

Agenda Item No. _____
Meeting of _____



City of Tigard
Tigard City Council Meeting Minutes
December 12, 2012

• **STUDY SESSION**

Council President Buehner called the meeting to order at 6:30 p.m.

<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, City Attorney Ramis, City Recorder Wheatley.

Administrative Items Reviewed

- Councilor Wilson - Non-Agenda Item

Councilor Wilson advised he would be introducing a non-agenda item proposing a resolution for the City Council’s consideration regarding his proposal to name the Summer Creek property the “Dirksen Nature Park.”

Council reviewed the upcoming Council calendar.

Council Calendar:

December

- 18 Farewell Meeting - Mayor Dirksen and Councilor Wilson; 6:30 reception; 7:30 special meeting.
- 25 Christmas Holiday - No meeting - City offices closed.

January

- 1 New Year's Holiday - No CCDA meeting - City Hall offices closed.
- 8 Special Meeting - 6:30 reception, 7:30 swearing-in ceremonies, inaugural remarks,

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- election of council president.
- 10 Special Meeting - 9 a.m. to 5 p.m. at Fanno Creek House; council groundrules, council liaison appointments, 2013 council goal setting.
- 15 Workshop Meeting - 6:30 p.m.
- 21 Martin Luther King Jr. Day - City Hall offices closed.
- 22 Business Meeting - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting.

February

- 12 Special Meeting, Tigard to host a joint meeting with the City of Beaverton (time to be determined).
- 18 Presidents Day - City Hall offices closed.
- 19 Workshop Meeting, 6:30 p.m.
- 26 Business Meeting - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting.

- EXECUTIVE SESSION: No Executive Session held.

Study session concluded at 6:37 PM

1. BUSINESS MEETING - DECEMBER 11, 2012

- A. Council President Buehner called the meeting to order at 7:32 p.m.
- B. Roll Call

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

- C. Pledge of Allegiance

After the Pledge of Allegiance, Council President Buehner called for a moment of silence for the killed and injured as a result of today’s shooting at the Clackamas Town Center shopping mall.

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

Councilor Wilson advised he would present a non-agenda item for Council consideration at the end of the business meeting.

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Council President Buehner advised she would defer presenting a council liaison report until the next meeting.

2. CITIZEN COMMUNICATION

- A. Follow-up to Previous Citizen Communication: None.
- B. Tigard High School Student Envoy – Nathaniel Ditton, ASB Athletics Officer presented an update on recent activities at the Tigard High School. He noted community activities sponsored by students that are underway at the high school as well as updated the Council on academic and sports activities.
- C. Tigard Area Chamber of Commerce - no report.
- D. Citizen Communication – Sign Up Sheet – No one signed up to speak.

3. PROCLAIM DECEMBER 9-15 AS HUMAN RIGHTS WEEK

Tigard Assistant Police Chief Jim de Sully was present on behalf of the Human Rights Council of Washington County and addressed the Council. December 10, 2012, marks the 64th anniversary of the United Nations declaration of human rights. In honor of this anniversary, the Washington County Human Rights Council has asked each city in the county to publicly acknowledge, through a special proclamation, the importance of human rights in our communities. He thanked the City of Tigard for helping support and commemorate this important occasion.

Council President Buehner read the proclamation and declared December 9-15 as Human Rights Week.

Council President Buehner reviewed the consent agenda as follows:

- 4. CONSENT AGENDA: (Tigard City Council and City Center Development Agency)
 - A. Approve City Council Meeting/City Center Development Agency Meeting Minutes for:
 - 1. September 25, 2012
 - 2. October 2, 2012
 - B. Receive and File:
 - 1. Official November 6, 2012 Election Results-Electing a Mayor, Two City Councilors, and a Charter Amendment "Vote Required to Use Certain Funds for Light Rail Construction."
 - 2. Council Calendar
 - 3. Council Tentative Agenda for Future Meeting Topics

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- C. Appoint Melody Graeber, Don Fisher and Cathy Hearn to the Budget Committee and Appoint Melanie Boekee as an Alternate Member - Resolution

RESOLUTION NO. 12-46 - A RESOLUTION APPOINTING MELODY GRAEBER, DON FISHER AND CATHY HEARN TO THE BUDGET COMMITTEE AND APPOINTING MELANIE BOEKEE AS AN ALTERNATE MEMBER.

- D. Appoint Peter Hedgecock to the Audit Committee – Resolution

RESOLUTION NO. 12-47 - A RESOLUTION APPOINTING PETER HEDGECOCK TO THE AUDIT COMMITTEE, BEGINNING ON JANUARY 1, 2013

- E. Reappoint Matthew Muldoon and Appoint Timothy L. Gaschke and Brian K Feeney as Voting Members to the Planning Commission - Resolution

RESOLUTION 12-48 - A RESOLUTION REAPPOINTING MATTHEW MULDOON AND APPOINTING TIMOTHY L. GASCHKE AND BRIAN K. FEENEY AS VOTING MEMBERS TO THE PLANNING COMMISSION

- F. Appoint Laura Fisher, Tamera Slack and Paul Miller as Voting Members and Carine Arendes and Hemendra Mathur as Alternates to the City Center Advisory Commission - Resolution

RESOLUTION NO. 12-49 - A RESOLUTION APPOINTING LAURA FISHER, TAMERA SLACK AND PAUL MILLER AS VOTING MEMBERS OF THE CITY CENTER ADVISORY COMMISSION AND APPOINTING CARINE ARENDES AND HEMENDRA MATHUR AS ALTERNATES TO THE CITY CENTER ADVISORY COMMISSION

- G. Appoint Jennifer Stanfield, Donald Schmidt, Evelyn Murphy Mark Bogert and George Hetu as Voting Members to the Tigard Transportation Advisory Committee - Resolution

RESOLUTION NO. 12-50 - A RESOLUTION APPOINTING JENNIFER STANFIELD, DONALD SCHMIDT, EVELYN MURPHY, MARK BOGERT, AND GEORGE HETU AS VOTING MEMBERS OF THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

- H. Approve the Purchase of the Rankin Property and Authorize the City Manager to Complete the Property Purchase - Resolution

RESOLUTION NO. 12-51 - A RESOLUTION APPROVING THE PURCHASE OF THE RANKIN PROPERTY, (TAX LOT 2S1 04DA 03500) AND AUTHORIZING THE CITY MANAGER TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE CITY

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I. Amend City Manager's Employment Agreement

Motion by Councilor Wilson, seconded by Councilor Henderson, to approve the consent agenda.

The motion was approved by unanimous vote of council present.

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

5. LEGISLATIVE PUBLIC HEARING - TIGARD CITY COUNCIL CONSIDERATION OF AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00002 TO AMEND THE TIGARD COMPREHENSIVE PLAN MAP TO INCLUDE LAND USE DESIGNATIONS FOR THE RIVER TERRACE COMMUNITY PLAN AREA BASED ON RECOMMENDED LAND USES FOUND IN WASHINGTON COUNTY'S WEST BULL MOUNTAIN CONCEPT PLAN AND AMEND THE CURRENT TIGARD COMPREHENSIVE PLAN GOAL 14: URBANIZATION POLICIES

Proposal: To amend the current Tigard Comprehensive Plan Map to include map designations for the River Terrace Community Plan area based on recommended land uses found in Washington County's West Bull Mountain Concept Plan; to amend current Tigard Comprehensive Plan Goal 14; Urbanization goals, polices, and recommendation actions.

Applicant: City of Tigard, Oregon, 13125 SW Hall Boulevard, Tigard, Oregon 97223

Location: River Terrace Community Plan Area

Applicable Review Criteria: Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14; Metro Functional Plan Title 11; and Statewide Planning Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14.

- Council President Buehner read the title of the public hearing and announced that she would not be participating in the discussion on this item since she has clients residing in the subject area. She recused herself from the hearing and turned the meeting over to Councilor Wilson who presided during the hearing that followed.
- Councilor Wilson opened the public hearing.
- City Attorney Ramis read the hearing procedures for this legislative hearing. A copy of those procedures is on file in the record copy of the council meeting packet.
- There were no declarations or challenges.

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- Staff Report: Senior Planner Wyss presented the staff report.
 - Staff is requesting approval an amendment to the comprehensive plan map to include land use designations for the River Terrace Community Planning area and amend Goal 14 policies to guide the River Terrace Community Plan area during and after completion of the community planning process.
 - Proposed land uses are based on the recommendations made in the West Bull Mountain Concept Plan. Adopting those recommendations will honor the expectations set out in the Concept Plan as well as represent the transition from the concept planning process to the River Terrace community planning process.
 - The Concept Plan outlined a vision for the River Terrace area that was created over the course of three years by Washington County with the help of a stakeholder working group and a technical advisory committee. The vision was represented in land-use transportation and parks framework maps, which were intended to guide the future development of the area.
 - The framework maps envisioned a variety of residential densities and housing types to disperse the densities throughout the community and provide the appropriate amount of commercial uses, parks, trails and open spaces. The maps outlined a multimodal network of connected streets and walkable blocks.
 - The stakeholder group and the technical advisory committee both voted to forward the Concept Plan to Washington County Planning Commission and Board of Commissioners for consideration and adoption. In November 2010, the Washington County Planning Commission voted to recommend the Board adopt the Concept Plan, and in December 2010 the Washington County Board of Commissioners adopted the Concept Plan.
 - In summary, the city is taking what was completed as part of the West Bull Mountain planning process and updating its comprehensive plan map with the recommended land use designations identified in that plan.
 - Since the conclusion of the Concept Plan in the fall of 2011, the city annexed a portion of the area known as Area 64. In 2012 the city agreed, by intergovernmental agreement with Washington County, to refine the West Bull Mountain Concept Plan into the River Terrace Community Plan.
 - The Concept Plan is a vision. The Community Plan will put into place the means to implement the vision of the Concept Plan that will make urban development possible in the area.
 - The process to complete the Community Plan includes 11 total tasks to take place over the next 18 months. One of those tasks was to adopt the Concept Plan recommended land uses into the Tigard Comprehensive Plan. The issue before the Council this evening is outlined in Exhibit A of the Council meeting packet. This action will set expectations for the community planning process as well as allow the city to access some of the construction excise tax funds to pay for this planning work.

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- A number of policies are recommended for adoption by the City Council to guide regulation of the River Terrace area during and after completion of the community planning process; shown in Exhibit B of the Council meeting packet.
- The proposed amendments before the Council this evening will not allow urban level development until the community planning process is complete.
- As part of the River Terrace community planning process, the recommended land uses before the Council this evening will be further analyzed. If there is need for further refinements, recommendations will be brought back to the Council through the planning commission. The City Council will consider final adoption at the end of the River Terrace community planning process.
- Staff found that the proposed amendments meet the criteria of the Tigard Community Development Code, including noticing requirements.
- The Planning Commission held its public hearing on December 3, 2012. As part of the Planning Commission public hearing process, the City of Beaverton sent in comments; these are contained in the staff report, Exhibit C. Beaverton suggested more policies to outline collaboration with them during the River Terrace community planning process and the City of Beaverton's South Cooper Mountain planning process. The city staff recommended no changes as they found sufficient existing policies to signify its commitment to collaborate with Beaverton. Tigard staff has been meeting regularly with Beaverton staff who will also be invited to attend the meetings of the Technical Advisory Committee.
- Washington County staff also sent in comments; Attachment 2 to the staff report. They were supportive of the amendments and also suggested adoption of other elements of the concept plan including parks, trails and street classifications. Senior Planner Wyss reiterated that the proposed amendments represent the first steps to place land uses in the Tigard Comprehensive Plan. As part of the refinement of the Concept Plan, the city will be reviewing public facility elements of the area, which will be incorporated into the master plans. These will be adopted with findings made to assure compliance with state and regional requirements as well as meeting city standards. Therefore, staff recommended no changes based on these comments and Planning Commission agreed with staff's recommendation.
- Before the Planning Commission hearing, the city received written comments from Attorney Michael Robinson, who represented a property owner in the area. The letter was submitted to the Council as part of the record. The letter stated they were appreciative of the proposed amendments with no changes proposed to the amendment. They noted, however, some refinements may be needed during the community planning process. Mr. Robinson also pointed out that Policy 6 allowed such refinements.
- Senior Planner Wyss advised there were also two persons who testified at the Planning Commission. One was supportive of the amendments and one did not address the amendments directly, but wanted to stress the importance of cohesive planning between River Terrace and the urban reserves. The Planning Commission made no changes based on this testimony.
- Senior Planner Wyss said the city did not receive formal comments from the Oregon Department of Transportation, the Department of Land Conservation and

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Development and Metro. He advised Tigard staff worked with these agencies during the formulation of the policies that are found in the Council packet materials. The agencies were comfortable with the policies formulated.

- Senior Planner Wyss referred to the staff report, Exhibit C of the Council meeting packet. The report includes findings related to the goals and policies of the Tigard Comprehensive Plan, Metro Functional Plan Title 11 and state land-use goals. The Planning Commission found the amendment to meet the approval criteria and voted unanimously to recommend approval of the Comprehensive Plan amendment.
- Since the Planning Commission hearing, another letter was received from Michael Robinson, an attorney representing a property owner in the area. This letter was submitted for the record and supports the Planning Commission recommendation for City Council approval of the Comprehensive Plan amendments. Staff recommended no changes to the proposal before the Council based on this letter.
- Senior Planner Wyss summarized: The amendment for the Council tonight will adopt the recommended land uses from the West Bull Mountain Concept Plan into the Tigard Comprehensive Plan. This action represents the first step to honor the Concept Plan and to transition to the community planning process. These land use designations are a starting point for the community planning process and if any changes are deemed necessary during said process, these will be made during the public process and brought before the Planning Commission and City Council for final review and approval.
- Councilor Wilson asked if Council had questions of staff.
 - Councilor Henderson pointed towards a housekeeping issue that he would like addressed for future staff reports. He requested that all exhibits and attachments be marked as referenced in the staff report.
 - Councilor Wilson noted that Tigard was not officially part of the County's process and had expressed concerns at the time the Concept Plan was adopted by the County Board. In response to a request from Councilor Wilson, Senior Planner Wyss outlined those concerns: the City of Tigard had a staff member on the Technical Advisory Committee of the West Bull Mountain concept planning process. There was a concern that no governance providers were identified for the area; i.e. water and parks services. Since then part of the area has come into the city and recently Area 63 and a portion of Roy Rogers West residents/property owners submitted petitions to annex into the city. All of the River Terrace area will receive services from the City of Tigard. There were also some concerns with the traffic analysis that was done as part of the concept planning process, but city officials will apply the Transportation Planning Rule and meet its regulations and expand the analysis completed as part of the Concept Plan.
 - Senior Planner Wyss confirmed for Councilor Woodard that the proposal before the Council is to take the recommended land uses from the Concept Plan and as city officials progress through the community planning process, they will analyze each of the components of the 11 tasks that were outlined earlier this evening. After analyzing what was done in the Concept Plan, city officials will update public facility plans and land use designations, if necessary, through the public process. Mr. Wyss also clarified that the remaining areas of River Terrace that are now outside of the city are poised to come into the city early in 2013

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and, therefore, will be included in the community planning process, which is scheduled to be completed by the summer of 2014.

- Councilor Wilson opened the public hearing.
- Public testimony.
 - Proponent--Michael Robinson, 1120 NW Couch St., 10th Floor, Portland, OR 97209 testified. Mr. Robinson said he was before the Council on behalf of West Hills Development Company. He introduced Dan Grimberg, the Director of Development for West Hills. This company is one of the major property owners in the River Terrace Community Plan area. He voiced support for the proposed amendments and the initiation of the community planning process. Mr. Robinson said, as he referenced in his letter, the proposed text amendment changes will need changes as the planning process goes forward. He noted that the vision established by Washington County was a great start, but changes will be identified once the City of Tigard decides what it wants. They look forward to working with staff and to refine a great vision for the area. He urged the Council to adopt the text and plan amendments recommended by the Planning Commission.
 - Councilor Wilson closed the public hearing.
- Council Comments
 - Councilor Woodard said he looks forward to this project starting and advised it was time to get started.
 - Councilor Henderson referred past efforts related to this project, which started in 2007. He urged his fellow Councilors to move this item forward without delay.
 - Councilor Wilson said the start of the community planning for this area for the City of Tigard has been a long time in coming. He noted that the subject of annexation in the Bull Mountain area was before the Council at the beginning of his first term. The matter before the Council this evening is, in a way, a culmination of that effort insofar as the city is now accomplishing some things they set out to do, which is to get out in front of development so we can control what occurs adjacent to the city's boundaries.
- Council consideration: Motion by Councilor Henderson, seconded by Councilor Woodard, to adopt Ordinance No. 12-12.

City Recorder Wheatley read the title and number of the ordinance:

ORDINANCE NO. 12-12 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00002 TO AMEND THE TIGARD COMPREHENSIVE PLAN MAP TO INCLUDE LAND USE DESIGNATIONS FOR THE RIVER TERRACE COMMUNITY PLAN AREA BASED ON RECOMMENDED LAND USES FOUND IN WASHINGTON COUNTY'S WEST BULL MT. CONCEPT PLAN AND AMEND THE CURRENT TIGARD COMPREHENSIVE PLAN GOAL 14: URBANIZATION POLICIES

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The motion passed by a unanimous vote of the Council present.

Mayor Dirksen	Absent
Council President Buehner	Absent from dais; did not participate during the hearing nor did she cast a vote.
Councilor Henderson	Yes
Councilor Wilson	Yes
Councilor Woodard	Yes

Council President Buehner returned to the dais and presided over the remaining agenda items for this meeting.

6. LEGISLATIVE PUBLIC HEARING FOR TIGARD CITY COUNCIL CONSIDERATION OF AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00001 AND DEVELOPMENT CODE AMENDMENT DCA 2012-00002 TO AMEND THE CITY OF TIGARD 2035 TRANSPORTATION SYSTEM PLAN AND TIGARD DEVELOPMENT CODE CHAPTERS 18.370, 18.610, AND 18.810 TO IMPLEMENT STREET CONNECTIVITY AND DESIGN STANDARDS FROM THE DOWNTOWN TIGARD CONCEPTUAL CONNECTIVITY PLAN

Proposal: To amend the City of Tigard 2035 Transportation System Plan and Tigard Development Code (Title 18) Chapters 18.370, 18.610 and 18.810 to implement the street connectivity and design standards recommended to the *Downtown Tigard Conceptual Connectivity Plan*.

Applicant: City of Tigard, 13125 SW Hall Boulevard, Tigard, Oregon 97223

Location: Downtown Mixed Use Central Business District

Zoning: MU-CBD

Comp Plan: Mixed Use Central Business District

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; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 15, Special Planning Areas: Downtown; Metro Urban Growth Management Functional Plan Title 6, Metro Regional Transportation Functional Plan Titles 1, 2 and 5; Oregon Administrative Rules Chapter 660, Division 12; Statewide Planning Goals 1, 2, 9, 11, 12 and 13.

- Council President Buehner read the title of the agenda item for the public hearing.
- City Attorney Ramis reviewed the hearing procedures for this legislative hearing.

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- Declarations or challenges: There were no declarations or challenges.
- Redevelopment Project Manager Farrelly presented the staff report. He introduced Cathy Corliss, consultant with Angelo Planning Group. Ms. Corliss assisted with drafting the proposed code language. Mr. Farrelly summarized the history of this matter. During his presentation, Mr. Farrelly referred to PowerPoint slides depicting the highlights of this report.
 - The study area of the urban renewal district was pointed out.
 - Existing conditions limit ways to move around downtown.
 - The foundational documents for the proposed code amendments were reviewed.
 - 2005 Tigard Downtown Improvement Plan
 - The Downtown Future Vision as expressed in the Downtown Improvement Plan.
 - Goal 15.4 of the Downtown chapter of the Comprehensive Plan specifically calls for developing street and circulation improvements.
 - Objectives of the Plan:
 - Connectivity.
 - Circulation.
 - Capacity.
 - Proposed code amendments required to implement the vision were reviewed and are outlined in both the presentation and the staff report prepared for the Council packet. These amendments, as recommended by the planning commission, were reviewed in detail (maps) with the City Council during Mr. Farrelly’s presentation. A map depicting the proposed street character types was referred to by Mr. Farrelly followed by a review of the proposed amendments to Chapter 18.810 of the Community Development Code (Street and Utility Improvement Standards).
 - Street character types were reviewed. (PowerPoint slides 20-24)
- Consultant Corliss presented the next segment of information to the council.
 - Chapter 18.610 proposed language was reviewed for Tigard Downtown District Development and Design Standards. (PowerPoint slide 25) The proposed amendments for this section of the code included delineations of what would be considered new development and major redevelopment. New development and major redevelopment would require a property owner to dedicate required right of way or dedicate a public easement and construct required improvements. Ms. Corliss reviewed changes to the landscaping requirements to allow an applicant to count landscaping that was part of a required street improvement. At this point Ms. Corliss advised council of a scrivener’s error in the footnote to Table 18.610.1. The error is on page 5 of 7, Exhibit C, Footnote 4. This footnote should read as follows:

“In the MU-CBD zone, required landscaping can be provided upon roofs or within the right-of-way where the applicant is required to provide landscaping as part of the street improvement in accordance with section 18.610 .025.” (The error was that the section was cited as 18.610.075)

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- If a project does not qualify as major redevelopment, valued at 60% or less of its: total current value as assessed by the Washington County Assessor, the standard to apply is that the future right-of-way be preserved for connectivity. Another requirement would be to sign a non-remonstrance agreement to a future local improvement district.
 - Ms. Corliss reviewed PowerPoint slide 28, which depicted a required new pedestrian pathway with the property affected shown in an overlay of grid marks on the map. This is a scale-back of an earlier proposal for a street connection through this block. The location of the pathway is flexible insofar as the standard calls for connections through blocks at least every 330 feet.
 - Ms. Corliss reviewed proposed amendments to Chapter 18.370, Adjustments to Connectivity Standards. There are existing adjustment procedures in this chapter and the proposed amendment is a new adjustment procedure that addresses the specific requirements that are in 18.610. (PowerPoint slide 29)
 - Ms. Corliss referred to PowerPoint slide 30 and commented that the rough proportionality provisions in 18.8 10.020 represents a safeguard for property owners who are concerned about the trigger of being required to pay for public improvements should they reach the threshold of new development or redevelopment of 60% or more of the value of the property. “Applicants may be required to dedicate land and build required public improvements only when the required exaction is directly related to and roughly proportional to the impact of the development.”
- Redevelopment Project Manager Farrelly reviewed the public involvement activities as listed in PowerPoint slide 31. Property owners received separate notice of the Planning Commission and the City Council hearings.
 - Redevelopment Project Manager Farrelly reviewed citizen comments highlighted in PowerPoint slide 32.
 - Redevelopment Project Manager Farrelly reviewed agency comments highlighted in PowerPoint slide 33. Comments were received from TVF&R, TriMet, and the Oregon Department of Transportation. Information and staff recommendations on these agency comments are contained in the staff report.
 - Redevelopment Project Manager Farrelly reviewed the proceedings of the Planning Commission Hearing of October 15, 2012. (PowerPoint slide 34)
 - The Planning Commission unanimously recommended that Council approve the proposed amendments. Mr. Farrelly noted the areas where revisions were made to accommodate citizen concerns. The Planning Commission was in accord with the changes proposed by the City Council during its preliminary review of this matter.
 - Mr. Farrelly reviewed the revised code language, which specifies that if an existing development is destroyed as a result of fire or other cause beyond the control of the owner, the rebuilding of it shall not be considered a major redevelopment for the purposes of street connectivity.

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- Mr. Farrelly reviewed the proposed and recommended Planning Commission changes for allowing flexible design standards for the street near Fanno Creek Park. (PowerPoint slide 36)
- Mr. Farrelly summarized the findings in the staff report and highlighted on PowerPoint slide 37.

Council questions:

- Councilor Woodard referred to wording related to Chapter 18.6 10.025 and asked staff if this was a complete rewrite? Mr. Farrelly said this is all new language. Councilor Woodard commented on incentivizing redevelopment and noted some concern about the 60 percent threshold as stated in this section. He suggested there might be a way to offer a waiver to encourage clustering or sub clustering of certain types of business. One possibility might be to offer a public/private partnership to avoid the situation of overwhelming costs that would cause a property owner to decide they would not want to move forward with a redevelopment project. Councilor Wilson said the rough proportionality clause as referred to by staff would probably suffice to remedy the concern expressed by Councilor Woodard. After some discussion, Councilor Woodard said he might need to take more time to review this section before he can make a decision. He said that he feels there should be some other offering to give people an incentive/motivation to want to consider redeveloping. Councilor Wilson acknowledged Councilor Woodard's concerns and said it was one of the tougher decisions that the Council must make; that is, balancing the need for roads in a place that is already developed without dis-incentivizing new development. Councilor Woodard noted the distinction for him is that he sees redevelopment as different from new development. He said he thinks there will still be a cost to the existing property owner even with the rough proportionality application.
- Redevelopment Project Manager Farrelly responded that Councilor Woodard's concern has also been of concern to him insofar as his job is to attract developers and would not want to do anything to "scare" anyone away. However, he does believe the rough proportionality language would meet this concern. He offered that there is nothing precluding, through the urban renewal umbrella, offering incentives for development such as sharing costs in public/private partnerships. Councilor Woodard acknowledged that he saw some allusion to offering incentives as Mr. Farrelly described; however, he does not think the language is clear on this point.
- Councilor Wilson weighed in on the discussion of incentivizing development and offered that if a developer can see that the city is serious about putting in a street grid that could also be a positive attraction. The bigger issue is for current owners who might want to expand outward but would be limited because of the need to preserve right of way. If potential developers are looking for the least-cost development, they probably would not come here anyway.
- Councilor Henderson asked Mr. Farrelly about how he arrived at his conclusion that the proposed code amendment would make it more affordable for a developer. Mr. Farrelly referred to the specific example of large interior blocks, which do not have street frontage. If

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a new street is still creating street frontage, the street frontage is more marketable and creates more value. There is a cost in building the street, but value is also value created.

- Council President Buehner advised she was supporting the rough proportionality section proposed by these amendments. She said that we need to be making sure we have uniform streets as they are constructed. A lack of uniform streets would deter redevelopment.
- Council President Buehner asked Mr. Farrelly and to bring up the slide showing the crosshatched area (Required New Pedestrian Pathway-Slide 28). She noted her concerns with an aging population and creating areas that are too large with respect to accessibility points. Mr. Farrelly noted that the gridded area will call for pedestrian and bike connections. Blocks cannot be larger than 330 feet. A street cannot be located in this area because of intersection spacing standards. He agreed with Councilor Buehner that a goal is to make the downtown easier for walking around, which is why a pedestrian connection would be required. A street had originally been shown at this location and was removed due to the lack of ability to connect to Hall Boulevard. Councilor Buehner noted the size of the crosshatched area and said it is too big. She said that access should be reconsidered for the area, even if it is a dead-end street. Councilor Wilson said he did not think anything would preclude a developer from providing access; in fact, presumably a parking lot would be required within the area. Councilor Buehner countered that she thought they would need some public right-of-way within the block at some location. She suggested it does not need to be a major street but could be an abbreviated style of local street. When Mr. Farrelly referred to the pedestrian access, Council President Buehner suggested consideration of a joint vehicle/pedestrian access, effectively a type of alley. Mr. Farrelly said this could be considered. He noted the challenge in this area was to avoid making the lot so small that it would be difficult to develop.
- Councilor Woodard spoke in support of economic development and asked how many incentive programs are available to draw developers to the downtown to make investments. Mr. Farrelly referred to the Façade Improvement Program and the Targeted Improvement Program for interior improvements. He noted the City Center Development Agency Board has entertained a matrix of potential incentives that would attract a developer – one of those incentives is to offer a public/private partnership to build public improvements, to be considered on a case-by-case basis. Due to the limitations on the tax increment funding available, Mr. Farrelly said he was reluctant to make the public/private partnership an official program. Councilor Woodard noted the amount of incentives was limited and additional incentives could be derived from a review of the 60% requirement for the triggering of paying for public improvements when a property is redeveloped by a current owner.
- Council President Buehner noted her concerns with Councilor Woodard’s proposal for additional incentives, noting the limitation of funding available from the tax increment realized to date. She suggested one way to accelerate the availability of funds would be to go back to the voters and asked to increase the size of the district.
- Councilor Woodard reiterated that he would prefer a re-examination of the “60 percent requirement” and did not think this would necessarily require going back to the voters. In response to a question from Councilor Woodard, Mr. Farrelly advised that the incentives do not necessarily need to be identified in the Development Code or the Comprehensive Plan.

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He referred to modest incentives that are built into Development Code language; i.e., allowing landscaping requirements to be met by using the streetscape landscaping towards meeting the total amount of landscaping required. The City Center Development Agency Board could also consider additional incentive programs.

- City Manager Wine reminded the City Council that staff have been asked to come back with a proposal that looks beyond code revisions and street connectivity and propose other types of incentives for CCDA consideration. This proposal will be before the City Center Development Agency Board in the new year.
- Councilor Woodard advised that his primary concern with the proposed amendments is the “60 percent requirement.” He said he would not feel at ease voting in favor of the proposed amendments at this time.
- Project Redevelopment Manager Farrelly responded to a question from Councilor Henderson regarding the scale of the proposed connectivity code amendments. Mr. Farrelly said some consideration had been given to expanding the connectivity changes to the shopping center mall on the other side of Hall and Pacific Highway; but, it was thought that those areas had different issues from the downtown core. The proposed changes are delineated in Exhibit A attached to the proposed ordinance.

Council President Buehner called for public testimony.

Proponents

- Alexander Craghead, 12205 SW Hall Blvd., Tigard, OR 97223 advised he was before the City Council to testify on behalf of the City Center Advisory Commission. The proposal before the Council this evening is the culmination of many years of process. He commended the planning staff and consultant for making the effort to talk to property and business owners to make this a plan that works for short- and long-term business interests.

Mr. Craghead referred to the Council discussion on incentives and offered that if the code amendments are adopted as proposed, there is no reason that additional incentives could not occur. He cautioned against forming permanent incentives in the code since incentives should be a matter of negotiation and suggested this would be a better way to protect taxpayer dollars. Anything not paid for by the developer would be paid by the taxpayers in the city.

Mr. Craghead said the overall proposal before the Council this evening serves most of the major interests. He encouraged the Council to adopt the proposed amendments.

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- Richard Shavey, 11371 SW Sycamore Pl., Tigard, OR 97223 advised he was a member of the Planning Commission. He said the Planning Commission made changes to the document based on testimony and observations. The Planning Commission is supportive of the document as presented to the City Council. He said he did not believe the Commission was advocating downplaying economic development. He said the only thing he thinks might be missing from the document is identifying when activities should get started. He noted that in the last 20 years no timeframe was established for implementation of downtown activity. He urged establishing action plans for this year, next year and for the years ahead.

Mr. Shavey announced a Planning Commission recommendation for the upcoming City Council goal-setting session:

- Reconfigure Tiedeman Avenue and/or North Dakota Street to reduce the number of at-grade railroad crossings in support of the Ash Avenue connection.

Mr. Shavey said the Planning Commission supports the Council's approval of the document before it tonight.

Opponents

- Cecelia Thompson, Manchester Sq., Tigard, OR (12625 Southwest Hall Blvd., No. 26, 97223) testified that she and her husband own the property that is crosshatched on slide number 28 that has been under discussion this evening. She noted her appreciation that the 60 percent rule would not apply if redevelopment was needed because of fire damage or an earthquake.

Ms. Thompson advised she still has a major concern that she would be required to install pedestrian and bike pathways. She did not want to divide up a property or allow people to go through the apartment complex due to security concerns. She appreciated Council President Buehner's concern about adequate access for senior residents. She noted that residents of the complex are able to park in front of their residence, for the most part. She would not want that to change.

Ms. Thompson said she would not want the future development of the lot to be constricted because of the requirements for a pedestrian or bicycle pathway. At some point in the future, she would like to have the entire complex be secured. She said that she would like her property to be excluded from the designation as indicated by the hash marks. In response to a question from Councilor Buehner, Ms. Thompson said she has expressed these same concerns during the Planning Commission considerations. She said that she was told that this requirement was related to the "60 percent rule."

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Ms. Thompson said she and her husband have owned this property since 1984. They have done a significant amount of improvements to the property and this complex offers clean, affordable housing.

In response to a question from Councilor Henderson, Ms. Thompson said her preference would be to make the apartment complex a gated community. She said she has no plans to reconfigure the buildings. Councilor Henderson deferred to Mr. Farrelly to explain when the requirements for a pedestrian or bicycle pathway would be triggered. Mr. Farrelly advised that he has talked to Ms. Thompson and he has advised her that the pathway would not be required until there is redevelopment of the property greater than 60 percent. Mr. Farrelly said he understands her concern relates to her ability to sell the property the requirement for a pathway if a potential buyer plans redevelopment.

Ms. Thompson further voiced a concern about placing a pedestrian/bicycle pathway on the property and having it convert to public domain. She said she would lose value if this occurred. Council President Buehner explained that if property is converted to public right-of-way, then Ms. Thompson would be paid for the value of that right-of-way.

Councilor Wilson noted there were a number of different parcels included with the cross-hatch marks. He asked how it would be determined where the pathway would be required. Ms. Corliss responded this area was different than other parcels in the downtown because of the 330-foot spacing standard. If the large apartment building redeveloped, it would need to be designed so the 330-foot spacing standard could be met. If other areas of the parcel are redeveloped, then the standard would not be required. In response to Councilor Wilson's observation that this standard is required in other parts of the code, Ms. Corliss replied standards for block length and connectivity are also provided for in the Transportation Planning Rule. The issue for this particular area of the downtown was that the required pathways would not be triggered with site plan review or major redevelopment.

Council President Buehner pointed out that the subject parcel consists of a number of small pieces of property. She was of the opinion that if a redevelopment were to occur, it would be likely that a developer would be looking to purchase several parcels. She spoke to keeping flexibility in the code since it is unknown how redevelopment could occur. Ms. Thompson noted her property consists of three lots; one is quite small. Council President Buehner advised Ms. Thompson that given how redevelopment would likely occur, it would probably mean that someone was purchasing several parcels to create a larger development.

Council President Buehner advised that there was no one else on testimony sign in sheet and she asked if there was anyone present who wish to testify. Mr. Gregg Davidson indicated he would like to speak.

- Gregg Davidson, 10152 Southwest Murdock St., Tigard, OR 97224 testified. He referred to the proposed street behind the post office and the street between Scoffins and

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Commercial Street. He questioned whether the proposal before the Council was to require construction of these streets should property be redeveloped. Mr. Farrelly confirmed that this was correct. Mr. Davidson noted his issues with the location of the streets in proximity to his property and concerns that his property would become city property because of the requirement for half-street improvements. He questioned the premise behind placing a street between Scoffins and Commercial, going east and west. Mr. Farrelly advised that this is a very large block and the desire was to break down lot sizes to open up the interior lots for development. This would make properties more valuable and easier for pedestrians, cars and bikes to get around.

Mr. Davidson said this was detrimental to the property he owns. In addition he said he has not been contacted personally regarding the proposed code amendments.

Council President Buehner closed the public hearing.

In response to a question from Council President Buehner, Mr. Farrelly said staff has a list of people who participated in the small group meetings. Property owners have been noticed and there is a record of the addresses for which these notices were sent. He advised that notices were sent for a small group meetings as well as the two public hearings. He confirmed that notice was sent to Mr. Davidson.

Council President Buehner called for Council discussion on this matter.

- Councilor Wilson explained to Mr. Davidson that it is unknown how this might affect his property. The requirements for the streets are triggered in the event of a major redevelopment; at least 60 percent of the value of the property. Mr. Davidson asked for further clarification and at the request of Councilor Wilson, Mr. Farrelly responded. If Mr. Davidson were to redevelop his property that would increase its assessed value by more than 60 percent, then the connectivity standards would need to be addressed. Discussion followed with Mr. Davidson asking about specific situations where the streets would need to be improved by him. He has property that has access to Scoffins and Commercial Streets. After discussing the proximity of Mr. Davidson's property and the likelihood of redevelopment, Mr. Davidson noted his concern is with how these requirements might affect a potential sale of his property or if he decided he wanted to build something at the mobile home park site. Councilor Wilson said it was his understanding that the likely result would be for preservation of about 50-feet of right of way and suggested Mr. Davidson would be able to use this 50 feet for parking. Councilor Wilson said there would be some constraints on the location of the five-story apartment building that Mr. Davidson used as an example. There is some encumbrance on Mr. Davidson's property but most of the impact would be on the neighboring property. Councilor Wilson added that this would give Mr. Davidson's properties street frontage that might increase the value of his property.
- Mr. Davidson identified for Mr. Farrelly the parcels that he owned in this area. Mr. Davidson said he is trying to understand how any action that the Council might take tonight would affect any future plans he might have for this property. Mr. Farrelly advised that if the

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property was redeveloped with a large apartment building, then part of the property would need to be preserved for a future street connection – parking and landscaping could be placed on the preserved property. In the future if the adjoining properties are redeveloped, there will be a street providing frontage along Mr. Davidson’s property.

- Councilor Woodard pointed out that Mr. Davidson’s situation is a prime example of why he was concerned with some of the new language proposed for Council’s consideration tonight. He noted his perception that additional language, perhaps in the administrative rules, should spell out how property owners who want to redevelop their property would be affected with the requirements to preserve rights of way. He expressed concern for fairness. Councilor Woodard said he does not believe policies to protect property owners are in place.
- City Attorney Ramis said that because this is in the zoning code, there is no ability for adjustments through an administrative rule as suggested by Councilor Woodard. The criteria and rules must be specified in the code language.
- In response to a question from Councilor Woodard, City Manager Wine explained that prior to the proposed new language, this was a reserved section of the code. Councilor Woodard advised this was the root of his concern insofar as placing these requirements in the code will impact businesses. As a point of order, Councilor Wilson noted that the public hearing was closed and that his question to Mr. Davidson was whether he understood how the code might affect his property. He suggested that the Council excuse Mr. Davidson and for the Council to conduct its deliberations.
- Mr. Farrelly pointed out where the impact might be on Mr. Davidson’s property. The connection could be reclassified to either a pedestrian connection or an alley.
- Councilor Wilson commented that these code amendments have been several years in the making. He acknowledged that establishing new connections would impact property owners. In the past, property lines were respected, which is why there are strangely laid out connections such as the one at Scoffins and Hunziker. Councilor Wilson expressed support for the ordinance as proposed with the changes that the Planning Commission recommended.
- Councilor Henderson noted he supports the proposed ordinance because of the opportunity to promote connectivity in the community. He referred to efforts over the past five years to further the connectivity the city’s transportation network. This is part of a bigger plan and needs to be implemented. He advocated fair/equitable administration of the ordinance provisions, noting that there will be problems to resolve. Councilor Henderson acknowledged concerns by property owners, such as Mr. Davidson, who think they may have to give up their property. This is not true; however, there might be restrictions placed on their property. Furthermore, Councilor Henderson pointed out the topography in the area where Mr. Davidson’s property is located and the difficulty it represents for building a future street connection.
- Councilor Woodard said that while he agreed with much of what Councilor Henderson had to say, he remains concerned about the 60 percent trigger associated with a redevelopment. Councilor Woodard maintained that some creative thinking should occur prior to adoption of the code language to determine if there are ways to alleviate current property owners’ concerns about redevelopment of their property. He noted concerns that

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the language regarding the 60 percent redevelopment trigger was new language that he had not had a chance to review before tonight and that if this new language remains, he will vote no on the proposed ordinance.

- Council President Buehner recalled that the circulation study came before the Council about three years ago. At the time Council asked for additional review and there have been numerous opportunities for public participation. There is a problem in the downtown area in that there is no reasonable transportation grid system. The proposal before the Council this evening represents the effort to move toward more of a grid system. She said it is time to take a step forward and begin the initial steps for better connectivity. The lack of connectivity means investors are delaying buying property because they do not know where future streets will be placed. She advised that she would be voting in favor of the ordinance. She asked that staff take another look at the area on slide number 28 with regard to access for people with disabilities – as she noted earlier in her remarks.
- Councilor Woodard reiterated that he was aware that the circulation planning has been underway for a long time. While he understands redevelopment may not occur for quite a few years, he remains concerned about the new language as he noted in his earlier comments. He added that no economic policies or strategies have been developed. Council President Buehner, in recognition of Councilor Woodard’s concern, noted that a review of the transportation plan occurs every five years.
- Redevelopment Project Manager Farrelly advised that the proposed ordinance language was compared to the goals provided by the Comprehensive Plan. Staff has made findings supporting that the proposed language is consistent with the premise that increased connectivity will create higher valued development and raise values of adjacent properties when completed. This proposed language, therefore, addresses one of the economic development goals of the Comprehensive Plan. In response to a comment from Councilor Woodard, Mr. Farrelly acknowledged the concern with the trigger of the 60 percent redevelopment requirements, but it is consistent with other areas of the code. Small expansions will not trigger these requirements.

Council consideration of Ordinance No. 12-13:

Motion by Councilor Wilson, seconded by Councilor Henderson, to adopt ordinance number 12-13.

City Recorder Wheatley read the title and number of the proposed ordinance:

ORDINANCE NO. 12-13 - AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2012-00001 AND DEVELOPMENT CODE AMENDMENT DCA 2012-00002 TO AMEND THE CITY OF TIGARD 2035 TRANSPORTATION SYSTEM PLAN AND TIGARD DEVELOPMENT CODE CHAPTERS 18.370, 18.610, AND 18.810 TO IMPLEMENT STREET CONNECTIVITY AND DESIGN STANDARDS FROM THE DOWNTOWN TIGARD CONCEPTUAL CONNECTIVITY PLAN

Motion was approved by a majority roll-call vote of Council members present:

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

Council President Buehner requested staff meet with Mr. Davidson to discuss and address his concerns.

7. COUNCIL LIAISON REPORTS: None.

8. NON AGENDA ITEMS:

Non-Agenda Item - Councilor Wilson

Councilor Wilson requested City Council consideration of Resolution No.12-52. In support of this non-agenda item, he read reviewed the language in the resolution stating the reasons for his proposal for Council to consider naming the Summer Creek property as “Dirksen Nature Park.”

Motion by Councilor Woodard, seconded by Councilor Henderson, to approve Resolution No. 12-52.

RESOLUTION NO. 12-52 – A RESOLUTION NAMING THE SUMMER CREEK PROPERTY AS THE “DIRKSEN NATURE PARK” IN HONOR OF TIGARD MAYOR CRAIG DIRKSEN.

The motion was approved by a unanimous vote of Council present:

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

9. EXECUTIVE SESSION: Not held.

10. ADJOURNMENT: 10:06 p.m.

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Motion by Councilor Wilson, seconded by Councilor Henderson to adjourn the meeting.

The motion was approved by a unanimous vote of Council present:

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

/s/Catherine Wheatley
Catherine Wheatley, City Recorder

Attest:

/s/John L. Cook
Mayor, City of Tigard

Date: January 22, 2013