



City of Tigard

Tigard City Council After-Meeting Action Notes

November 27, 2012

Mayor Dirksen called the meeting to order at 6:34 p.m.

City Council attendance:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

Staff present: City Manager Wine, Assistant City Manager Newton, Assistant to the City Manager Mills, Assistant Public Works Director Rager, Parks Facilities Manager Martin, City Attorney Hall, Human Resources Director Zodrow, City Recorder Wheatley

- STUDY SESSION

- A. Update on 2012 Tigard City Council Goal No. 5, Recreation, and Council Direction Regarding a Recreation Database

Note: This portion of the meeting was conducted in the Town Hall.

Assistant Public Works Director Rager introduced this agenda topic. One of the council's goals for 2012 was related to recreation. For the first part, the council asked staff to search the city to identify an inventory to provide to the city's customers to give them an idea of what recreation opportunities are already provided.

Parks Facilities Manager Martin advised the inventory has been assembled in an electronic format, which can be easily be kept up to date. The Public Works Department staff plan to devise a form that will allow people to make online suggestions regarding the inventory. After a three-month effort, a list was created and divided into categories and sub-categories to help people narrow searches. About 300 recreational items are listed in the inventory out of about 7-800 possible items that could have been included. After review, staff would like to hear from council members about how many items they would like to

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have listed on the inventory. Parks Facilities Manager Martin reviewed the static display of the software used to develop the inventory to demonstrate how searches could be conducted and the categories identified; i.e., sports, crafts, music, cultural arts, classes, etc. Parks Facilities Manager Martin referred to a disclaimer authored by the city attorney stating that the City of Tigard does not offer the programs, but the city is providing links to recreational offerings.

Assistant Public Works Director Rager asked if the inventory presented this evening is what the council had in mind. The next step would be to keep the inventory updated.

Councilor Woodard commented that the inventory was a good start and what the Park and Recreation Advisory Board was looking for to follow through on its goal recommendations for city recreation. He suggested that a placement holder be created to direct people to videos of Tigard activities. Mayor Dirksen noted that links to other websites could be posted as well. Councilor Woodard said he would like to see photos added to the link information; i.e., when accessing information on the Tigard swimming pool, there would be a photo of the facility.

Discussion followed on other ideas and formatting suggestions that could be considered. An interactive component of this tool would be helpful so people can send feedback to city officials. This information would be useful to the Park and Recreation Advisory Board for planning purposes.

Parks Facilities Manager Martin commented on talks with the school district regarding creating recreational opportunities by partnering with the Tigard-Tualatin School District. School District officials are receptive to this concept.

In response to a comment from Mayor Dirksen, City Manager Wine said the nature of the types of partnership under discussion include facility coordination, field operations and community garden opportunities.

Councilor Henderson said the inventory demonstrated this evening looks bland. He asked if a calendar of events could be included. City Manager Wine responded a calendar of events for city meetings and city-sponsored events are posted on the city's webpage – there might be a way to expand this to include recreational opportunities. The mayor suggested links to other calendars might be a more time-efficient way to provide this information.

Councilor Wilson commented the formatting could be more user friendly.

Councilor Woodard suggested using logos of different organizations that offer recreational opportunities could be posted to show support of these organizations and give them recognition.

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Mayor Dirksen told staff this is a "...great start and the right idea..."

Council members moved to the Red Rock Creek Conference Room to meet in an Executive Session and to review the remaining items on the Study Session agenda. (6:55 p.m.)

B. Administrative Items:

- Consent Agenda Item No. 3E (Approve the Purchase of the Rankin Property and Authorize the City manager to Complete the Property Purchase - Resolution) has been removed. Sellers' signatures on required documents are pending; this item will be rescheduled.
- Written Testimony Received for Agenda Item No. 5 - Continuation from November 13, 2012, of Public hearing on urban Forestry Code Revisions:
 - John Frewing - November 24, 2012 email (attached).
 - Justin Wood - November 27, 2012 email (attached).
- Council Calendar:
 - December
 - 4 - Council Meeting and City Center Development Agency Meeting - 6:30 p.m.
 - 11 - Council Business Meeting - 6:30 p.m.
 - 18 - Special Council Meeting - Mayor's Farewell Reception, Remarks and Blue Ribbon Task Force Report - 6:30 p.m.
 - 25 - Christmas - City Hall offices closed
 - January
 - 1 - New Year's Day - City Hall offices closed
 - 8 - Council Meeting - Reception, Oath of Office Ceremony, State of the City, Elect Council President, 6:30 p.m.
 - 10 - Council Groundrules Review; Goal Setting Meeting - Fanno Creek House, 9 a.m. - 5 p.m.
 - 15 - Council Workshop Meeting, 6:30 p.m.
 - 22 - Council Business Meeting, 6:30 p.m.
- EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 7:05 p.m. to discuss exempt public records and to review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer under ORS 192.660(2)(f) and (i).

Executive Session concluded at 7:26 p.m.

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1. BUSINESS MEETING - NOVEMBER 27, 2012

- A. Mayor Dirksen called the meeting to order at 7:34 p.m.
- B. City Recorder Wheatley called the roll:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Buehner	✓	
Councilor Henderson	✓	
Councilor Wilson	✓	
Councilor Woodard	✓	

- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports: None.
- E. Call to Council and Staff for Non-Agenda Items: None.

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None.
- B. Citizen Communication: None.

Mayor Dirksen reviewed the Consent Agenda:

3. CONSENT AGENDA: (Tigard City Council)

- A. Approve City Council Meeting Minutes for:
 - 1. September 18, 2012
 - 2. October 16, 2012
- B. Waive Temporary Sign Permit Fees for Tigard-Tualatin Babe Ruth - Resolution

RESOLUTION NO. 12-42 - A RESOLUTION WAIVING \$162 IN TEMPORARY SIGN PERMIT FEES FOR THE TIGARD-TUALATIN BABE RUTH

- C. Authorize the Mayor to Execute an Intergovernmental Agreement Amendment Allowing the City to Construct a Turnaround on Metro Property at Woodard Park
- D. Add the Woodard Park Parking Project to an Approved Project List in the Parks & Recreation System Development Charge Study - Resolution

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RESOLUTION NO. 12-43 -- A RESOLUTION ADDING THE WOODARD PARK PARKING PROJECT TO THE APPROVED PROJECTS FOR NEIGHBORHOOD/POCKET PARKS LIST IN THE PARKS & RECREATION SYSTEM DEVELOPMENT CHARGE STUDY

- E. ~~Approve the Purchase of the Rankin Property and Authorize the City Manager to Complete the Property Purchase – Resolution~~ This item will be rescheduled. Sellers' signatures pending.

Motion by Council President Buehner, seconded by Councilor Wilson, to approve the Consent Agenda.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

4. LEGISLATIVE PUBLIC HEARING - DEVELOPMENT CODE AMENDMENT (DCA 2012-00001) - PROJECTIONS INTO REQUIRED YARDS
7:50 p.m. - time is estimated

REQUEST: Amend Chapter 18.730.050.D of the Community Development Code to allow, in the R-12 Zone, bay windows and pop outs with floor area to project into required side yards by one foot provided they do not: a) exceed 12 feet in length, b) contain over 30% of the dwelling unit side elevation square footage, and c) the width of the approved side yard is not reduced to less than 3 feet. LOCATION: Citywide. ZONE: R-12. APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.380, 18.390, 18.510, and 18.730; Comprehensive Plan Goals 1, Public Involvement; Goal 2, Land Use Planning; Goal 9, Economic Development; Goal 10, Housing; and Statewide Planning Goals 1, 2, 9 and 10.

Public hearing was conducted.

Two individuals, Ryan O'Brien and Ken Gertz signed in to speak in favor of the proposed code amendment.

Council Consideration:

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Consideration of Ordinance No. 12-08

Motion by Council President Buehner, seconded by Councilor Wilson, to adopt Ordinance No. 12-08.

ORDINANCE NO. 12-08 - AN ORDINANCE AMENDING THE TIGARD COMMUNITY DEVELOPMENT CODE CHAPTER 18.730, TO ALLOW IN THE R-12 ZONE, BAY WINDOWS AND PROJECTIONS WITH FLOOR AREA TO EXTEND INTO REQUIRED YARDS WITH CERTAIN LIMITATIONS (DCA2012-00001)

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

5. CONTINUATION FROM NOVEMBER 13, 2012, OF PUBLIC HEARING ON URBAN FORESTRY CODE REVISIONS - URBAN FORESTRY CODE REVISION PROJECT - COMPREHENSIVE PLAN AMENDMENT (CPA) 2011-00004 DEVELOPMENT CODE AMENDMENT (DCA) 2011-00002

The purpose of the November 27, 2012 continuation of this agenda item is to receive a brief staff report and public testimony, followed by council consideration of the amendments to Planning Commission's recommendation.

REQUEST: To implement the city's Comprehensive Plan as recommended by the Urban Forestry Master Plan, the City of Tigard is proposing a Comprehensive Plan Amendment adopting the "Significant Tree Groves" Map and Tigard Development Code (Title 18) Amendments to Chapters 18.115, 18.120, 18.310, 18.330, 18.350, 18.360, 18.370 18.390, 18.530, 18.610, 18.620, 18.630 18.640, 18.715, 18.745, 18.775, 18.790, and 18.798. (Non Land Use Elements) In addition, in support of the Title 18 amendments, amendments are proposed to the Tigard Municipal Code (TMC) Chapters 1.16, 6.01, 6.02, 7.40, 8.02 through 8.16, 9.06, and 9.08.

LOCATION : Citywide. ZONE: Citywide.

APPLICABLE REVIEW CRITERIA: City of Tigard Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, Citizen Involvement; 2, Land Use Planning; 5, Natural Resources; 6, Environmental Quality; 7, Hazards; 8, Parks Recreation, Trails and Open Space; 9, Economic Development; 10, Housing; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 14, Urbanization; METRO's Urban Growth Management Functional Plan Titles 1, 3, 12 and 13. Statewide Planning Goals 1, 2, and 5 through 14.

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Mayor Dirksen announced the hearing is a continuation from November 13, 2012.

Staff Report: Associate Planner Daniels, Consultant Prager. Written report and PowerPoint presentation are on file in the record copy of the packet materials.

Council discussion with staff and consultant (Interim Community Development Director McGuire, Associate Planner Daniels, Consultant Prager)

Public testimony:

- Written testimony received:
 - John Frewing, email dated November 24, 2012
 - Justin Wood, email dated November 27, 2012
- Oral testimony:
 - Ken Gertz, Home Builders Association (signed-in as “neutral”) presented testimony.

Council review and discussion regarding recommendations proposed by Ken Gertz.

Council consideration of staff list of amendments to the Planning Commission’s recommended draft based on council direction on October 23 and November 13, 2012:

Councilor Wilson remarks about the proposed UFCR. Many of his concerns relate to the complexities, most of which occurs in the Administrative Rules. The code refers to these rules, which he thinks should be simplified; therefore, adopting all of these sections now to be effective March 1 represents a problem for him. He would prefer to adopt all amendments together although he will no longer be on City Council when the rules are considered for adoption. He said he will be voting no this evening, not because he does not “like the whole thing, but because it just has not reached the point where I can support it.” Mayor Dirksen urged Councilor Wilson to consider each amendment separately and determine whether he was opposed or in favor of the amendment independent of the entire UFCR recommendations.

Amendment	Addresses Policy Issue	Brief Description
1	3	Differentiates between residential and non-residential maintenance requirements for trees planted with development. Motion by Council President Buehner, seconded by Councilor Woodard, to approve Amendment No. 1.

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		The motion was approved by a unanimous vote of City Council present.
2	4	Removes tree removal permit requirements for single family residential developments. Motion by Council President Buehner, seconded by Councilor Woodard, to approve Amendment No. 2. The motion was approved by a unanimous vote of City Council present.
3	5	Clarifies that hazard trees are required to be removed only in response to verified complaints. Motion by Council President Buehner, seconded by Councilor Wilson, to approve Amendment No. 3. The motion was approved by a unanimous vote of City Council present.
4	7	Enhances the purpose statement in Chapter 18.790 to draw a clear link between the details in the Urban Forestry Manual and the overall purpose of the development code revisions. Council requested additional explanation by staff. Provides clarity for the tree canopy approach. Purpose statement amended to add a description to give a preview, in the code language, of what to expect to be contained in the administrative rules. Provides information of legislative intent. Motion by Council President Buehner, seconded by Councilor Wilson, to approve Amendment No. 4. The motion was approved by a unanimous vote of City Council present.
5	7	Adds the canopy requirements to the code to draw a clearer link between the details in the Urban Forestry Manual and the overall purpose of the development code revisions.

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		<p>Mayor Dirksen and Council President Buehner noted they were in opposition to this amendment. Councilor Woodard commented on the proposed amendment with Mayor Dirksen explaining the complications with making future changes if required to be done as a land-use action. The canopy requirements are not the concern; however, a preference was noted by the mayor that these requirements reside within the administrative rules. Councilor Woodard confirmed that the administrative rules would have the enforcement of law.</p> <p>Motion by Council President Buehner, Councilor Woodard, that the council not approve Amendment No. 5.</p> <p>The motion was approved by a unanimous vote of City Council present.</p>
6	8	<p>Reduces development costs for Minor Land Partitions by not requiring an arborist or landscape architect for partition projects that can meet the requirements by planting street trees in open soil volumes only.</p> <p>Motion by Mayor Dirksen, seconded by Council President Buehner, to approve Amendment No. 6 .</p> <p>The motion was approved by a unanimous vote of City Council present.</p>

Consideration of “housekeeping amendments” as identified in the November 27, 2012 memorandum from Associate Planner Daniels regarding “Urban Forestry Code Revisions.” This memorandum is on file in the record copy of the meeting packet.

Motion by Council President Buehner, seconded by Councilor Woodard, to approve the 13 housekeeping amendments.

The motion was approved by a unanimous vote of City Council present.

Discussion on the ordinance and resolution before the City Council for approval.

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A. Urban Forestry Code Revisions - Land Use Elements

Before voting on the proposed Ordinance No. 12-09, statement made by Council President Buehner, that she still has some concerns about potential litigation from events arising out of the code, but in an effort to reach consensus, she will vote for the code change. She added that she hoped the city attorney would keep track of issues and those that raise “red flags” should be brought to the council immediately.

Mayor Dirksen commented that each councilor likely has some issues that, individually, they would like to see addressed. Looking at this as a complete package, it is “such a large improvement over what we have had previously...” He referred to the work by the Task Force and the Planning Commission, “...and to come up with this compromise that everyone could agree with in general and in principle is a huge achievement...”

Councilor Woodard said his biggest concerns were cost and privacy issues. He wanted to see home builders to be able to keep down those costs that are passed to the homeowner. As the council proceeded through the hearing process, his concerns diminished. While he still has a few questions for clarity, he realized the administrative rules process would assist in keeping the code less complicated and allow staff to assist customers more efficiently. Councilor Woodard said he still has some concern about project costs, but he thinks the council will have the opportunity to address this concern if it does materialize. The end result is a good product.

Mayor Dirksen closed the public hearing.

- Proposed Ordinance DCA2011-00002

Motion by Council President Buehner, seconded by Councilor Woodard, to adopt Ordinance No. 12-09:

ORDINANCE NO. 12-09 - AN ORDINANCE TO ADOPT DEVELOPMENT CODE AMENDMENT DCA 2011-00002 TO AMEND CHAPTERS 18.115, 18.120, 18.310, 18.350, 18.360, 18.370, 18.390, 18.610, 18.620, 18.630, 18.640, 18.715, 18.745, 18.775, 18.790 AND 18.798 OF THE COMMUNITY DEVELOPMENT CODE, ALONG WITH THE AMENDMENTS APPROVED BY COUNCIL EARLIER IN THE MEETING.

Councilor Woodard received clarification that this action would amend the Development Code.

The motion was approved by a majority vote of City Council present.

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

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Councilor Woodard Yes

Councilor Woodard asked for clarification regarding the proposed Ordinance No. No. 12-10. He noted in the “whereas” statements of the ordinance, there are requirements that he assumes are required by the state. City Attorney Hall advised the “whereas” clauses do not amend the text of the Comprehensive Plan. The language in the “whereas” clauses: “...decision to allow, limit or prohibit uses...” is language from statute. Principal Planner McGuire confirmed that this language documents the process the city went through to demonstrate to the state that the city followed the state’s process.

Motion by Council President Buehner, seconded by Councilor Woodard, to approve Ordinance No. 12-10.

ORDINANCE NO. 12-10 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2011-00004 TO INCORPORATE A SIGNIFICANT TREE GROVES MAP INTO THE TIGARD COMPREHENSIVE PLAN

The motion was approved by a majority vote of City Council present.

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

B. Urban Forestry Code Revisions - Non Land Use Elements

Motion by Council President Buehner, seconded by Councilor Woodard, to approve, Ordinance No. 12-11

ORDINANCE NO. 12-11 - AN ORDINANCE TO ADOPT THE NON LAND USE ELEMENTS OF THE URBAN FORESTRY CODE REVISIONS PROJECT BY AMENDING CHAPTERS 1.16, 6.01, 6.02, 7.40, CREATING CHAPTERS 8.02, 8.04, 8.06, 8.08, 8.10, 8.12, 8.14, 8.16, 8.18, AND DELETING CHAPTERS 9.06 AND 9.08 OF THE TIGARD MUNICIPAL CODE, AS AMENDED EARLIER THIS EVENING.

The motion was approved by a majority vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

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- Proposed Resolution - Amendments to the Citywide Master Fees and Charges Schedule

Council consensus was to postpone making a decision on the proposed amendments to the Citywide Master Fees and Charges schedule. This matter will be rescheduled to address City Council concerns/questions on the proposed fees.

City Manager Wine addressed the City Council on the procedural steps regarding the administrative rules. Staff acknowledges council members' concerns about the complexity, the perceived prescriptiveness and the level of detail contained in the administrative rules. Associate Planner Daniels advised staff will use a similar process as used this evening as the City Council reviews and considers the administrative rules.

Mayor Dirksen noted he was pleased with the progress made by the council on the UFCR project. The end result is an improvement over what "we had before." His concerns at the beginning were based on comments from citizens about a desire to preserve and enhance the trees in the City of Tigard and how to do this in a way that was fair in consideration of property owners' rights. The challenge was difficult. He thanked everyone involved, particularly those who served on the Task Force.

Council President Buehner noted deferral of discussions on view corridors and height restrictions. She said she hoped that staff would schedule these topics for council review in the next year.

6. COUNCIL LIAISON REPORTS: None.
7. NON AGENDA ITEMS: None.
8. EXECUTIVE SESSION: Not held.
9. ADJOURNMENT: 9:14 p.m.

Motion by Council President Buehner, seconded by Councilor Wilson, to adjourn the meeting.

The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Buehner	Yes
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

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