
	Police Photograph Copies	\$10.00 /roll	7/1/2003
	<u>Property Forfeiture for Criminal Activity</u>		
		Varies	5/25/1999
<u>Second Hand Dealers and Transient Merchant License</u>			
Occasional	\$40.00	7/1/2010	
Full-Time	\$100.00	7/1/2010	
Reporting Forms	\$0.80 each	7/1/2010	
<u>Vehicle Release Fee</u>			
	\$100.00	7/1/2007	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - BUILDING			
	<u>Building Permit Fees</u> (Commercial)		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$51.09 /minimum	
	\$500.01 to \$2,000.00	\$51.09 /for the first \$500 and \$2.69 /for each additional \$100 or fraction thereof	
	\$2,000.01 to \$25,000.00	\$91.44 /for the first \$2,000 and \$10.76 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$338.92 /for the first \$25,000 and \$8.06 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$540.42 /for the first \$50,000 and \$5.38 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 and over	\$809.42 /for the first \$100,000 and \$4.49 /for each additional \$1,000 or fraction thereof	
	(Single Family & Multi-Family)		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$2,000.00	\$66.25 /minimum	
	\$2,000.01 to \$25,000.00	\$66.25 /for the first \$2,000 and \$11.48 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$330.29 /for the first \$25,000 and \$8.75 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$549.04 /for the first \$50,000 and \$6.25 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 to \$250,000.00	\$861.54 /for the first \$100,000 and \$4.46 /for each additional \$1,000 or fraction thereof	
	\$250,000.01 to \$500,000.00	\$1,530.54 /for the first \$250,000 and \$4.42 /for each additional \$1,000 or fraction thereof	
	\$500,000.01 to \$1,000,000.00	\$2,635.54 /for the first \$500,000 and	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
		\$4.10 /for each additional \$1,000 or fraction thereof	
	\$1,000,000.01 to \$2,000,000.00	\$4,685.54 /for the first \$1,000,000 and \$3.33 /for each additional \$1,000 or fraction thereof	
	\$2,000,000.01 and over	\$8,015.54 /for the first \$2,000,000 and \$3.18 /for each additional \$1,000 or fraction thereof	
	<u>(Site Work/Grading)</u>		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$51.09 /minimum	
	\$500.01 to \$2,000.00	\$51.09 /for the first \$500 and \$2.69 /for each additional \$100 or fraction thereof	
	\$2,000.01 to \$25,000.00	\$91.44 /for the first \$2,000 and \$10.76 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$338.92 /for the first \$25,000 and \$8.06 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$540.42 /for the first \$50,000 and \$5.38 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 and over	\$809.42 /for the first \$100,000 and \$4.49 /for each additional \$1,000 or fraction thereof	
	<u>(Single Family, Multi-Family, Commercial, & Industrial Building Permit Fee for Additions, Alterations, and Demolitions)</u>		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$53.27 /minimum	
	\$500.01 to \$2,000.00	\$53.27 /for the first \$500 and \$3.39 /for each additional \$100 or fraction thereof	
	\$2,000.01 to \$25,000.00	\$104.12 /for the first \$2,000 and \$15.21 /for each additional \$1,000 or fraction thereof	
	\$25,000.01 to \$50,000.00	\$453.95 /for the first \$25,000 and \$11.02 /for each additional \$1,000 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$729.45 /for the first \$50,000 and	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
		\$7.53 /for each additional \$1,000 or fraction thereof	
	\$100,000.01 to \$500,000.00	\$1,105.95 /for the first \$100,000 and \$6.04 /for each additional \$1,000 or fraction thereof	
	\$500,000.01 to \$1,000,000.00	\$3,521.95 /for the first \$500,000 and \$5.09 /for each additional \$1,000 or fraction thereof	
	\$1,000,000.01 and over	\$6,066.95 /for the first \$1,000,000 and \$3.39 /for each additional \$1,000 or fraction thereof	
	<u>Building Plan Review Fee</u>	65% of base building permit fee	9/26/2000
	<u>Deferred Submittals</u>	\$200.00 minimum fee	9/24/2002
	Plan Review	65% of building permit fee based on valuation of the particular portion or portions of the project.	
	<u>Electrical Fees</u>		10/1/2009
	New residential, single or multi-family per dwelling unit; service included:		
	1000 square feet or less	\$168.54	
	Each additional 500 square feet or portion thereof	\$33.92	
	Limited energy, residential or multi-family (with above sq ft)	\$75.00	
	Each manufactured home or modular dwelling service or feeder	\$67.84	
	Services or feeders; installation, alterations or relocation:		
	200 amps or less	\$100.70	
	201 amps to 400 amps	\$133.56	
	401 amps to 600 amps	\$200.34	
	601 amps to 1000 amps	\$301.04	
	Over 1000 amps or volts	\$552.26	
	Reconnect only	\$67.84	
	Temporary services or feeders; installation, alteration or relocation:		
	200 amps or less	\$59.36	
	201 amps to 400 amps	\$125.08	
	401 amps to 600 amps	\$168.54	
	Branch circuits; new, alteration or extension per panel:		
	With purchase of service or feeder - each branch circuit	\$7.42	
	Without purchase of service or feeder First Branch Circuit	\$56.18	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Each addit. Branch circuit	\$7.42	
	Miscellaneous (service or feeder not included):		
	Each pump or irrigation circuit	\$67.84	
	Each sign or outline lighting	\$67.84	
	Signal circuit(s) or a limited energy panel, alteration or extension	\$75.00	
	Each additional inspection over the allowable in any of the above		
	Per Inspection	\$66.25 /hour (min 1 hour)	
	Per Hour	\$66.25 /hour (min 1 hour)	
	Industrial Plant Inspection	\$78.18 /hour (min 1 hour)	
	Electrical permit plan review fee	25% of the electrical permit fee	
	<u>Fire Life Safety Plan Review</u> <u>(Commercial Only)</u>	40% of base building permit fee	9/26/2000
	<u>Manufactured Dwelling Installation</u>	\$305.50	9/24/2002
	<u>Manufactured Dwelling and Mobile Home</u> <u>Parks, Recreation Camps, and Organizational Camps</u>	Per OAR	9/24/2002
	<u>Mechanical Fees</u> <u>(1 & 2 Family Dwellings for New, Additions, or Alterations)</u>		10/1/2009
	Heating/Cooling:		
	Air conditioning	\$46.75	
	Furnace 100,000 BTU (ducts/vents)	\$46.75	
	Furnace 100,000+ BTU (ducts/vents)	\$54.91	
	Heat pump	\$61.06	
	Duct work	\$23.32	
	Hydronic hot water system	\$23.32	
	Residential boiler (radiator or hydronic)	\$23.32	
	Unit heaters (fuel-type, not electric), in-wall, in duct, suspended, etc.	\$46.75	
	Flue/vent for any of above	\$23.32	
	Other	\$23.32	
	Other fuel appliances:		
	Water heater	\$23.32	
	Gas fireplace	\$33.39	
	Flue/vent for water heater or gas fireplace	\$23.32	
	Log lighter (gas)	\$23.32	
	Wood/pellet stove	\$33.39	
	Wood fireplace/insert	\$23.32	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Chimney/liner/flue/vent	\$23.32	
	Other	\$23.32	
	Environmental exhaust and ventilation:		
	Range hood/other kitchen equipment	\$33.39	
	Clothes dryer exhaust	\$33.39	
	Single-duct exhaust (bathrooms, toilet compartments, utility rooms)	\$23.32	
	Attic/crawlspace fans	\$23.32	
	Other	\$23.32	
	Fuel piping:		
	First four	\$14.15	
	Each additional	\$4.03	
	Minimum permit fee	\$90.00	
	Mechanical plan review fee	25% of Permit Fee	
	<u>Mechanical Permit Fees</u> (Commercial and Multi-family)		10/1/2009
	<u>Total Valuation:</u>		
	\$0.00 to \$500.00	\$69.06 /minimum	
	\$500.01 to \$5,000.00	\$69.06 /for the first \$500 and \$3.07 /for each additional \$100 or fraction thereof	
	\$5,000.01 to \$10,000.00	\$207.21 /for the first \$5,000 and \$2.81 /for each additional \$100 or fraction thereof	
	\$10,000.01 to \$50,000.00	\$347.71 /for the first \$10,000 and \$2.54 /for each additional \$100 or fraction thereof	
	\$50,000.01 to \$100,000.00	\$1,363.71 /for the first \$50,000 and \$2.49 /for each additional \$100 or fraction thereof	
	\$100,000.01 and over	\$2,608.71 /for the first \$100,000 and \$2.92 /for each additional \$100 or fraction thereof	
	Plan Review	25% of permit fee	9/24/2002
	<u>Phase Permitting</u>	\$200.00	9/24/2002
	Plan Review	10% of total project building permit fee not to exceed \$1,500 for each phase	
	<u>Plumbing Fees</u> (Commercial, Industrial, Residential, & Multi-Family)		10/1/2009

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	New One & Two Family Dwellings		
	1 bath	\$312.70	
	2 bath	\$437.78	
	3 bath	\$500.32	
	Each additional bath/kitchen fixture	\$25.02	
	Site Utilities		
	Catch basin or area drain	\$18.76	
	Drywell, leach line, or trench drain	\$18.76	
	Footing drain, first 100'	\$50.03	
	Each additional 100' or part thereof (footing drain)	\$37.52	
	Manufactured home utilities	\$50.03	
	Manholes	\$18.76	
	Rain drain connector	\$18.76	
	Sanitary sewer, first 100'	\$62.54	
	Storm sewer, first 100'	\$62.54	
	Water service, first 100'	\$62.54	
	Each additional 100' or part thereof (sanitary, storm, water service)	\$37.52	
	Fixture or Item		
	Backflow preventer	\$31.27	
	Backwater valve	\$12.51	
	Clothes washer	\$25.02	
	Dishwasher	\$25.02	
	Drinking fountain	\$25.02	
	Ejectors/sump	\$25.02	
	Expansion tank	\$12.51	
	Fixture/sewer cap	\$25.02	
	Floor drain/floor sink/hub	\$25.02	
	Garbage disposal	\$25.02	
	Hose bib	\$25.02	
	Ice maker	\$12.51	
	Interceptor/grease trap	\$25.02	
	Medical gas (value: \$)	<i>see table</i>	
	Primer	\$12.51	
	Roof drain (commercial)	\$12.51	
	Sink/basin/lavatory	\$25.02	
	Solar units (potable water)	\$62.54	
	Tub/shower/shower pan	\$12.51	
	Urinal	\$25.02	
	Water closet	\$25.02	
	Water heater	\$37.52	

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	Water Piping/DWV	\$56.29	
	Other:	\$25.02	
	Minimum permit fee	\$72.50	
	Plumbing plan review	25% of permit fee	
	Medical Gas Systems		9/24/2002
	<u>Total Valuation:</u>		
	\$1 - \$5,000	\$72.50 /minimum	
	\$5,001 - \$10,000	\$72.50 /for the first \$5,000 and \$1.52 /for each additional \$100 or fraction thereof, to and including \$10,000.	
	\$10,001 - \$25,000	\$148.50 /for the first \$10,000 and \$1.54 /for each additional \$100 or fraction thereof, to and including \$25,000.	
	\$25,001 - \$50,000	\$379.50 /for the first \$25,000 and \$1.45 /for each additional \$100 or fraction thereof, to and including \$50,000.	
	\$50,001 and up	\$742.00 /for the first \$50,000 and \$1.20 /for each additional \$100 or fraction thereof.	
	<u>Residential Fire Suppression Systems Permit</u>		10/1/2009
	Multipurpose or Continuous Loop System		
	<u>Square Footage:</u>		
	0 to 2,000	\$121.90	
	2,001 to 3,600	\$169.60	
	3,601 to 7,200	\$233.20	
	7,201 and greater	\$327.54	
	Stand Alone System		
	<u>Square Footage:</u>		
	0 to 2,000	\$198.75	
	2,001 to 3,600	\$246.45	
	3,601 to 7,200	\$310.05	
	7,201 and greater	\$404.39	
	<u>Commercial Fire Suppression Systems Permit</u>		10/1/2009
	<i>Based on valuation-Use New Commercial Building Fee Table</i>		

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<u>Restricted Energy</u>		6/27/2000
	Residential Energy Use, for all systems combined	\$75.00	
	Commercial Energy Use, for each system	\$75.00	
	<u>Sanitary Sewer Inspection Fee</u>		6/6/2000
	Residential	\$35.00	
	Commercial	\$45.00	
	Industrial	\$75.00	
	<u>Miscellaneous Fees</u>		
	Address Change	\$50.00	7/1/2007
	Fee paid inspections for residential structures pursuant to Title 14, Chapter 16		6/27/2000
	Single & Two Family Dwellings	\$100.00	
	Apartment Houses & Social Care Facilities	\$160.00 /plus \$7 for each dwelling unit in excess of 3	
	Hotels	\$160.00 /plus \$5 for each dwelling unit in excess of 5	
	<u>Information Processing & Archiving (IPA) Fee</u>	\$2.00 /sheet larger than 11" X 17"	7/1/2010
		\$0.50 /sheet 11" X 17" and smaller	
	<u>Investigation Fee</u>	Additional fee to equal to the amount of the permit	7/1/2007
	<u>Phased Occupancy</u>	\$200.00	6/27/2000
	<u>Permit or Plan Review Extension</u>	\$90.00	
	<u>Temporary Occupancy</u>	\$90.00	
	<u>Other Inspections & Fees:</u>		
	1. Inspections outside of normal business hours (minimum charge - 2 hours)	\$90.00 per hour	10/1/2009
	2. Reinspection fees	\$90.00 per hour	10/1/2009
	3. Inspections for which no fee is specifically indicated (minimum charge: one-half hour)	\$90.00 per hour	10/1/2009
	4. Additional plan review required by changes, additions or revisions to plans (minimum charge: one-half hour)	\$90.00 per hour	10/1/2009

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES ENGINEERING			
	<u>Erosion Control Permit Fee</u>		10/29/2003
	(City receives none of this fee)		
	Less than \$50,000.00	\$26.00	
	\$50,000.00 to \$100,000.00	\$40.00	
	More than \$100,000.00	\$40.00 /+\$24.00 for each additional \$100,000 or fraction thereof	
	<u>Erosion Control Plan Check Fee</u>	65% of inspection fee	10/29/2003
	(City receives 50% of fee)		
	<u>Fee In Lieu Of Bicycle Striping</u>		7/1/2004
	8-inch white stripe	\$2.50 /linear foot of frontage	
	Bike lane legends	\$175.00 /each	
	Directional mini-arrows	\$100.00 /each	
	Mono-directional reflective markers	\$4.00 /each	
	<u>Fee In Lieu Of Undergrounding</u>	\$35.00 /lineal feet of frontage	10/29/2003
	<u>Public Facility Improvement Permit</u>	2% plan review plus	7/1/2009
		5% of estimated cost of public improvement with a \$300 minimum	7/1/2005
	<u>Streetlight Energy & Maintenance Fee</u>	Based upon PGE Sch #91 Opt, "B" for the first two years costs	2000
	<u>Traffic/Pedestrian Signs</u>	Cost of materials and labor	2/7/2002

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Revised Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES PLANNING				
	<u>Accessory Residential Units</u>	\$294.00	\$296.00	7/1/ 2010 2011
	<u>Annexation</u> (As of July 1, 2006 a moratorium on this fee was in effect, per Resolution 08-12 11-08, through February 2009 2012)	\$2,750.00	\$2,775.00	7/1/ 2010 2011
	<u>Appeal</u>			
	Director's Decision (Type II) to Hearings Officer	\$250.00	\$252.00	7/1/ 2003 2011
	Expedited Review (Deposit)	\$300.00	\$303.00	7/1/ 2003 2011
	Hearings Referee	\$500.00	\$505.00	7/1/ 2003 2011
	Planning Commission/Hearing's Officer to City Council	\$2,765.00	\$2,790.00	7/1/ 2010 2011
	<u>Approval Extension</u>	\$294.00	\$296.00	7/1/ 2010 2011
	<u>Colocation (of Wireless Communication Facilities)</u>	\$52.00		7/1/2011
	<u>Conditional Use</u>			
	Initial	\$5,474.00	\$5,523.00	7/1/ 2010 2011
	Major Modification	\$5,474.00	\$5,523.00	7/1/ 2010 2011
	Minor Modification	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Design Evaluation Team (DET)</u>			
	<u>Recommendation (deposit)</u>	\$1,529.00	\$1,542.00	7/1/ 2010 2011
	<u>Development Code Provision Review</u>			
	Single-Family Building Plan	\$73.00	\$75.00	7/1/ 2010 2011
	Commercial/Industrial/Institution	\$294.00	\$296.00	7/1/ 2010 2011
	Commercial/Industrial/Institution– Tenant Improvements in Existing Development			
	Project Valuation up to \$4,999	\$0.00	\$0.00	7/1/2010
	Project Valuation \$5,000 - \$74,999	\$73.00	\$75.00	7/1/ 2010 2011
	Project Valuation \$75,000 - \$149,999	\$184.00	\$185.00	7/1/ 2010 2011
	Project Valuation \$150,000 and more	\$294.00	\$296.00	7/1/ 2010 2011
	<u>Downtown Review</u>			
	Downtown Review Compliance Letter	\$599.00	\$605.00	7/1/ 2010 2011
	Downtown Design Administrative Review			
	Under \$1,000,000.00	\$1,401.00	\$1,414.00	7/1/ 2010 2011 + 0.004 x project valuation
	\$1,000,000.00 and over (max fee \$25,000.00)	\$5,401.00	\$5,449.00	7/1/ 2010 2011 + 0.002 x project valuation
	Downtown Design Review - Design Review Board	\$2,843.00	\$2,868.00	7/1/ 2010 2011 + applicable Type II fee

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Revised Fee or Charge	Effective Date
	<u>Hearing Postponement</u>	\$334.00	\$337.00	7/1/ 2010 2011
	<u>Historic Overlay/Review District</u>			
	Historic Overlay Designation	\$4,281.00	\$4,320.00	7/1/ 2010 2011
	Removal Historic Overlay Designation	\$4,281.00	\$4,320.00	7/1/ 2010 2011
	Exterior Alteration in Historic Overlay District	\$642.00	\$647.00	7/1/ 2010 2011
	New Construction in Historic Overlay District	\$642.00	\$647.00	7/1/ 2010 2011
	Demolition in Historic Overlay District	\$642.00	\$647.00	7/1/ 2010 2011
	<u>Home Occupation Permit</u>			
	Type I	\$101.00	\$102.00	7/1/ 2010 2011
	Type II	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Interpretation of the Community Development Code</u>			
	Director's Interpretation	\$599.00	\$605.00	7/1/ 2010 2011
	Appeal to City Council	\$2,765.00	\$2,790.00	7/1/ 2010 2011
	<u>Land Partition</u>			
	Residential and Non-Residential (3 Lots)	\$3,962.00	\$3,997.00	7/1/ 2010 2011
	Residential and Non-Residential (2 Lots)	\$3,295.00	\$3,325.00	7/1/ 2010 2011
	Expedited	\$4,623.00	\$4,664.00	7/1/ 2010 2011
	Final Plat	\$920.00	\$928.00	7/1/ 2010 2011
	<u>Lot Line Adjustment</u>	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Minor Modification to an Approved Plan</u>	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Non-Conforming Use Confirmation</u>	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Planned Development</u>			
	Conceptual Plan Review	\$7,752.00	\$7,822.00	7/1/ 2010 2011
	Detailed Plan Review (Concurrent Hearing)	Applicable SDR Fee or Subdivision Fee + \$375.00 \$379.00		7/1/ 2010 2011
	Detailed Plan Review (Separate Hearing)	Applicable SDR Fee or Subdivision Fee + \$2,313.00 \$2,334.00		7/1/ 2010 2011
	<u>Pre-Application Conference</u>	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Sensitive Lands Review</u>			
	With Excessive Slopes/Within Drainage Ways/ Within 100-Year Floodplain (Type I)	\$599.00	\$605.00	7/1/ 2010 2011
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands (Type II)	\$2,629.00	\$2,653.00	7/1/ 2010 2011

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Revised Fee or Charge	Effective Date
	With Excessive Slopes/Within Drainage Ways/ Within Wetlands/Within the 100-Year Floodplain (Type III)	\$2,841.00	\$2,867.00	7/1/ 2010 2011
	<u>Sign Permit</u>			
	Existing and Modification to an Existing Sign (No Size Differential)	\$164.00	\$165.00	7/1/ 2010 2011
	Temporary Sign (Per Sign)	\$52.00		7/1/2010
	<u>Site Development Review & Major Modification</u>			
	Under \$1,000,000.00	\$4,645.00	\$4,687.00	7/1/ 2010 2011
	\$1,000,000.00/Over	\$6,034.00	\$6,088.00	7/1/ 2010 2011
		(*+\$6.00/per each \$10,000.00 over \$1,000,000.00)		
	Minor Modification	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Subdivision</u>			
	Preliminary Plat without Planned Development	\$5,363.00	\$5,411.00	7/1/ 2010 2011
	Preliminary Plat with Planned Development	\$7,422.00	\$7,488.00	7/1/ 2010 2011
	Expedited Preliminary Plat without Planned Development	\$6,148.00	\$6,203.00	7/1/ 2010 2011
	Expedited Preliminary Plat with Planned Development	\$7,422.00	\$7,488.00	7/1/ 2010 2011
	Final Plat	\$1,855.00	\$1,872.00	7/1/ 2010 2011
	Plat Name Change	\$335.00	\$338.00	7/1/ 2010 2011
	<u>Temporary Use</u>			
	Director's Decision	\$294.00	\$296.00	7/1/ 2010 2011
	Special Exemption/Non-Profit	\$0.00		7/1/2003
	Special Mixed Use-Central Business District Zone Rate			
	1st Temporary Use in a Calendar Year	\$294.00	\$296.00	7/1/ 2010 2011
	2nd Through 5th Temporary Use With Substantially the Same Site Plan Within A Calendar Year	\$52.00	\$52.00	7/1/2010
	<u>Tree Removal</u>			
		\$294.00	\$296.00	7/1/ 2010 2011
	<u>Variance/Adjustment</u>			
	Administrative Variance	\$642.00	\$647.00	7/1/ 2010 2011
	Development Adjustment	\$294.00	\$296.00	7/1/ 2010 2011
	Special Adjustments			
	Adjustment to a Subdivision	\$294.00	\$296.00	7/1/ 2010 2011
	Reduction of Minimum Residential Density	\$294.00	\$296.00	7/1/ 2010 2011
	Access/Egress Standards			

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Revised Fee or Charge	Effective Date
	Adjustment	\$642.00	\$647.00	7/1/ 2010 2011
	Landscaping Adjustments			
	Existing/New Street Trees	\$294.00	\$296.00	7/1/ 2010 2011
	Parking Adjustments			
	Reduction in Minimum or Increase In Maximum Parking Ratio	\$642.00	\$647.00	7/1/ 2010 2011
	Reduction in New or Existing Development/Transit Imprvmnt	\$642.00	\$647.00	7/1/ 2010 2011
	Reduction in Bicycle Parking	\$642.00	\$647.00	7/1/ 2010 2011
	Alternative Parking Garage Layout	\$642.00	\$647.00	7/1/ 2010 2011
	Reduction in Stacking Lane Length	\$294.00	\$296.00	7/1/ 2010 2011
	Sign Code Adjustment	\$642.00	\$647.00	7/1/ 2010 2011
	Street Improvement Adjustment	\$642.00	\$647.00	7/1/ 2010 2011
	Tree Removal Adjustment	\$294.00	\$296.00	7/1/ 2010 2011
	Wireless Communication Facility Adjustments			
	Setback from Nearby Residence	\$642.00	\$647.00	7/1/ 2010 2011
	Distance from Another Tower	\$294.00	\$296.00	7/1/ 2010 2011
	<u>Zoning Map/Text Amendment</u>			
	Legislative - Comprehensive Plan	\$9,195.00	\$9,277.00	7/1/ 2010 2011
	Legislative - Community Development Code	\$3,754.00	\$3,787.00	7/1/ 2010 2011
	Quasi-Judicial	\$3,459.00	\$3,490.00	7/1/ 2010 2011
	<u>Zoning Analysis (Detailed)</u>	\$599.00	\$605.00	7/1/ 2010 2011
	<u>Zoning Inquiry Letter (Simple)</u>	\$88.00	\$89.00	7/1/ 2010 2011
COMMUNITY DEVELOPMENT - MISCELLANEOUS FEES & CHARGES				
	<u>Building Plan Copies</u>			
			\$2.50 /copy	7/1/2007
	<u>Community Development Code</u>			
	CD Rom	\$10.00		7/1/2006
	<u>Tigard Comprehensive Plan -Volumes 1 & 2</u>	\$77.00	\$75.00	1997 7/1/2011

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Revised Fee or Charge	Effective Date
	<u>GIS Maps*</u>			2/7/2002
	8-1/2" x 11"	Black and White Non Aerial Color Aerial	\$0.25 \$2.50 \$1.50 \$4.00	7/1/2007 2011 7/1/2007 2011
	11" x 17"	Black and White Non Aerial Color Aerial	\$1.50 \$5.00 \$2.50 \$7.00	7/1/2007 2011 7/1/2007 2011
	17" x 22"	Black and White Non Aerial Color Aerial	\$2.50 \$11.00 \$5.00 \$15.00	7/1/2007 2011 7/1/2007 2011
	22" x 32"	Black and White Color	\$5.00 \$7.50	
	34" x 44"	Black and White Non Aerial Color Aerial	\$7.50 \$25.00 \$10.00 \$30.00	7/1/2007 2011 7/1/2007 2011
	Custom Maps		Staff Hourly Rate	
	<u>Information Processing & Archiving (IPA) Fee</u>			
	Temporary Sign	\$5.00		7/1/2010
	Type I Review	\$18.00		7/1/2010
	Type II Review	\$175.00		7/1/2010
	Type III Review	\$200.00		7/1/2010
	Type IV Review	\$200.00		7/1/2010
	<u>Maps</u>			2/7/2002
	Address Maps by Section	\$2.50 /plot		
	Annexation & Road Jurisdiction	\$10.00 /plot		
	As-Built Drawings	\$2.50 /copy or plot		
	Assessor's Tax Map	\$2.50 /copy or plot		
	Bike Path Plan	\$6.00 /plot		
	Buildable Lands Inventory	\$10.00 /plot		
	Comprehensive Plan and Zoning Map	\$10.00 /plot		
	Orthophotographs	\$5.00 /copy		
	Stream Corridor & Wetlands Map	\$10.00 /plot		
	Street Index Map	\$10.00 /plot		
	Subdivision Map	\$10.00 /plot		
	Subdivision Plat Map	\$2.50 /copy		
	Topographic Maps	\$5.00 /copy		
	Transportation Plan Map	\$10.00 /plot		

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Revised Fee or Charge	Effective Date
	Vertical Bench Mark Control Map		\$6.00 /copy	
	Zoning Map		\$10.00 /plot	
	<u>Neighborhood Meeting Signs (Land Use)</u>			
		\$2.00		1997
	<u>Oversize Load Permit</u>			
		\$200.00		7/1/2005
	<u>Planimetric Maps</u>			
				3/10/1986
	Blueline print - quarter section	\$5.00		
	Mylar - quarter section	\$150.00	/+ reproduction cost	
	<u>Retrieval of Materials Confiscated in ROW</u>			
	Lawn and A-board signs	\$40.00	/sign	7/1/2010
	Other signs and materials (based on size and value)	City Manager's Discretion (per TMC 7.61.035 Ord 10-06)		7/1/2010
	<u>Tigard Transportation System Plan</u>			
		\$15.00	\$75.00	2000 7/1/2011
	<u>Tigard Triangle</u>			
	Master Plan (3/92)	\$10.00		Obsolete
	Master Plan Color Map (Adopted 11/92)	\$2.50		
	Specific Area Plan (1/94)	\$7.50		
	Transportation & Traffic Evaluation			
	<u>Visual Preference Survey</u>			
		\$5.00	/for second copy	Obsolete 1999
	<u>Washington Square Regional Center</u>			
	Task Force Recommendations	\$10.00		

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - MISCELLANEOUS DEVELOPMENT			
	<u>Blasting Permit</u>	\$271.00	7/1/2009
	<u>Fee in Lieu of Sewer (Commercial Only)</u>	Based on actual cost of sewer connection, if sewer was available	1998
	<u>Fee in Lieu of Shared Open Space (MU-CBD zone only)</u>	Fee in lieu is determined by multiplying the current Washington County Assessor-determined real market value of the land (not improvements) by 10%.	7/1/2011
	<u>Sanitary Sewer Connection Fee</u> (This fee is determined by Cleanwater Services. The City of Tigard receives 3.99% of fees collected.)	\$4,100.00 \$4,500.00 /dwelling unit	7/1/2010 2011
	<u>Tree Replacement Fee</u>	\$125.00 /caliber inch	9/1/2001
	<u>Water Quality Facility Fee</u> (City receives 100% of fees collected)		6/6/2000
	Residential Single Family	\$225.00 /unit	
	Commercial & Multi-family	\$225.00 /2,640 sq. ft of additional impervious surface	
	<u>Water Quantity Facility Fee</u> (City receives 100% of fees collected)		6/6/2000
	Residential Single Family	\$275.00 /unit	
	Commercial & Multi-family	\$275.00 /2,640 sq. ft of additional impervious surface	
	<u>Metro Construction Excise Tax</u> (City will retain 5% for administrative expenses) (Tax set by Metro, but collected by cities)	12% of building permits for projects with a total valuation of \$100,001 or more; not to exceed \$12,000.	7/1/2006
	<u>Vacation (Streets and Public Access)</u>	\$2,209.00 /deposit + actual costs	7/1/2009

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
PUBLIC WORKS			
	<u>Addressing Assignment Fee</u>	\$50.00	10/29/2003
	<u>Community Garden Plot Rental</u>		
	Large	\$40.00 /year	7/1/2010
	Small	\$20.00 /year	7/1/2010
	<u>Encroachment Permit</u>	\$300.00	7/1/2011
	<u>Engineering Public Improvement Design Standards</u>	\$5.00 For printed version only	7/15/1998
	<u>Local Improvement District Assessments</u>	Actual Cost	7/24/1996
	<u>Park Reservation Fees</u>		
	Application Fee		
	Resident	\$25.00	7/1/2010
	Non-Resident	\$50.00	7/1/2010
	Rental Change Fee	\$15.00	7/1/2011
	Special Use/Alcohol Permit Fee	\$25.00 Fee assessed at time of reservation	7/1/2010
	Special Event Permit Fee	\$75.00 0 to 100 people \$175.00 101 to 500 people \$275.00 501 to 2000 people \$475.00 More than 2000 people	7/1/2010 7/1/2010 7/1/2010 7/1/2010
	Shelter Rental Fees (2 hour minimum)		
	Shelter #1		
	Resident	\$16.00 /hour	7/1/2010
	Non-Resident	\$32.00 /hour	7/1/2010
	Shelter #2		
	Resident	\$33.00 /hour	7/1/2010
	Non-Resident	\$66.00 /hour	7/1/2010
	Shelter #1, #3, #4, Bishop/Scheckla Pavilion, & Summerlake		
	Resident	\$23.00 /hour	7/1/2010
	Non-Resident	\$46.00 /hour	7/1/2010
	Soccer/Ball Field Rental Fee (2 hour minimum)		
	Resident	\$10.00 /hour	7/1/2010
	Non-Resident	\$20.00 /hour	7/1/2010
	Deposit May be required for some events to mitigate possible cleanup and/or damages.	Not to exceed \$400	7/1/2010
	<u>Reimbursement District Application Fee</u>	\$300.00	1/27/1998
	<u>Reimbursement District Fee</u>	Not to Exceed \$6,000.00 unless reimbursement fee exceeds \$15,000.00 Any amount over \$15,000.00 shall be reimbursed by the owner. \$6,000.00 limit	7/1/2001

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
		valid for only 3 years from Council approval of district cost.	
	Right-of-Way (ROW) Permit Fee		
	ROW Permit Fee	\$300.00 Not required for Public Facility Improvements	7/1/2011
	Street Maintenance Fee (TMC 18.765)		
	Monthly Residential Rate - Single and Multi-Family	\$4.13	4/1/2011
	Monthly Non-Residential Rate	\$1.06	4/1/2011
	Monthly Residential Rate - Single and Multi-Family	\$5.25 \$5.45	1/1/2012
	Monthly Non-Residential Rate	\$1.19 \$1.23	1/1/2012
	Staff Review	No Charge No Charge	
	City Council Written Appeal Filing Fee	\$300.00 \$300.00	
	Solid Waste Compactor Permit	\$100.00	
	Traffic Control Devices		
	Speed Hump Program	50% of cost	5/1/1996

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
PUBLIC WORKS - UTILITIES			
	<u>Booster Pump Charge</u>		
	Meter Size (diameter inches)		
	5/8 x 3/4	\$4.08 /monthly	1/1/2011
		\$4.32 /monthly	1/1/2012
		\$4.58 /monthly	1/1/2013
		\$4.86 /monthly	1/1/2014
		\$5.15 /monthly	1/1/2015
	1	\$10.87 /monthly	1/1/2011
		\$11.52 /monthly	1/1/2012
		\$12.21 /monthly	1/1/2013
		\$12.95 /monthly	1/1/2014
		\$13.72 /monthly	1/1/2015
	1.5	\$32.60 /monthly	1/1/2011
		\$34.56 /monthly	1/1/2012
		\$36.63 /monthly	1/1/2013
		\$38.83 /monthly	1/1/2014
		\$41.16 /monthly	1/1/2015
	2	\$52.93 /monthly	1/1/2011
		\$56.11 /monthly	1/1/2012
		\$59.47 /monthly	1/1/2013
		\$63.04 /monthly	1/1/2014
		\$66.82 /monthly	1/1/2015
	3	\$93.33 /monthly	1/1/2011
		\$98.93 /monthly	1/1/2012
		\$104.87 /monthly	1/1/2013
		\$111.16 /monthly	1/1/2014
		\$117.83 /monthly	1/1/2015
	4	\$191.41 /monthly	1/1/2011
		\$202.89 /monthly	1/1/2012
		\$215.07 /monthly	1/1/2013
		\$227.97 /monthly	1/1/2014
		\$241.65 /monthly	1/1/2015
	6	\$203.75 /monthly	1/1/2011
		\$215.98 /monthly	1/1/2012
		\$228.93 /monthly	1/1/2013
		\$242.67 /monthly	1/1/2014

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
		\$257.23 /monthly	1/1/2015
	8	\$326.00 /monthly	1/1/2011
		\$345.56 /monthly	1/1/2012
		\$366.29 /monthly	1/1/2013
		\$388.27 /monthly	1/1/2014
		\$411.57 /monthly	1/1/2015
	10	\$636.93 /monthly	1/1/2011
		\$675.15 /monthly	1/1/2012
		\$715.65 /monthly	1/1/2013
		\$758.59 /monthly	1/1/2014
		\$804.11 /monthly	1/1/2015
	12	\$917.17 /monthly	1/1/2011
		\$972.20 /monthly	1/1/2012
		\$1,030.53 /monthly	1/1/2013
		\$1,092.36 /monthly	1/1/2014
		\$1,157.91 /monthly	1/1/2015
	Customer Charge		
	<i>(Basic fee charged to customers to have the City deliver water.)</i>		
	Meter Size (diameter inches)		
	5/8 x 3/4		
		\$15.78 /monthly	1/1/2011
		\$17.99 /monthly	1/1/2012
		\$20.51 /monthly	1/1/2013
		\$23.38 /monthly	1/1/2014
		\$24.38 /monthly	1/1/2015
	1	\$35.40 /monthly	1/1/2011
		\$40.36 /monthly	1/1/2012
		\$46.01 /monthly	1/1/2013
		\$52.45 /monthly	1/1/2014
		\$54.70 /monthly	1/1/2015
	1.5	\$93.49 /monthly	1/1/2011
		\$106.58 /monthly	1/1/2012
		\$121.50 /monthly	1/1/2013
		\$138.51 /monthly	1/1/2014
		\$144.47 /monthly	1/1/2015
	2	\$151.68 /monthly	1/1/2011
		\$172.92 /monthly	1/1/2012

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
		\$197.12 /monthly	1/1/2013
		\$224.72 /monthly	1/1/2014
		\$234.38 /monthly	1/1/2015
	3	\$298.56 /monthly	1/1/2011
		\$340.36 /monthly	1/1/2012
		\$388.01 /monthly	1/1/2013
		\$442.33 /monthly	1/1/2014
		\$461.35 /monthly	1/1/2015
	4	\$567.12 /monthly	1/1/2011
		\$646.52 /monthly	1/1/2012
		\$737.03 /monthly	1/1/2013
		\$840.21 /monthly	1/1/2014
		\$876.34 /monthly	1/1/2015
	6	\$635.88 /monthly	1/1/2011
		\$724.90 /monthly	1/1/2012
		\$826.39 /monthly	1/1/2013
		\$942.08 /monthly	1/1/2014
		\$982.59 /monthly	1/1/2015
	8	\$993.12 /monthly	1/1/2011
		\$1,132.16 /monthly	1/1/2012
		\$1,290.66 /monthly	1/1/2013
		\$1,471.35 /monthly	1/1/2014
		\$1,534.62 /monthly	1/1/2015
	10	\$1,832.55 /monthly	1/1/2011
		\$2,089.11 /monthly	1/1/2012
		\$2,381.58 /monthly	1/1/2013
		\$2,715.00 /monthly	1/1/2014
		\$2,831.75 /monthly	1/1/2015
	12	\$2,592.94 /monthly	1/1/2011
		\$2,955.95 /monthly	1/1/2012
		\$3,369.78 /monthly	1/1/2013
		\$3,841.55 /monthly	1/1/2014
		\$4,006.74 /monthly	1/1/2015
	<u>Final Notification Process Fee</u>	\$30.00 /per instance	7/1/2009
	<u>Fire Hydrant Flow Test</u>	\$325.00 /test	12/9/2008

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<u>Fire Hydrant Usage - Temporary</u>		
	3" hydrant meter deposit*	\$650.00	9/1/2002
	*Deposit is refundable if returned in good condition		
	Hook-up service	\$50.00	2/27/2001
	Continued use	\$50.00 /month	2/27/2001
	Consumption	Current irrigation water usage rate per 100 cubic feet of water used	9/1/2002
	<u>Fire Rates (Sprinklers)</u>		
	6" or smaller	\$17.00 /month	2/27/2001
	8" or larger	\$22.50 /month	
	<u>Fire Service Connection</u>		
		\$1,400.00 /+ 12% fee based on construction costs.	2/27/2001
	<u>Meter Disconnection</u>		
		Actual labor and material costs + 10%	9/1/2002
	<u>Meter Installation Fees</u>		
	5/8" x 3/4" Meter	\$325.00	2/27/2001
	1" Meter	\$500.00	2/27/2001
	1 1/2" Meter	\$850.00	2/27/2001
	2" Meter	\$1,000.00	2/27/2001
	3" or more Meter	Actual Cost	5/23/2000
	<u>Meter Out-of-Order Test</u>		
		Meter calibration cost + actual labor and material costs + 10%	9/1/2002
	<u>Sanitary Sewer Service</u>		
	(City receives 15.82% of fees collected)		
	Base Charge	\$19.14 /dwelling unit/month	7/1/2007
	Use Charge	\$1.31 /100 cubic feet/month for individual customer winter average	7/1/2007
	<u>Storm and Surface Water</u>		
	(City retains 75% of Service Charge fees collected)		
	(City retains 100% of its Surcharge fees collected)		
	Service Charge	\$4.00 /ESU/month	6/6/2000
	Tigard Surcharge	\$2.00 /ESU/month	7/1/2009
	<u>Water Bacteriological Quality Testing</u>		
	Cost per test	\$60.00	7/1/2008

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<u>Water Disconnection Charge for Non-payment</u>		
	During business hours	\$50.00	2/27/2001
	<u>Water Line Construction - New Development</u>	12% of Actual Cost	2/27/2001
	<u>Water Main Extension</u>		
	Designed and installed by others	12% of Actual Cost	9/1/2002
	<u>Water Meter Radio Read Device</u>	\$156.80	7/1/2008
	<u>Water Usage Charges</u>		
	Residential		
	Tier 1	\$2.04 /100 cubic feet of water	1/1/2011
	Tier 2	\$2.98 /100 cubic feet of water	1/1/2011
	Tier 3	\$3.41 /100 cubic feet of water	1/1/2011
	Tier 1	\$2.33 /100 cubic feet of water	1/1/2012
	Tier 2	\$3.40 /100 cubic feet of water	1/1/2012
	Tier 3	\$3.89 /100 cubic feet of water	1/1/2012
	Tier 1	\$2.65 /100 cubic feet of water	1/1/2013
	Tier 2	\$3.87 /100 cubic feet of water	1/1/2013
	Tier 3	\$4.43 /100 cubic feet of water	1/1/2013
	Tier 1	\$3.02 /100 cubic feet of water	1/1/2014
	Tier 2	\$4.42 /100 cubic feet of water	1/1/2014
	Tier 3	\$5.05 /100 cubic feet of water	1/1/2014
	Tier 1	\$3.15 /100 cubic feet of water	1/1/2015
	Tier 2	\$4.60 /100 cubic feet of water	1/1/2015
	Tier 3	\$5.27 /100 cubic feet of water	1/1/2015
	Multi-Family		
	Tier 1	\$1.70 /100 cubic feet of water	1/1/2011
	Tier 2	\$2.48 /100 cubic feet of water	1/1/2011
	Tier 3	\$2.84 /100 cubic feet of water	1/1/2011
	Tier 1	\$1.94 /100 cubic feet of water	1/1/2012
	Tier 2	\$2.83 /100 cubic feet of water	1/1/2012
	Tier 3	\$3.24 /100 cubic feet of water	1/1/2012
	Tier 1	\$2.21 /100 cubic feet of water	1/1/2013
	Tier 2	\$3.22 /100 cubic feet of water	1/1/2013
	Tier 3	\$3.69 /100 cubic feet of water	1/1/2013

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date	
		Tier 1	\$2.52 /100 cubic feet of water	1/1/2014
		Tier 2	\$3.67 /100 cubic feet of water	1/1/2014
		Tier 3	\$4.21 /100 cubic feet of water	1/1/2014
		Tier 1	\$2.63 /100 cubic feet of water	1/1/2015
		Tier 2	\$3.83 /100 cubic feet of water	1/1/2015
		Tier 3	\$4.39 /100 cubic feet of water	1/1/2015
	Commercial	Tier 1	\$2.32 /100 cubic feet of water	1/1/2011
		Tier 2	\$3.38 /100 cubic feet of water	1/1/2011
		Tier 3	\$3.87 /100 cubic feet of water	1/1/2011
		Tier 1	\$2.64 /100 cubic feet of water	1/1/2012
		Tier 2	\$3.85 /100 cubic feet of water	1/1/2012
		Tier 3	\$4.41 /100 cubic feet of water	1/1/2012
		Tier 1	\$3.02 /100 cubic feet of water	1/1/2013
		Tier 2	\$4.39 /100 cubic feet of water	1/1/2013
		Tier 3	\$5.03 /100 cubic feet of water	1/1/2013
		Tier 1	\$3.44 /100 cubic feet of water	1/1/2014
		Tier 2	\$5.01 /100 cubic feet of water	1/1/2014
		Tier 3	\$5.73 /100 cubic feet of water	1/1/2014
		Tier 1	\$3.58 /100 cubic feet of water	1/1/2015
		Tier 2	\$5.22 /100 cubic feet of water	1/1/2015
		Tier 3	\$5.98 /100 cubic feet of water	1/1/2015
	Industrial	Uniform Rate		
			\$3.23 /100 cubic feet of water	1/1/2011
			\$3.68 /100 cubic feet of water	1/1/2012
			\$4.20 /100 cubic feet of water	1/1/2013
			\$4.79 /100 cubic feet of water	1/1/2014
			\$4.99 /100 cubic feet of water	1/1/2015
	Irrigation	Uniform Rate		
			\$4.59 /100 cubic feet of water	1/1/2011
			\$5.23 /100 cubic feet of water	1/1/2012
			\$5.97 /100 cubic feet of water	1/1/2013
			\$6.80 /100 cubic feet of water	1/1/2014
			\$7.09 /100 cubic feet of water	1/1/2015

Tiered Rate Structure Thresholds (100 cubic feet of water)

City of Tigard
Fees and Charges Schedule

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
		Meter Size	
		5/8 x 3/4	
		Tier 1	6 ccf
		Tier 2	15 ccf
		Tier 3	over 15 ccf
		1	
		Tier 1	16 ccf
		Tier 2	40 ccf
		Tier 3	over 40 ccf
		1.5	
		Tier 1	48 ccf
		Tier 2	120 ccf
		Tier 3	over 120 ccf
		2	
		Tier 1	78 ccf
		Tier 2	195 ccf
		Tier 3	over 195 ccf
		3	
		Tier 1	137 ccf
		Tier 2	344 ccf
		Tier 3	over 344 ccf
		4	
		Tier 1	282 ccf
		Tier 2	705 ccf
		Tier 3	over 705 ccf
		6	
		Tier 1	300 ccf
		Tier 2	750 ccf
		Tier 3	over 750 ccf
		8	
		Tier 1	480 ccf
		Tier 2	1,200 ccf
		Tier 3	over 1,200 ccf
		10	
		Tier 1	938 ccf
		Tier 2	2,345 ccf
		Tier 3	over 2,345 ccf
		12	
		Tier 1	1,350 ccf
		Tier 2	3,376 ccf
		Tier 3	over 3,376 ccf

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge		Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES PLANNING				
	Park System Development Charge (SDC)*			
	Single Family Unit	\$4,811.00	\$4,048.34	1/1/2010 7/1/2011
	Multi-family Unit	\$3,867.00	\$3,254.20	1/1/2010 7/1/2011
	Spaces in a manufactured home park	\$3,814.00	\$3,209.17	1/1/2010 7/1/2011
	Commercial/industrial (per employee)	\$327.00	\$274.81	1/1/2010 7/1/2011
	*See Appendix for methodology used to calculate the charges.			

The Park System Development Charge (Park SDC) is a City of Tigard charge that is assessed on new development to support the acquisition and development of parks, greenways, and paved trails, all of which are used by residents of Tigard and by those who work here. The Park SDC is a one-time fee charged to new development to help pay a portion of the costs associated with building additional parks and trails to meet the needs created by both residential and commercial/industrial growth. The SDC revenues can only be used on capacity-increasing capital improvements and cannot be used to repair existing park facilities.

Park SDCs are assessed on new residential development on a per-unit basis and against commercial and industrial development on a per-employee basis.

The amount of the charge for each land use category is adjusted each year, effective July 1st, in relation to two indices, one reflecting changes in development/construction costs and one reflecting changes in land acquisition costs.

For information about Park SDCs regarding a specific project contact the City's Permits/Projects Coordinator at 503-718-2426.

For more detailed information on calculating Park SDCs see City of Tigard Resolution No. 04-97 and the accompanying report, "Parks and Recreation System Development Charges Methodology Update" by Don Ganer & Associates, Inc., November 10, 2004.

Department	Revenue Source	Fee or Charge	Effective Date
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Park SDC Annual Adjustment

4/10/2001

Parks SDC fees shall be adjusted annually on July 1st of each year beginning in 2011. The new fee will be determined by multiplying the existing fees by the average of two indices, one reflecting changes in development/construction costs and one reflecting changes in land acquisition costs. The average of these two indices is a reasonable approach because the Parks SDC fee is roughly split 50% between land acquisition land development components.

The index for the Land Acquisition component will be the base cost for residential tract land in Tigard, as determined by the Washington County Appraiser. The average cost for residential tract land was selected because it is readily identified and is the lowest priced of the buildable lands in Tigard. Changes in this base cost can be calculated in terms of a percentage increase, to create the level of change to the original index, and projected to the overall acquisition cost. In accordance with Measure 5, the Washington County Appraiser's office will determine appraised values on July 1 of each year.

The index for the Land Development component of the Parks SDC will be the Construction Cost Index for the City of Seattle as published in the December issue of the Engineering News Record (ENR). The Seattle cost index will be used because the city is the geographically closest to Tigard of twenty metropolitan areas for which the ENR maintains cost data. This index is adjusted monthly, quarterly, and annually. The annual index for each year will be selected beginning with the index for December 2002.

Park SDC Annual Adjustment (cont.)

Calculation Definitions:

SDC (2000) = Current SDC fee

L (2000) = Average cost of residential tract land 2000

L (2001) = Average cost of residential tract land 2001

L (2xxx) = Average cost of residential tract land 2xxx

C (2000) = Construction cost index of 2000

C (2001) = Construction cost index of 2001

C (2xxx) = Construction cost index of 2xxx

LCI = Land Cost Index: change from the current year from previous year

CCI = Construction Cost Index: change from the current year from previous year

ACI = Average cost index change of LCI + CCI

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
	<u>Formula:</u>		
	L (2001) / L (2000)	= LCI	
	and		
	C (2001) / C (2000)	= CCI	
	therefore		
	LCI + CCI / 2	= ACI	
	then		
	SDC (2001) X ACI	= SDC (2002)	

Each year subsequent to 2002, the costs shall be revised using the current year and previous year's data. Notwithstanding the foregoing, all calculations shall be carried out to the thousandth place. A final product ending in .49 or less shall be rounded down to the nearest dollar, .50 or more up to the next dollar. Community Development staff will perform the adjustment calculation and prepare the resolution each year.

**City of Tigard
Fees and Charges Schedule**

EXHIBIT A

Department	Revenue Source	Fee or Charge	Effective Date
COMMUNITY DEVELOPMENT - DEVELOPMENT SERVICES ENGINEERING			
Traffic Impact Fee *			
	Trip Rate		
	Residential Use	\$382.00 \$404.00 /average weekday trip	7/1/ 2010 2011
	Business & Commercial Use	\$96.00 \$102.00 /average weekday trip	7/1/ 2010 2011
	Office Use	\$350.00 \$371.00 /average weekday trip	7/1/ 2010 2011
	Industrial Use	\$367.00 \$389.00 /average weekday trip	7/1/ 2010 2011
	Institutional Use	\$158.00 \$168.00 /average weekday trip	7/1/ 2010 2011
	Transit Rate	\$27.00 \$30.00 /average daily trip	7/1/ 2010 2011

The Traffic Impact Fee (TIF) is a Washington County charge, approved by the voters in November, 1990, that is administered and collected by the City of Tigard. It went into effect in 1991. On July 1, 2009 it was replaced with the Transportation Development Tax (TDT) regarding new development projects. All projects that received Land Use Approval and submitted building permit applications prior to July 1, 2009 remain under TIF as do most non-residential projects that received Land Use Approval prior to July 1, 2009 even if building permit applications were submitted after that date. Residential, change-of-use, and minor addition projects for which building permit applications are submitted on or after July 1, 2009 are subject to TDT.

TIF charges are assessed on new development to help provide funds for the increased capacity transportation improvements needed to accommodate the additional vehicle traffic and demand for transit facilities generated by that development. TIF provides funds for these capacity improvements to county and city arterials, certain collectors, and certain state and transit facilities as listed in the County's Base Report list of projects. TIF is categorized as an Improvement Fee: revenue must be dedicated to capital improvements that expand capacity and may not be used for maintenance, repair, or other non-capital improvements.

TIF is assessed on new development on the basis of the number of trips that development is projected to generate. The bases for these trip projections are the statistical analyses and findings about trip generation found in the Institute of Transportation Engineers (ITE) Manual. Table II.1 of the Washington County Traffic Impact Fee Procedures Manual provides figures for the weekday average trips generated per unit by different Land Uses. For residential uses the units are dwelling or occupancy units. For commercial and industrial uses the units are the square footage of the use or units unique to the use such as lanes, fueling positions, etc.

The TIF rate for each land use category is adjusted each year, effective July 1st, to account for inflation.

For information about the TIF regarding a specific project contact the City's Permits/Projects Coordinator at (503) 718-2426.

For more detailed information on calculating TIF charges and a detailed list of Land Uses and their associated average trip rates see the Washington County Countywide Transportation Development Tax Manual.

***See Appendix for methodology used to calculate the charges.**

The Traffic Impact Fee program is governed by Washington County. All fees and procedures are set by the County.

**City of Tigard
Fees and Charges Schedule**

Countywide Transportation Development Tax (TDT) - (Example Land Uses and Charges*)

Single Family Detached	\$5,227.00	\$6,665.00 /per unit	7/1/ 2010 2011
Apartment	\$3,352.00	\$4,325.00 /per unit	7/1/ 2010 2011
Residential Condominium/Townhouse	\$3,106.00	\$3,976.00 /per unit	7/1/ 2010 2011
General Office Building	\$5,246.00	\$6,869.00 (per TSFGFA**)	7/1/ 2010 2011
Medical Office Building	\$17,958.00	\$23,370.00 (per TSFGFA**)	7/1/ 2010 2011
Fast Food Restaurant (no drive thru)	\$15,897.00	\$21,133.00 (per TSFGFA**)	7/1/ 2010 2011
Shopping Center	\$6,828.00	\$8,968.00 (per TSFGLA**)	7/1/ 2010 2011

The Countywide Transportation Development Tax (TDT) is a Washington County Tax approved by the voters in November, 2008, that is administered and collected by the City of Tigard. It went into effect on July 1, 2009, replacing the Traffic Impact Fee (TIF) program.

Like TIF, TDT is assessed on new development to help provide funds for the increased capacity transportation improvements needed to accommodate the additional vehicle traffic and demand for transit facilities generated by that development. It provides funds for these capacity improvements to county and city arterials, certain collectors, and certain state and transit facilities as listed in the County's Capital Improvements Project List. The TDT is categorized as an Improvement Fee: revenue must be dedicated to capital improvements that expand capacity and may not be used for maintenance, repair, or other non-capital improvements.

TDTs are assessed on new development on a per-unit basis. For residential uses the units are dwelling units, bedrooms, etc. For commercial and industrial uses the units are the square footage of the use or units unique to the use such as lanes, fueling positions, etc.

The TDT rate for each land use category is adjusted each year, effective July 1st, and the rates for each year from July 1, 2009 through June 30, 2013 were established in Appendix B to Washington County Engrossed Ordinance 691, August 29, 2008. The TDT rates effective 7/1/2010 include a 10% Temporary Discount implemented October 2009 by Washington county. If the Temporary Discount program is terminated the effective rates will revert to the original calculated rates.

For information about the TDT regarding a specific project contact the City's Permits/Projects Coordinator at (503) 718-

* For more detailed information on calculating TDT charges and a detailed list of Land Uses and TDT charges through 6/30/2013 see Appendix B to Washington County Engrossed Ordinance 691, August 29, 2008 and the Washington County Countywide Transportation Development Tax Manual.

** TSFGFA = thousand square feet gross floor area; TSFGLA = thousand square feet gross leasable area.

City of Tigard
Fees and Charges Schedule

Department	Revenue Source	Fee or Charge	Effective Date
PUBLIC WORKS - WATER			
	Water System Development Charge (SDC)*		
	5/8" x 3/4" Meter	\$3,821.00	2/1/2011
		\$4,705.00	2/1/2012
		\$5,590.00	2/1/2013
		\$6,474.00	2/1/2014
	1" Meter	\$10,191.00	2/1/2011
		\$12,551.00	2/1/2012
		\$14,910.00	2/1/2013
		\$17,269.00	2/1/2014
	1 1/2" Meter	\$30,555.00	2/1/2011
		\$37,629.00	2/1/2012
		\$44,703.00	2/1/2013
		\$51,777.00	2/1/2014
	2" Meter	\$49,616.00	2/1/2011
		\$61,103.00	2/1/2012
		\$72,589.00	2/1/2013
		\$84,076.00	2/1/2014

3" Meters and larger diameter

For connections to the water system with meters larger than 2-inches, the City will forecast the demands on an average-day, peak-day, and peak-hour basis.

The number of EDUs associated with the demands will be determined by the following:

$$EDUs = \left(\frac{ADD * 0.400}{226.4} \right) + \left(\frac{(PDD - ADD) * 0.343}{249.1} \right) + \left(\frac{(PHD - PDD) * 0.257}{90.6} \right)$$

*See Appendix for methodology used to calculate the charges.

Where:

ADD is the projected average-day demand of the new user in gallons per day, and

PDD is the projected peak-day demand of the new user in gallons per day, and

PHD is the projected peak hour demand of the new user in gallons per day, and

The constants used in the above formula are:

0.004 equals the proportion of the City's water facilities allocated to the average-day function

226.4 equals the estimated gallons per day on an average-day basis demanded by an EDU

0.343 equals the proportion of the City's water facilities allocated to the max-day extra-capacity function

249.1 equals the estimated gallons per day on an max-day extra capacity demanded by an EDU

0.257 equals the proportion of the City's water facilities allocated to the max-hour extra capacity function

90.6 equals the estimated gallons per day of max-hour extra-capacity demanded by an EDU

The City may update the values in the formula above as the system changes to recognize the

changing costs imposed by large customers

FY 2012 Proposed Master Fees & Charges Summary of Changes Report

Exhibit B

Department	Fee Description	Schedule Page(s)	Basis of Change	Authority	Included in Budget? (Y/N)
City Management	<u>Claims Application Fee</u>	2	Language revised to provide clarity for processing a claim.	TMC 1.21.050 & TMC 1.22 Ord. 08-09	n/a
	<u>City Management Fees/Charges Effective Date</u>	2	Since the last update of the fees and charges schedule, the effective dates have been revised to correct the Scribner's error.	Dept. Policy	n/a
Citywide	<u>2GB Flash Drives</u>	3	New fee implemented in order to recover city costs for public requests for records. Flash drives hold more information than traditional CD's.	Dept. Policy	N
	<u>Microprints</u>	3	Microprints have been replaced by microfiche and microfilm. Therefore, this fee has been eliminated.	Dept. Policy	N
Financial & Information Service	<u>Business License (Annual Fee)</u>	4	Fee adopted by council and adjusted annually in conjunction with the Portland Consumer Price Index (CPI) at 1.25%.	Ord. 88-13	Y
Library	<u>Public Copier and Printer Charges (color pages)</u>	6	New fee implemented in order to recover city costs for printing in color.	Dept. Policy	N
Community Development	<u>Planning Fees/Charges</u>	17-23	Adjustment tied to Seattle Construction Cost Index (CCI) which is 0.9% as of May 2011.	Res. 03-59	Y
	<u>Colocation (of Wireless Communication Facilities)</u>	17	Although applications have been received, due to oversight, fees has not been charged for this service.	TMC 18.798	N
	<u>GIS Maps</u>	21	Last fee was reviewed in 2002. Fees adjusted in order to recover printing costs.	Dept. Policy	N
	<u>Tigard Transportation System Plan Document</u>	22	Fee increased to reflect city cost to reproduce a bound color paper copy of the document	Dept. Policy	N
	<u>Fee in Lieu of Shared Open Space (MU-CBD zone only)</u>	23	Fee in Lieu is determined by multiplying the current Washington County Assessor determined real market value of the land (not improvements) by 10%.	TDC 18.610.030. F.2.b. (3)	N
	<u>Sanitary Sewer Connection Fee</u>	23	This fee is determined by Cleanwater Services. The City of Tigard receives 3.99% of fees collected.	Clean Water Services	Y

FY 2012 Proposed Master Fees & Charges Summary of Changes Report

Exhibit B

Department	Fee Description	Schedule Page(s)	Basis of Change	Authority	Included in Budget? (Y/N)
	<u>Park System Development Charges (SDC)</u>	33-35	Charges are adjusted annually based on an average of the Seattle Construction Cost Index (CCI) and the changes in the cost of land acquisitions. Fees are decreased by 15% based on these indices.	Res.01-12	Y
	<u>Traffic Impact Fee (TIF)</u>	36	Fees adjusted 6% annually per Washington County. As of July 1, 2009, this fee was replaced by the Transportation Development Tax (TDT)	Washington County	Y
	<u>Countywide Transportation Development Tax (TDT)</u>	37	A voter approved fee that went into effect July 1, 2009. Rates are adjusted annually by the county.	Washington County	Y
Public Works	<u>Parks Shelter Rental Fees (2 hour minimum)</u>	24	Fees adjusted to recover costs for providing service.	Dept. Policy	N
	<u>Right-of-Way (ROW) Permit Fee</u>	25	Does not include a fee increase. However, due to oversight, fee was omitted from Master Fees & Charges Schedule.	Dept. Policy	N
	<u>Street Maintenance Fee</u>	25	Fee is adjusted annually tied to a two year rolling average of the combined Oregon Composite Construction Cost and the national labor cost indices. The total combined indices can be no lower than 2% and no higher than 7%. Result of index applied for FY 2012 is 4%.	TMC 18.765	Y

AIS-459

Item #: 10.

Business Meeting

Date: 06/14/2011

Length (in minutes): 15 Minutes

Agenda Title: A Resolution of the City of Tigard Adopting the Budget, Making Appropriations, Declaring the Ad Valorem Tax Levy, and Classifying the Levy As Provided

Prepared For: Toby LaFrance

Submitted By:

Liz Lutz
Financial and
Information
Services

Item Type: Resolution
Public Hearing - Informational

Meeting Type: Council Business
Meeting - Main

ISSUE

Oregon local Budget Law requires that a budget for the following fiscal year (FY) be adopted by the City Council prior to July 1, after approval by the Budget Committee and after a public hearing has been held before the City Council.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends adoption of the Approved FY 2011-2012 Budget, with any technical adjustments.

KEY FACTS AND INFORMATION SUMMARY

The Tigard Budget Committee (comprised of the City Council and five citizens) held 2 meetings on the City Manager's Proposed FY 2011-2012 Budget in April, 2011. On April 25, 2011, the Budget Committee approved the Proposed Budget, with adjustments and forwarded the Approved Budget to the City Council for adoption.

Oregon Budget Law gives the governing body of the jurisdiction authority to make certain changes in the Approved Budget prior to adoption. The City Council may adjust resources or expenditures up or down as long as the increase in a fund does not exceed 10% of that fund. The individual funds are shown on the Schedule of Appropriations attached to the Resolution.

The total FY 2011-2012 City of Tigard Approved Budget is \$174,236,988, including appropriations of \$105,890,668.

OTHER ALTERNATIVES

Alternatives are limited by Oregon Law. Council can change the Approved Budget by up to 10 percent in any fund; however, by Oregon Law, the FY 2011-2012 Budget must be adopted by the City Council no later than July, 1, 2011.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The Approved Budget includes funding necessary to implement all six of the 2011 Tigard City Council goals. Those goals are:

1. Implement Comprehensive Plan
2. Implement Downtown and Town Center Redevelopment Opportunities
3. Complete Plans for Parkland Acquisition
4. Advance Methods of Communication
5. Continue Coordination with Lake Oswego on Water Partnership
6. Financial Stability

DATES OF PREVIOUS COUNCIL CONSIDERATION

Attachments

City Budget Resolution

Schedule of Appropriations

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 11-**

A RESOLUTION OF THE CITY OF TIGARD ADOPTING THE APPROVED BUDGET, WITH ADJUSTMENTS, MAKING APPROPRIATIONS, DECLARING THE AD VALOREM TAX LEVY, AND CLASSIFYING THE LEVY AS PROVIDED BY ORS 310.060(2) FOR FISCAL YEAR 2012.

WHEREAS, two hearings by the Tigard Budget Committee on the budget document, as proposed by the City Manager, were duly called and held on April 18, 2011 and April 25, 2011, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget ; and

WHEREAS, the budget for the City of Tigard for the year beginning July 1, 2011 was duly approved and recommended to the City Council by the regularly constituted Budget Committee at its meeting on April 25, 2011, after proceedings in accordance with Chapter 294, Oregon Revised Statutes; and

WHEREAS, a summary of the budget as required by Chapter 294.416 was duly published in the Tigard Times, a newspaper of general circulation in the City in accordance with Chapter 294.421; and

WHEREAS, a hearing by the Tigard City Council on the budget document as approved by the Budget Committee, was duly called and held on June 14, 2011, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The Council adopts the budget for FY 2011-12 in the approved amount of \$174,236,988, with adjustments made during the hearing.

SECTION 2 : Of the total approved budget amount of \$174,236,988, the city is appropriating \$105,890,668 for the fiscal year beginning July 1, 2011 as shown in Attachment A-Schedule of Appropriations.

SECTION 3: The City of Tigard City Council hereby imposes the taxes provided for in the adopted budget at the rate of \$2.5131 per \$1,000 of assessed value for general operations; and in the amount of \$2,336,118 for bonds; and that these taxes are hereby imposed and categorized for tax year 2011-12 upon the assessed value of all taxable property in the city.

	<u>General Government Limit</u>
General Fund	\$2.5131/\$1,000
	<u>Excluded from Limit</u>
General Obligation Debt Fund	\$2,336,118

SECTION 4: The budget for FY 2011-12 establishes three new funds.
a) The Transportation CIP Fund is established to account for resources and requirements related to transportation projects
b) The Parks Bond Fund is established to account for resources and requirements related to the \$17 million General Obligation Parks Bond approved by Tigard voters in November 2010.

- c) The Water Debt Service Fund is established to account for resources and requirements related to making debt service payments and debt service coverage on revenue bonds for the water system.

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
General Fund						
	Policy and Administration	854,157	0	854,157		
	Community Development	3,212,930	0	3,212,930		
	Community Services	20,744,094	0	20,744,094		
	Public Works	4,789,978	0	4,789,978		
	Debt Service	0	0	0		
	Loan to CCDA	375,000	0	375,000		
	Transfer	965,385	96,245	1,061,630		
	Capital Improvements	0	0	0		
	Contingency	1,000,000	-96,245	903,755		
		31,941,544	0	31,941,544		
Gas Tax Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	1,937,574	0	1,937,574		
	Debt Service	621,632	0	621,632		
	Loan to CCDA	0	0	0		
	Transfer	657,328	0	657,328		
	Capital Improvements	0	0	0		
	Contingency	300,000	0	300,000		
		3,516,534	0	3,516,534		
City Gas Tax Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	327,426	0	327,426		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	50,000	0	50,000		
		377,426	0	377,426		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Electrical Inspection Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	197,037	0	197,037		
	Capital Improvements	0	0	0		
	Contingency	30,000	0	30,000		
		227,037	0	227,037		
Building Fund						
	Policy and Administration	0	0	0		
	Community Development	1,179,625	0	1,179,625		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	199,844	0	199,844		
	Capital Improvements	0	0	0		
	Contingency	200,000	0	200,000		
		1,579,469	0	1,579,469		
Criminal Forfeiture Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	15,000	0	15,000		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		15,000	0	15,000		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Tree Replacement Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	160,878	0	160,878		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		160,878	0	160,878		
Bancroft Debt Service Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	193,422	0	193,422		
	Loan to CCDA	0	0	0		
	Transfer	4,830	0	4,830		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		198,252	0	198,252		
General Obligation Debt Service Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	2,195,951	0	2,195,951		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		2,195,951	0	2,195,951		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Facilities Capital Projects Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	42,878	0	42,878		
	Capital Improvements	310,800	0	310,800		
	Contingency	70,000	0	70,000		
		423,678	0	423,678		
Transportation Development Tax						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	351,984	0	351,984		
	Capital Improvements	0	0	0		
	Contingency	40,000	0	40,000		
		391,984	0	391,984		
Traffic Impact Fee Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	73,307	0	73,307		
	Capital Improvements	0	0	0		
	Contingency	20,000	0	20,000		
		93,307	0	93,307		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Underground Utility Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		0	0	0		
Street Maintenance Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	155,323	0	155,323		
	Capital Improvements	1,115,400	0	1,115,400		
	Contingency	100,000	0	100,000		
		1,370,723	0	1,370,723		
Parks Capital Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	462,197	0	462,197		
	Capital Improvements	6,373,639	0	6,373,639		
	Contingency	400,000	0	400,000		
		7,235,836	0	7,235,836		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Parks Bond Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	4,781,116	0	4,781,116		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		4,781,116	0	4,781,116		
Parks SDC Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	282,711	0	282,711		
	Loan to CCDA	0	0	0		
	Transfer	1,527,944	0	1,527,944		
	Capital Improvements	0	0	0		
	Contingency	300,000	0	300,000		
		2,110,655	0	2,110,655		
Transportation CIP Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	240,218	0	240,218		
	Capital Improvements	721,696	0	721,696		
	Contingency	0	0	0		
		961,914	0	961,914		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Sanitary Sewer Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	859,149	0	859,149		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	888,567	0	888,567		
	Capital Improvements	2,374,374	0	2,374,374		
	Contingency	400,000	0	400,000		
		4,522,090	0	4,522,090		
Stormwater Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	1,298,061	0	1,298,061		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	320,310	0	320,310		
	Capital Improvements	749,738	0	749,738		
	Contingency	100,000	0	100,000		
		2,468,109	0	2,468,109		
Water Quality/Quantity Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		0	0	0		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Water Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	6,236,017	0	6,236,017		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	3,006,430	732,866	3,739,296		
	Capital Improvements	0	0	0		
	Contingency	500,000	0	500,000		
		9,742,447	732,866	10,475,313		
Water SDC Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	361,575	0	361,575		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		361,575	0	361,575		
Water CIP Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	5,761,407	0	5,761,407		
	Capital Improvements	14,294,199	0	14,294,199		
	Contingency	0	0	0		
		20,055,606	0	20,055,606		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Water Debt Service Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	1,801,926	0	1,801,926		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		1,801,926	0	1,801,926		
Central Services Fund						
	Policy and Administration	6,374,117	2,500	6,376,617		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	300,000	-2,500	297,500		
	General Government	0	0	0		
		6,674,117	0	6,674,117		
Fleet/Property Management Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	1,654,384	96,245	1,750,629		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	100,000	0	100,000		
		1,754,384	96,245	1,850,629		

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Insurance Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		0	0	0		
Library Donations and Bequests Fund						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	100,000	0	100,000		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		100,000	0	100,000		
All Funds						
	Policy and Administration	7,228,274	2,500	7,230,774		
	Community Development	4,392,555	0	4,392,555		
	Community Services	20,744,094	0	20,744,094		
	Public Works	16,775,162	96,245	16,871,407		
	Debt Service	5,423,068	0	5,423,068		
	Loan to CCDA	375,000	0	375,000		
	Transfer	20,273,558	829,111	21,102,669		
	Capital Improvements	25,939,846	0	25,939,846		
	Contingency	3,910,000	-98,745	3,811,255		
	General Government	0	0	0		
		105,061,557	829,111	105,890,668		

AIS-520

Item #: 11.

Business Meeting

Date: 06/14/2011

Length (in minutes): 5 Minutes

Agenda Title: A Resolution Adopting the City Center Development Agency Fiscal Year 2011-2012 Budget, Making Appropriations, and Imposing and Categorizing Taxes

Prepared For: Toby LaFrance

Submitted By:

Liz Lutz
Financial and
Information
Services

Item Type: Resolution
Public Hearing - Informational

Meeting Type: Council Business
Meeting - Main

ISSUE

Oregon Local Budget Law requires that a budget for the following fiscal year be adopted by the City Center Development Agency Board of Directors prior to July 1st, after approval by the Budget Committee and after a public hearing has been held before the City Center Development Agency Board of Directors.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends adoption of the FY 2011-2012 Budget, with any adjustments made during the hearing.

KEY FACTS AND INFORMATION SUMMARY

The City Center Development Agency Budget Committee (comprised of the City Center Development Agency Board of Directors and five citizens) reviewed the Executive Director's Proposed FY 2011-12 Budget on April 18, 2011 and April 25, 2011. The Budget Committee subsequently approved the Proposed Budget and forwarded the Budget to the City Center Development Agency Board of Directors for adoption.

Oregon Local Budget Law gives the governing body of the jurisdiction authority to make certain changes in the Approved Budget prior to adoption. The City Center Development Agency Board of Directors may adjust resources or expenditures up or down as long as the increase in a fund does not exceed 10% of the fund total.

The total FY 2011-12 City Center Development Agency Budget will be \$1,063,273.

OTHER ALTERNATIVES

Due to no amendments being proposed, no other alternatives are being considered. By Oregon law, the FY 2011-12 Budget must be adopted by the City Center Development Agency Board of Directors prior to July 1, 2011.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

Attachments

[CCDA Budget Resolution](#)

[CCDA Schedule of Appropriations](#)

**CITY OF TIGARD, OREGON
CITY CENTER DEVELOPMENT AGENCY
RESOLUTION NO. 11-**

A RESOLUTION ADOPTING THE FISCAL YEAR 2011-2012 BUDGET, WITH ADJUSTMENTS, MAKING APPROPRIATIONS, AND IMPOSING AND CATEGORIZING TAXES.

WHEREAS, a hearing by the City Center Development Agency budget Committee on the budget document, as proposed by the Executive Director, was held on April 18, 2011 and April 25, 2011, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget; and

WHEREAS, the budget for the City Center Development Agency for the year beginning July 1, 2011 was duly approved and recommended to the City Center Development Agency Board of Directors by the regularly constituted Budget Committee at its meeting on April 25, 2011, after proceedings in accordance with Chapter 294, Oregon Revised Statutes; and

WHEREAS, a summary of the budget as required by Chapter 294.416 was duly published in the Tigard Times, a newspaper of general circulation in the City in accordance with Chapter 294.421; and

WHEREAS, a hearing by the City Center Development Agency Board of Directors on the budget document as approved by the Budget Committee, was duly called and held on June 14, 2011, where all interested persons were afforded an opportunity to appear and be heard with respect to the budget.

NOW, THEREFORE, BE IT RESOLVED by the City Center Development Agency Board that:

SECTION 1: The City Center Development Agency Board of Directors adopts the budget for FY 2011-12 in the total amount of \$1,063,273, with adjustments.

SECTION 2: Of the total budget amount of \$1,063,273, the City Center Development Agency is appropriating \$750,000 as established as follows:

	<u>Urban Renewal Capital Project Fund</u>	<u>Urban Renewal Debt Service Fund</u>
Operating Expenditures	\$ 0	\$ 0
Capital Improvements	\$375,000	\$ 0
Debt Service	\$ 0	\$375,000
Total	\$375,000	\$375,000

SECTION 3: The City Center Development Agency Board of Directors certifies to the county assessor of the County of Washington, Oregon a request for the maximum amount of revenue that may be raised by dividing the taxes under Section 1c, Articles IX of the Oregon Constitution and ORS Chapter 457.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2011.

City Center Development Agency Chair - City of
Tigard

ATTEST:

City Recorder - City of Tigard

SCHEDULE OF APPROPRIATIONS

Fund	Program	Proposed	Budget Committee Changes	Approved	Council Changes	Adopted
Urban Renewal Debt Service						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	375,000	0	375,000		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	0	0	0		
	Contingency	0	0	0		
		375,000	0	375,000		
Urban Renewal Capital Improvements						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	0	0	0		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	375,000	0	375,000		
	Contingency	0	0	0		
		375,000	0	375,000		
All Funds						
	Policy and Administration	0	0	0		
	Community Development	0	0	0		
	Community Services	0	0	0		
	Public Works	0	0	0		
	Debt Service	375,000	0	375,000		
	Loan to CCDA	0	0	0		
	Transfer	0	0	0		
	Capital Improvements	375,000	0	375,000		
	Contingency	0	0	0		
		750,000	0	750,000		

AIS-543

Item #: 12.

Business Meeting

Date: 06/14/2011

Length (in minutes): 15 Minutes

Agenda Title: Public Hearing - City Manager Recruitment Candidate Criteria - Invitation for Public Comment

Submitted By: Sandy Zodrow
City Management

Item Type: Public Hearing - Informational

Meeting Type:

Council Business Meeting - Main

ISSUE

Should the City Council hold a public hearing on June 14, 2011 to receive public input on the candidate criteria and/or profile to be used in the recruitment and selection of the new City Manager

STAFF RECOMMENDATION / ACTION REQUEST

Hold the public hearing on June 14th to receive public input on the candidate criteria/profile for the City Manager recruitment

KEY FACTS AND INFORMATION SUMMARY

The City Council discussed the development of the candidate criteria and profile for their City Manager recruitment at their May 24th Council meeting with Eric Middleton, Managing Partner with Alliance Resource Consulting. Alliance is the executive search firm the city has retained to assist in recruiting a new City Manager due to current City Manager Craig Prosser's forthcoming retirement.

It was determined that a public hearing should be held on June 14th to receive any public input regarding the candidate criteria and/or profile that will be used in recruiting for and selecting the next City Manager.

OTHER ALTERNATIVES

Not applicable

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Not applicable

DATES OF PREVIOUS COUNCIL CONSIDERATION

The City Council most recently discussed this matter at their May 24th meeting

Attachments

CM Brochure



City of Tigard, OR

City Manager




ALLIANCE
RESOURCE CONSULTING LLC

THE POWER OF PARTNERSHIP



City of Tigard, OR

Tigard, OR – A Place To Call Home

Located in the beautiful Willamette Valley, the City of Tigard is a clean, livable family oriented community located just minutes southwest of Portland in Washington County. As a community, Tigard blends the amenities of a modern city with the friendliness and community spirit of a small town. Tigard is the 12th largest city in Oregon with a population of approximately 48,000.

The city is also known for its natural scenic beauty and abundance of parks and greenways. There are over 181 acres of developed parks and over 202 acres of undeveloped greenways, wetlands, etc. Tigard has been named a Tree City USA by the National Arbor Day Foundation to honor its commitment to its community forest. This is the tenth year Tigard has received this national recognition.

In 2006, City Council made the decision to adopt “A Place to Call Home” as the tagline for the city—representing a commitment to having Tigard be a city that everyone could be truly proud of—a place with a true commitment to the community, its employees and to excellence. In an effort to further this vision, the city implemented three values for staff to reflect and embody.

These values are:

- **Respect and Care**
We will treat people well
- **Do the Right Thing**
We will go the extra mile to exceed expectations
- **Get it Done**
We will focus on solutions—not excuses

The city’s “open door” policy encourages citizens to attend weekly City Council meetings and observe the mayor and City Council. Tigard is a community building for today and its future. Local government and school leaders, citizen groups, businesses and individuals work hard to build upon Tigard’s significant community attributes. The city promotes citizen participation through Neighborhood Networks that represent the community’s 13 geographic areas. The networks allow citizens to become part of the decision-making process.

In Tigard, community activity revolves around close-knit, family oriented neighborhoods. There are many comfortable older neighborhoods in beautiful condition. In addition, Tigard’s location and proximity to transportation have contributed to its steady growth and attraction as a business destination. While there are many new residential neighborhoods opening in the city, there are also plans to add additional commercial and office space.

Since incorporating in 1961, Tigard developed a strong tax base and a diversity of businesses. The city’s tax rate is among the lowest in the Portland metropolitan area, and Tigard has the highest retail sales per capita in Oregon. Today, there is over 4.5 million square feet of commercial and industrial space in Tigard at business parks such as Lincoln Center, Oregon Business Park, Forum Properties Business Centers, Tigard Industrial Center, Commerce Plaza, Sequoia Parkway and Plaza West.

For more information about the City of Tigard, please visit their website at www.tigard-or.gov.

The City Government

The City of Tigard operates under a mayor/council form of government which utilizes a city manager to act as the administrative head of the city. The City Council is composed of a mayor and four councilors. The mayor and councilors are elected city-wide to four-year terms, and two councilors are elected at each biennial general state election for a four-year term. No councilor may serve more than eight consecutive years, except in cases where a councilor is filling an unexpired term. One of the councilors is appointed council president, and presides over City Council in the absence of the mayor and may perform other functions of the mayor at these times.

The City of Tigard has eight operating departments (Administration, Community Development, Finance and Information Technology, Library, Mapping, Municipal Court, Police and Public Works) and provides a full range of municipal services to the community. Fire service is provided under contract with Tualatin Valley Fire and Rescue.

The city employs over 270 full-time employees, and has two labor unions: the Tigard Police Officers Association representing 65 sworn and nonsworn, non-management in the Police Department, and SEIU-OPEU, representing 110 general, non-management employees citywide. The remaining full-time and part-time/seasonal employees do not have union representation.

Opportunities and Challenges

- One of the top priorities for the city manager and the City Council is maintaining the sound fiscal condition of the city. The City of Tigard has actively implemented measures to address budget challenges and maintain a balanced budget. These ongoing efforts resulted in a recent increase in the city’s bond rating. The city manager will continue to prioritize the needs of the city, recommend appropriate adjustments to balance resources and expenditures and maintain a plan for addressing the current and future needs of the community (recreation and parks, construction of a new police station, etc).
- The City of Tigard is one of the 23 communities in Metro (the elected regional government). It’s important for the city to ensure that it maintains its unique identity and character, while working closely



DR: City Manager

with Metro and other communities on regional issues. The next city manager should continue to seek, create and expand collaborative, regional and partnership-oriented solutions to plan for and manage future growth.

- Over the last two decades, Tigard has grown rapidly and is expected to continue to grow over the next 10 to 15 years. The next city manager will be responsible for addressing the development and fiscal issues associated with a growing community (i.e. transportation, density and housing, smart growth, land use). The city has a new comprehensive plan, and is now working on implementing that plan.
- The city manager will work with executive staff to continue developing internal leadership capabilities and succession plans. In addition, the city manager should continually look for operational efficiencies while maintaining excellence in service delivery.
- Diversify the economy and create an environment that encourages the attraction, retention and expansion of all sizes and types of businesses. Continue to work with the existing Urban Renewal District and look for opportunities to develop a successful and prosperous downtown.
- Work to complete the Lake Oswego-Tigard Water Partnership project to secure ownership in a long-term water source.
- Continue to improve internal and external communication, and provide the mayor and council with regular updates on issues and progress on major initiatives.

The Position

Under policy direction, the city manager plans, organizes, and provides administrative direction and oversight for all city functions and activities; provides policy guidance and program evaluation to the City Council and management staff; encourages and facilitates provision of services to city residents and businesses; fosters cooperative working relationships with intergovernmental and regulatory agencies and various public and private groups; pursues appropriate avenues of economic and community development; and performs related work as required.

The city manager receives policy direction from the City Council, and exercises general direction and supervision to the entire city staff through subordinate levels of management and supervision.

The city manager serves as the chief executive officer of the city, accountable to the City Council and responsible for enforcement of all city codes and regulations, the conduct of all financial activities and the efficient and economical performance of the city's operations.

Essential duties and responsibilities include, but may not be limited to:

- Plans, organizes, and administers operations of the city, either directly or through subordinate management and supervisory staff; coordinates

and evaluates the work of the city in accordance with applicable laws, codes, and regulations, and adopted policies and objectives of the City Council.

- Directs and coordinates the development and implementation of goals, objectives, and programs for the city; develops administrative policies, procedures, and work standards to ensure that the goals and objectives are met and that programs provide mandated services in an effective, efficient, and economical manner.
- Oversees the preparation of the annual budget for the city; authorizes directly or through staff, budget transfers, expenditures, and purchases; provides information regarding the city's financial condition and needs to the City Council.
- Advises the City Council on issues, programs, and financial status; prepares and recommends long- and short-range plans for city service provision, capital improvements and funding; and directs the development of specific proposals for action regarding current and future city needs.
- Oversees the administration, construction, use and maintenance of all city facilities and equipment, including buildings, parks, facilities and other public property.
- Represents the city and the council in meetings with governmental agencies, community groups, and various business, professional, educational, regulatory, and legislative organizations; acts as the city liaison with the media.
- Provides for the investigation and resolution of complaints regarding the administration of and services provided by the city government.
 - Provides for contract services and ensures proper performance of obligations to the city; has responsibility for enforcement of all city codes and regulations.
- Oversees the selection, training, professional development and work evaluation of city staff; oversees the implementation of effective employee relations and related programs; provides policy guidance and interpretation to staff.
- Directs the preparation of and prepares a variety of correspondence, reports, policies, procedures and other written materials.
- Ensures that the council is kept informed of city functions, activities, and programs, and of legal, social and economic issues affecting city activities.
- Monitors changes in laws, regulations, and technology that may affect city operations; implements policy and procedural changes as required.
- Performs other duties as assigned.

The position will be vacant due to the retirement of the current city manager who was appointed in 2005.

The Candidate

Education and Experience

Any combination of training and experience which would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:

Equivalent to graduation from a four-year college or university with major coursework in public or business administration, public policy, finance, or a field related to the work and ten (10) years of management or administrative experience in a municipal agency setting, including five (5) years of management and supervisory experience; experience in working with an elected council or board is highly desirable.

It is also desirable that candidates have knowledge of economic development and redevelopment, budgeting and financial management, planning and land use, water issues including provision and delivery, intergovernmental relations and community relations, and negotiations.

Residency within the City of Tigard is desired, but not required. Candidates from all geographic regions will be considered.

Experience as a board member or council member is desirable.

Management Style and Personal Traits

The city manager must be a confident decision maker who will work in partnership with the City Council, engage the community and be forward thinking. This person should have a proven track record in fiscal management, land use, consensus building and the desire to provide regional leadership on a variety of issues. The ideal city manager must value community participation and know how to facilitate input from residents, commissions, local businesses and the City Council. He/she will have a reputation for intelligence, poise and being calm under fire. He/she must have the flexibility and mind set to effect change within the organization as needed.

The ideal city manager also demonstrates:

- Strong fiscal management and insight
- Knowledge of planning, land use, zoning, building, and redevelopment
- Knowledge of the needs of business
- Teamwork mentoring and developing excellence from city staff
- Belief in the value of employees
- Problem solving with a creative attitude
- Ability to benchmark and evaluate performance
- Willingness to take reasonable risk
- Superior listening and communications in all forms
- Unquestionable ethics and integrity
- A good antenna for community issues, and the ability to communicate and feel comfortable with people from all walks of life
- Fostering an administration of transparency
- An openness to new ideas and approachable
- The desire to be a leader
- A strong customer service orientation
- High ethical standards and the integrity and the courage to express an opinion and disagree when appropriate
- Committed to public service

The city manager should be able to understand the roles of the mayor and City Council and provide his/her best professional recommendations in helping the council shape the future of the city. However, when the council makes a decision, he/she should be respectful of the role of the council and promptly implement their policy, even if it is different from his/her recommendation.

Candidates should be optimistic, energetic and friendly, have a good sense of humor, and be active and visible in the community.

Compensation

The salary for the position is negotiable within an established range, and will be dependent on the qualifications and experience of the selected candidate. In addition, the following benefits are provided: A city contribution toward the choice of three medical/dental/vision plans for the employee and family, City-paid life insurance, long-term disability and AD&D insurance; holidays, paid time off (PTO) and medical leave bank based on years of service; bereavement and military leave; car allowance; EAP, city contributions toward an ICMA 401(a) retirement plan and Voluntary Employee Beneficiary Account (VEBA); city match up to a specified amount toward the choice of one of two 457 deferred compensation plans; city contribution toward long term care insurance or life insurance or both; professional and civic memberships; voluntary options for credit union and additional employee/spouse/dependent life insurance.

Selection Process

Each candidate's background will be evaluated on the basis of information submitted at the time of application to determine the level and scope of the candidate's preparation for this position. The resume should include any additional information which the candidate wishes considered. Only the more qualified candidates, as determined by the screening process, will be invited to participate in the selection process. The names of the most highly qualified candidates will be submitted to the appointing authority for final selection. Final interviews will be conducted by the mayor and City Council.

How to Apply

Interested candidates can apply for this position and obtain additional information at www.allianceresourceconsulting.com.

Confidential questions, inquiries and nominations may be directed to:

Eric J. Middleton, *Managing Partner*

Sherrill A. Uyeda, *Senior Partner*

ALLIANCE RESOURCE CONSULTING, LLC

400 Oceangate, Suite 510

Long Beach, CA 90802

Telephone: 562-901-0769

Facsimile: 562-901-3082

Email: emiddleton@allianceRC.com

suyeda@allianceRC.com



<http://twitter.com/Alliancerc>



Alliance Resource Consulting, LLC

Resumes should be received by **Monday, July 18, 2011**.

The City of Tigard is an Equal Opportunity Employer and values diversity at all levels of the organization.

AIS-534

Item #: 13. A.

Business Meeting

Date: 06/14/2011

Length (in minutes): 10 Minutes

Agenda Title: Contract Award - Citywide Grounds Maintenance

Prepared For: Joseph Barrett

Submitted By:

Joseph Barrett
Financial and
Information Services

Item Type:

Meeting Type:

Consent Agenda -
LCRB

ISSUE

Shall the Local Contract Review Board award a contract for citywide grounds maintenance services to Portland Habilitation Center?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the contract for citywide grounds maintenance services to Portland Habilitation Center and authorize staff to finalize the contract with the vendor.

KEY FACTS AND INFORMATION SUMMARY

In 1977, the Oregon legislature passed the "Products of Disabled Individuals" Act (ORS 279.835 to ORS 279.855.) This law obligates all state and local governments, school districts and other tax-supported political bodies in Oregon, to purchase goods and services from Qualified Rehabilitation Facilities (QRFs) when the products or a service meets their requirements. A Qualified Rehabilitation Facility is a non-profit organization that puts Oregonians with disabilities to work. It is a place of business and a training facility; with workshops, equipment, class and meeting rooms, offices and other business necessities. Many QRFs have other business locations as well, such as a downtown office, bakery or mail room.

The mission of a QRF is to help disabled people achieve self-confidence and self-sufficiency by working in the community in which they live and becoming productive citizens. A QRF often has a variety of programs to help disabled people achieve maximum economic and personal independence through vocational development. It is "qualified" because its programs are registered and reviewed on a regular basis by various state and federal agencies such as the Oregon Department of Human Services (DHS), Oregon Department of Administrative Services (DAS) and the National Industries for the Severely Handicapped (NISH). Disabled people are referred to a QRF from the Vocational Rehabilitation or Mental Health Divisions of the Oregon Department of Human Services.

There are approximately 47 QRFs around the state of Oregon. Every QRF puts a lot of energy into finding and creating opportunities that provide jobs for disabled people, as well as quality products or services to their customers. Today, QRFs provide work for nearly 6,000 Oregonians through their varied business enterprises.

One of the services that a number of QRF vendors provide is grounds maintenance. The City has been utilizing the services of All Seasons Grounds Care/Shangri La, a QRF vendor out of Salem, for the past number of years. Staff grew increasingly dissatisfied with the service provided by All Seasons and after meeting with All Seasons staff and State of Oregon QRF program representatives, the decision was made to end All Seasons services at the city.

As the need for grounds maintenance still exists, staff reached out to Portland Habilitation Center, another QRF in the area that provides the service. City staff and Portland Habilitation Center reviewed the scope of services and, in accordance with state process and statute, agreed to pricing for the work. The price determination was forwarded to the state for approval and the approval was received thus allowing the contract to move forward to the Local Contract Review Board for award.

OTHER ALTERNATIVES

Do not approve the contract award and direct staff to enter into negotiations with another QRF providing grounds maintenance services. The LCRB should remember that the City must utilize a QRF for the service (or take in-house) and as the pricing for QRF contracts is approved, and to a large degree managed by the State of Oregon, the pricing would be very similar.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first time the LCRB has seen this contract award request.

Fiscal Impact

Cost: \$233,664

Budgeted (yes or no): Yes

Where budgeted?: Pending

Additional Fiscal Notes:

The annual cost of the contract is estimated at \$116,832 for a two-year (contract total terms) of \$233,664. The project is split between the following funds:

Water Fund - \$17,964/annually

Storm Fund - \$64,632/annually

General Fund - \$34,236/annually

The work is appropriated every year and the approved FY 2011-2012 budget makes appropriations for this contract.

AIS-535

Item #: 13. B.

Business Meeting

Date: 06/14/2011

Length (in minutes): 10 Minutes

Agenda Title: Contract Award - Janitorial Services

Prepared For: Joseph Barrett

Submitted By:

Joseph Barrett
Financial and
Information Services

Item Type: Motion Requested

Meeting Type:

Consent Agenda -
LCRB

ISSUE

Shall the Local Contract Review Board award a contract for citywide janitorial services to Tualatin Valley Workshop?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award a contract for citywide janitorial services to Tualatin Valley Workshop and authorize staff to finalize the contract with the vendor.

KEY FACTS AND INFORMATION SUMMARY

In 1977, the Oregon legislature passed the "Products of Disabled Individuals" Act (ORS 279.835 to ORS 279.855.) This law obligates all state and local governments, school districts and other tax-supported political bodies in Oregon, to purchase goods and services from Qualified Rehabilitation Facilities (QRFs) when the products or a service meets their requirements. A Qualified Rehabilitation Facility is a non-profit organization that puts Oregonians with disabilities to work. It is a place of business and a training facility; with workshops, equipment, class and meeting rooms, offices and other business necessities. Many QRFs have other business locations as well, such as a downtown office, bakery or mail room.

The mission of a QRF is to help disabled people achieve self-confidence and self-sufficiency by working in the community in which they live and becoming productive citizens. A QRF often has a variety of programs to help disabled people achieve maximum economic and personal independence through vocational development. It is "qualified" because its programs are registered and reviewed on a regular basis by various state and federal agencies such as the Oregon Department of Human Services (DHS), Oregon Department of Administrative Services (DAS) and the National Industries for the Severely Handicapped (NISH). Disabled people are referred to a QRF from the Vocational Rehabilitation or Mental Health Divisions of the Oregon Department of Human Services.

There are approximately 47 QRFs around the state of Oregon. Every QRF puts a lot of energy into finding and creating opportunities that provide jobs for disabled people, as well as quality products or services to their customers. Today, QRFs provide work for nearly 6,000 Oregonians through their varied business enterprises.

One of the services that is provided by a number of QRF vendors is janitorial services. As the city's existing contract for janitorial services has expired, staff entered into negotiations the city's current QRF vendor for janitorial services, Tualatin Valley Workshop, on new contract pricing. Staff chose to negotiate with Tualatin Valley Workshop due to their track record of performance at the city's facilities and the fact that pricing is largely similar among the QRFs as the state has final approval on the pricing. City staff and Tualatin Valley Workshop agreed upon the contract pricing and forwarded the pricing to the state. The city has received the authorized pricing approval from the state and is ready to proceed with LCRB approval of the contract.

In accordance with ORS 279 staff has attached a copy of the in-house vs. contracted services analysis necessary for a service agreement of this size.

OTHER ALTERNATIVES

Do not approve the contract award and direct staff to enter negotiations with other QRFs providing janitorial services in the area: Diversified Abilities, Mid-Valley Rehabilitation, Inc., Port City Development, Portland Habilitation Center, Inc. and Tualatin Valley Workshop, Inc. This will require pricing approval from the state and will likely result in minimal difference in pricing.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

The is the first time this contract has been before the LCRB.

Fiscal Impact

Cost: \$1,124,671

Budgeted (yes or no): Pending

Where budgeted?: Fleet/Property Management

Additional Fiscal Notes:

The anticipated FY 2011-2012 cost for the janitorial services is \$211,414. Using a 3% annual increase the total over the potential five years of the contract is \$1,124,671. The project is in the approved Fleet/Property Management Fund for FY 2011-2012 and subsequent fiscal years will be contingent upon budget adoption.

AIS-536

Item #: 13. C.

Business Meeting

Date: 06/14/2011

Length (in minutes): 10 Minutes

Agenda Title: Contract Award - Parks Acquisition and Improvement Management Services

Prepared For: Joseph Barrett

Submitted By:

Joseph Barrett
Financial and
Information Services

Item Type: Motion Requested

Meeting Type:

Consent Agenda -
LCRB

ISSUE

Shall the Local Contract Review Board award a contract for parks acquisition and improvement management services to Conservation Technix Inc.?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Local Contract Review Board award the contract for parks acquisition and improvement management services to Conservation Technix Inc. and authorize staff to finalize the contract with the vendor.

KEY FACTS AND INFORMATION SUMMARY

The city's parks acquisition and improvement program includes both the purchase of property and construction of park improvements that will be funded by the General Obligation Bond issue approved by the voters in November 2010. The city's program charter describes the program and the requirements stated in the ballot title for the bond issue.

Due to the size of the bond and the parks acquisition and improvement program the city has a need for management services related to the acquisition and improvements that will be conducted over the coming years. Staff determined that a parks acquisition and improvement management firm is necessary and will be responsible for coordinating, tracking, and managing all of the activities of project team members. Project team members will be hired through separate contracts or will be filled by city staff. These project team members may include real estate acquisition agents, land appraisers, design professionals, surveyors, contractors, and other services needed for the program.

A request for proposal for the required parks acquisition and improvement management services was issued on February 24, 2011. The city conducted pre-proposal interviews with five interested parties were held during the week of March 7th. During these meetings, interested firms were able to ask direct questions regarding the project and the scope of services need by the city. When the request for proposal closed, the five firms all submitted proposals. Firms submitting proposals were:

- Drake & Associates, LLC
- WH Pacific
- Milstead & Associates
- F.F. Holtz Engineering, LLC
- Conservation Technix, Inc.

A proposal review team scored the submitted proposals in accordance with the following criteria outlined in the request for proposal:

- Firm qualifications - 10%
- Program manager qualifications – 20%
- Understanding and approach – 35%

- Statement of work – 25%
- Cost structure – 10%
- Total possible score – 100%

Through the review process staff has determined that Conservation Technix, Inc. best meets the current needs of the city and therefore is staff's recommendation for contract award.

OTHER ALTERNATIVES

Do not approve the contract award and direct staff to reissue the Request for Proposal.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

Study Session briefing on May 10, 2011.

Fiscal Impact

Cost: \$350,000

Budgeted (yes or no): Pending

Where budgeted?: Parks Bond Fund

Additional Fiscal Notes:

The contract is anticipated at \$350,000 over the three-year term. During the first year of the contract, FY 2011-2012, staff anticipates total expenditures of \$120,000 and the approved budget reflects this amount.
