



City of Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY MEETING

MEETING DATE AND TIME: December 11, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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.



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MEETING DATE AND TIME: December 11, 2012 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

6:30 PM

- STUDY SESSION

- A. Administrative Items Reviewed

- Councilor Wilson - Non-Agenda Item

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, 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: 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.

7:30 PM

1. BUSINESS MEETING - DECEMBER 11, 2012

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Council Communications & Liaison Reports
Council President Buehner - Liaison Report
- E. Call to Council and Staff for Non-Agenda Items

2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
7:35 p.m. - time is estimated

- A. Follow-up to Previous Citizen Communication
- B. Tigard High School Student Envoy (Note to Council President: Megan Risinger (rice-n-grrr) might be unable to attend; if not, she will attempt to find a substitute.)
- C. Tigard Area Chamber of Commerce - (Note to Council President: No report this evening; CEO Debi Mollahan will give a report at the next available business meeting, which will be January 22, 2013.)
- D. Citizen Communication – Sign Up Sheet

3. PROCLAIM DECEMBER 9-15 AS HUMAN RIGHTS WEEK
7:45 p.m. - time is estimated

(Note to Council President: Tigard's Assistant Police Chief Jim de Sully will be present for this proclamation representing the Human Rights Council of Washington County)

4. CONSENT AGENDA: (Tigard City Council and City Center Development Agency) 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:
7:50 p.m. - time is estimated

- 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

- 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

- I. Amend City Manager's Employment Agreement

- *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.*

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
7:55 p.m. - time is estimated

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.

- Open Public Hearing
- Review Hearing Procedures: City Attorney
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention.
- Staff Report: Community Development Department
- Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
- Staff Recommendation
- Council Questions
- Close Public Hearing
- Council Consideration: 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

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
8:30 p.m. - time is estimated

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.

- Open Public Hearing
- Review Hearing Procedures: City Attorney
- Declarations or Challenges: Does any Council member wish to declare or discuss a conflict of interest or abstention.
- Staff Report: Community Development Department
- Public Testimony
 - Proponents
 - Opponents
 - Rebuttal
- Staff Recommendation
- Council Questions
- Close Public Hearing
- Council Consideration: 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

7. COUNCIL LIAISON REPORTS

8. NON AGENDA ITEMS

A. NAME THE SUMMER CREEK PROPERTY THE "DIRKSEN NATURE PARK" IN HONOR OF TIGARD MAYOR CRAIG DIRKSEN.

9. 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.

10. ADJOURNMENT
9:30 p.m. - time is estimated

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): 5 Minutes

Agenda Title: Proclaim Human Rights Week

Prepared For: Joanne Bengtson

Submitted By: Joanne Bengtson, City Management

Item Type: Update, Discussion, Direct Staff

Meeting Type: Proclamation

Public Hearing: No

Publication Date:

Information

ISSUE

Should Mayor Dirksen proclaim December 9-15 as Human Rights Week?

STAFF RECOMMENDATION / ACTION REQUEST

Mayor Dirksen received a request from the Washington County Human Rights Council to issue a proclamation from the City of Tigard in honor of Human Rights Week 2012.

KEY FACTS AND INFORMATION SUMMARY

The General Assembly of the United Nations approved the Universal Declaration of Human Rights on December 10, 1948, declaring the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

Each year, the international community recommits to the broader achievement of human rights. Numerous community, civic, religious and non-profit organizations and individuals work to ensure equal rights and protections for all residents.

OTHER ALTERNATIVES

Not issue the proclamation.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

Mayor Dirksen issued a proclamation for Human Rights in December 2011.

Attachments

Human Rights Week

Proclamation

City of Tigard

Human Rights Week

WHEREAS, The General Assembly of the United Nations approved the Universal Declaration of Human Rights on December 10, 1948, declaring the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world;" and

WHEREAS, A recommitment by the United States to the principles and ideals of the Universal Declaration is essential for its promise to ensure equality and justice; and

WHEREAS, The basic human rights addressed in the Universal Declaration include economic, social, and cultural rights, as well as civil and political rights, all considered to be equally important in fostering human dignity and freedom; and

WHEREAS, The Universal Declaration calls for all people and governments to promote and respect recognized rights, while providing standards of achievement for governments throughout the world; and

WHEREAS, Each year, the international community commemorates this event and recommits itself to the broader achievement of human rights; and

WHEREAS, Numerous community, civic, religious and non-profit organizations, such as the Human Rights Council of Washington County and other organizations and individuals work to ensure equal rights and protections for all residents; and

WHEREAS, The City of Tigard and the Human Rights Council of Washington County share this commitment to civil and human rights for all.

NOW THEREFORE BE IT RESOLVED THAT WE, the City Council of the City of Tigard, Oregon do hereby proclaim,

**December 9-15, 2012 to be HUMAN RIGHTS WEEK, and
December 10, 2012 as HUMAN RIGHTS DAY**

and encourage the citizens of Tigard to join me in celebrating the inalienable rights of all citizens to freedom, justice and peace in the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder

AIS-1112

4. A.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Motion Requested

Meeting Type: Consent Agenda

Public Hearing:

Publication Date:

Information

ISSUE

Approve City Council meeting minutes.

STAFF RECOMMENDATION / ACTION REQUEST

Approve minutes as submitted.

KEY FACTS AND INFORMATION SUMMARY

Minutes for the September 25, 2012 council meeting and the October 2, 2012 council/CCDA meetings are attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Council Minutes for September 25, 2012

Council-CCDA Minutes for October 2, 2012



City of Tigard
Tigard City Council Meeting Minutes
September 25, 2012

- **STUDY SESSION**

Council President Buehner called the meeting to order at 6:31 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, Public Works Director Koellermeier, City Engineer Stone and City Recorder Wheatley.

Track 1

A. Discuss Legislative Agenda for the Upcoming 2013 Session

Assistant City Manager Newton facilitated the discussion on the city’s legislative priorities for the upcoming legislative session. Background information was provided in the agenda item summary submitted in the council meeting packet. Ms. Newton distributed a copy of the 2011 City of Tigard State Legislative Agenda and she reviewed issues that might be carried over to the 2013 session.

Council President Buehner said she has concerns about state revenue sharing as this funding source might be affected due to financial crises in a couple of Oregon counties. The Department of Revenue will then be required to fund certain services provided by counties in default. This situation could threaten the state revenue sharing funding to other government agencies.

Assistant City Manager Newton reviewed the agenda item summary list of legislative topics for council’s consideration. These items were separated into two lists, one is from the League of Oregon Cities Legislative Action Agenda and the second is an itemized list of topics of ongoing interest to the City of Tigard.

Councilor Wilson said the only issue he was concerned about was the “reset at sale” proposal on assessed value for property – this would represent a significant tax increase. He would prefer the citizens have an opportunity to vote on this. Assistant City Manager Newton noted the “reset at sale” is not a proposal being recommended in the city’s legislative topic list. Councilor Wilson said he would be interested in learning what the disparities are in the City of Tigard. Council President Buehner advised this was brought up in committee as an option and for the Legislature to start having a discussion about it.

Consensus of the City Council was that the proposed list is acceptable to bring forward for final Council review and consideration on October 23, 2012.

B. Briefing on the Status of the Tigard Street Trail Project

City Engineer Stone presented the staff report. There does not appear to be any opposition by Oregon Department of Transportation (ODOT) Rail Division to the City of Tigard securing the 50-foot wide railroad right of way that runs parallel to Tigard Street from Main Street to Tiedeman Avenue. He noted the process for acquiring the right of way. Abandonment of the right of way by Portland and Western Railroad (PWR) would be the easiest method and it was believed to be progressing this way in December 2010; however, the easement abandonment was never finalized for an unknown reason. ODOT Rail Division personnel suggested the City of Tigard restart the abandonment process and PWR is also willing to start the process again.

In response to a question from Councilor Henderson, City Engineer Stone said the City of Tigard could buy or lease the properties. If the city leases the property, the ODOT rail could take it back at any time. The abandonment process is required to begin the process whereby the city could eventually purchase the right of way.

Track 2

City Engineer Stone said the final determination as to whether the property is surplus is made by the Rail Administrator who reports to Matt Garrett of ODOT. There is some concern about gaining the Rail Administrator’s approval because there will still be an active train. There was discussion about requirements associated with abandonment; i.e., Tigard maintaining liability insurance.

City Engineer Stone advised abandonment, for eventual City of Tigard purchase of the right of way, appears to be a viable course. Abandonment and purchase will take at least nine months to a year to complete.

Track 3

C. Briefing on an Intergovernmental Cooperative Agreement Regarding an Emergency Water Supply (Intertie)

Public Works Director Koellermeier facilitated the discussion on this agenda item. The proposal is to update the Intergovernmental Agreement between the South Fork Water Board, the City of Lake Oswego, the City of West Linn and the City of Tigard regarding an

emergency water supply. The original IGA has been in place since the 1970s. In 2008, when the City of Tigard became partners with the City of Lake Oswego, the IGA was in need of an update. As the treatment plant permit process proceeds before the West Linn Planning Commission, the proposed amendment to the IGA will help demonstrate the benefits for granting approval of the plant expansion permit, which would be the ability to provide West Linn with an emergency water source through 2041.

In response to a question from Councilor Wilson, Public Works Director Koellermeier explained an intertie already exists; however, there are plans to change the intertie location and there is no ability to provide emergency water to West Linn (plant is at capacity) in the summer.

In response to an observation by Councilor Woodard, Public Works Director Koellermeier said that if this intertie was unavailable to West Linn and they had to build alternative systems for a back-up, it would cost them \$11.4 million. The proposal would allow West Linn to avoid this investment.

City Manager Wine reported there were some concerns on West Linn's part about how much the underlying IGA would change. It was their desire that some of the historical language be maintained even though the agreement was being updated. Public Works Director Koellermeier said West Linn was hesitant about signing an updated IGA while the hearing process was active. Lake Oswego approved the proposed amendment to the IGA last week and City of Tigard is considering it tonight. At a minimum, Public Works Director Koellermeier said "we could report that this is sitting on a West Linn future docket – a date of their choice – and we have delivered what we promised to do, which was to modernize." City Manager Wine said this is one of the three things the partnership committed to when we took a "pause" on our plant permit application. The other commitments included consolidating the pipeline and water treatment plant application and re-engaging the community in a dialogue about concerns raised.

Public Works Director Koellermeier confirmed for Councilor Wilson that prior to this IGA, there was no promise of a certain amount of water supply to West Linn per day for an emergency. Further, Public Works Director Koellermeier advised he could not envision an emergency that would have the treatment plant capacity reduced to less than the needs of Lake Oswego, Tigard and West Linn. By our model, this plant will be operational through a 9.0 earthquake.

Councilor Woodard expressed that he would have preferred that the benefits and costs to be stated more clearly. After discussion, it was noted that the costs for the plant expansion are being paid for by Tigard and Lake Oswego equally.

In response to an observation by Councilor Henderson, there was discussion about having this item on the Consent Agenda this evening. City Manager Wine said this matter could be pulled from the Consent Agenda for separate consideration. After brief discussion, the item will remain on the Consent Agenda.

TIGARD CITY COUNCIL/CCDA MEETING MINUTES – SEPTEMBER 25, 2012

The following items were reviewed with the City Council:

- D. Dates to Schedule (staff will be following up with City Council members):
- Joint Meeting with Lake Oswego (Tigard's turn to host): November 20 or December 11 (Both dates are Tuesdays -- can hold time aside for City of Tigard business before or after the joint meeting, if needed.)
 - All-day session for Council Goal Setting and Council Groundrules
Discussion: December 4 (Tues.), 7 (Fri.), 14 (Fri.) or 17 (Mon.). City Manager Wine asked for the City Council to consider having the Department Heads observe the goal-setting process.

Council Calendar:

- October 2 - CCDA/Council Meeting - 6:30 p.m. - Red Rock Creek Conference Room
 - October 9 - Council Business Meeting Canceled
 - October 16 - Council Workshop Meeting - 6:30 p.m. - Town Hall
 - October 23 - Council Business Meeting -- 6:30 p.m. Study Session in Red Rock; 7:30 Business Meeting in Town Hall
 - November 6 - CCDA Meeting Canceled - Election Day
 - November 13 - Council Business Meeting -- 6:30 p.m. Study Session in Red Rock; 7:30 Business Meeting in Town Hall
 - November 20 - Council Workshop Meeting - 6:30 p.m. - Town Hall
 - November 27 - Council Business Meeting -- 6:30 p.m. Study Session in Red Rock; 7:30 Business Meeting in Town Hall
- EXECUTIVE SESSION: Not held.

Study Session concluded at 7:19 p.m.

1. BUSINESS MEETING

A.  Council President Buehner called the meeting to order at 7:33 p.m.

B. Roll Call

<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

- Report from Council President Buehner - Water Issues

 Council President Buehner noted she serves on the Tigard/Lake Oswego Partnership Oversight Committee. At the Committee's September 10 meeting, there was discussion on a proposed Intergovernmental Agreement amendment with Lake Oswego and West Linn. The proposed amendment would provide West Linn with emergency water when the new plant is built. The proposal is on tonight's Consent Agenda.

The Committee discussed the status of various projects. As of early September, all of the permits needed for the Gladstone portion of the intake and pipe construction were approved. All but two of the easements for the pipeline in Lake Oswego were approved. The easement to place the pipe under the Willamette River should be approved within 60 days. The water plant conditional use application for the process in West Linn is still underway.

Council President Buehner reported there have been a number of discussions with the State of Oregon regarding environmental permits in Mary S. Young Park. Senator Burdick wrote a letter to the Department of Justice giving some background on the request for a portion of the pipeline that will traverse through the park.

 At the most recent Intergovernmental Water Board meeting, the Portland water fluoridation issue was discussed. Mayor Dirksen sent a letter to Portland indicating Tigard's concern about the lack of notification for consideration of fluoridation. A letter was sent by the Tigard Water District also.

> Statement from Council President Buehner:

"I have a brief statement to make that relates to the article that was in last Friday's *Oregonian*...

'After getting home from the hospital last Saturday morning, I received a distressed phone call from my client, Marsha Lancaster, who owns property that is immediately adjacent to Area 64. She referred me to the article that was in Friday's newspaper. As I had been in the hospital, I hadn't seen Friday's paper. I then read the article. I went back and reviewed the tape of the meeting and found that I had omitted making the disclosure into Tuesday's night's meeting."

Council President Buehner recounted some personal circumstances causing her to be distracted at the meeting; although, she acknowledged she should have made the disclosure that she represents Marsha Lancaster who owns 42 acres that abuts immediately west of Area 64 of River Terrace.

Council President Buehner recalled that the discussion last Tuesday was an update of the status of the process of the Community Plan the city is getting ready to start. There was no discussion on the merits; no decisions were made. This issue has been discussed by the council in the past five to six years numerous times and she says she has always disclosed that Mrs. Lancaster is her client. Unfortunately, Council President Buehner said she did not disclose this on Tuesday night. When the matter comes to the City Council in about 18 months in a public hearing, she will recuse herself and will not participate in the discussion nor will she cast a vote because doing so would be inappropriate since she has a client in the area.

Council President Buehner noted her efforts in the past to disclose any conflict of interest she might have. She said she took no part in the Concept Planning process that the county operated over a two-year period because she did not want anyone to say that she had a potential conflict of interest. She said she attended the Planning Commission meeting at the county when they were asked to approve the plan and she testified in her capacity as Mrs. Lancaster's attorney about her concerns with the process. Council President Buehner said her concerns were echoed by the members of the Planning Commission and, in fact, they did not vote to approve the plan and sent it to the County Commission with no approval or denial recommendation because the Planning Commission felt they had been cut out of the process as well.

Council President Buehner referred to the recent newspaper article and advised she was misquoted. On Thursday, when she was contacted by a newspaper representative, she was driving herself to the hospital and could not remember whether or not she had made the disclosure. The article inferred that she had intent not to disclose and the same inference was raised in the article because of her attendance at the County Planning Commission meeting. Had the paper checked the minutes of either the Planning Commission meeting or the previous Tigard City Council meetings where the issues have come up, they would have found that she disclosed each time.

Council President Buehner advised she has spent many years in public service trying to look for the best for City of Tigard and has never knowingly failed to not to disclose any interest that she might have in any matter coming before the council. Because the item last Tuesday was only a staff process presentation, disclosure probably wasn't necessary, but following her own standards, she said she probably should have made a disclosure because she always does.

E. Call to Council and Staff for Non-Agenda Items: None.



2. CITIZEN COMMUNICATION

Cleon Cox, III, 13580 SW Ash Avenue, Tigard, OR 97223, advised he was present to register a complaint. Several years ago the city placed a street maintenance fee on the water bill. He questioned and complained about this. Subsequently, the city placed a tax on gasoline. Now, he sees there is another tax that will be added to the PGE utility. He said he also understands

the City Council is interested in talking with Metro and others to extend MAX out Barbur Boulevard and down Pacific Highway. He said he does not know why we should entertain such an idea since we do not have the demographics to utilize light rail for at least 100 years. “To top it all off, we’re going to let TriMet run it.” He referred to California where cities are going bankrupt – “nobody watched the hen house, they just kept growing...” He brings “these things up” because it keeps “coming out of my wallet and that’s what bothers me.” Now is the time to take care of only what we need to take care of.

Mr. Cox recalled the Tigard City Council was in favor of the WES commuter rail and he registered his opposition. He said some people seemed to think WES was going to revitalize downtown Tigard and he had no idea why anyone thought that. He then talked about the Burnham Street improvements.

Mr. Cox said that the administrators within the cities or councils for any government bodies – the schools, counties, state – they come in and say what needs to be done. “But none of us come in here to ask questions or anything and you are stuck to vote on it. What I find that they do is they always come up with more projects, which keeps them employed and sometimes growing the departments – which we haven’t been doing lately. So, we have to be looking closer at what’s going on. We need more citizen people involved and that come from you coming out and checking with people. Every time I turn around though, it seems there is more money being taxed out of my wallet.”

Council President Buehner commented to Mr. Cox that the city has a large number of citizen committees and commissions and he was more than welcome to apply to be on one of those committees. She said we take very seriously the recommendations that our committees make and, unless there are financial problems, we generally follow the recommendations of our citizen members. She said that as far as adding staff, there was almost a 5 percent cut in staff this year and there are about 10 percent fewer employees at the city than there were three years ago. The city has been very cautious and frugal.

Item No 4 was heard at this time; the agenda was rearranged by Council President Buehner.



Council President Buehner reviewed the items on the Consent Agenda:
3. CONSENT AGENDA: (Tigard City Council/Local Contract Review Board)

A. Tigard City Council/Local Contract Review Board:

1. Authorize the Mayor to Execute an Intergovernmental Cooperative Agreement Regarding an Emergency Water Supply (Intertie) -- Tigard City Council Resolution

RESOLUTION NO. 12-36 -- A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL COOPERATIVE AGREEMENT REGARDING AN EMERGENCY WATER SUPPLY (INTERTIE)

Motion by Councilor Wilson, seconded by Councilor Woodard, to approve the Consent Agenda.

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

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

The agenda was rearranged; this item was heard before the Consent Agenda.



4. RECOGNITION OF CITY EMPLOYEES JONNY GISH AND ED LENIGER

Council President Buehner asked City Employees Jonny Gish and Ed Linger to come forward. Council President Buehner gave some background on Mr. Gish and Mr. Leniger with regard to their employment in the Public Works Department for the City of Tigard.

On July 16, 2012, city employees Jonny Gish and Ed Leniger came to the aid of a co-worker who was having a medical emergency.

Jonny Gish, Ed Leniger and co-worker John Sager were cleaning a sewer line in the backyard of a private home when Mr. Sager collapsed of an apparent heart attack and began sliding into a manhole. Mr. Leniger held on to Mr. Sager and radioed Mr. Gish, who was working at the front of the house. Together, Mr. Gish and Mr. Leniger assessed the situation, called 911 and, when Mr. Sager stopped breathing, administered CPR until paramedics arrived.

Mr. Sager was transported to the hospital and underwent surgery the following day. As of September 24, Mr. Sager returned to work part-time on light duty.

Lieutenant Boothby from the city's Police Department conducts CPR and AED training for Public Works Department employees every three years. Jonny and Ed had just completed CPR/AED training in May.

Tualatin Valley Fire and Rescue Battalion Chief Allen Kennedy and Battalion Chief Mark Charleston came forward to say a few words about the lifesaving efforts by Mr. Gish and Mr. Leniger. Chief Kennedy noted last year the fire district responded to more than 1000 cardiac-related emergency calls. Studies have shown that early intervention – access to 911 and hands-on CPR – means that a patient's survival chances are doubled. Chief Charleston said "this is an amazing day to be here and to be part of this." He thanked Mr. Gish and Mr. Leniger for the opportunity to recognize them for their actions. He presented Mr. Gish and Mr. Leniger each with a "Challenge Coin" given by the fire district to recognize their efforts in the "chain of survival" for "to save a life is to save all of mankind."

Public Works Director Koellermeier spoke words of appreciation and presented a plaque to Mr. Gish and Mr. Leniger. Mr. Koellermeier said, “I can’t thank you guys enough...”

Council President Buehner commended the actions by these two employees and recommended that everyone take the time to learn CPR.

Mr. Leniger thanked the senior staff for implementing improvements to the communication equipment for the public works employees who work in the field, which gives them the ability to contact emergency services and/or supervisory personnel quickly. Mr. Gish added that because of this state-of-the art equipment, they were able to respond to this emergency because they could communicate with each other to begin CPR and get the help required to save Mr. Sager’s life.



5. PRESENT THE COUNCIL WITH THE NATIONAL AMERICAN PUBLIC WORKS ASSOCIATION'S PROJECT OF THE YEAR AWARD FOR THE BURNHAM STREET RECONSTRUCTION PROJECT

Engineering Manager McMillan presented the staff report and gave a short history of the Burnham Street project and the awards the project has received:

- The American Council of Engineering Companies Engineer’s Excellence Honors Award
- The Asphalt Pavement Association Excellence in Paving, First Place for Urban Streets Award
- APWA Oregon Chapter Project of the Year for Transportation Projects between \$5 and \$25 Million

She presented the City Council with the Plaque representing the National American Public Works Association’s Project of the Year Award for the Burnham Street Reconstruction Project. The Burnham Street project cost \$9.2 million and Ms. McMillan said it is “truly a green street.” She thanked the City Council for its support of the project throughout its construction.



Council President Buehner said that Engineering Manager McMillan was an integral part of that project and referred to all of the work and outreach Ms. McMillan implemented for the project, which helped to move the project along.



Councilor Wilson said this gives the city the opportunity to celebrate this project. He echoed Council President Buehner’s words of appreciation to Ms. McMillan. He recalled work done several years ago to make this a special project for the downtown. The street is not finished yet – it lacks context. The big sidewalks were built, not only for what is there now, but for what will come in the future.

 Councilor Henderson called attention to the fact that the project design and construction team, which included OTAK Engineers, Kodiak Pacific Construction and WH Pacific were acknowledged and won this award.

 6. PUBLIC HEARING - SUPPLEMENTAL BUDGET AMENDMENT TO THE FY 2013 ADOPTED -- RESOLUTION

 Council President Buehner introduced this agenda item and opened the public hearing.

 Finance and Information Services Department Director LaFrance presented the staff report.

A first quarter supplemental budget amendment to the FY 2013 Adopted Budget is requested. The purpose of the supplemental budget is to account for revenues and expenses that were unknown at the time of budget adoption. The following issues are addressed in the amendment:

- A. Carryforwards in Public Works, and the Capital Improvement Program (CIP)
- B. Grant Revenues and Expenses
- C. CIP Budget Adjustments
- D. Budget Adjustments in Public Works Sanitary Sewer, Stormwater, and Fleet/Property Management Operations.

The total proposed supplemental budget amendment will increase the FY 2013 Adopted Budget by about \$2.6 million. This will move the total appropriations from about \$115.2 million to \$117.8 million. The majority of the adjustments are in the capital improvement areas, not in operations. For the most part, the adjustments come with additional resources to pay for the items.

Finance and Information Services Department Director LaFrance summarized the proposed adjustments. All 14 of the affected items are in the Agenda Item Summary and listed on Exhibit A of the proposed resolution.

Finance and Information Services Department Director LaFrance referred to Attachment 1 to the Agenda Item Summary, which clarifies the impacts of the proposed adjustments to all funds within the city.

Council members expressed appreciation for the information and clarity provided in Attachment 1 after Finance and Information Services Department Director LaFrance's verbal report. Discussion followed on several details regarding the transfers among funds.

No one signed in to testify on this matter.

Council President Buehner closed the public hearing.

Motion by Councilor Woodard, seconded by Councilor Wilson, to approve Resolution No. 12-37.

RESOLUTION NO. 12-37 -- A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2013 TO ACHIEVE THE FOLLOWING: CARRYFORWARDS OF BUDGET ITEMS, GRANT REVENUES AND EXPENSES, BUDGET ADJUSTMENTS IN PUBLIC WORKS, COMMUNITY DEVELOPMENT, COMMUNITY SERVICES, POLICY AND ADMINISTRATION, AND THE CAPITAL IMPROVEMENT PROGRAM

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

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



City Council meeting recessed



City Center Development Agency meeting convened.

7. PUBLIC HEARING - SUPPLEMENTAL BUDGET AMENDMENT TO FY 2013 CITY CENTER DEVELOPMENT AGENCY ADOPTED BUDGET - RESOLUTION

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Chair Dirksen		✓
Director Buehner	✓	
Director Henderson	✓	
Director Wilson	✓	
Director Woodard	✓	



Director Buehner opened the public hearing.

A first quarter supplemental amendment to the FY 2013 Adopted Budget for the City Center Development Agency (CCDA) is requested. The purpose of the supplemental budget is to account for revenues and expenses that were unknown at the time of budget adoption.

City Center Development Agency Chief Financial Officer LaFrance presented the staff report. One item is before the board, which is a carryforward of \$42,000. This will allow the CCDA to have an additional \$40,000 to be used for the Façade Improvement Program and \$2,000 to be used for the completion of the Downtown Marketing Implementation Plan.

There was brief discussion on the proposal.

There was no public testimony.

 Director Buehner closed the public hearing.

Motion by Director Wilson, seconded by Director Henderson, to approve CCDA Resolution No. 12-03.

CITY CENTER DEVELOPMENT AGENCY RESOLUTION NO. 12-03 -- A
RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY
2013 CITY CENTER DEVELOPMENT AGENCY BUDGET

Chair Dirksen	Absent
Director Buehner	Yes
Director Henderson	Yes
Director Wilson	Yes
Director Woodard	Yes

City Center Development Agency Meeting Adjourned
City Council Meeting Reconvened

 8. CONSIDER EXTENDING INCENTIVES FOR VOLUNTARY ANNEXATION

City Manager Wine advised Agenda Item No. 8 will be rescheduled.

 9. COUNCIL LIAISON REPORTS

Councilor Wilson reported on the SW Corridor High Capacity Transit Steering Committee meeting, which he attended for Mayor Dirksen:

- The committee approved a problem statement and an opportunities and constraints paper.
- Councilor Wilson said he took the opportunity to explain the City of Tigard's proposed charter amendment to be considered by the voters in November. He said this was the council's attempt to respond to the initiative petition attempted by Mr. Art Crino, which failed for lack of just a few signatures. The council felt it agreed with a major portion of the initiative petition to give the community an opportunity to weigh in on any large expenditure for any future light rail project. The council also did not feel that it was a good idea to prevent the city from representing the citizens of Tigard "at the table."
- Councilor Wilson said he explained to the committee that the city administered a scientific public opinion poll; the poll showed 60 percent support for light rail in Tigard, 25 percent opposed and 15 percent undecided.
- After the committee meeting, there was an opportunity for citizen comment. There was a person there who took issue with Tigard's scientific poll and indicated that everyone he has talked to is opposed to light rail.

- Councilor Wilson reported the committee’s work is now at a point where it is not only about rail – it is much broader and includes transit-related projects as well as every project in the corridor that all communities collectively have on their capital improvement list and transportation system plans. Information is being collected on all of these projects and they are being categorized into short term (one to five years), medium term (five to fifteen years), and long term (anything beyond fifteen years). The committee is at a point to begin determining the criteria for screening projects for short and medium terms.

Council President Buehner requested information from staff about when and if there is a need for Tigard to update its transportation plan.

-  Councilor Woodard reported he attended the Vision Action Network Conference on September 21, 2012. He advised of this agency’s work for Washington County Aging and Veterans’ Services Goals and Strategies to bring people together to communicate in ways that make use of the non-profit entities. They work toward coordination of volunteers who can help communicate the services needed by the aging communities. He referred to some county statistics:
 - In 2020 the number of people over the age of 85 is expected to increase 1.5 percent (an increase of 10,000 people in this age bracket).
 - Between 2005 and 2010, the number of people of the ages between 45 and 64, will increase by 14,000.

He talked about the economic contributions made by senior citizens. Seniors also provide 173,620 hours of volunteer work each year, which equates to about \$3 million.

Councilor Woodard suggested information about this growing section of the population could be useful as the City of Tigard looks to formulate land use designations, economic development, city recreation and transportation. Organizations such as the Vision Action Network and AARP could be helpful in assembling the tools needed to make the best use of resources offered by the senior citizen community/demographic.

-  Council President Buehner reported she went on the tour given by the Clackamas River Water Consortium last Saturday. She said they visited all of the major treatment plants in Clackamas County. She had an opportunity to talk to elected members from each of the various water boards as well as some city representatives. Council President Buehner said she came back with a suggestion to Tigard that, as a new member of the board, Tigard should send a councilor representative to attend the consortium board meetings. She proposed this be considered when the City Council reviews its board and committee liaison assignments.

10. NON AGENDA ITEMS

City Manager Wine updated the council on staff’s conversations with the Park Street Neighbors regarding the Fairhaven Homes establishment.  Assistant City Manager Newton facilitated a meeting between the operators of Fairhaven Homes and neighbors. The

neighbors submitted their questions and concerns in advance of the meeting. The owners of the establishment responded to the questions during the meeting. Last Sunday, the Fairhaven owners held an open house and invited the neighbors to attend to meet residents and the resident mentor. The questions and answers discussed during the meeting were assembled and forwarded to the broader neighborhood for their information. Assistant City Manager Newton said seven neighbors attended the meeting. She reported that distributing the questions/answers reviewed during the meeting helped many of the neighbors understand the operations at Fairhaven. However, she reported some people are still concerned.

Councilor Henderson responded to the report that there are only two residents currently at this establishment and whether additional residents would cause concerns. Assistant City Manager Newton said she understands that there are now three residents and the home could accommodate up to eight. The owners are careful in screening who is allowed to stay at the home. City Manager Wine noted similar questions came up during the meeting. It is envisioned that each of the residents will have a long-term stay; i.e., up to a year. This is a “clean and sober home” and it is intended that the residents are not using alcohol or drugs. The owners have given the neighborhood residents names and telephone numbers to call with any concerns.

11. EXECUTIVE SESSION: Not held.



12. ADJOURNMENT – 8:48 p.m.

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

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

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

Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: _____



City of Tigard

Council/CCDA Meeting Minutes

TIGARD CITY COUNCIL/CITY CENTER DEVELOPMENT AGENCY

MEETING DATE/TIME: October 2, 2012 – 6:30 p.m.

MEETING LOCATION: Red Rock Creek Conference Room, 13125 SW Hall Blvd., Tigard, OR

1. COUNCIL MEETING

A. At 6:32 p.m. Mayor Dirksen called the meeting of the Tigard City Council to order.

B. Deputy City Recorder Krager called the roll:

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

Staff Present: City Manager Wine, Assistant City Manager Newton, Redevelopment Project Manager Farrelly, Deputy City Recorder Krager and for Agenda Item No. 2 only: Administrative Services Manager Robinson and City Recorder Wheatley

CCAC Commissioners Present: Alex Craghead and Elise Shearer

C. Call to Council and Staff for Non-Agenda Items

2. NON AGENDA ITEMS – Assistant City Manager Newton announced that Deputy Recorder Krager received her CMC (Certified Municipal Clerk) designation. Deputy Recorder Krager thanked her supervisors, Administrative Services Manager Robinson and City Recorder Wheatley and the city for their support.

3. CONSIDERATION OF EXTENDING INCENTIVES FOR VOLUNTARY ANNEXATION

City Manager Wine summarized council discussion held last month on phasing taxes for the River Terrace Annexation property owners. She said council considered extending those same incentives to the areas known as Area 63 and Roy Rogers West. There was consensus for extending the incentives to all three areas and payment of city taxes would begin after the River Terrace Community Plan is completed. An ordinance and a resolution are on the agenda tonight for council consideration.

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In response to a question from Councilor Henderson regarding taxes, City Manager Wine said it is structured so that through the fiscal year 2014, no properties in these areas would have city tax levied. The phase-in would start in next fiscal year. She said by approving these two actions council is directing the county assessor to send tax statements to these properties at a differential rate, subject to those dates. Council President Buehner noted that Oregon statutes require any changes affecting the next tax year to be completed and enacted by March 31. City Manager Wine said that Council is reviewing this now because Washington County is poised to send out property tax statements. Absent this action by Council, Area 64 and Area 63 (when annexed into the city) would be treated differently.

City Manager Wine said foregone revenue will be due to taxes not being levied but it is likely to be a shorter time period than staff's estimation of fiscal year 2016. Councilor Wilson asked about street lighting district taxes. Council President Buehner said these areas are undeveloped and there is only a small portion near Scholls Ferry Road that is in the lighting district. City Manager Wine said she will verify this and report to council.

Council President Buehner moved for approval of Resolution 12-38 and Councilor Wilson seconded the motion. Deputy Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 12-38 – A RESOLUTION AMENDING RESOLUTION NO. 07-13 AND ESTABLISHING ADDITIONAL INCENTIVES FOR CERTAIN VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS INTO THE MUNICIPAL CITY LIMITS

There being no further discussion, a vote was taken. The motion passed unanimously.

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

Council President Buehner moved for approval of Ordinance No. 12-07 and read the number and title. Councilor Wilson seconded the motion. In response to a question from Councilor Henderson, Deputy City Recorder Krager noted that Resolution No. 12-38, which was just approved, will be listed by number in several places in this ordinance. A roll-call vote was conducted and Ordinance No. 12-07 was adopted unanimously.

ORDINANCE NO. 12-07 – AN ORDINANCE AMENDING ORDINANCE NO. 11-07 RETROACTIVELY ESTABLISHING A NEW RATE OF TAXATION FOR CERTAIN ANNEXATION TERRITORY AND DECLARING AN EMERGENCY

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

At 6:50 p.m. Mayor Dirksen adjourned the City Council and called the City Center Development Agency to order. Deputy Recorder Krager called the roll.

	Present	Absent
Director Buehner	✓	
Chair Dirksen	✓	
Director Henderson	✓	
Director Wilson	✓	
Director Woodard	✓	

4. RECEIVE UPDATE ON DOWNTOWN EVENTS AND MARKETING

Consultant Bridget Bayer from BAM (Business Association Management) presented a report on downtown events. Redevelopment Project Manager Farrelly said Ms. Bayer was hired to advise and provide technical assistance to downtown businesses, particularly with events.

Consultant Bayer showed slides of various 2012 events.

Tigard Night Out is held each month on the third Friday. She said increased sales started slowly but are building. Most activities are held on Main Street but some businesses along Commercial Street participate and remain open later too, including Razz ma Tazz, the Eagles Club and the Ballroom Dance business. Businesses that hosted an activity received the most customers.

Ms. Bayer said more networking and training are needed, especially to give owners promotion skills. She said there is a lack of merchandising and marketing that could be addressed with regular, monthly trainings. Chair Dirksen asked if most downtown businesses were members of the Chamber of Commerce. Chamber Executive Officer Mollahan said they are seeing an increase in the number of downtown businesses joining but that a good percentage are not. Chair Dirksen said if this kind of training program was offered in partnership with the Chamber it would be an incentive to join and make it easier for them to coordinate events.

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Tigard Street Fair – Consultant Bayer said the street fair was “over the top,” and there were great sponsors and in-kind support. Many business owners had an activity that attracted people. She said there were a few thousand people and lots of movement from one end of Main Street to the other, as well as down Burnham Street to the Skate Park. She said, “We didn’t spend a lot of money and we didn’t make a lot of money, so it was kind of a wash.” She said there were quite a lot of advertising impressions through all the promotions and she tracks these on the internet and through discussions with advertising representatives.

Consultant Bayer said the marketing committee is really an events committee that meets monthly and she recommends this schedule continue. She suggested sixteen activities during the year for downtown businesses: eight Third Friday events, four networking trainings and four seasonal trainings. Director Buehner said she heard a request not to hold a Third Friday event around the date of the Tigard Street Fair.

Upcoming Events in 2012 – Ms. Bayer said two events in the planning stages are the downtown Trick or Treat night on October 31 and the Tree Lighting in December.

Ms. Bayer said the suggestion for the Chamber to handle event management is an excellent idea and she has approached them about this. Chamber Chief Executive Officer Mollahan agreed to take this on and said it is advantageous to have involvement from an organization with local presence on Main Street. Ms. Bayer said she will coach and advise as needed.

Other recommendations:

- Develop more shared outdoor gathering spaces such as the outdoor seating area around the fountain in front of Tigard Liquor. A list of areas is in her PowerPoint.
- Promote and incentivize anchor businesses.
- Be aware that experts use the mall mentality of 10-10-10 and say it works (that is, having 10 restaurant options, 10 destination retail shops, and 10 places for late shopping - open after 6:00 p.m.) Tigard is short on restaurants and locations open after 6:00 p.m.
- Use interpreters with business owners that do not speak English.
- CCDA and staff need to get to know who and what is in downtown Tigard so they can recommend these businesses to friends and neighbors.

Executive Director Wine asked what the training would consist of and Ms. Bayer responded that merchandising techniques would be taught, including on-line promotions and Google ads. She said statistics demonstrate increased curb appeal has a huge effect on sales. She said she knows of many professionals through the Main Street Network that would be available to provide training.

Ms. Bayer said she compiled some statistics and handed these out to council. A copy of this has been added to the packet for this meeting. Ms. Bayer recommended networking

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meetings but said the downtown business owners did not want them so they held very few. She said networking meetings are important because business owners get to know and rely upon each other, stimulating business for the district. Director Wilson asked if it was her opinion that the networking did not go as well as expected because owners felt they did not have enough in common. Ms. Bayer said they tried meeting at different times during the day, but it could be that everyone is busy and just beginning to know each other. She commented that their priority was events so that became her focus.

Chair Dirksen said it would be difficult to evaluate progress from just one year of downtown events; it takes time. Director Wilson said the vendors won't come unless there are people but the people won't come unless there are vendors. Ms. Bayer said the business owners loved the Street Fair, and she said it is what Tigard's Third Thursday's should look like. Director Woodard said he believes the events will work but Tigard is just not there yet. Director Buehner suggested it would take three years to gauge the success of events.

Ms. Bayer said business owners told her that the Trick or Treat event is very popular ongoing event and they expect many attendees. Chamber of Commerce CEO Mollahan agreed, and said phone calls about the event will start coming in to them in a week. Ms. Bayer suggested adding vendor areas to keep people around longer during this event would boost sales. Director Buehner suggested closing part of Main Street because of traffic issues during trick or treating. Chamber of Commerce Executive Mollahan said Main Street business owners would not be in favor. Consultant Bayer said the Tigard Police said they will handle traffic this year as in the past.

Director Woodard suggested banners would be helpful to advertise events and Ms. Bayer agreed, saying they need to be long and high enough to cross over the street. Redevelopment Project Manager Farrelly said as part of the Main Street Green Street project there will be street poles installed that can be used for banners. Director Woodard suggested the use of LED lighting as an attraction.

Director Henderson commented that Ms. Bayer did a great job. He noted that she said the words, "If we change" a lot and asked if she thought downtown Tigard had not changed. She said that was not what she meant and believes things are definitely getting better in the downtown. She said she is looking forward to the Main Street Green Street project.

Redevelopment Project Manager Farrelly said staff is working with Ms. Bayer and the Chamber of Commerce to put together potential scopes of works and contracts. When more information is ready it will be discussed at CCDA to make sure members are on board.

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5. RECEIVE UPDATE ON URBAN RENEWAL PROJECTS

Redevelopment Project Manager Farrelly updated the CCDA on several projects.

- Burnham Street Parking Lot – This project will be going out to bid soon and construction should begin in a month. He noted that there was an appeal on the land use decision from the neighboring property owner Scott Hookland. The city attorney is advising staff.
- Tennant Improvement Program – The request for proposals was issued. All owners and agents of vacant properties, brokers specializing in restaurants, and specific restaurants have received a copy. Director Buehner suggested Mr. Farrelly talk to employees at the Oregon State Bar offices to see what type of restaurants they would like as lunch options. There are many employees working there.
- New Business – There is a new business of about 40 employees moving into the new Harris-McMonagle building on Scoffins Street. The business manages supermarket and grocery store marketing. Mr. Farrelly gave them a copy of the Tennant Improvement RFP as they are familiar with food-related companies and this is a targeted business for downtown.
- Mr. Farrelly said that Pacific Paint has plans to move into the front section of the vacant A-Boy building, which would leave a storefront available on Main Street. Director Wilson expressed dismay that this high visibility space in the A-Boy building would become unavailable for a coffee shop or restaurant. Chair Dirksen suggested the possibility of the city leasing the front part of the building to keep it available for a targeted business. Director Buehner said that if that did not happen, and the back part of the property became a restaurant space, it could have large windows and doors opening onto Fanno Creek Park. CCDA Executive Director Wine said leasing space is new territory for the CCDA; further discussions need to be held.

Director Buehner requested time to give a detailed report at a future meeting on an easement seminar she attended that was largely focused on private/public partnerships. She will copy CCDA members with some of the information. Executive Director Wine said this could potentially be scheduled for the October 16 workshop.

6. EXECUTIVE SESSION

At 7:35 Chair Dirksen announced that the Tigard CCDA would be entering into an Executive Session to conduct deliberations with persons designated by the governing body to negotiate real property transactions. CCAC Members Craghead and Shearer were present at the invitation of the CCDA. The Executive Session ended at 8:08 p.m.

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7. NON AGENDA ITEMS

Chair Dirksen reminded everyone of the tour of the Fields property at 5:30 p.m. on Thursday, October 4, 2012.

8. ADJOURNMENT

At 8:09 p.m. Director Wilson moved for adjournment. Director Buehner seconded and the motion passed unanimously.

	Yes	No
Director Wilson	✓	
Director Buehner	✓	
Chair Dirksen	✓	
Director Henderson	✓	
Director Woodard	✓	

Carol A. Krager, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date:_____

AIS-1110

4. B.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Receive and File: Election Results, Council Calendar and Council Tentative Agenda

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Receive and File

Meeting Type: Consent - Receive and File

Public Hearing: No

Publication Date:

Information

ISSUE

Receive and file the official election results for the November 6, 2012, City of Tigard election for a Mayor and two City Councilors and for a Charter Amendment "Vote Required to Use Certain Funds for Light Rail Construction."

Receive and file the Council Calendar and the Tentative Agenda for future Council meetings.

STAFF RECOMMENDATION / ACTION REQUEST

No action requested; this is a receive and file summary for information purposes.

KEY FACTS AND INFORMATION SUMMARY

- When the City Recorder canvasses the votes as required by the Washington County Elections Division, a copy is filed with the City Council to officially "receive and file" the information.
- As detailed in the Abstract of Votes, the following are the results of the election for the City of Tigard:
 - Mayor: John Cook (January 1, 2013 - December 31, 2014)
 - City Councilors (top two): Marland Howard Henderson and Jason Snider (January 1, 2013 - December 31, 2016)
 - Ballot Measure 34-203 Vote Required to Use Certain Funds for Light Rail Construction - Approved (82% yes; 18% no)
 - Attached are election results by precinct and a City of Tigard Precinct Map. Voter turnout for Washington County was 82%; voter turnout for the City of Tigard was 83%.
- Also attached are the Council Calendar and the Tentative agenda for future Council meetings.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Long-Term Council Goals: Continue pursuing opportunities to reduce traffic congestion.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A - Receive and File Items

Attachments

November 6, 2012, City of Tigard General Election Results Report and Precinct Map

Three-Month Council Calendar

Tentative Agenda



WASHINGTON COUNTY
OREGON

November 27, 2012

City Recorder
City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

Enclosed you will find a copy of the Abstract of Votes for City of Tigard relating to the General Election held on November 6, 2012. In accordance with ORS 255.295, please canvass the votes and notify the Washington County Elections Division within thirty (30) days of receipt by signing and returning the bottom portion of this letter to:

Washington County Elections Division
3700 SW Murray Blvd. Suite 101
Beaverton OR 97005

Thank you very much.

Sincerely,

Mickie Kawai
Elections Manager

MK/tk



I have canvassed the votes for City of Tigard, relating to the General Election on November 6, 2012.

By signing this canvass letter, I concur with the final results.

AUTHORIZING SIGNATURE

12/3/2012
DATE

City of Tigard Mayor

Vote for 1

- 01 = Nick Wilson
- 02 = John Cook
- 03 = WRITE-IN

VOTES PERCENT

8,490 46.05
 9,831 53.32
 117 .63

04 = OVER VOTES
 05 = UNDER VOTES

VOTES PERCENT

29
 4,632

	01	02	03	04	05
0400 400	794	964	16	4	544
0402 402	311	393	6	0	170
0403 403	1250	1513	17	6	574
0404 404	759	1054	10	3	443
0405 405	1461	1591	21	3	746
0406 406	926	1063	18	4	493
0408 408	1400	1665	12	5	722
0409 409	861	806	9	3	465
0416 416	532	555	6	1	335
0427 427	9	7	0	0	5
0450 450	5	14	0	0	9
0454 454	182	206	2	0	126



City of Tigard Council

Vote for 2

- 01 = Jason Snider
- 02 = Marland Howard Henderson
- 03 = WRITE-IN

VOTES PERCENT

12,026 54.66
 9,624 43.74
 353 1.60

04 = OVER VOTES
 05 = UNDER VOTES

VOTES PERCENT

0
 24,195

	01	02	03	04	05
0400 400	1190	916	32	0	2506
0402 402	445	358	26	0	931
0403 403	1750	1431	51	0	3488
0404 404	1119	969	47	0	2403
0405 405	2001	1589	62	0	3992
0406 406	1313	1104	51	0	2540
0408 408	2043	1577	42	0	3946
0409 409	1149	868	20	0	2251
0416 416	738	584	14	0	1522
0427 427	9	8	0	0	25
0450 450	8	8	0	0	40
0454 454	261	212	8	0	551



34-203 CITY OF TIGARD

Vote for 1

01 = Yes

02 = No

VOTES PERCENT

18,039 82.34
3,869 17.66

03 = OVER VOTES
04 = UNDER VOTES

VOTES PERCENT

9
1,182

01 02 03 04

0400 400	1782	402	1	137
0402 402	696	153	0	31
0403 403	2674	536	2	148
0404 404	1824	347	1	97
0405 405	2894	699	2	227
0406 406	2004	390	0	110
0408 408	2946	673	0	185
0409 409	1675	339	0	130
0416 416	1093	241	3	92
0427 427	10	10	0	1
0450 450	26	1	0	1
0454 454	415	78	0	23



	VOTES	PERCENT
PRECINCTS COUNTED (OF 160)	160	100.00
REGISTERED VOTERS - TOTAL	291,646	
BALLOTS CAST - TOTAL	238,969	
VOTER TURNOUT - TOTAL		81.94

United States President and Vice President

Vote for 1		
Barack Obama (DEM)	135,291	57.08
Jill Stein (PAC)	1,817	.77
Ross C (Rocky) Anderson (PRO)	379	.16
Gary Johnson (LBT)	3,543	1.49
Mitt Romney (REP)	93,974	39.65
Will Christensen (CON)	416	.18
WRITE-IN	1,603	.68
Over Votes	146	
Under Votes	1,800	

Representative in Congress, 1st District

Vote for 1		
Bob Ekstrom (CON)	4,495	2.03
Delinda Morgan (REP)	74,562	33.62
Suzanne Bonamici (DEM)	132,119	59.58
Steven Reynolds (PRO)	10,231	4.61
WRITE-IN	358	.16
Over Votes	21	
Under Votes	17,183	

Secretary of State

Vote for 1		
Seth Woolley (PAC)	4,748	2.14
Robert Wolfe (PRO)	2,776	1.25
Bruce Alexander Knight (LBT)	3,164	1.43
Kate Brown (DEM)	115,639	52.13
Knute Buehler (REP)	95,202	42.91
WRITE-IN	315	.14
Over Votes	25	
Under Votes	16,761	

State Treasurer

Vote for 1		
Ted Wheeler (DEM)	130,584	59.88
Cameron Whitten (PRO)	4,431	2.03
John F Mahler (LBT)	3,758	1.72
Michael Paul Marsh (CON)	1,666	.76
Tom Cox (REP)	77,341	35.47
WRITE-IN	283	.13
Over Votes	22	
Under Votes	20,545	

Attorney General

Vote for 1		
Chris Henry (PRO)	3,011	1.39
James L Buchal (REP)	82,182	38.07
James E Leuenberger (CON)	5,460	2.53
Ellen Rosenblum (DEM)	124,761	57.80
WRITE-IN	432	.20
Over Votes	20	
Under Votes	22,764	

State Senator, 12th District

Vote for 1		
Annette Frank (DEM)	2,310	43.35
Brian J Boquist (REP)	3,013	56.54
WRITE-IN	6	.11
Over Votes	0	
Under Votes	721	

State Senator, 14th District

Vote for 1		
Mark Hass (DEM)	31,569	60.26
Mark Vetanen (LBT)	1,451	2.77
Gary Coe (REP)	19,274	36.79
WRITE-IN	93	.18
Over Votes	5	
Under Votes	5,528	

State Senator, 17th District

Vote for 1		
Elizabeth Steiner Hayward (DEM)	29,055	63.21
John Verbeek (REP)	16,821	36.60
WRITE-IN	89	.19
Over Votes	5	
Under Votes	6,154	

State Senator, 18th District

Vote for 1		
Ginny Burdick (DEM)	13,340	54.73
Suzanne Gallagher (REP)	10,964	44.98
WRITE-IN	70	.29
Over Votes	0	
Under Votes	2,925	

State Representative, 24th District

Vote for 1		
Jim Weidner (REP)	2,839	52.80
Kohler Johnson (LBT)	140	2.60
Kathy Campbell (DEM)	2,393	44.50
WRITE-IN	5	.09
Over Votes	0	
Under Votes	673	

		VOTES	PERCENT
State Representative, 25th District			
Vote for 1			
Paul Holman (DEM)		0	
Ryan Haffner (LBT)		0	
Kim Thatcher (REP)		1	100.00
WRITE-IN		0	
Over Votes		0	
Under Votes		0	

State Representative, 26th District			
Vote for 1			
Wynne Wakkila (DEM)		9,034	44.39
John Davis (REP)		11,267	55.36
WRITE-IN		51	.25
Over Votes		1	
Under Votes		3,013	

State Representative, 27th District			
Vote for 1			
Burton Keeble (REP)		8,625	31.86
Tobias Read (DEM)		18,373	67.87
WRITE-IN		74	.27
Over Votes		1	
Under Votes		3,588	

State Representative, 28th District			
Vote for 1			
Jeff Barker (DEM)		14,841	60.57
Manuel Castaneda (REP)		9,605	39.20
WRITE-IN		55	.22
Over Votes		1	
Under Votes		2,757	

State Representative, 29th District			
Vote for 1			
Katie Eyre (REP)		9,788	46.26
Ben Unger (DEM)		11,312	53.46
WRITE-IN		60	.28
Over Votes		2	
Under Votes		1,248	

State Representative, 30th District			
Vote for 1			
Kyle Markley (LBT)		1,441	5.79
Shawn Lindsay (REP)		11,096	44.60
Joe Gallegos (DEM)		12,299	49.44
WRITE-IN		43	.17
Over Votes		4	
Under Votes		2,451	

State Representative, 31st District			
Vote for 1			
Brad Witt (DEM)		1,993	49.19
Robert Miller (LBT)		88	2.17
Ray Biggs (CON)		51	1.26
Lew Barnes (REP)		1,912	47.19
WRITE-IN		8	.20
Over Votes		0	
Under Votes		524	

State Representative, 32nd District			
Vote for 1			
Jim Welsh (CON)		1,429	33.79
Deborah Boone (DEM)		2,415	57.11
Perry Roll (LBT)		349	8.25
WRITE-IN		36	.85
Over Votes		1	
Under Votes		1,058	

State Representative, 33rd District			
Vote for 1			
Stevan Kirkpatrick (REP)		7,582	37.27
Mitch Greenlick (DEM)		12,718	62.51
WRITE-IN		44	.22
Over Votes		3	
Under Votes		3,066	

State Representative, 34th District			
Vote for 1			
Chris Harker (DEM)		16,035	63.80
Dan Mason (REP)		9,023	35.90
WRITE-IN		75	.30
Over Votes		1	
Under Votes		3,577	

State Representative, 35th District			
Vote for 1			
Margaret Doherty (DEM)		14,035	57.49
John Goodhouse (REP)		10,335	42.33
WRITE-IN		45	.18
Over Votes		1	
Under Votes		2,883	

State Representative, 37th District			
Vote for 1			
Julie Parrish (REP)		5,489	49.05
Carl Hosticka (DEM)		5,401	48.26
Meredith Love Taggart (LBT)		291	2.60
WRITE-IN		10	.09
Over Votes		2	
Under Votes		1,069	

		VOTES	PERCENT
Commissioner of the Bureau of Labor and Ind.			
Vote for 1			
Bruce Starr.		83,757	46.16
Brad Avakian		96,653	53.26
WRITE-IN.		1,051	.58
Over Votes		29	
Under Votes		57,140	

		VOTES	PERCENT
Judge of the Supreme Court, Position 3			
Vote for 1			
Richard C Baldwin.		80,904	48.64
Nena Cook		84,235	50.64
WRITE-IN.		1,203	.72
Over Votes		32	
Under Votes		72,256	

		VOTES	PERCENT
Judge of the Court of Appeals, Position 6			
Vote for 1			
James C Egan		87,470	55.91
Tim Volpert.		67,876	43.38
WRITE-IN.		1,106	.71
Over Votes		23	
Under Votes		82,155	

		VOTES	PERCENT
Judge of the Circuit Court, 20th District			
Vote for 1			
Oscar Garcia		125,861	98.27
WRITE-IN.		2,210	1.73
Over Votes		8	
Under Votes		110,551	

		VOTES	PERCENT
Judge of the Circuit Court, 20th District			
Vote for 1			
Janelle Factora Wipper		117,188	98.26
WRITE-IN.		2,073	1.74
Over Votes		4	
Under Votes		119,365	

		VOTES	PERCENT
City of Banks Mayor			
Vote for 1			
John Kinsky.		459	93.10
WRITE-IN.		34	6.90
Over Votes		0	
Under Votes		223	

		VOTES	PERCENT
City of Banks Council - Position 2			
Vote for 1			
Craig Stewart		454	97.01
WRITE-IN.		14	2.99
Over Votes		1	
Under Votes		247	

		VOTES	PERCENT
City of Banks Council - Position 4			
Vote for 1			
Brian Biehl.		446	97.38
WRITE-IN.		12	2.62
Over Votes		0	
Under Votes		258	

		VOTES	PERCENT
City of Banks Council - Position 6			
Vote for 1			
Christina Greagor.		448	97.39
WRITE-IN.		12	2.61
Over Votes		0	
Under Votes		256	

		VOTES	PERCENT
City of Beaverton Mayor			
Vote for 1			
Denny Doyle.		24,796	96.26
WRITE-IN.		964	3.74
Over Votes		2	
Under Votes		12,852	

		VOTES	PERCENT
City of Beaverton Council Pos 3			
Vote for 1			
Mark Fagin		21,451	98.20
WRITE-IN.		393	1.80
Over Votes		3	
Under Votes		16,767	

		VOTES	PERCENT
City of Beaverton Council Pos 4			
Vote for 1			
Catherine Arnold		21,523	98.40
WRITE-IN.		350	1.60
Over Votes		2	
Under Votes		16,739	

		VOTES	PERCENT
City of Cornelius Mayor			
Vote for 1			
Jeffrey Dalin		2,133	94.09
WRITE-IN.		134	5.91
Over Votes		0	
Under Votes		1,032	

		VOTES	PERCENT
City of Cornelius Council			
Vote for 2			
Dave Schamp.		1,708	46.65
Steven Heinrich		1,820	49.71
WRITE-IN.		133	3.63
Over Votes		0	
Under Votes		2,937	

VOTES PERCENT

VOTES PERCENT

City of Durham Council

Vote for 3

Keith Jehnke	447	33.09
Chuck Van Meter	426	31.53
Leslie Gifford.	451	33.38
WRITE-IN.	27	2.00
Over Votes	0	
Under Votes	653	

City of Forest Grove Council

Vote for 3

Richard Kidd	3,900	22.32
Aldie Howard	3,094	17.71
Victoria Johnson	2,631	15.06
Victoria Lowe	3,669	21.00
Elena Uhing.	3,862	22.10
WRITE-IN.	319	1.83
Over Votes	30	
Under Votes	7,506	

City of Gaston Council Pos 1

Vote for 1

Rick L Kloock Sr	120	90.23
WRITE-IN.	13	9.77
Over Votes	0	
Under Votes	83	

City of Gaston Council Pos 2

Vote for 1

NO CANDIDATE FILED	0	
WRITE-IN.	48	100.00
Over Votes	0	
Under Votes	168	

City of Gaston Council Pos 3

Vote for 1

Richard T Sager	119	91.54
WRITE-IN.	11	8.46
Over Votes	0	
Under Votes	86	

City of Hillsboro Mayor

Vote for 1

Jerry Willey	21,210	96.57
WRITE-IN.	754	3.43
Over Votes	0	
Under Votes	13,390	

City of Hillsboro Council Ward 1 Pos B

Vote for 1

NO CANDIDATE FILED	0	
WRITE-IN.	3,190	100.00
Over Votes	0	
Under Votes	32,164	

City of Hillsboro Council Ward 2 Pos B

Vote for 1

Olga Acuna	19,082	98.11
WRITE-IN.	367	1.89
Over Votes	4	
Under Votes	15,901	

City of Hillsboro Council Ward 3 Pos B

Vote for 1

Fred Nachtigal.	19,390	98.33
WRITE-IN.	330	1.67
Over Votes	0	
Under Votes	15,634	

City of King City Council

Vote for 3

Dick Winn	1,092	42.74
Suzan D Turley.	1,152	45.09
WRITE-IN.	311	12.17
Over Votes	0	
Under Votes	3,733	

Mayor LAKE OSWEGO CITY

Vote for 1

Kent Stuebaker	2	100.00
Greg Macpherson	0	
WRITE-IN.	0	
Over Votes	0	
Under Votes	0	

City Councilor LAKE OSWEGO CITY

Vote for 3

Skip O'Neill	0	
Dan Williams	0	
Terry Jordan	0	
Bill Tierney	2	33.33
Karen Bowerman.	2	33.33
Jon Gustafson	2	33.33
WRITE-IN.	0	
Over Votes	0	
Under Votes	0	

	VOTES	PERCENT
City of North Plains Mayor		
Vote for 1		
David Hatcher	675	93.36
WRITE-IN.	48	6.64
Over Votes	0	
Under Votes	231	

	VOTES	PERCENT
City of North Plains Council		
Vote for 3		
Charlynn Newton	505	29.50
Robert Kindel	604	35.28
Teri Lenahan	528	30.84
WRITE-IN.	75	4.38
Over Votes	3	
Under Votes	1,147	

	VOTES	PERCENT
Mayor PORTLAND CITY		
Vote for 1		
Jefferson Smith	185	29.60
Charlie Hales	395	63.20
WRITE-IN.	45	7.20
Over Votes	1	
Under Votes	125	

	VOTES	PERCENT
Commissioner, Pos. 1 PORTLAND CITY		
Vote for 1		
Mary Nolan	239	46.68
Amanda Fritz	269	52.54
WRITE-IN.	4	.78
Over Votes	2	
Under Votes	237	

	VOTES	PERCENT
City Councilor RIVERGROVE CITY		
Vote for 3		
Arne Nyberg.	16	32.00
David Dull	17	34.00
William (Bill) Tuttle	13	26.00
WRITE-IN.	4	8.00
Over Votes	0	
Under Votes	25	

	VOTES	PERCENT
City of Sherwood Mayor		
Vote for 1		
Bill Middleton.	4,465	56.42
Keith Mays	3,418	43.19
WRITE-IN.	31	.39
Over Votes	1	
Under Votes	651	

	VOTES	PERCENT
City of Sherwood Council Pos 4		
Vote for 1		
Linda Henderson	5,110	96.98
WRITE-IN.	159	3.02
Over Votes	0	
Under Votes	3,297	

	VOTES	PERCENT
City of Sherwood Council Pos 5		
Vote for 1		
Krisanna Clark.	5,204	97.40
WRITE-IN.	139	2.60
Over Votes	0	
Under Votes	3,223	

	VOTES	PERCENT
City of Sherwood Council Pos 6		
Vote for 1		
Robyn Thompson Folsom	5,158	97.45
WRITE-IN.	135	2.55
Over Votes	0	
Under Votes	3,273	

	VOTES	PERCENT
City of Tigard Mayor		
Vote for 1		
Nick Wilson.	8,490	46.05
John Cook	9,831	53.32
WRITE-IN.	117	.63
Over Votes	29	
Under Votes	4,632	

	VOTES	PERCENT
City of Tigard Council		
Vote for 2		
Jason Snider	12,026	54.66
Marland Howard Henderson	9,624	43.74
WRITE-IN.	353	1.60
Over Votes	0	
Under Votes	24,195	

	VOTES	PERCENT
City of Tualatin Council Pos 2		
Vote for 1		
Monique Beikman	4,385	55.34
Jan Giunta	3,473	43.83
WRITE-IN.	66	.83
Over Votes	1	
Under Votes	2,350	

	VOTES	PERCENT
City of Tualatin Council Pos 4		
Vote for 1		
Ed Truax.	5,987	97.65
WRITE-IN.	144	2.35
Over Votes	0	
Under Votes	4,144	

	VOTES	PERCENT
City of Tualatin Council Pos 5		
Vote for 1		
Nancy Grimes	5,721	97.85
WRITE-IN.	126	2.15
Over Votes	0	
Under Votes	4,428	

	VOTES	PERCENT
City of Tualatin Council Pos 6		
Vote for 1		
Joelle Davis	5,826	97.83
WRITE-IN.	129	2.17
Over Votes	0	
Under Votes	4,320	

	VOTES	PERCENT
Mayor WILSONVILLE CITY		
Vote for 1		
Stanley Wallulis	8	4.32
Tim Knapp	150	81.08
Richard Goddard	27	14.59
WRITE-IN.	0	
Over Votes	0	
Under Votes	52	

	VOTES	PERCENT
City Councilor WILSONVILLE CITY		
Vote for 2		
Susie Stevens	77	28.95
Monica Keenan	35	13.16
Eric Postma.	48	18.05
Julie Fitzgerald	104	39.10
WRITE-IN.	2	.75
Over Votes	0	
Under Votes	208	

	VOTES	PERCENT
Soil & Water Director Zone 1 TUALATIN SOIL AND WATER CONSERVATION DIS		
Vote for 1		
Jerry Ward	121,355	98.43
WRITE-IN.	1,933	1.57
Over Votes	7	
Under Votes	115,335	

	VOTES	PERCENT
Soil & Water Director Zone 2 TUALATIN SOIL AND WATER CONSERVATION DIS		
Vote for 1		
Eldon Jossi.	120,358	98.56
WRITE-IN.	1,753	1.44
Over Votes	5	
Under Votes	116,514	

	VOTES	PERCENT
Soil & Water Director Zone 3 TUALATIN SOIL AND WATER CONSERVATION DIS		
Vote for 1		
Thomas Dierickx	120,727	98.55
WRITE-IN.	1,772	1.45
Over Votes	6	
Under Votes	116,125	

	VOTES	PERCENT
Soil & Water Director At Large 1 TUALATIN SOIL AND WATER CONSERVATION DIS		
Vote for 1		
Anthony Mills	50,736	42.42
Steven VanGrunsven	67,213	56.19
WRITE-IN.	1,661	1.39
Over Votes	33	
Under Votes	118,987	

	VOTES	PERCENT
State Measure 77		
Vote for 1		
Yes	130,482	60.75
No.	84,291	39.25
Over Votes	18	
Under Votes	23,839	

	VOTES	PERCENT
State Measure 78		
Vote for 1		
Yes	162,269	75.27
No.	53,320	24.73
Over Votes	14	
Under Votes	23,027	

	VOTES	PERCENT
State Measure 79		
Vote for 1		
Yes	129,333	59.09
No.	89,534	40.91
Over Votes	74	
Under Votes	19,689	

	VOTES	PERCENT
State Measure 80		
Vote for 1		
Yes	100,518	43.91
No.	128,376	56.09
Over Votes	33	
Under Votes	9,703	

	VOTES	PERCENT
State Measure 81		
Vote for 1		
Yes	75,885	35.21
No.	139,628	64.79
Over Votes	66	
Under Votes	23,051	

VOTES PERCENT

State Measure 82
Vote for 1
Yes 62,858 27.74
No. 163,717 72.26
Over Votes 39
Under Votes 12,016

State Measure 83
Vote for 1
Yes 65,553 28.94
No. 160,951 71.06
Over Votes 30
Under Votes 12,096

State Measure 84
Vote for 1
Yes 101,409 45.48
No. 121,562 54.52
Over Votes 62
Under Votes 15,597

State Measure 85
Vote for 1
Yes 136,254 61.02
No. 87,042 38.98
Over Votes 30
Under Votes 15,304

34-200 CITY OF CORNELIUS
Vote for 1
Yes 1,644 53.95
No. 1,403 46.05
Over Votes 0
Under Votes 252

34-201 CITY OF CORNELIUS
Vote for 1
Yes 1,462 46.86
No. 1,658 53.14
Over Votes 2
Under Votes 177

34-202 CITY OF SHERWOOD
Vote for 1
Yes 5,158 67.65
No. 2,467 32.35
Over Votes 0
Under Votes 941

VOTES PERCENT

34-203 CITY OF TIGARD
Vote for 1
Yes 18,039 82.34
No. 3,869 17.66
Over Votes 9
Under Votes 1,182

3-405 LAKE OSWEGO CITY
Vote for 1
Yes 0
No. 2 100.00
Over Votes 0
Under Votes 0

3-406 LAKE OSWEGO CITY
Vote for 1
Yes 0
No. 2 100.00
Over Votes 0
Under Votes 0

26-145 PORTLAND CITY
Vote for 1
Yes 411 67.60
No. 197 32.40
Over Votes 0
Under Votes 143

26-146 PORTLAND CITY
Vote for 1
Yes 445 63.48
No. 256 36.52
Over Votes 1
Under Votes 49

34-202A TONQUIN ANNEX TO SHERWOOD
Vote for 1
Yes 6 42.86
No. 8 57.14
Over Votes 0
Under Votes 3

26-144 PORTLAND SCHOOL
Vote for 1
Yes 1,017 62.01
No. 623 37.99
Over Votes 0
Under Votes 131

VOTES PERCENT

34-198 ENHANCED SHERIFF'S PATROL DISTRICT

Vote for 1

Yes	41,407	51.12
No.	39,600	48.88
Over Votes	10	
Under Votes	7,652	



CERTIFIED TO BE A TRUE AND
CORRECT COPY OF THE ORIGINAL

Date Nov 26, 2012

WASHINGTON COUNTY
ELECTIONS DIVISION

BY [Signature]

01 = REGISTERED VOTERS - TOTAL
02 = BALLOTS CAST - TOTAL

TOTAL PERCENT
291,646
238,969

03 = VOTER TURNOUT - TOTAL

TOTAL PERCENT
81.94

	01	02	03
0301 301	1679	1437	85.59
0302 302	2150	1679	78.09
0303 303	945	743	78.62
0304 304	2861	2297	80.29
0305 305	913	716	78.42
0306 306	605	487	80.50
0307 307	1670	1354	81.08
0308 308	201	165	82.09
0309 309	4400	3648	82.91
0310 310	1611	1376	85.41
0311 311	653	535	81.93
0312 312	763	656	85.98
0313 313	53	42	79.25
0314 314	345	303	87.83
0315 315	957	824	86.10
0316 316	788	688	87.31
0317 317	960	820	85.42
0318 318	2496	2014	80.69
0319 319	1117	876	78.42
0320 320	2700	2143	79.37
0321 321	301	216	71.76
0322 322	368	293	79.62
0323 323	2986	2344	78.50
0324 324	454	357	78.63
0325 325	3	2	66.67
0326 326	1730	1487	85.95
0327 327	3333	2624	78.73
0328 328	1269	1057	83.29
0329 329	3623	2939	81.12
0330 330	1198	955	79.72
0331 331	2269	1814	79.95
0332 332	2128	1762	82.80
0333 333	3474	2504	72.08
0334 334	123	116	94.31
0335 335	4531	3801	83.89
0336 336	2791	2250	80.62
0337 337	3900	2956	75.79
0338 338	4393	3301	75.14
0339 339	2115	1462	69.13
0340 340	3022	2452	81.14
0341 341	323	282	87.31
0342 342	116	100	86.21
0343 343	4442	3563	80.21
0344 344	4139	3168	76.54
0345 345	28	24	85.71
0346 346	292	246	84.25
0347 347	62	49	79.03
0348 348	30	28	93.33
0349 349	2620	1991	75.99
0350 350	3148	2438	77.45
0351 351	2507	1866	74.43
0352 352	872	600	68.81
0353 353	2020	1673	82.82
0354 354	3891	3305	84.94
0355 355	3106	2487	80.07
0356 356	1908	1502	78.72

01 = REGISTERED VOTERS - TOTAL	TOTAL	PERCENT	03 = VOTER TURNOUT - TOTAL	TOTAL	PERCENT
02 = BALLOTS CAST - TOTAL	291,646				81.94
	238,969				

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03
0357 357	1569	1185	75.53
0358 358	1896	1508	79.54
0359 359	2073	1600	77.18
0360 360	2816	2232	79.26
0361 361	1801	1285	71.35
0362 362	3684	3168	85.99
0363 363	3387	2837	83.76
0364 364	4407	3859	87.57
0365 365	2838	2545	89.68
0366 366	2117	1770	83.61
0367 367	3755	3152	83.94
0368 368	3974	3296	82.94
0369 369	1873	1557	83.13
0370 370	2249	1930	85.82
0371 371	2297	1945	84.68
0372 372	1731	1522	87.93
0373 373	324	283	87.35
0374 374	11	10	90.91
0375 375	276	252	91.30
0376 376	1979	1668	84.28
0377 377	2338	2030	86.83
0378 378	1725	1458	84.52
0379 379	3569	2852	79.91
0380 380	2300	1985	86.30
0381 381	764	590	77.23
0382 382	3221	2497	77.52
0383 383	1441	1224	84.94
0384 384	2399	2100	87.54
0385 385	3042	2609	85.77
0386 386	2896	2536	87.57
0387 387	698	585	83.81
0388 388	276	200	72.46
0389 389	2423	2015	83.16
0390 390	3811	3179	83.42
0391 391	354	276	77.97
0392 392	195	160	82.05
0393 393	623	546	87.64
0394 394	146	112	76.71
0395 395	2581	2105	81.56
0396 396	793	668	84.24
0397 397	2479	2130	85.92
0398 398	841	725	86.21
0399 399	2264	1879	82.99
T0400 400	2854	2322	81.36
0401 401	1760	1531	86.99
T0402 402	1046	884	84.51
T0403 403	3955	3368	85.16
T0404 404	2656	2270	85.47
T0405 405	4643	3831	82.51
T0406 406	3236	2508	77.50
0407 407	1661	1469	88.44
T0408 408	4455	3808	85.48
T0409 409	2626	2147	81.76
0410 410	2953	2480	83.98
0411 411	2721	2114	77.69
0412 412	1889	1636	86.61
0413 413	719	593	82.48

01 = REGISTERED VOTERS - TOTAL	TOTAL	PERCENT	03 = VOTER TURNOUT - TOTAL	TOTAL	PERCENT
02 = BALLOTS CAST - TOTAL	291,646				81.94
	238,969				

(CONTINUED FROM PREVIOUS PAGE)

	01	02	03
0414 414	585	490	83.76
0415 415	471	432	91.72
0416 416	1729	1430	82.71
0417 417	1285	1010	78.60
0418 418	1955	1642	83.99
0419 419	1653	1486	89.90
0420 420	3312	2800	84.54
0421 421	294	253	86.05
0422 422	116	89	76.72
0423 423	3180	2491	78.33
0424 424	4258	3584	84.17
0425 425	1004	869	86.55
0426 426	317	281	88.64
0427 427	26	21	80.77
0428 428	1463	1150	78.61
0429 429	1943	1543	79.41
0430 430	2045	1758	85.97
0431 431	1294	1148	88.72
0432 432	327	237	72.48
0433 433	2233	1903	85.22
0434 434	3632	2992	82.38
0435 435	3741	3161	84.50
0436 436	2110	1850	87.68
0437 437	62	55	88.71
0438 438	245	206	84.08
0439 439	235	195	82.98
0440 440	1386	1059	76.41
0441 441	71	60	84.51
0442 442	839	711	84.74
0443 443	20	18	90.00
0444 444	1334	1143	85.68
0445 445	703	603	85.78
0446 446	3786	3146	83.10
0447 447	2156	1810	83.95
0448 448	438	328	74.89
0449 449	109	73	66.97
0450 450	31	28	90.32
0451 451	800	627	78.38
0452 452	2189	1627	74.33
0453 453	50	33	66.00
0454 454	624	518	83.01
0455 455	20	17	85.00
0457 457	2177	1827	83.92
0458 458	2540	2204	86.77
0459 459	2817	2228	79.09
0460 460	2373	1711	72.10
0461 461	2876	2279	79.24



CERTIFIED TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL

Date Nov 26, 2012

WASHINGTON COUNTY
ELECTIONS DIVISION

BY [Signature]

Voting Precincts

City of Tigard Oregon

-  Precincts
-  Tigard City Boundary

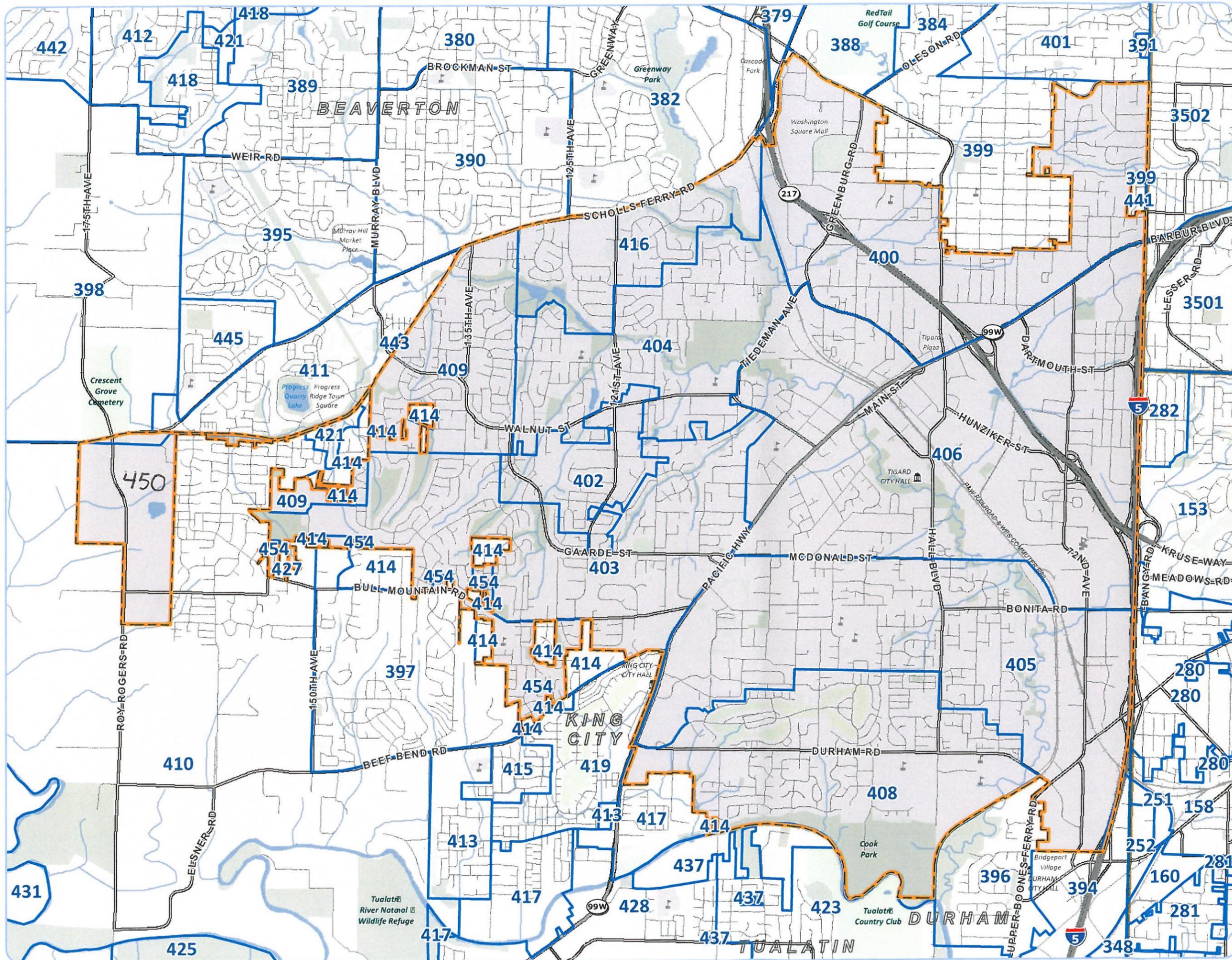


TIGARD MAPS

Map Created: 12/1/2012

"A Place to Call Home"

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



Path: \\tigidsbdev1\Geoprocessing\MapGallery_MXD\sb_admin_bndry\precincts\precincts1117.mxd



MEMORANDUM

TO: Honorable Mayor & City Council/City Center Development Agency Board
FROM: Cathy Wheatley, City Recorder
RE: Three-Month Council/CCDA Meeting Calendar
DATE: December 3, 2012

December

4 Tuesday Council Meeting and City Center Development Agency Meeting – Town Hall – 6:30 p.m.
11* Tuesday Council Business Meeting – 6:30 p.m., Town Hall
18* Tuesday Council Meeting – Mayor’s Farewell Reception, Remarks and Blue Ribbon Task Force Report – 6:30 p.m., Town Hall
25* Tuesday Christmas – City Hall offices closed

January

1 Tuesday New Year’s Day – City Hall offices closed
8* Tuesday Council Meeting - Reception, Oath of Office Ceremony, State of the City, Elect Council President – 6:30 p.m., Town Hall
10 Thursday Council Groundrules Review; Goal Setting Meeting – Fanno Creek House, 9 a.m. – 5 p.m.
15* Tuesday Council Workshop Meeting—6:30 p.m., Town Hall
21 Monday Martin Luther King, Jr. Day – City Hall offices closed
22 Tuesday Council Business Meeting – 6:30 p.m., Town Hall

February

5 Tuesday City Center Development Agency – 6:30 p.m., Red Rock Creek Conference Room
12* Tuesday Special Meeting- Joint Meeting with City of Beaverton City Council – 6:30 p.m., Town Hall
18 Monday President’s Day – City Hall offices closed.
19* Tuesday Council Workshop Meeting – 6:30 p.m., Town Hall
26* Tuesday Council Business Meeting – 6:30 p.m., Town Hall

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

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

**City Council Tentative Agenda
 12/3/2012 10:40 AM - Updated**

Form #	Meeting Date	Submitted By	Meeting Type	-----Title-----	Department	Inbox or Finalized
827	12/11/2012	Carol Krager	AAA	Meeting Date: 12/11/2012 Absences to Note: Councilor Woodard		
1001	12/11/2012	Liz Lutz	ACONSENT	Consent Item - Appoint Budget Committee Members	Financial and Information Services	Newton L, Assistant City Manager
1080	12/11/2012	Doreen Laughlin	ACONSENT	Consent Item - Appoint Three Voting Members to the Planning Commission	Community Development	11/20/2012
1081	12/11/2012	Sean Farrelly	ACONSENT	Consent Item - Appoint members to City Center Advisory Commission	Community Development	Newton L, Assistant City Manager
1096	12/11/2012	Liz Lutz	ACONSENT	Consent Item - Appoint Audit Committee Member	Financial and Information Services	Newton L, Assistant City Manager
1100	12/11/2012	Judith Gray	ACONSENT	Consent Item - Appoint Members to the Tigard Transportation Advisory Committee - Resolution	Community Development	Newton L, Assistant City Manager
1105	12/11/2012	Loreen Mills	ACONSENT	Consent Item - Consider Approving the Purchase of the Rankin Property and Authorizing the City Manager to Complete the Property Purchase	City Management	Mills L, Asst to City Manager
1106	12/11/2012	Sandy Zodrow	ACONSENT	Consent Item - Amendment to City Manager Employment Agreement	City Management	Newton L, Assistant City Manager

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

**City Council Tentative Agenda
 12/3/2012 10:40 AM - Updated**

1067	12/11/2012	Joanne Bengtson	CCBSNS	1 5 Minutes - Proclaim Human Rights Week	City Management	10/29/2012
1063	12/11/2012	Darren Wyss	CCBSNS	2 40 Minutes - Public Hearing - River Terrace Comprehensive Plan Amendment	Community Development	Newton L, Assistant City Manager
1022	12/11/2012	Sean Farrelly	CCBSNS	3 60 Minutes - Legislative public hearing for Downtown Connectivity Plan Code Amendments	Community Development	Newton L, Assistant City Manager
Total Time: 105 of 110 minutes have been scheduled						
828	12/18/2012	Carol Krager	AAA	December 18, 2012 – Mayor Dirksen Farewell Mtg		
1031	12/18/2012	Liz Newton	CCWKSHOP	60 Minutes - Farewell reception for Mayor Dirksen	City Management	
1032	12/18/2012	Liz Newton	CCWKSHOP	45 Minutes - Mayor's Blue Ribbon Task Force Report followed by 20 minutes – Farewell Speech – Mayor Dirksen	City Management	
Total Time: 125 of 180 minutes have been scheduled						
1037	01/08/2013	Cathy Wheatley	AAA	January 8, 2013 – Inaugural Remarks; Oaths; Photos, Elect Council President		
1066	01/10/2013	Cathy Wheatley	CCSPEC	City Council Groundrules Discussion and 2013 Goal Setting Meeting - 9 a.m. to 5 p.m. - Fanno Creek House	Administrative Services	

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

**City Council Tentative Agenda
 12/3/2012 10:40 AM - Updated**

1038	01/15/2013	Cathy Wheatley	AAA	January 15, 2013 - Council Workshop Meeting		
1053	01/15/2013		CCWKSHOP	1 15 Minutes - Annual Police Department Temporary Holding Facility Tour and Inspection	Police	11/08/2012
1097	01/15/2013	Liz Lutz	CCWKSHOP	2 60 Minutes - Joint Meeting-Budget Committee and City Council	Financial and Information Services	
1086	01/15/2013	Greer Gaston	CCWKSHOP	3 10 Minutes - Briefing on a Local Agency Agreement to Partially Fund Main Street Improvements between the Railroad Corridor and Scoffins Street	Public Works	McMillan K, Engineering Manager
1088	01/15/2013	Greer Gaston	CCWKSHOP	4 10 Minutes - Briefing on a Local Agency Agreement Amendment with ODOT to Partially Fund Main Street Improvements from Pacific Highway to the Railroad Corridor	Public Works	McMillan K, Engineering Manager
1094	01/15/2013	Greer Gaston	CCWKSHOP	5 15 Minutes - Briefing on the Capital Improvement Plan (CIP) Prioritization Process	Public Works	Gaston G, Conf Executive Asst
1102	01/15/2013	Greer Gaston	CCWKSHOP	6 10 Minutes - A Briefing on a Cooperative Improvement Agreement Regarding the Pacific Highway/Gaarde Street/McDonald Street Intersection Improvements	Public Works	Gaston G, Conf Executive Asst
1104	01/15/2013	Loreen Mills	CCWKSHOP	7 60 Minutes - Executive Session		11/28/2012
				Total Time: 180 of 180 minutes have been scheduled		

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

**City Council Tentative Agenda
 12/3/2012 10:40 AM - Updated**

1039	01/22/2013	Cathy Wheatley	AAA	January 22, 2013 Council Business Meeting		
1084	01/22/2013	Greer Gaston	ACCSTUDY	10 Minutes - Executive Session on Real Property Transactions		11/28/2012
1101	01/22/2013	John Goodrich	ACCSTUDY	10 Minutes - Providing New Type of Service to Residential Customers - Backflow Assembly Testing	Public Works	Gaston G, Conf Executive Asst
1107	01/22/2013	Sandy Zodrow	ACCSTUDY	25 Minutes - Executive Session - Labor Relations		Wheatley C, City Recorder
				Total Time: 45 of 45 minutes have been scheduled		
1087	01/22/2013	Greer Gaston	ACONSENT	Consent Item - Approve a Local Agency Agreement with ODOT to Partially Fund Main Street Improvements between the Railroad Corridor and Scoffins Street	Public Works	Gaston G, Conf Executive Asst
1089	01/22/2013	Greer Gaston	ACONSENT	Consent Item - Approve a Local Agency Agreement Amendment with ODOT to Partially Fund Main Street Improvements from Pacific Highway to Scoffins Street	Public Works	Gaston G, Conf Executive Asst
1091	01/22/2013	Kristie Peerman	ACONSENT	Consent Item - Approve a Cooperative Improvement Agreement Regarding the Pacific Highway/Gaarde Street/McDonald Street Intersection Improvements	Public Works	Gaston G, Conf Executive Asst

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

**City Council Tentative Agenda
 12/3/2012 10:40 AM - Updated**

705	01/22/2013	Cheryl Caines	CCBSNS	20 Minutes - Annexation Hearing for River Terrace Phase II (UGB Area 63 & Roy Rogers West)	Community Development	Caines C, Assoc Planner
1090	01/22/2013	Greer Gaston	CCBSNS	10 Minutes - Consider a Resolution Approving the Purchase of the Bagan Property and Authorizing the City Manager to Complete the Property Purchase	Public Works	Gaston G, Conf Executive Asst
1093	01/22/2013	Cathy Wheatley	ACCSTUDY	20 Minutes - Clean Water Services District Plan Update	Community Development	Floyd J, Associate Planner
1103	01/22/2013	Carissa Collins	CCBSNS	15 Minutes - Public Hearing - Supplemental Budget Amendment to FY 2013 Adopted Budget	Financial and Information Services	Collins C, Sr Mgmt Analyst (Fin Adm)
Total Time: 45 of 110 minutes have been scheduled						
1040	02/05/2013	Cathy Wheatley	AAA	February 5, 2013 City Center Development Agency Meeting		
1076	02/05/2013	Sean Farrelly	CCDA	60 Minutes - Report on Developer Interviews	Community Development	Farrelly S, Redev Project Manager
Total Time: 60 of 110 minutes have been scheduled						
1041	02/12/2013	Cathy Wheatley	AAA	February 12, 2013 Joint Meeting with Beaverton City Council		

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

**City Council Tentative Agenda
 12/3/2012 10:40 AM - Updated**

1042	02/19/2013	C Wheatley	AAA	February 19, 2013 Council Workshop Meeting		
1083	02/19/2013	Kent Wyatt	CCWKSHOP	45 Minutes - Social Gaming Discussion	City Management	Mills L, Asst to City Manager
1085	02/19/2013	Greer Gaston	CCWKSHOP	15 Minutes - Review Draft Sustainability Plan	Public Works	Wright, M., PW Business Manager
1098	02/19/2013	Nadine Robinson	CCWKSHOP	20 Minutes - Tigard Municipal Court Annual Report	Administrative Services	Robinson N, Admin. Svcs. Manager
				Total Time: 80 of 180 minutes have been scheduled		
1043	02/26/2013	Cathy Wheatley	AAA	February 26, 2013 City Council Business Meeting		
1108	02/26/2013	Sandy Zodrow	ACCSTUDY	30 Minutes – Executive Session – Labor Neg		Wheatley C, City Recorder
				Total Time: 30 of 45 minutes have been scheduled		
1044	03/05/2013	Cathy Wheatley	AAA	March 5, 2013 City Center Development Agency Meeting		
1045	03/12/2013	Cathy Wheatley	AAA	March 12, 2013 City Council Business Meeting		
1046	03/19/2013	C Wheatley	AAA	March 19, 2013 Council Workshop Meeting		
1047	03/26/2013	Cathy Wheatley	AAA	March 26, 2013 City Council Business Meeting		

Business Meeting**Meeting Date:** 12/11/2012**Length (in minutes):** Consent Item**Agenda Title:** Appoint Budget Committee Members**Prepared For:** Toby LaFrance**Submitted By:** Liz Lutz, Financial and Information Services**Item Type:** Resolution**Meeting Type:** Consent Agenda**Public Hearing:** No**Publication Date:****Information****ISSUE**

There are three vacancies on the budget committee, beginning January 1, 2013 and one vacancy for an alternate member of the budget committee.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the recommended appointments to the Budget Committee.

KEY FACTS AND INFORMATION SUMMARY

Dan Goodrich and Melody Graeber's Budget Committee term expires on December 31, 2012. Christopher Henn's Budget Committee term expires on December 31, 2013, but he has moved out of the City of Tigard. As a result, the Appointments Advisory Committee recently conducted interviews with several citizens who applied to become members of the Budget Committee.

The Appointments Advisory Committee interviewed 7 citizen candidates. Incumbents Melody Graeber applied for another term whereas Dan Goodrich did not reapply. The committee is recommending that the City Council appoint Melody Graeber and Cathy Hearn each to a three-year term beginning January 1, 2013. Additionally, the committee recommends the appointment of Don Fisher to carry out the remaining term of Christopher Henn, ending on December 31, 2013. Lastly, the committee recommends that the City Council appoint Melanie Boekee as an alternate for a one-year term beginning January 1, 2013.

OTHER ALTERNATIVES

None

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

DATES OF PREVIOUS COUNCIL CONSIDERATION

NA

Attachments

Resolution

Committee bios

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

A RESOLUTION APPOINTING MELODY GRAEBER, DON FISHER AND CATHY HEARN TO THE BUDGET COMMITTEE AND APPOINTING MELANIE BOEKEE AS AN ALTERNATE MEMBER.

WHEREAS, three positions are open on the city's budget committee due to Dan Goodrich and Melody Graeber completing their established terms and Christopher Henn moving out of the City of Tigard; and

WHEREAS, the Mayor's Appointments Advisory Committee conducted interviews of several individuals on November 19, 2012; and

WHEREAS, the Appointments Advisory Committee has recommended that Melody Graeber, Cathy Hearn and Don Fisher be appointed to the city's Budget Committee. In addition, the committee has recommended that Melanie Boekee be appointed as an alternate member.

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

- SECTION 1: Melody Graeber and Cathy Hearn are appointed to a three-year term on the City of Tigard's Budget Committee beginning January 1, 2013.
- SECTION 2: Don Fisher is appointed to finish out Christopher Henn's three-year term on the City of Tigard's Budget Committee beginning January 1, 2013 and ending on December 31, 2013.
- SECTION 3: Melanie Boekee is appointed to a one-year term as an alternate member on the City of Tigard's Budget Committee beginning January 1, 2013.
- SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

BUDGET COMMITTEE RECOMMENDATIONS

CATHY HEARN:

Ms. Hearn has a Bachelor's degree in Business Administration-Finance. She has worked in Administration for many years, mainly in the high tech industry. She is fairly new to Tigard, but plans to make the city her long-term residence.

MELANIE BOEKEE:

Ms. Boekee has a BS in Business Finance from PSU. She is the Vice President of Accounting at AngelVision Technologies. She is a newcomer to Tigard, having only lived here for 6 months. Additionally, she volunteers at the City of Tigard Library.

DON FISHER:

Mr. Fisher has a degree in Economics and Political Science from Linfield College. He is the Technology Director for the Democratic Party of Oregon. He has been a Tigard resident for five years and feels Tigard is a unique community.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Appoint Audit Committee Member

Prepared For: Liz Lutz

Submitted By: Liz Lutz, Financial and Information Services

Consent Agenda - Approve

Item Type: Resolution

Meeting Type: Minutes

Public Hearing: No

Publication Date:

Information

ISSUE

City Council passed Resolution 12-26 on June 26, 2012, to establish an Audit Committee, made up of one Councilor or Mayor, one or two current or prior members of the Budget Committee, and, if only one member is from the Budget Committee, a citizen at large should serve as well.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the recommended appointment to the Audit Committee.

KEY FACTS AND INFORMATION SUMMARY

The Appointments Advisory Committee met on November 19, 2012 to recommend new members for the Budget Committee. They selected one candidate from the budget committee interviews that they deemed a good match for the newly formed Audit Committee. Peter Hedgecock would serve beginning on January 1, 2013 and serve for three years.

OTHER ALTERNATIVES

None

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

DATES OF PREVIOUS COUNCIL CONSIDERATION

NA

Attachments

Resolution

Audit Committee Bio

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

A RESOLUTION APPOINTING PETER HEDGECOCK TO THE AUDIT COMMITTEE,
BEGINNING ON JANUARY 1, 2013.

WHEREAS, three positions are open on the city's audit committee, formed by Resolution 12-26.

WHEREAS, the Mayor's Appointments Advisory Committee conducted interviews of several individuals on November 19, 2012 for the Budget Committee; and

WHEREAS, the Appointments Advisory Committee has recommended that Peter Hedgecock be appointed to the city's Audit Committee.

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

SECTION 1: Peter Hedgecock is appointed to a three-year term on the City of Tigard's Audit Committee beginning January 1, 2013.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AUDIT COMMITTEE RECOMMENDATIONS

PETER HEDGECOCK:

Mr. Hedgecock received his BS in Actuarial Science from Brigham Young University and works as an Actuary at Cambia Health Solutions. He has lived in Tigard for three years. He has been active in his professional organization, Portland Actuarial Club, as President, Vice President and Treasurer.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Reappoint Matthew Muldoon and Appoint Timothy L. Gaschke and Brian K Feeney as Voting Members to the Planning Commission

Prepared For: Doreen Laughlin **Submitted By:** Doreen Laughlin, Community Development

Item Type: Resolution **Meeting Type:** Consent Agenda

Public Hearing

Newspaper Legal Ad Required?: No

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Should Council reappoint Matthew Muldoon and appoint Timothy L. Gaschke and Brian K. Feeney as voting members of the Tigard Planning Commission?

STAFF RECOMMENDATION / ACTION REQUEST

Approve a resolution reappointing Matthew Muldoon and appointing Timothy L. Gaschke and Brian K. Feeney as voting members of the planning commission for terms that expire on December 31, 2016.

KEY FACTS AND INFORMATION SUMMARY

There are currently three voting positions on the Planning Commission that will expire on December 31, 2012. Incumbent Matthew Muldoon fills one of the voting positions and was appointed to the Planning Commission in December, 2008. His first full term expires December 31, 2012.

Matthew Muldoon, Timothy L. Gaschke, and Brian K. Feeney applied for Planning Commission seats. The Mayor’s Appointment Advisory Committee interviewed applicants and recommended Matthew Muldoon be reappointed and Timothy L. Gaschke and Brian K. Feeney be appointed to fill the current voting member vacancies on the Tigard Planning Commission.

Attachment 1 is a Resolution implementing these recommended appointments.

See Attachment 2 for biographical information on all three recommended appointees.

OTHER ALTERNATIVES

None

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Tigard City Council Long Range Objectives:
Tigard citizens are involved in the community and participate effectively.

DATES OF PREVIOUS CONSIDERATION

N/A

Attachments

Resolution

PC Biographical Information

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

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

WHEREAS, there currently exist three vacancies for voting members on the Tigard Planning Commission; and

WHEREAS, Matthew Muldoon was appointed as a Planning Commissioner in December, 2008 to serve his first full term that expires December 31, 2012 and is eligible for reappointment to the Planning Commission; and

WHEREAS, Timothy L. Gaschke and Brian K. Feeney applied for appointments to the Planning Commission; and

WHEREAS, the Mayor's Appointment Advisory Committee recommends that Council reappoint Matthew Muldoon and appoint Timothy L. Gaschke and Brian K. Feeney as voting members of the Planning Commission for terms that expire December 31, 2016.

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

SECTION 1: Matthew Muldoon is reappointed and Timothy L. Gaschke and Brian K. Feeney are appointed to the Tigard Planning Commission for terms that expire December 31, 2016.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**PLANNING COMMISSION
RECOMMENDED APPOINTEES
BIOGRAPHICAL INFORMATION**

On December 11, 2012, Tigard City Council will consider a Resolution to appoint Timothy L. Gaschke and Brian K. Feeney, and to reappoint Matthew Muldoon, as voting members of the Tigard Planning Commission.

Timothy L. Gaschke has been a Tigard resident for 16 years. He was initially appointed to the Planning Commission as an alternate beginning in January 2009. He was appointed to a voting position beginning in January 2010 and served 9 months in good standing before leaving the Commission, and the country, to work in Australia for approximately 2 years. Tim has a degree (BSE) in Civil Engineering from Arizona State University, and a professional background as a principal civil engineer.

Brian K. Feeney has been a resident of Tigard for nine years. He is a licensed Civil Engineering Project Manager and has over 14 years of experience with multi-discipline consulting and development expertise. Brian has volunteered in the Tigard Community for the past six years coaching youth sports for his children – having been involved with Tigard Basketball Associated (TBA), Tigard Little League (TLL), and Southside Soccer (SSC). He also volunteers at his children’s schools – Mary Woodward and Fowler Middle School. He holds a Bachelors of Science Degree in Civil Engineering (BSCE) from Portland State University.

Matthew Muldoon has been a Tigard resident for 22 years. He has an MBA in Finance from Portland State University and a BA from the University of Chicago. He has been on the Tigard Planning Commission for the past 4 years. Matt is a small business owner (President of Muldoon Enterprises, Inc.) as well as a Senior Economist for the Public Utility Commission of Oregon in Salem. In addition, he works as Executive Director of Acceleration Transportation Rate Bureau, Inc. in Tigard.

Business Meeting**Meeting Date:** 12/11/2012**Length (in minutes):** Consent Item**Agenda Title:** Appoint Laura Fisher, Tamera Slack and Paul Miller as Voting Members and Carine Arendes and Hemendra Mathur as Alternates to the CCAC**Submitted By:** Sean Farrelly, Community Development**Item Type:** Resolution**Meeting Type:** Consent Agenda**Public Hearing:** No**Publication Date:****Information****ISSUE**

Should Council appoint Laura Fisher, Paul Miller and Tamera Slack to the City Center Advisory Commission as voting members and appoint Carine Arendes and Hemendra Mathur as alternate members of the City Center Advisory Commission?

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the attached resolution appointing Laura Fisher, Paul Miller and Tamera Slack to the City Center Advisory Commission as voting members and appointing Carine Arendes and Hemendra Mathur as alternate members of the City Center Advisory Commission.

KEY FACTS AND INFORMATION SUMMARY

The City Center Advisory Commission (CCAC) is the advisory body to the City Center Development Agency on urban renewal issues. As of January 1, 2013 there will be three vacancies for voting members and two vacancies for alternate members.

The Mayor's Appointment Advisory Committee interviewed candidates and recommended appointing Laura Fisher, Paul Miller and Tamera Slack to the City Center Advisory Commission as voting members and appointing Carine Arendes and Hemendra Mathur as alternate members.

The terms of Laura Fisher, Paul Miller and Tamera Slack will expire December 31, 2015. The terms of Carine Arendes and Hemendra Mathur will expire December 31, 2013.

Attachment 1 is a Resolution implementing these recommended appointments. See Attachment 2 for biographical information on the recommended appointees.

OTHER ALTERNATIVES**COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS**

Tigard City Council Long Range Objectives: Tigard citizens are involved in the community and participate effectively.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

AttachmentsResolutionCCAC Biographies

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

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

WHEREAS, the City Center Advisory Commission (CCAC) consists of nine members and two alternate members appointed by City Council to act as an advisory body to the City Center Development Agency, the Urban Renewal Agency for the City of Tigard; and

WHEREAS, as of January 1, 2013 there will be three voting member vacancies and two alternate member vacancies on the City Center Advisory Commission; and

WHEREAS the Mayor's Appointment Advisory Committee interviewed candidates and recommended appointing Laura Fisher, Paul Miller and Tamera Slack to the City Center Advisory Commission as voting members and appointing Carine Arendes and Hemendra Mathur as alternate members.

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

SECTION 1: Laura Fisher, Paul Miller and Tamera Slack shall be appointed to the City Center Advisory Commission as voting members to fill terms which expire December 31, 2015.

SECTION 2: Carine Arendes and Hemendra Mathur shall be appointed to the City Center Advisory Commission as alternate members to fill terms which expire December 31, 2013.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**CITY CENTER ADVISORY COMMISSION
RECOMMENDED APPOINTEES
BIOGRAPHICAL INFORMATION**

On December 11, 2012, Tigard City Council will consider a Resolution to appoint Laura Fisher, Paul Miller and Tamera Slack as voting members of the City Center Advisory Commission(CCAC) and to appoint Carine Arendes and Hemendra Mathur as alternate members of the CCAC.

Laura Fisher has been a Tigard resident for five years. She is currently a social studies teacher at Inez R. Wood Middle School. She has volunteer experience with the Tualatin Library.

Paul Miller has been a Tigard resident for sixteen years. He owns the property that is home to the Tigard Main Street Cleaners. He is a board member of the Rotary Club of Tigard, where he has been a member for thirty-five years

Tamera Slack has been a Tigard resident for twelve years. She has a background professional sales and hospitality. She has volunteer experience with family law issues.

Carine Andres has been a Tigard resident for seven years. She is currently obtaining her Masters in Urban and Regional Planning at Portland State University. She has extensive community volunteer experience with SOLV, Friends of Trees, Tualatin Valley Gleaner and the Friends of Spring Garden Park Committee.

Hemendra Mathur has been a Tigard resident for twenty-one years. He worked as an engineer and project leader for over thirty years. His community experience includes being a member of the architectural committee for Benchview Home Owners association and a volunteer with East Bull Mountain Park.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Appoint Jennifer Stanfield, Donald Schmidt, Evelyn Murphy Mark Bogert and George Hetu to the Tigard Transportation Advisory Committee

Submitted By: Judith Gray, Community Development

Item Type: Resolution **Meeting Type:** Consent Agenda

Public Hearing: No **Publication Date:**

Information

ISSUE

Should Council reappoint Jennifer Stanfield, Donald Schmidt, and Evelyn Murphy; and appoint George Hetu and Mark Bogert as voting members of the Tigard Transportation Advisory Committee?

STAFF RECOMMENDATION / ACTION REQUEST

Approve a resolution reappointing Jennifer Stanfield, Donald Schmidt, and Evelyn Murphy; and appointing George Hetu and Mark Bogert as voting members of the Tigard Transportation Advisory Committee for terms that expire on December 31, 2015.

KEY FACTS AND INFORMATION SUMMARY

The Tigard Transportation Advisory Committee (TTAC) is comprised of 11 voting positions, including eight citizen representatives and three business representatives.

Three current TTAC members are serving terms expiring December 31, 2012. Three of those members (Jennifer Stanfield, Donald Schmidt, and Evelyn Murphy) have applied for another term. All are eligible.

One current member (Basil Christopher) is completing a term expiring December 31, 2012 and did not apply for an additional term, leaving one vacancy for a citizen representative.

Mark Bogert has served as a TTAC alternate through 2012; he is also a member of the Pedestrian Bicycle Subcommittee. Mark has applied to serve as a citizen representative on TTAC and is eligible.

Two of the three business representative positions were vacant through 2012. George Hetu, general manager of Tigard Fred Meyer, has applied to serve as a business representative on TTAC and is eligible.

The Mayor’s Appointment Advisory Committee interviewed applicants and recommended that Council reappoint Jennifer Stanfield, Donald Schmidt, and Evelyn Murphy; and appoint Mark Bogert, and George Hetu to full terms expiring December 31, 2015.

OTHER ALTERNATIVES

n/a

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

City Council Long Range Objectives:

Tigard citizens are involved in the community and participate effectively.

DATES OF PREVIOUS COUNCIL CONSIDERATION

n/a

Attachments

Resolution

Bios

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-_____

A RESOLUTION APPOINTING JENNIFER STANFIELD, DONALD SCHMIDT, EVELYN MURPHY, MARK BOGERT, AND GEORGE HETU AS VOTING MEMBERS OF THE TIGARD TRANSPORTATION ADVISORY COMMITTEE (TTAC)

WHEREAS, Jennifer Stanfield, Donald Schmidt, and Evelyn Murphy served partial terms expiring December 31, 2012, creating three vacancies for citizen representatives, for which they are eligible and have applied for reappointment; and

WHEREAS, Basil Christopher served a partial term expiring December 31, 2012, creating one vacancy for a citizen representative; and

WHEREAS, Mark Bogert served as an alternate in 2012 and has applied for appointment as a citizen representative; and

WHEREAS, two positions for business representatives are currently vacant and George Hetu, general manager of Tigard Fred Meyer, has applied for appointment as a business representative; and

WHEREAS, the Mayor's Appointment Advisory Committee recommends that Council appoint Jennifer Stanfield, Donald Schmidt, Evelyn Murphy, Mark Bogert, and George Hetu to full terms.

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

SECTION 1: Jennifer Stanfield, Donald Schmidt, Evelyn Murphy, and Mark Bogert are appointed as voting citizen representatives of the Tigard Transportation Advisory Committee (TTAC) with terms expiring December 31, 2015.

SECTION 2: George Hetu is appointed as a voting business representative of the Transportation Advisory Committee with a term expiring December 31, 2015.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Tigard Transportation Advisory Committee Biographies of Recommended Appointees

On December 11, 2012 the Tigard City Council will consider a resolution appointing voting members to the Tigard Transportation Advisory Committee (TTAC).

Following are brief biographies for the individuals recommended for appointment:

Jennifer Stanfield is an incumbent on TTAC and has been on the committee since its inception in 2009. She has lived in Tigard since 2008 after moving here from Portland's Bethany area. Jennifer has a Master's Degree in Industrial Engineering and has been employed with Intel in Hillsboro for 11 years.

Donald Schmidt was appointed to the TTAC in January 2011. He also serves as a member of the Planning Commission. Don graduated from the University of Arkansas with a B.A. in Architecture. He has been working in the Portland area for the past 14 years. He is a member of the American Institute of Architects and Cascadia Green Building Council.

Evelyn Murphy has been a Tigard resident for 17 years and previously lived in the Metzger area. Her past community volunteer activities include the Community Partners for Affordable Housing. Evelyn is a medical professional in the field of ICU and Maternal/Child nursing and has worked for her current employer for 24 years. Evelyn is also a current member of the TTAC.

Mark Bogert has lived in Tigard for 50 years. Mark has a Bachelor of Science Degree from Oregon State University. He has served as a volunteer for the Tigard Chapter of St Vincent de Paul. Mark is a retired UPS driver. Mark has served as an alternate on the TTAC since fall 2011 and is currently a member of the Pedestrian Bicycle Subcommittee. He has applied to become a permanent voting member for the term beginning in 2013.

George Hetu is store director for the Tigard Fred Meyer and has applied to fill one of the voting business representative positions on TTAC. George has a B.A. in Business/HR and has been employed with Fred Meyer for 14 years. He is a member of the non-profit community choir, Voice of Hope from Tualatin.

AIS-1105

4. H.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Consider Approving the Purchase of the Rankin Property and Authorizing the City Manager to Complete the Property Purchase

Prepared For: Loreen Mills

Submitted By: Loreen Mills, City Management

Item Type: Resolution

Meeting Type: Consent Agenda

Public Hearing

Newspaper Legal Ad Required?: No

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the council consider a resolution:

- Approving the purchase of the Rankin property as outlined in the purchase and sale agreement with a post-closing occupancy agreement?
- Authorize the city manager to take all necessary action to complete the property purchase on behalf of the city?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends council approve the resolution.

KEY FACTS AND INFORMATION SUMMARY

The city owns and maintains a sanitary sewer line along Summer Creek in the area of SW Gallin Court. Between 2002 and 2004, the City undertook slope stabilization measures to protect the sewer line.

The city has identified a problem in this same area where the sanitary sewer line may be exposed again unless soil stabilization and related work is completed. A city capital improvement construction project is planned to repair the slopes, protect the sewer line and make other improvements, however, in order to complete the project, it is necessary for the City to acquire the property at 13001 SW Gallin Court.

The city and the property owner have now reached an agreement on the purchase/sale of the property and the agreement is subject to City Council approval no later than December 14, 2012.

OTHER ALTERNATIVES

The council could chose to not approve the resolution and could provide staff with direction on some other course of action to preserve the City's sewer line along Summer Creek. However, the council has given direction to staff to proceed with this property purchase over the last few months.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Preserving the public infrastructure is a basic core of business which council supports.

DATES OF PREVIOUS CONSIDERATION

Council discussed this and related pending litigation in executive session on the following dates:

- November 22, 2011
- December 13, 2011
- March 27, 2012
- July 24, 2012
- November 13, 2012

Fiscal Impact

Cost: \$515,000

Budgeted (yes or no): Yes*

Where Budgeted (department/program): Sanitary Sewer and Water Quality/Quantity funds

Additional Fiscal Notes:

* The 2012-17 Capital Improvement Plan and adopted FY 2012-13 Budget contain \$1.8 million in project costs, including property purchase. The purchase must be made before the project can occur.

Attachments

Resolution Rankin Property

Purchase Agreement & Post-Closing Occupancy Agreement

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-**

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

WHEREAS, between 2002 and 2004, the City of Tigard undertook slope stabilization measures to protect a sanitary sewer line within the utility easement along Summer Creek in the area of 13001 SW Gallin Court; and

WHEREAS, the city has identified a problem at in this same area where the sanitary sewer line may be exposed again unless soil stabilization and related work is completed; and

WHEREAS, a city capital improvement construction project is planned to repair the slopes, protect the sewer line and make other improvements; and

WHEREAS, in order to complete the capital improvement construction project, it is necessary for the City to acquire the Rankin property

WHEREAS, the city and the property owner have reached an agreement on the purchase/sale of the property; this agreement is subject to City Council approval no later than December 14, 2012.

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

SECTION 1: The City Council agrees to the terms of the Purchase Agreement, Escrow Instructions and Post-Closing Occupancy Agreement (Attachment A), including the purchase price of \$515,000 for the Rankin property.

SECTION 2: The City Council authorizes the city manager to take all necessary action to complete the Rankin property purchase on behalf of the city. This includes, but is not limited to, the execution of a purchase agreement, post-closing occupancy agreement and closing documents.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2012.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**PURCHASE AGREEMENT
AND
ESCROW INSTRUCTIONS**

BETWEEN: Richard C. and Rose A. Rankin (collectively, "Seller")

And: City of Tigard, ("Purchaser")
a Municipal corporation

DATED: _____, _____, 2012 ("Effective Date")

RECITALS

A. Seller owns certain real property in the city of Tigard, county of Washington, Oregon, commonly known as 13001 SW Gallin Court, Tigard, OR 97223, further identified as Tax Lot 3500 and Assessor's Map No. 2S104DA03500, which is more fully described on the attached and incorporated **Exhibit A** (the "Property").

B. Seller desires to sell the Property, and Purchaser desires to purchase the Property pursuant to the terms set forth in this Agreement.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as set forth below.

**ARTICLE 1
DEFINED TERMS**

1.1 Cash. The term "Cash" means (i) United States currency, (ii) a check currently dated and payable to Escrow Holder, or (iii) U.S. funds credited by wire transfer into Escrow Holder's bank account.

1.2 Closing. The process described in Article 9 of this Agreement.

1.3 Closing Date. Closing shall occur no later than forty-five (45) days after the Effective Date, or on such other date as the parties may agree upon in writing.

1.4 Contingency Period. The period that ends thirty (30) days after the Effective Date.

1.5 Deed. A statutory warranty deed in the form of **Exhibit B** attached hereto which shall be used to convey the Property from Seller to Purchaser.

1.6 Earnest Money. The cash payable to Seller pursuant to Section 2.2 of this Agreement in the amount of Five Thousand and No/100 Dollars (\$5,000.00), plus all interest which accrues thereon.

1.7 Environmental Laws. Any federal, state, or local laws, ordinances, codes, statutes, regulations, administrative rules, policies and orders, and other authority existing now or in the future that classify, regulate, list, or define Hazardous Materials.

1.8 Escrow Holder. First American Title, located at 9200 SE Sunnybrook Blvd, Suite 400, Clackamas, Oregon, 97015, Phone: (503) 659-0069.

1.9 Escrow. The escrow opened by Escrow Holder pursuant to this Agreement.

1.10 Hazardous Materials. Any toxic or hazardous substance, material, waste, pollutant, contaminant, or infectious or radioactive material, including but not limited to those substances, materials, waste, chemicals, or mixtures that are (or that contain any) substances, chemicals, compounds, or mixtures regulated, either now or in the future, under any law, rule, regulation, code or ordinance.

1.11 Post-Closing Occupancy Agreement. The agreement identified in Exhibit C.

1.12 Property. The term "Property" as defined in this Agreement, includes land described in Exhibit A, together with all improvements, rights, privileges, servitudes and appurtenances thereunto belonging or appertaining, including all right, title, and interest of Seller, if any, in and to the streets, alleys, and rights-of-way adjacent to the land, which will be transferred to Purchaser at Closing.

1.13 Property Documents. Any and all documents relating to or affecting the Property, including without limitation, conditional use permits, land use approvals, land use applications, permits, licenses, any agreements related to the Property that will survive Closing, maps, development agreements, surveys and studies relating to the Property prepared by third parties.

1.14 Purchase Price. Cash in the amount of Five Hundred Fifteen Thousand and No/100 Dollars (\$515,000.00).

ARTICLE 2 EARNEST MONEY AND PURCHASE PRICE

2.1 Sale of Property. Subject to the terms and conditions in this Agreement, Seller agrees to sell the Property to Purchaser, and Purchaser agrees to buy the Property from Seller.

2.2 Earnest Money. Within five (5) business days after the opening of Escrow as set forth in Section 3.1, Purchaser shall deposit the Earnest Money into Escrow. Escrow Holder shall hold the Earnest Money in a non interest-bearing account that is FDIC insured, unless the parties approve holding the Earnest Money in an interest bearing account. The Earnest Money shall be refundable to Buyer until the Contingency Period (defined in Section 1.4) expires or the conditions precedent to Closing set forth in Section 4 of this Agreement are waived in writing by Purchaser; thereafter, the Earnest Money shall not be refundable except in the event of a Seller default. The Earnest Money shall be applicable to the Purchase Price at closing.

2.3 Purchase Price. The Purchase Price shall be paid by Purchaser in Cash to Seller at the Closing, subject to any withholdings required pursuant to this Agreement. The Earnest Money shall be applied to the Purchase Price.

ARTICLE 3 DELIVERIES TO ESCROW HOLDER

3.1 Opening of Escrow.

3.1.1 Within five (5) business days after the Effective Date, Purchaser and Seller shall open Escrow by depositing with Escrow Holder the Earnest Money and a fully executed photocopy of this Agreement for use as escrow instructions. Escrow Holder shall execute the Consent of Escrow Holder which appears at the end of this Agreement and deliver a fully executed consent to Purchaser and Seller.

3.1.2 Purchaser and Seller hereby authorize Escrow Holder to take necessary steps for the Closing of this transaction pursuant to the terms of this Agreement.

3.1.3 Purchaser and Seller may jointly or separately prepare additional escrow instructions. Escrow Holder may also provide general instructions. If there is any inconsistency between the provisions of any of these instructions and this Agreement, the provisions of this Agreement shall control.

3.2 Purchaser's Deliveries. At or before Closing, Purchaser shall deposit into Escrow (i) the Earnest Money as provided in Section 2.2, (ii) the Purchase Price, (iii) an executed and acknowledged counterpart acceptance of the Deed, (iv) an executed counterpart of the Post-Closing Occupancy Agreement, and (v) all other documents and instruments reasonably requested by Escrow Holder for Closing.

3.3 Seller's Deliveries. At or before Closing, Seller shall deliver into Escrow (i) an executed and acknowledged counterpart of the Deed, (ii) an executed Certificate of Non-Foreign Status, pursuant to Section 1445(b)(2) of the United States Internal Revenue Code, (iii) an executed counterpart of the Post-Closing Occupancy Agreement, and (iv) all other documents and instruments reasonably requested by Escrow Holder for Closing. At Closing, Seller shall deliver possession of the Property to Purchaser, subject to the Post-Closing Occupancy Agreement.

ARTICLE 4 CONDITIONS PRECEDENT TO CLOSING

4.1 Purchaser's Right to Analyze Property Documents. Within ten (10) days after the Effective Date, Seller shall deliver all Property Documents in Seller's possession or control to Purchaser. During the Contingency Period, Purchaser shall have the right to analyze the Property Documents and determine, in Purchaser's sole, absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use.

4.2 Purchaser's Right to Analyze Property. During the Contingency Period, Purchaser shall have the right to analyze the Property and determine, in Purchaser's sole,

absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use (the "Study Period"). During the Contingency Period, Purchaser, or its agents shall have the right to enter onto the Property upon one (1) days' notice to Purchaser, to conduct any and all tests, investigations, and inspections deemed necessary by Purchaser, including without limitation a Level I environmental site assessment, a geotechnical assessment or any other assessments or inspections related to the drainage improvement project Purchaser is currently designing for the Property. Such investigations and/or studies shall be conducted by Purchaser at its sole expense. If the transactions contemplated in this Agreement fail to close for any reason other than a breach of this Agreement by Seller, Purchaser shall promptly restore the Property to substantially the condition the Property was in prior to Buyer's performance of any inspections or work. Purchaser shall defend, indemnify and hold Seller harmless for, from, and against any claim, loss, or liability, or any claim of lien or damage which arises in connection with any entry on the Property by Purchaser or any activities on the Property by Purchaser, its agents, employees, and independent contractors; provided, however, that Purchaser shall have no obligation to indemnify, defend, or hold harmless Seller from any condition of the Property discovered by Purchaser, or from any loss of marketability of the Property as a consequence of such discovery.

4.3 Notice of Termination; Failure to Notify. If Purchaser determines, in Purchaser's sole, absolute, and arbitrary discretion, the Property is not suitable, Purchaser may terminate this Agreement and cancel Escrow by delivering written notice of termination to Seller prior to the expiration of the Contingency Period, in which case this Agreement shall immediately terminate and Escrow Holder shall immediately return the Earnest Money to Purchaser.

4.4 Review of Preliminary Report. Within ten (10) days after the Effective Date, Seller shall provide Purchaser with a preliminary title report issued by the Escrow Holder, describing title to the Property, and including legible copies of all recorded documents described in the preliminary report and plotted easements (collectively, the "Preliminary Report"). On or before ten (10) days after Purchaser's receipt of the Preliminary Report, Purchaser shall deliver written notice of approval or disapproval of matters disclosed in the Preliminary Report, which approval or disapproval shall be in Purchaser's sole and absolute discretion. Failure of Purchaser to deliver notice of disapproval of any matters disclosed in the Preliminary Report within such ten (10) day period shall be deemed rejection of all such matters. Unless a disapproved item is waived pursuant to Section 4.6, the approved matters disclosed in the Preliminary Report along with the standard printed exceptions on a form of title insurance policy, shall be the "Permitted Exceptions" included as exceptions in the Title Policy, defined in Section 4.7.

4.5 Right to Cure Disapproval of Preliminary Report. If Purchaser delivers notice of disapproval pursuant to Section 4.4 above, Seller may elect in writing, within five (5) days thereafter, to agree to remove or otherwise cure, to Purchaser's reasonable satisfaction, any disapproved item(s) prior to Closing. Notwithstanding any provision in this Agreement to the contrary, Seller shall be obligated to remove any deeds of trust and other monetary liens (other than liens for non-delinquent taxes and assessments).

4.6 Failure to Cure Disapproval of Preliminary Report. If Seller fails to agree to cure a disapproved item, or agrees to cure and thereafter fails to cure a disapproved item prior to Closing, Purchaser shall have the right to (i) terminate this Agreement and receive a full refund

of the Earnest Money or (ii) waive in writing its prior disapproval of such item and accept title subject to such previously disapproved item, by delivering written notice of Purchaser's election to Seller prior to Closing.

4.7 Title Policy. Seller shall be unconditionally committed to procure from Escrow Holder upon the Closing, an ALTA standard coverage owner's policy of title insurance for the Property, with a liability limit in the amount of the Purchase Price, and insuring fee title vests in Purchaser subject only to the Permitted Exceptions (collectively, the "Title Policy"). At Purchaser's option, Purchaser may elect to have the Title Policy issued with endorsements and/or in an ALTA extended coverage form, provided that Purchaser pays any additional costs associated with issuance of such policy and pursuant to section 8.4 of this Agreement.

4.8 Approval of Leases; No Tenancies.

4.8.1 Leases. Within ten (10) days of the Effective Date, Seller will provide to Purchaser copies of all current leases affecting the Property, and copies of any and all documents other than leases which provide for or discuss any matters affecting the occupancy of the Property by tenants, including but not limited to options to lease, relocation rights, termination rights, and/or expansion or contraction rights (collectively, the "Lease Documents"). Purchaser may terminate this Agreement at any time during the Contingency Period if Purchaser shall determine in the exercise of its sole discretion that the documents described in Section 4.1 or the Lease Documents are not satisfactory.

4.8.2 No Tenancies. At least five (5) days prior to the Closing Date, Seller shall have terminated any tenancy provided for in the Lease Documents and rendered the Property free of any occupants whatsoever.

4.9 Council Approval. This Agreement is contingent upon approval from the City Council of the City of Tigard. If such approval is not received by December 14, 2012, Purchaser shall have the right to terminate this Agreement and receive a full refund of the Earnest Money.

4.10 Statutory Disclosure Statement. Within ten (10) days after the Effective Date, Seller shall deliver to Purchaser a completed statutory property disclosure statement ("Statement"). During the Contingency Period, Purchaser shall analyze the statement and determine, in Purchaser's sole, absolute and arbitrary discretion, whether the Property is suitable for Purchaser's intended use.

4.11 Settlement Agreement. The parties acknowledge that the Purchaser is purchasing this Property as part of a settlement of Seller's tort claims related to the Property. Purchaser's obligation to purchase the Property is expressly conditioned on the parties entering into a settlement agreement resolving Seller's tort claims ("Settlement Agreement"). If the parties have not entered into such Settlement Agreement by the expiration of the Contingency Period, this Agreement shall automatically terminate and the Earnest Money shall be returned to Purchaser.

4.12 Contingency Failure. In the event any of the contingencies set forth in Section 4 are not timely satisfied or waived, this Agreement and the rights and obligations of the Purchaser

and the Seller shall automatically terminate, and the Earnest Money shall immediately be returned to Purchaser.

ARTICLE 5 COVENANTS AND AGREEMENTS

5.1 Damage or Destruction; Eminent Domain. If, prior to the Closing, all or a part of the Property is damaged or destroyed, or taken or appropriated by any public or quasi-public authority under the power of eminent domain or such an eminent domain action is threatened pursuant to a resolution of intention to condemn filed by any public entity, Purchaser may either (i) terminate this Agreement and receive a refund of the Earnest Money, or (ii) elect to receive an assignment from Seller in lieu of the part of the Property that has been so damaged or taken of all of Seller's rights to any award and/or proceeds attributable to said damaged or taken part of the Property, and the parties shall proceed to Closing pursuant to this Agreement.

5.2 Seller Indemnification; Insurance.

5.2.1 Seller shall defend (with counsel reasonably acceptable to Purchaser), indemnify, and hold harmless Purchaser and its officers, managers, representatives, employees, and agents (collectively, the "**Indemnified Persons**") from and against any and all claims, demands, actions, suits, damages, liabilities, injury to persons or property, costs, penalties, fines or expenses (including reasonable attorney, engineering, and other professional or expert fees) which, in whole or in part, directly or indirectly, arise from or are in any way connected with Seller's ownership of the Property prior to Closing. However, this indemnity obligation does not apply to any claims that arise from, are connected with or are in any way related to flooding, landslides or erosion that has and continues to occur and which is the subject of the Settlement Agreement. Seller will hold Purchaser harmless from any claims by consultants Seller hired to deal with the flooding/landslide/erosion issue.

5.2.2 From the Closing Date through the expiration or earlier termination of the Post-Closing Occupancy Agreement described in Section 5.3 below, Seller shall maintain a policy of commercial general liability insurance, in an amount of not less than One Million Two Hundred Thousand and No/100 Dollars (\$1,200,000.00) combined single limit, from a company reasonably acceptable to Purchaser. Seller shall provide Purchaser with certificates of insurance which, among other things, shall show Purchaser and its officers, directors, and employees named as an additional insured in such policy and shall provide Seller with a copy of the insurance company's endorsement to the liability policy adding such additional insureds or other evidence that Purchaser and the Indemnified Persons as additional insureds as provided in this Section. Seller's liability shall not be limited to the policy limits of the above-required insurance.

5.2.3 The provisions of this Section 5.2 will survive Closing.

5.3 Post-Closing Occupancy Agreement. At Closing, Purchaser and Seller shall sign the Post-Closing Occupancy Agreement, the form of which is attached hereto as Exhibit C and incorporated herein by this reference. After Closing, the Seller shall be entitled to remain on the Property without any obligation to pay rent to Purchaser pursuant to the terms

of the Post-Closing Occupancy Agreement. The provisions of this Section 5.3 shall survive Closing.

ARTICLE 6 SELLER'S REPRESENTATIONS, WARRANTIES AND COVENANTS

6.1 Representations and Warranties of Seller. Seller represents, warrants, and covenants that, as of the Effective Date, the end of the Contingency Period, and the Closing, that all of the representations and warranties contained in this Agreement are and shall be true and correct, and shall survive Closing for a period of one (1) year. Each of Seller's representations and warranties is material to and is being relied upon by Purchaser and the continuing truth thereof shall constitute a condition precedent to Purchaser's obligations hereunder. Seller represents and warrants to Purchaser as follows:

6.1.1 Proof of Authority. Seller has authority and authorization to enter into this Agreement and consummate the transaction contemplated by it, and shall deliver such proof of the power and authority of the persons executing and/or delivering any instruments, documents, or certificates on behalf of the Seller to act for or bind the Seller, as may be reasonably required by the Escrow Holder and/or the Purchaser.

6.1.2 Title to the Property. Seller has sole legal and beneficial fee title to the Property, and has not granted any person or entity any right or interest in the Property except as set forth in this Agreement and in the Preliminary Report. Seller agrees to transfer to Purchaser, via Deed, the Property, subject only to the Permitted Exceptions.

6.1.3 Property Documents, Lease Documents; No Defaults. To Seller's knowledge, the Property Documents and Lease Documents delivered by Seller to Purchaser are true, correct and complete copies and there are no other documents or instruments that would constitute Property Documents or Lease Documents that have not been delivered by Seller or otherwise made available to Purchaser. Seller is not in default under any Property Documents or Lease Documents and to Seller's knowledge, no other party to the Property Documents or Lease Documents is in default under such documents. Seller warrants that the services associated with the Property Documents and Lease Documents, have been, or will be, paid for by Seller no later than Closing.

6.1.4 Pending Transactions, Suits or Proceedings. Except for the tort claims referenced in Section 4.11 of this Agreement, there are no transactions, suits, proceedings, litigation (including zoning or other land use regulation proceedings), condemnation, or investigations pending or to Seller's knowledge, threatened against or affecting the Property or Seller as the owner of the Property in any court at law or in equity, or before or by any governmental department, commission, board, agency or instrumentality.

6.1.5 Defects. Except as set forth in the Statement, to the best of Seller's knowledge, there are no latent or other defects or conditions on or about the Property that would cause injury or damage to persons or property, or that would have a material adverse effect on lawful uses of the Property.

6.1.6 No Further Encumbrances. As long as this Agreement remains in force, Seller will not lease, transfer, option, mortgage, pledge, or convey its interest in the Property or any portion thereof nor any right therein, nor shall Seller enter into any agreement granting to any person or entity any option to purchase or rights superior to Purchaser with respect to the Property or any part thereof.

6.1.7 Hazardous Materials. To Seller's knowledge, no Hazardous Materials have been generated, disposed of, deposited or released (or caused to be generated, disposed of or released) on, within, under, about or from the Property. To Seller's knowledge, no other party or person has used, stored, transported, generated, disposed of or released on, within, under, about or from the Property any Hazardous Materials. Without limiting the foregoing, neither Seller nor, to Seller's knowledge, any other party, has installed, operated or maintained any underground storage tanks on or adjacent to the Property, and the Property is not now, and has never been, in violation and is not currently under investigation for the violation of any Environmental Laws. To Seller's knowledge, there is no asbestos or lead paint on the Property. Seller hereby assigns to Purchaser as of the Closing, to the extent assignable, all claims, counterclaims, defenses or actions, whether at common law or pursuant to any other applicable federal or state or other laws, if any, that Seller may have against third parties to the extent relating to the existence of Hazardous Materials in, at, on, under or about the Property.

6.1.8 Access; Possession. The Property has legal and physical access to a publicly-dedicated street or road. Except as reflected in the Lease Documents, there are no leases or tenancies in effect on the Property and possession thereof can and will be delivered to Purchaser upon Closing.

6.1.9 Construction or Other Liens. Seller warrants that, at the time of Closing, no work, labor or materials have been expended, bestowed or placed upon the Property, adjacent thereto or within any existing or proposed assessment district which will remain unpaid at Closing or upon which a lien may be filed.

6.1.10 No Option or Right of First Refusal to Acquire Property. Seller represents that no person or entity has any right of first refusal or option to acquire any interest in the Property or any part thereof.

6.1.11 Conduct Pending Closing; Covenants.

6.1.11.1 Conduct of Property. Seller hereby agrees that Seller will not modify, cancel, extend or otherwise change in any material manner any of the terms, covenants or conditions of the Property Documents or Lease Documents, nor enter into any additional leases as to the Property without Purchaser's prior written consent, nor enter into any other agreements having a material effect on the Property without the prior written consent of Purchaser, which Purchaser shall not unreasonably withhold.

6.1.11.2 Binding Effect of Documents. This Agreement and the other documents to be executed by Seller hereunder, upon execution and delivery thereof by Seller, will have been duly entered into by Seller, and will constitute legal, valid and binding obligations of Seller. To Seller's actual knowledge, neither this Agreement nor anything

provided to be done under this Agreement violates or shall violate any contract, document, understanding, agreement or instrument to which Seller is a party or by which it is bound.

6.1.11.3 No Alterations. Seller will not make any material alterations to the Property prior to the Closing.

6.1.11.4 Condition of the Property Through Closing. Seller shall, between the Effective Date and the Closing Date: (i) maintain the Property in substantially the same condition as it was on the Effective Date, with no tree cutting, timber harvesting or altering of the Property in any way, (ii) keep all existing insurance policies affecting the Property in full force and effect, (iii) make all regular payments of interest and principal on any existing financing, (iv) pay all real property taxes and assessments against the Property prior to delinquency, (v) comply with all government regulations, and (vi) keep Purchaser timely advised of any repair or improvement required to keep the Property in substantially the same condition as it was on the Effective Date.

ARTICLE 7 PURCHASER'S REPRESENTATIONS AND WARRANTIES

7.1 Purchaser's Representation and Warranties. Purchaser represents and warrants that, as of the Effective Date, the end of the Contingency Period, and Closing, all of the representations and warranties of Purchaser contained in this Agreement are and shall be true and correct, and shall survive Closing for a period of one (1) year. Each of Purchaser's representations and warranties is material to and is being relied upon by Seller and the continuing truth thereof shall constitute a condition precedent to Seller's obligations hereunder. Purchaser represents and warrants to Seller as follows:

7.1.1 Authority. The execution and delivery of this Agreement has been duly authorized and approved by all requisite action of Purchaser, and the consummation of the transactions contemplated hereby will be duly authorized and approved by all requisite action of Purchaser, and no other authorizations or approvals will be necessary in order to enable Purchaser to enter into or to comply with the terms of this Agreement.

7.1.2 Binding Effect of Documents. This Agreement and the other documents to be executed by Purchaser hereunder, upon execution and delivery thereof by Purchaser, and if approved by City Council subject to Section 4.9 of this Agreement, will have been duly entered into by Purchaser, and will constitute legal, valid and binding obligations of Purchaser. To Purchaser's actual knowledge, neither this Agreement nor anything provided to be done under this Agreement violates or shall violate any contract, document, understanding, agreement or instrument to which Purchaser is a party or by which it is bound.

ARTICLE 8 PRORATED FEES AND COSTS

8.1 Tax Prorations. Escrow Holder will prorate between the parties, based on the latest information available to Escrow Holder, all taxes, bonds and assessments ("Taxes") for the Property, except as provided in Section 8.2 below. If, after the Closing, either party receives a

bill for any Taxes, the parties agree that the Taxes shall be prorated between the parties to the Closing Date. The party receiving the bill for the Taxes shall notify the other party in writing of the amount of such Taxes and the party receiving that notice shall pay its prorated share of such Taxes within thirty (30) days of demand therefore, but not later than ten (10) days prior to delinquency. The parties' obligations under this Section shall survive Closing.

8.2 Penalties. Any penalties that would be due as a result of removal of the Property from any tax deferral program shall be charged to Seller as though the Property were removed from such program on the day prior to the Closing Date. Seller's obligations under this Section shall survive Closing.

8.3 Seller's Fees and Costs. If the collective cost of the items set forth in Section 8.4 (i), (ii), (iii), and (v) exceeds \$5,000, Seller shall pay the remainder of the amount owed.

8.4 Purchaser's Fees and Costs. Subject to Section 8.3, Purchaser shall pay (i) the Escrow Holder's escrow fee, (ii) all recording charges; (iii) the costs for the Title Policy, if requested by Purchaser, (iv) any extended coverage and endorsements for the Title Policy; and (v) any transfer taxes. Purchaser's obligation to pay for items (i), (ii), (iii) and (v) shall not exceed \$5,000.

8.5 Other Costs. Except as otherwise provided in this Agreement, each party shall bear and pay the expense of its own attorneys, accountants and other professionals incurred in negotiating this Agreement. Seller will pay their own moving and relocation expenses.

ARTICLE 9 CLOSING

9.1 Closing. Escrow Holder shall close Escrow by (i) recording the Deed; (ii) confirming execution of all documents necessary for Closing and (iii) delivering funds and documents as set forth herein, when and only when all terms and conditions of this Agreement have been met and each of the conditions set forth below have been satisfied:

9.1.1 Funds and Instruments. All funds and instruments required pursuant to this Agreement have been delivered to Escrow Holder.

9.1.2 Satisfaction of Conditions Precedent. Each of the conditions precedent set forth in the Agreement have been either satisfied or waived.

9.1.3 Liens and Encumbrances. All liens and encumbrances required to be paid by Seller have been paid and satisfied at Seller's sole expense, including without limitation any trust deed or mortgage affecting the Property. The Property shall be conveyed free of encumbrances, except for the Permitted Exceptions and those expressly accepted or waived by Purchaser pursuant to the terms of this Agreement.

9.1.4 Assignment of Lease Documents. Seller shall have executed the Assignment of Leases attached and incorporated to this Agreement as **Exhibit D**, if any ("Assignment of Leases").

ARTICLE 10
RECORDATION AND DISTRIBUTION OF FUNDS AND DOCUMENTS

10.1 Recorded Documents. Escrow Holder shall cause the County Recorder of Washington County to mail the Deed to Purchaser.

10.2 Conformed Copies. Escrow Holder shall at Closing deliver to Seller and Purchaser (i) a copy of the Deed, conformed to show recording date, and conformed copies of each document recorded to place title in the condition required by this Agreement, (ii) a copy of each non-recorded document received hereunder by Escrow Holder, and (iii) copies of all documents deposited into Escrow to the parties herein.

10.3 Payment of Funds at Closing. Escrow Holder shall deliver at Closing all amounts as set forth in the final, approved closing statement.

10.4 Original Documents. Escrow Holder shall at Closing deliver to Purchaser the Original Assignment of Leases.

ARTICLE 11
DEFAULT AND REMEDIES

11.1 Purchaser's Default. If Purchaser breaches this Agreement, which breach Purchaser fails to cure within thirty (30) days after receipt of written notice thereof from Seller, Purchaser shall be in default hereunder and Seller is entitled, as Seller's sole and exclusive remedy, to liquidated damages pursuant to this Article. If Escrow fails to close due to Purchaser's default, Purchaser shall pay all Escrow cancellation charges.

11.2 Seller's Remedies. In the event of Purchaser's default under this Agreement, the Earnest Money shall be forfeited by Purchaser and retained by Seller as liquidated damages. Such amount has been agreed by the parties to be reasonable compensation and the exclusive remedy for Purchaser's default, since the precise amount of such compensation would be difficult to determine. Seller shall have no right to any other damages, claims or actions against Purchaser. By initialing this provision in the spaces below, Seller and Purchaser each specifically affirm their respective agreement to this liquidated damages provision as Seller's sole and exclusive remedy for Purchaser's default, and agreement that the sum is a reasonable sum.

Purchaser's Initials

Seller's Initials

11.3 Seller's Default. If Seller breaches this Agreement, which breach Seller fails to cure within thirty (30) days after receipt of written notice thereof from Purchaser, Seller shall be in default of this Agreement. If Escrow fails to close due to Seller's default, Seller shall pay all Escrow cancellation charges.

11.4 Purchaser's Remedies. In the event of Seller's default under this Agreement, Purchaser shall have the right to either (i) terminate this Agreement, and upon such event the Earnest Money shall be immediately refunded to Purchaser, or (ii) seek an action for specific

performance in order to enforce Purchaser's rights hereunder. No provision of this Agreement shall be construed as waiving any of Purchaser's rights regarding eminent domain.

ARTICLE 12 ASSIGNMENT

12.1 Assignment by Purchaser. Purchaser may not assign or otherwise transfer any of its rights or obligations under this Agreement.

ARTICLE 13 GENERAL PROVISIONS

13.1 Attorneys Fees. If any action is instituted between Seller and Purchaser in connection with this Agreement, the party prevailing in such action shall be entitled to recover from the other party all of its costs of action, including, without limitation, attorneys' fees and costs as fixed by the court therein.

13.2 Construction of Agreement. The agreements contained herein shall not be construed in favor of or against either party, but shall be construed as if both parties prepared this Agreement.

13.3 Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations and understandings of the parties hereto, oral or written, are hereby superseded and merged herein. The foregoing sentence shall in no way affect the validity of any instruments executed by the parties in the form of the exhibits attached to this Agreement.

13.4 Governing Law. This Agreement shall be governed by and construed under the laws of the State of Oregon.

13.5 Joint and Several Liability. If any party consists of more than one person or entity, the liability of each such person or entity signing this Agreement shall be joint and several.

13.6 Modification. No modification, waiver, amendment, discharge, or change of this Agreement shall be valid unless the same is in writing and signed by all signatories hereto.

13.7 Real Estate Brokerage Commission. Purchaser and Seller represent and warrant that no real estate agent or broker was involved in negotiating the transaction contemplated herein. In the event any claims for real estate commissions, fees or compensation arise in connection with this transaction, the party so incurring or causing such claims shall indemnify, defend and hold harmless the other party from any loss or damage, including attorneys' fees, that said other party suffers because of said claims. The obligations of the parties in the prior sentence shall survive Closing or the termination of this Agreement.

13.8 Notice and Payments. Any notice or document to be given pursuant to this Agreement must be delivered either in person, deposited in the United States mail duly certified

or registered, return receipt requested with postage prepaid, by electronic mail, or by Federal Express or other similar overnight delivery service marked for next business day delivery. Notices shall be effective upon receipt if delivered personally, upon confirmation of receipt if sent by electronic mail, on the next day if sent by overnight courier, or two (2) days after deposit in the mail if mailed. Any party listed below may designate a different address, which shall be substituted for the one specified below, by written notice to the others.

If to Seller: Richard and Rose Rankin
13001 SW Gallin Court,
Tigard, OR 97223
E-mail: _____

with a copy to: David P. Morrison
Cosgrave Vergeer Kester LLP
888 SW 5th Ave., Ste. 500
Portland OR 97204
E-mail: morrison@cosgravelaw.com

If to Purchaser: City of Tigard
Attn: City Manager
City Hall
13125 SW Hall Blvd
Tigard OR 97223
E-mail: marty@tigard-or.gov

with a copy to : Jeff Bennett
Jordan Ramis PC
Two Centerpointe Drive, 6th Floor
Lake Oswego, OR 97035
Fax: (503) 598-7373

13.9 Remedies Cumulative. Except as specifically set forth herein, all rights and remedies of Purchaser and Seller contained in this Agreement shall be construed and held to be cumulative.

13.10 Severability. In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect to the fullest extent permissible by law.

13.11 Successors and Assigns. Subject to limitations expressed in this Agreement, each and all of the covenants and conditions of this Agreement shall inure to the benefit of and shall be binding upon the successors-in-interest, assigns, and representatives of the parties hereto. As used in the foregoing, "successors" shall refer to the parties' interest in the Property and to the successors to all or substantially all of their assets and to their successors by merger or consolidation.

13.12 Time of the Essence. Time is of the essence of each and every provision of this Agreement.

13.13 Legal Representation. Seller acknowledges that this is a legal document and that Seller has been advised to obtain and has obtained the advice of legal counsel in connection with its review and execution of this Agreement. Seller covenants that it will not deny the enforceability of this Agreement on the basis that Seller elects not to obtain legal counsel to review and approve this Agreement.

13.14 Waiver. No waiver by Purchaser or Seller of a breach of any of the terms, covenants or conditions of this Agreement by the other party shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained. No waiver of any default by Purchaser or Seller hereunder shall be implied from any omission by the other party to take any action on account of such default if such default persists or is repeated, and no express waiver shall affect a default other than as specified in such waiver. The consent or approval by Purchaser or Seller to or of any act by the other party requiring the consent or approval of the first party shall not be deemed to waive or render unnecessary such party's consent or approval to or of any subsequent similar acts by the other party.

13.15 Negation of Agency and Partnership. Any agreement by either party to cooperate with the other in connection with any provision of this Agreement shall not be construed as making either party an agent or partner of the other party.

13.16 Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or such holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or such holiday.

13.17 Statutory Disclaimer. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,

UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

13.18 Counterparts. This Agreement may be executed in counterparts, each of which, when taken together, shall constitute fully executed originals.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Date.

SELLER

PURCHASER

City of Tigard, an Oregon municipal corporation

By: _____
Richard C. Rankin

By: _____
Name: _____

By: _____
Rose A. Rankin

Its: _____

APPROVED AS TO FORM:

By: _____
City Attorney

- Exhibit A - Property
- Exhibit B – Deed
- Exhibit C – Post-Closing Occupancy Agreement
- Exhibit D – Assignment of Leases

CONSENT OF ESCROW HOLDER

The undersigned Escrow Holder hereby agrees to (i) accept the foregoing Agreement, (ii) be the Escrow Holder under said Agreement, and (iii) be bound by said Agreement in the performance of its duties as Escrow Holder; provided, however, the undersigned shall have no obligations, liability or responsibility under this Consent or otherwise unless and until said Agreement, fully signed by the parties, has been delivered to the undersigned.

DATED: _____, 2012.

By: _____
Name: _____
Title: _____

EXHIBIT A

Lot 21, Quail Hollow-West, Tigard, Washington County, Oregon. Together with an undivided interest in Tract "U".

EXHIBIT B

AFTER RECORDING RETURN TO:

City of Tigard
Attn: City Manager
City Hall
13125 SW Hall Blvd
Tigard OR 97223

UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:

This space is reserved for recorder's use.

STATUTORY WARRANTY DEED

Richard and Rose Rankin, collectively, Grantor, whose address is: 13001 SW Gallin Court, Tigard, OR 97223, conveys and warrants to CITY OF TIGARD, an Oregon municipal corporation, Grantee, whose address is: 13125 SW Hall Blvd, Tigard OR 97223, the following described real property free of encumbrances except as specifically set forth herein:

Lot 21, Quail Hollow-West, Tigard, Washington County, Oregon. Together with an undivided interest in Tract "U".

The true consideration for this conveyance is Five Hundred Fifteen Thousand and no/100 (\$515,000.00). This conveyance is made subject to the matters set forth on Exhibit A attached hereto.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO

VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this _____ day of _____, 20__.

Richard C. Rankin

Rose A. Rankin

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Richard C. Rankin.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by Rose A. Rankin.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

ACCEPTED:

GRANTEE

CITY OF TIGARD, an Oregon municipal corporation

By: _____

Name: _____

Its: _____

STATE OF OREGON)
) ss.
County of _____)

This instrument was acknowledged before me on _____, 20____, by
_____ as _____ of the City of Tigard, an Oregon
municipal corporation.

NOTARY PUBLIC FOR OREGON
My Commission Expires: _____

Exhibit A

Exhibit C

Post-Closing Occupancy Agreement

LEASE AGREEMENT

This Lease Agreement (“Lease”) is entered by and between the City of Tigard, Oregon (“Landlord”) and Richard and Rose Rankin (“Tenant”) on _____, 2012 (“Effective Date”). Landlord and Tenant may be referred to as “Party” or collectively be referred to as the “Parties”.

RECITALS

A. Landlord and Tenant entered into a Purchase and Sale Agreement with an Effective Date of _____, 2012 (“Sale Agreement”) through which Tenant agreed to sell certain real property to Landlord located at 13001 SW Gallin Court, Tigard, OR 97223 (the “Property”). The Sale Agreement contained a condition (the “Closing Condition”) which provided that upon closing the transaction, Landlord agreed to lease the entire Property back to Tenant under the terms of a post-closing occupancy agreement. This Lease is the instrument which, upon full execution by Landlord and Tenant, constitutes satisfaction of the Closing Condition.

AGREEMENT

The Parties agree as follows:

1. PROPERTY. Landlord hereby leases the entire Property to Tenant pursuant to the terms of this Lease.

2. LEASE TERM. The lease term will start on the Effective Date and unless it is terminated earlier as provided in this Lease, will expire on the date that is one hundred twenty (120) days after the Effective Date of the Sale Agreement (the “Expiration Date”). The time between the Effective Date and the Expiration Date shall be the “Lease Term”.

3. LEASE PAYMENTS.

3.1 Monthly Base Rent. Tenant shall not be obligated to pay to Landlord any monthly base rent for the Property during the Lease Term.

3.2 Holdover Rent. Notwithstanding Section 3.1, because time is of the essence for Landlord in obtaining complete possession and control of the entire Property on the Expiration Date, in the event Tenant continues to possess all or any portion of the Property after the Expiration Date, Tenant shall be obligated to pay Landlord holdover rent in the amount of fifty and No/100 Dollars (\$50.00) per day from the Expiration Date until the date the entire Property has been returned to Landlord free of any possession by or possessory interest of Tenant.

3.3 Additional Rent. Additional Rent shall consist of all sums of money that shall become due from and payable by Tenant to Landlord under this Lease.

4. SECURITY DEPOSIT. None.

5. AS IS, WITH ALL FAULTS CONDITION. As the previous owner of the Property, Tenant is fully informed of all its physical conditions, and the physical condition of all buildings, structures, and building systems. In addition, Tenant has inspected or had the opportunity to inspect the Property, the fixtures, the grounds, building and improvements and acknowledges that the Property is in acceptable condition, and is habitable. If at any time during the Lease Term, in Tenant's opinion, the conditions change, Tenant shall promptly provide reasonable notice to Landlord. Tenant shall take possession of the Property and all of its improvements in an "AS IS CONDITION, WITH ALL FAULTS" basis. If this Lease required Landlord to make any representations or warranties, express or implied, relating to the condition of the Property or any improvements or building systems located on or in it, or to accept any liability with respect to the physical condition of the Property, Landlord would have required Tenant to pay monthly base rent.

6. DEFAULTS. If Tenant fails to perform or fulfill any obligation under this Lease, including without limitation, its obligation to vacate the Property on or before the Expiration Date, or shall abandon the Property for a period of more than thirty (30) consecutive days, Tenant shall be in default of this Lease. Subject to any statute, ordinance or law to the contrary, Tenant shall have seven (7) days from the date of notice of default by Landlord to cure the default unless a longer cure period is required by Oregon statute. In the event Tenant does not cure the default, Landlord may terminate the Lease, effective upon written notice to Tenant. In the event of default, Landlord may also, as permitted by law, re-enter the Property and re-take possession of the Property. The remedies set forth in this Section 6 shall not prevent Landlord from pursuing any other remedy available at law or in equity.

7. QUIET ENJOYMENT. Tenant shall be entitled to quiet enjoyment of the Property, and Landlord will not interfere with that right, as long as Tenant timely performs all of its obligations under this Lease.

8. POSSESSION AND SURRENDER OF PROPERTY. Tenant shall be entitled to possession of the Property on the Commencement Date. At the Expiration Date or earlier termination of the Lease, Tenant shall remove all personal property and peaceably surrender the Property to Landlord in good condition as it was at the Effective Date, reasonable wear and tear excepted.

9. USE OF PROPERTY. Tenant shall only use the Property as a personal residence. The Property shall not be used to carry on any type of business or trade, without prior written consent of the Landlord, which may be withheld in Landlord's reasonable discretion. Tenant will comply with all laws, rules, ordinances, statutes and orders regarding the use of the Property.

10. ASSIGNMENT AND SUBLEASE. Tenant shall not be permitted to assign its interest under this Lease nor shall Tenant be allowed to sublease any portion of the Property.

11. DANGEROUS OR HAZARDOUS MATERIALS. Tenant shall not keep or have on or around the Property (i) any item of a dangerous, flammable or explosive character that might unreasonably increase the risk of fire or explosion on or around the Property, or (ii) any item that might be considered a (A) hazardous or toxic substance, material or waste, or (B) pollutant, under any federal, state, regional or local statute, law, regulation or order.

12. UTILITIES AND SERVICES. Tenant will be responsible for obtaining and paying for all expenses related to Tenant's possession of the Property, including but not limited to all utilities and services required on the Property.

13. ALTERATIONS AND IMPROVEMENTS; TENANT'S REMOVAL RIGHTS. Tenant agrees not to make any improvements, alterations, or changes to the Property without prior written consent of the Landlord. If any alterations, improvements or changes are made to or built on or around the Property, with the exception of fixtures and personal property that can be removed without damage to the Property, they shall become the property of Landlord and shall remain at the expiration of the Lease.

14. DAMAGE TO PROPERTY TERMINATES LEASE. If the Property or part of it is damaged or destroyed by fire or other casualty during the Lease Term, then this Lease shall terminate as of the date of the casualty.

15. TENANT TERMINATION. Notwithstanding any other provision of this Lease, Tenant may terminate this Lease, prior to the Expiration Date, by providing thirty (30) days prior written notice to Landlord.

16. MAINTENANCE AND REPAIR. In consideration of the fact that this Lease is entered into as a sale and leaseback transaction for consideration negotiated and paid on the purchase, Tenant shall maintain the Property, and all buildings, improvements, fixtures, appliances, equipment and building systems thereon, and effect, at Seller's expense, all repairs, replacement or maintenance required to maintain the habitability of the Property under Oregon law, including mowing, watering and otherwise maintaining the yard. Tenant shall maintain the Property in at least as good a condition as the Property was in on the Commencement Date of this Lease. Tenant shall promptly notify Landlord of any damage to, or destruction of the Property.

17. RIGHT OF INSPECTION. Tenant agrees to make the Property available to Landlord or Landlord's agents for the purposes of inspection or in case of emergency. Except in case of emergency, Landlord shall give Tenant twenty-four (24) hours written notice of intent to enter. Tenant shall not, without prior notice to Landlord, add, alter or re-key any locks to the Property. At all times Landlord shall be provided with a key or keys capable of unlocking all such locks and gaining entry. Tenant further agrees to notify Landlord in writing if Tenant installs any alarm system, including instructions on how to disarm it in case of emergency entry.

18. LANDLORD RIGHT OF ENTRY; INDEMNIFICATION. During the Lease Term, Landlord, or its agents, shall have the right to enter onto the Property upon one (1) days notice to Tenant, to conduct any and all tests, investigations, assessments and inspections deemed necessary by Landlord, or to do any site work on the Property related to the Project. These tests, investigations, inspections, assessments and site work are collectively referred to as

“Work”. The Work shall be conducted by Landlord or its agents at Landlord’s sole expense. Landlord shall defend, indemnify and hold Tenant harmless for, from, and against any claim, loss, or liability, or any claim of lien or damage (collectively, “Claims”) which arises in connection with any entry on the Property by Landlord or any activities on the Property by Landlord, its agents, employees, and independent contractors; provided, however, that Landlord shall have no obligation to indemnify, defend, or hold harmless Seller for any Claim that, in whole or in part, directly or indirectly, arises from or is in any connected with Tenant’s prior ownership of the Property.

19. ABANDONMENT. If Tenant abandons the Property or any personal property during the term of this Lease, Landlord may at its option enter the Property by any legal means without liability to Tenant and may at Landlord’s option terminate the Lease. Abandonment is defined as absence of the Tenant from the Property, for at least thirty (30) consecutive days without notice to Landlord. Tenant agrees that if it vacates or abandons the Property and leaves thereon any personal property, Landlord may deem the personal property to have been abandoned by Tenant, in which case Landlord may treat this Lease as a bill of sale regarding such personal property and dispose of such abandoned personal property in its sole discretion.

20. SECURITY. Tenant understands that Landlord does not provide any security alarm system or other security for Tenant or the Property. In the event any alarm system is installed, Tenant understands that such alarm system is not warranted to be complete in all respects or to be sufficient to protect Tenant or the Property. Tenant releases Landlord from any loss, damage, claim or injury resulting from the failure of any alarm system, security or from the lack of any alarm system or security.

21. SEVERABILITY. If any part or parts of this Lease shall be held unenforceable for any reason, the remainder of this Lease shall continue in full force and effect. If any provision of this Lease is deemed invalid or unenforceable by any court of competent jurisdiction, and if limiting such provision would make the provision valid, then such provision shall be deemed to be construed as so limited.

22. INSURANCE:

22.1 Property Insurance. Landlord and Tenant shall each be responsible to maintain appropriate insurance for their respective interests in the Property and any personal property located on the Property. Tenant understands that Landlord will not provide any insurance coverage for Tenant's property interests. Landlord will not be responsible for any loss of Tenant's property, whether by theft, fire, riots, strikes, acts of God, or otherwise.

22.2 Liability Insurance. Tenant, at its sole cost and expense, shall maintain at all times during the Lease Term, Commercial General Liability Insurance covering the insured against claims of bodily injury, personal injury and property damage arising out of Tenant's use of the Property, including a Commercial General Liability endorsement covering the insuring provisions of this Lease and the performance by Tenant of the indemnity agreements set forth in Section 23 of this Lease with a combined single limit of not less than One Million Two Hundred Thousand (\$1,200,000) aggregate limit. Tenant shall provide Landlord with a certificate of insurance which, among other things, shall show Landlord and its officers, directors, and employees named as an additional insured in such policy as provided in this Section. Such

liability insurance shall be primary and not contributing to any insurance available to Landlord and Landlord's insurance shall be in excess thereto. The limits of such insurance shall not limit the Tenant's liability. Tenant shall provide Landlord with a certificate of insurance obtained as required by this section of the Lease.

22.3 Waiver of Subrogation. All insurance required of Tenant under this Lease shall contain a clause pursuant to which the insurance carriers waive all rights of subrogation against Landlord or Tenant with respect to losses payable under such policies. Tenant and Landlord each waives any and all right of recovery against the other for loss of or damage to such waiving party or its property, if and to the extent that such loss or damage is insured against under any casualty insurance policy in force at the time of such loss or damage, or which is to be insured against under the terms of this Lease.

23. TENANT'S INDEMNIFICATION. Except as provided for in Section 18, and except to the extent of damage resulting from the negligence or willful misconduct of Landlord, Tenant agrees to protect, defend (with counsel reasonably acceptable to Landlord) and hold the Landlord harmless and indemnify the Landlord from and against all liabilities, damages, claims, losses, judgments, charges, and expenses (including reasonable attorneys' fees, costs of court and expenses necessary in the prosecution or defense of any litigation including the enforcement of this provision) arising from or in any way related to, directly or indirectly, (i) Tenant's use of the Property, (ii) from any activity, work or thing done, permitted or suffered by Tenant in or about the Property, (iii) in any way connected with the Property or with the improvements or personal property therein, including, but not limited to, any liability for injury to person or property of Tenant or third party persons, and/or (iv) Tenant's failure to perform any covenant or obligation of Tenant under this Lease. Tenant's agreement to indemnify Landlord pursuant to this Section 23 is not intended and shall not relieve any insurance carrier of its obligations under policies required to be carried by Tenant pursuant to the provisions of this Lease. Tenant agrees that the obligations of Tenant herein shall survive the expiration or earlier termination of this Lease.

24. BINDING EFFECT. The covenants and conditions contained in the Lease shall apply to and bind the Parties and the heirs, legal representatives, successors and any permitted assigns of the Parties.

25. TIME IS OF THE ESSENCE. Time is of the essence in this Lease. Tenant acknowledges that Landlord intends to undertake a significant drainage improvement project on the Property ("Project"), and that it is crucial for Tenant to promptly surrender the Property upon expiration or earlier termination of this Lease.

26. COMPLIANCE WITH RESIDENTIAL LANDLORD AND TENANT ACT. This Lease is intended to comply with the provisions of the Residential Landlord and Tenant ("Act"), ORS 90.100–90.840, in effect on the date first written above. If a court determines that any provision in the Lease conflicts with the Act, the provisions of the Act shall control. This Lease shall be deemed to be amended to comply with any statutory changes in the Act if such changes apply retroactively to existing leases, but not otherwise.

27. ATTACHMENTS. The attached Smoke Detector Acceptance, Carbon Monoxide Detector Acceptance and Lead-Based Paint Disclosure are made a part of this Lease.

28. SMOKE DETECTOR AND CARBON MONOXIDE ALARM. Tenant acknowledges the presence of a smoke detector and a carbon monoxide alarm in fully operational conditions in the dwelling unit on the Property. Instructions have been provided about how to test the smoke detector and carbon monoxide alarm. Tenant has been instructed to test the devices at least every six months and replace the batteries as needed and has been made aware Landlord is not liable for loss or damage due to the failure of the smoke detector or carbon monoxide alarm to operate. Tenant is required to immediately notify Landlord in writing of any malfunction of the smoke detector or carbon monoxide alarm. Tenant shall not remove or tamper with a properly functioning smoke detector or carbon monoxide alarm, including removing any working batteries.

29. SMOKING POLICY. Pursuant to ORS 479.305, smoking is allowed on the Property. Landlord is not responsible for any damage to person or property caused by smoking on the Property, unless such damage is directly caused by Landlord.

30. GOVERNING LAW. This Lease shall be governed by and construed in accordance with the laws of the State of Oregon.

31. ENTIRE AGREEMENT. This Lease constitutes the entire agreement between the Parties with respect to the subject matter hereof and supersedes any prior understanding or representation of any kind preceding the date of this Lease. There are no other promises, conditions, understandings or other agreements, whether oral or written, relating to the subject matter of this Lease. This Lease may be modified in writing and must be signed by both Landlord and Tenant.

32. NOTICE. Any notice required or otherwise given pursuant to this Lease shall be in writing and mailed certified return receipt requested, postage prepaid, or delivered by overnight delivery service, if to Tenant, at the Property and if to Landlord: at the Tigard City Hall Attn: City Manager, City Hall, 13125 SW Hall Blvd, Tigard, OR 97223. Either party may change such address from time to time by providing notice as set forth above.

33. CUMULATIVE RIGHTS. Landlord's and Tenant's rights under this Lease are cumulative, and shall not be construed as exclusive of each other unless otherwise required by law.

34. WAIVER. The failure of either Party to enforce any provisions of this Lease shall not be deemed a waiver or limitation of that Party's right to subsequently enforce and compel strict compliance with every provision of this Lease.

35. LEGAL FEES. In the event of any legal action by the parties arising out of this Lease, the non-prevailing party shall pay the prevailing party reasonable attorneys' fees and costs in addition to all other relief at trial and on any appeal therefrom.

36. COUNTERPARTS. This Lease may be executed in counterparts, each of which, when taken together, shall constitute fully executed originals.

IN WITNESS WHEREOF, the parties have caused this Lease to be executed the day and year first above written.

LANDLORD:

City of Tigard

TENANT:

Richard C. Rankin

Rose A. Rankin

RESIDENTIAL LEASE

**DISCLOSURE OF INFORMATION ON LEAD-BASED PAINT
OR LEAD-BASED PAINT HAZARDS**

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Tenants must also receive a federally approved pamphlet on lead poisoning prevention.

Landlord's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (Check (i) or (ii) below):

(i) ____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain):

(ii) ____ Landlord has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the landlord (Check (i) or (ii) below):

(i) ____ Landlord has provided the tenant with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents):

(ii) ____ Landlord has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Tenant's Acknowledgment (initial)

(c) ____ Tenant has received copies of all information listed above.

(d) ____ Tenant has received the pamphlet Protect Your Family From Lead In Your Home.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Landlord Date

Tenant Date Tenant Date

CARBON MONOXIDE ALARM DISCLOSURE

The rental Property at 13001 SW Gallin Court, Tigard, OR 97223 is equipped with one or more battery-operated hard-wired (indicate which) carbon monoxide alarm(s) (hereinafter “carbon monoxide alarm”).

If the carbon monoxide alarm is battery-operated, the battery is a 10-year battery.

Landlord or agent (hereinafter “landlord”) has tested the carbon monoxide alarm prior to this tenancy and has determined that it is working properly, and the battery has power, as of _____.

Tenant is responsible for testing the carbon monoxide alarm no less than every six months. The manufacturer of the carbon monoxide alarm recommends testing every _____. To test, tenant should press and hold the *test* button briefly. If the alarm does not sound, tenant must notify landlord in writing immediately.

If available, the manufacturer’s carbon monoxide alarm instructions are located _____

Tenant is responsible for replacing dead batteries, and must use only 10-year batteries.

Dated: _____

Landlord or Agent

Landlord’s or Agent’s Name (typed or printed)

Acknowledged by: _____
Tenant

Tenant’s Name (typed or printed)

NOTE: ORS 479.300 states, in relevant part: “No person shall remove or tamper with a properly functioning carbon monoxide alarm * * *. This prohibition includes removal of working batteries.”

SMOKE ALARM DISCLOSURE

The rental Property at 13001 SW Gallin Court, Tigard, OR 97223 is equipped with one or more battery-operated hard-wired (indicate which) smoke alarm(s) (hereinafter "smoke alarm").

If the smoke alarm is battery-operated, the battery is a 10-year battery.

Landlord or agent (hereinafter "landlord") has tested the smoke alarm prior to this tenancy and has determined that it is working properly, and the battery has power, as of _____.

Tenant is responsible for testing the smoke alarm no less than every six months. The manufacturer of the smoke alarm recommends testing every _____. To test, tenant should press and hold the *test* button briefly. If the alarm does not sound, tenant must notify landlord in writing immediately.

If available, the manufacturer's smoke alarm instructions are located _____

Tenant is responsible for replacing dead batteries, and must use only 10-year batteries.

Dated: _____

Landlord or Agent

Landlord's or Agent's Name (typed or printed)

Acknowledged by: _____
Tenant

Tenant's Name (typed or printed)

NOTE: ORS 479.300 states, in relevant part: "No person shall remove or tamper with a properly functioning smoke alarm * * *. This prohibition includes removal of working batteries."

Exhibit D
Assignment of Leases

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes): Consent Item

Agenda Title: Amendment to City Manager Employment Agreement

Submitted By: Sandy Zodrow, City Management

Item Type: Motion Requested

Meeting Type: Special Meeting

Public Hearing: No

Publication Date:

Information

ISSUE

Should the City Council amend Section 10, Severance, of the City Manager's current Employment Agreement regarding "six(6) months" to "seven(7) months"?

STAFF RECOMMENDATION / ACTION REQUEST

Recommend approval of the amendment of the City Manager's Employment Agreement from six (6) months to seven (7) months

KEY FACTS AND INFORMATION SUMMARY

At the Tigard City Council meeting of November 27, 2012, Executive Session, Council directed staff to prepare an amendment to the City Manager's current Employment Agreement for its approval. This amendment to the language in Section 10, Severance, of the current agreement changes the both the lump sum cash payment and the health, welfare and life insurance benefits from six (6) months to seven (7) months.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

The City Council discussed this matter at its November 27, 2012 meeting in Executive Session

Attachments

CM EA Amendment #3

Amendment #3

To City Manager Employment Agreement

Effective Date: December 11, 2012
Between: City of Tigard (the "City")
And: Marty Wine ("Employee")

Section 10, Severance, of the Employment Agreement between the City of Tigard and Marty Wine is hereby amended and replaced to read as follows: All other terms and conditions of the Employment Agreement shall remain in effect.

Section 10: Severance

In the event Employee is terminated by the City Council during such a time that Employee is willing and able to perform Employee's duties under this Agreement, then in that event Employer agrees to pay Employee a lump sum cash payment equal to ~~six (6)~~ seven (7) months aggregate salary. Employer will also continue, at its expense, Employee's health and welfare and life insurance benefits for ~~6~~ 7 months, or until Employee is professionally reemployed, whichever comes first. In the event Employee is terminated for gross negligence or misconduct that is deemed detrimental to the best interests of the City, Employer shall have no obligation to pay any of the severance payments or benefits provided in this paragraph.

Marty Wine, City Manager

Craig Dirksen, Mayor

Date

Date

Business Meeting

Meeting Date: 12/11/2012
Length (in minutes): 40 Minutes
Agenda Title: Legislative Public Hearing - River Terrace Comprehensive Plan Amendment
Submitted By: Darren Wyss, Community Development

Item Type: Ordinance
 Public Hearing - Legislative
Meeting Type: Council
 Business Meeting - Main

Public Hearing

Newspaper Legal Ad Required?: Yes

Public Hearing Publication

Date in Newspaper: 11/15/2012

Information

ISSUE

Shall city council approve the planning commission's recommendation (CPA2012-00002) to amend the Tigard Comprehensive Plan map with land use designations for River Terrace and amend Tigard Comprehensive Plan Goal 14: Urbanization policies?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends approval of the planning commission's recommendation (CPA2012-00002) to amend the Tigard Comprehensive Plan map and Goal 14: Urbanization policies.

KEY FACTS AND INFORMATION SUMMARY

The city has agreed via an intergovernmental agreement (IGA) with Washington County to refine its West Bull Mt. Concept Plan into the River Terrace Community Plan. The community plan will put into place a means to implement the vision of the concept plan through zoning, development code regulations and other measures that will make urban development possible. The process will also include updates to utility, parks and transportation master plans, including the financial strategies necessary to fund and maintain required infrastructure improvements.

The concept plan was created over the course of three years with the help of a stakeholder working group (SWG) and a technical advisory committee (TAC). Project goals and principles guided the development of the land use, transportation and parks framework maps. These maps represented the vision stakeholders agreed upon for the future development of the area. They provide a variety of residential densities and housing types; disperse densities throughout the community; provide appropriate amounts of commercial uses, parks, trails and open space; and outline a multi-modal network of connected streets and walkable blocks. The SWG and TAC both voted to forward the concept plan to the Washington County Planning Commission and Board of Commissioners for consideration and adoption. In November 2010, the Planning Commission voted to recommend the Board adopt the concept plan (see Attachment 1). In December 2010, the Board adopted the concept plan by Resolution and Order (see Attachment 2).

Since the conclusion of the concept plan, the city has annexed a portion of the area (Area 64) and petitions have been filed by property owners to annex the remainder of the area within the urban growth boundary (Areas 63 and Roy Rogers West). The city will complete the River Terrace Community Plan for all of these areas.

City staff has developed a work program to guide the project through completion. This will include a lot of technical work to ensure the community plan meets the state and regional planning requirements, as well as a public involvement plan to engage stakeholders in any necessary refinements to the concept plan as the process moves forward. Staff

anticipates completion of the River Terrace Community Plan in summer 2014.

The first recommendation is to adopt the concept plan recommended land uses (Exhibit A) into the Tigard Comprehensive Plan. This action will set expectations for the community planning process, as well as allowing the city to access a portion of the CET funds from Metro that were given to the city through the IGA with Washington County. A number of policies will also be recommended for adoption to guide regulation of the River Terrace area during and after completion of the community planning process (Exhibit B). These recommended land uses will be further analyzed as part of the community planning process and if there are needed refinements, recommendations will be brought back to planning commission and city council for adoption at the end of the process.

OTHER ALTERNATIVES

1. Adopt planning commission recommendation with changes
2. Not adopt planning commission recommendation and remand back to planning commission for additional work
3. Not adopt planning commission recommendation and direct staff accordingly

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

1. Take the Next Step on Major Projects

DATES OF PREVIOUS CONSIDERATION

Project Briefing - May 15, 2012

Project Briefing - September 18, 2012

Project Briefing - November 20, 2012

Fiscal Impact

Cost: \$134,100

Budgeted (yes or no): Yes

Where Budgeted (department/program): CD

Additional Fiscal Notes:

Washington County transferred CET funds to the city for completing the community plan. Metro administers these funds and will require the completion of tasks before releasing funds.

Attachments

[Attachment 1](#)

[Attachment 2](#)

[Attachment 3 - CPA2012-00002 Ordinance](#)

[Exhibit A - CPA2012-00002 Land Uses](#)

[Exhibit B - CPA2012-00002 Policies](#)

[Exhibit C - CPA2012-00002 Findings](#)



**WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, NOVEMBER 3, 2010**

ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER: 1:02 P.M. Room 140, Public Services Building

The meeting was called to order by Chair San Soucie

II. ROLL CALL

Planning Commission (PC) members present: Herb Hirst, Liles Garcia, Rick Lesniak, Veta Holscher, Mary Manseau, Marc San Soucie, and Matthew Larrabee. Commissioner Scott Rickard's absence was excused.

Staff present: Joanne Rice, Paul Schaefer, Traci Shirley, Steve L. Kelley, Steve D. Kelley, Connie McCracken, and Gretchen Olson, Long Range Planning; Chris Gilmore, County Counsel.

III. DIRECTOR'S REPORT

Joanne Rice gave the Director's Report. She informed the Planning Commission (PC) that Ordinance No. 730 and No. 732 were engrossed and adopted by the Board of County Commissioners (BCC) on October 26, 2010. The supplemental transportation SDC and transportation funding strategy for North Bethany and the 2011 Work Program for North Bethany were also adopted. Chair San Soucie asked if the North Bethany Work Program for 2011 consisted of the placeholders. Ms. Rice answered yes.

IV. WORK SESSION

Ms. Rice informed the PC that there would be no business to conduct in December. The PC voted to cancel the December 1, 2010 and December 15, 2010 meetings.

Chair San Soucie asked what items the PC could expect to see on the Work Program for 2011. Ms. Rice answered that 2011 would be busy with carry over from the 2010 Work Program. Staff would focus on Aloha/Reedville planning work, North Bethany, West Bull Mountain (WBM), and Urban and Rural Reserves. The Urban and Rural Reserves were remanded by the Oregon Land Conservation and Development Commission (LCDC) on October 29, 2010. There was a brief discussion about the Reserves process and next steps to address the recent LCDC removal of a portion of the Urban Reserves in Washington County. Ms. Rice said she would have more information after the county received the written order from LCDC, expected in six to eight weeks.

Chair San Soucie asked if there would be an opportunity for the PC to review and make comments on the proposed 2011 Work Program before it goes before the BCC. Ms. Rice replied the draft Work Program is always made available to the PC for comment.

Commissioner Hirst suggested a Joint Dinner with the BCC as there are many new members on both the BCC and the PC. Ms. Rice said this request would be forwarded to the BCC.

Chair San Soucie wanted to know if the City of Tigard had provided written comments before the letter dated November 3, 2010. Ms. Rice noted the City of Tigard had been involved in the WBM planning process and had submitted comments on multiple occasions. She added staff intended to comment on the letter. Ms. Rice reminded the PC that this was just a Concept Plan, a precursor to the final plan. At the direction of the BCC, staff was directed to deal with only land use issues and not the governance and service provider issues through the Concept Plan. Those issues will be dealt with when the Concept Plan was developed into a Community Plan.

Commissioner Manseau stated the PC typically hears ordinances and plan amendments and asked why WBM was a Resolution & Order (R & O). Ms. Rice replied staff wanted a way to memorialize all the work that the Stakeholders Work Group (SWG) and the Technical Advisory Committee (TAC) had done on this project. They worked hard to get to an agreement of this size. The Principals and Goals, Implementing Strategies, and the Concept Plan maps all provide a mechanism from which the Community Plan can be developed. Commissioner Manseau clarified that the Concept Plan was more of an intermediate plan. Ms. Rice answered yes, a partial or precursor plan.

The work session was adjourned at 1:25 p.m.

V. ORAL COMMUNICATIONS

There was no one present who wished to testify on a non agenda item.

VI. WEST BULL MOUNTAIN CONCEPT PLAN

Ms. Rice made brief opening remarks. She noted the County began the planning process for WBM in 2007 to prepare the Concept Plan. At the direction of the BCC, governance and service provider issues were not addressed in the Concept Plan. The BCC wanted staff to strictly focus on the land use aspects of WBM. The purpose of the R & O was to memorialize the work done by the SWG, TAC, and staff during the three year process. The R & O would guide the next phase of work, the creation of the Community Plan. Ms. Rice concluded by saying the Concept Plan is in no way meant to be a final product, just the precursor to the Community Plan.

Mr. Schaefer presented the staff report and gave a PowerPoint presentation that outlined the entire WBM planning process, including maps of the area and an overlay of the Concept Plan onto an aerial map from Google Earth. A printed version of the PowerPoint presentation was in the PC file and is available upon request.

Mr. Schaefer responded to the letters of comment received from the cities of Tigard and Beaverton. He said it would be more appropriate if the letters were addressed at the next phase of the planning process, rather than the Concept Plan phase. The letters focused on the governance and service provider aspects of WBM and those issues are not addressed by the Concept Plan. Mr. Schaefer reiterated that it would be better to address the letters when the work is started on the Community Plans.

Chair San Soucie wanted to confirm the Concept Plan was not intended to be compliant with Title 11. If it was not, he suggested it should be called something other than "Concept Plan". Ms. Rice replied staff had considered it to be a precursor to what Metro considers a Concept Plan. She added staff could work to make the use of Concept Plan more clear.

Commissioner Manseau questioned if there were documents associated with the Concept Plan that laid out the next steps of the planning process, for example, Community Plan and Code. She also questioned if there was an intermediary step between the Concept Plan and Community Plan that would be Title 11 compliant. Ms. Rice answered the BCC would decide the steps in the planning process. The BCC directed staff to concentrate on the land use issues of WBM and to not address the governance, code, or Community Plan. There was no interim step that would be Title 11 compliant. Staff was also working diligently to make sure the contract with Metro for the scope of the work was satisfied. Chair San Soucie asked if the plan meets the contract requirements with Metro. Ms. Rice answered that it did satisfy the contract. Chair San Soucie asked if the R & O constituted a legally binding document. Ms. Rice said no, it was not intended to be a legal document.

As there were no more questions for staff, Chair San Soucie began the public testimony phase of the hearing.

Ken Dixon, 1195 NE 240th, Yamhill OR, Mr. Dixon voiced his concerns regarding the location of parks. He said the current Concept Plan had about 12 acres of his property designated for a Community Park. He was concerned that the process was going to take a long time, as there was no identified parks provider. Mr. Dixon wanted to stress his desire that the planning for WBM be handled in a reasonable time frame and the parks provider's acquisitions be equitable.

Dan Grimberg, West Hills Development, 735 SW 158th Avenue, Beaverton OR, Mr. Grimberg submitted a letter from Mike Robinson, legal counsel for West Hills Development. Mr. Grimberg said that the Concept Plan in general was good, but that it lacked the flexibility that the development community would like to see. He suggested that the text that accompanies the Concept Plan should indicate that the road alignments and the parks and open spaces could be changed once the community plan was being developed. Mr. Grimberg also suggested that the use of a facilitator would be extremely helpful when work was being done for the code and community plan.

John Rankin, 26715 SW Baker Road, Sherwood Or, Mr. Rankin noted that he represented eight land owners in the area. He submitted an alternate Concept Plan to the PC. He also stressed the importance of the need for flexibility that Mr. Grimberg had discussed. Mr. Rankin suggested that the parks issue be dealt with first in the next phase, as it seems to be the most prevalent issue. He also raised issues with the "hard lines" shown on the maps for roads.

Chair San Soucie asked Mr. Rankin if he had submitted his alternative Concept Plan to the SWG or TAC. Mr. Rankin replied that he had, but it was difficult to do so. There was only a limited amount of time for people to make comments at the beginning of the meetings and the maps had to be made up for each meeting. It would have been more helpful if staff could have made the maps or provided more maps so the Concept Plan would have been more clear.

Commissioner Manseau asked if it was possible for Mr. Rankin's suggestions to be incorporated into the Concept Plan. Mr. Schaefer interjected that when the alternative plans were presented to the TAC and SWG, they reviewed the suggested changes, and many of the changes were incorporated into the Concept Plan.

Gretchen Buehner, 13249 SW 136th Place, Tigard OR, Ms. Buehner stated she was not representing the City of Tigard, but was a lawyer representing a client. The property owner she represented was actually outside the Urban Growth Boundary (UGB). She was not sure why the property was left out of Area 64, as the parcel of land would have been a great addition to Area 64 for transportation reasons. A private road on the parcel would work extremely well as a connector and it could serve as an alternate route for traffic on Roy Rogers Road.

Ron Bunch, Community Development Director, City of Tigard, Mr. Bunch stated his appreciation for all the hard work staff had done for WBM. The City of Tigard had been actively following the process for the last three years. The issue the City of Tigard saw with the Concept Plan was the lack of information regarding governance. This issue came up time and time again through out the process and the Concept Plan does not address governance. The City of Tigard believed the Concept Plan should be sent back to address the governance issues and to be complaint with Metro and State laws.

There was a brief discussion regarding changing the name Concept Plan to something else and also making it legally binding.

Annexation issues were also discussed. The City of Tigard said they were working on annexation issues and annexation was a possibility for WBM.

John Weathers, 16399 SW Tubes Court, Tigard OR, Mr. Weathers lives next to Area 64. He said two years ago, Washington County had a public involvement opportunity in their neighborhood to discuss the upcoming project for Areas 63 and 64. The neighborhood he lives in became very active in following the process. As the project became more concrete, his neighborhood came up with a five point petition that was submitted to the SWG and TAC. The five points dealt with additional buffers, traffic concerns, mass transit, where the centers would be located and park locations. He stated the planning staff did a wonderful job listening to the residents and incorporating some of the changes into the Concept Plan. As the PC was considering their recommendation, Mr. Weathers asked the commissioners to please keep in mind the Concept Plan before them was what the community wanted. This was a perfect representation of input from the community.

The PC deliberated on the R & O. Items discussed included not having enough time to delve into the Concept Plan with one PC meeting and the issue of not having governance and service providers addressed.

Chair San Soucie summed up the PC deliberations by saying: the PC acknowledged the work memorialized a portion of the work that the County had done with the SWG and TAC to develop components of a plan. He stated that it should not be called a Concept Plan and detailed text that builds in great flexibility should be used. It should also be stated somewhere in the text that is the document is not a legally binding.

Commissioner Hirst made a motion to have the summary serve as the PC recommendation to the BCC, Commissioner Garcia seconded.

Commissioner Larrabee presented an amendment to the motion that included a recommendation that parks and roads be flexible and explore the option to have the main commercial area have direct frontage on Roy Rogers. He wanted it to be assured that the property owners would be equitably compensated for their lands. **Vote on amendment: 5 - 2, Commissioners Manseau and San Soucie voted no.**

Chair San Soucie read the amended motion: The PC acknowledged the work memorialized a portion of the work that the County had done with the SWG and TAC to develop components of a plan. He continued that it should not be called a Concept Plan and it should go into more detail with text that builds in great flexibility. It should also be stated that it is not a legally binding document somewhere in the text as well as, ensuring that the property owners get equitable compensation for their property. The PC also recommended that commercial area be explored to allow direct frontage to Roy Rogers Road and that the Parks and Roads system be more flexible. **Vote on amended motion: 6 - 1, Commissioner Manseau voted no.**

VII. ADJOURN: 3:59 P.M.

There being no further business to come before the Planning Commission, the meeting was adjourned.



Marc San Soucie
Chairman, Washington County
Planning Commission



Andrew Singelakis
Secretary, Washington County
Planning Commission

Minutes approved this 2 day of MARCH, 2010

Submitted by Gretchen Olson

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

NOVEMBER 23, 2010

CONVENED: 6:33 p.m.

BOARD OF COMMISSIONERS:

Chairman Tom Brian (participated by telephone)

Vice Chair Desari Strader

Commissioner Dick Schouten

Commissioner Roy Rogers

Commissioner Andy Duyck

STAFF:

Robert Davis, County Administrator

Paul Hathaway, Sr. Assistant County Counsel

Andrew Singelakis, Director, LUT

Brent Curtis, Planning Division Manager, LUT

Joanne Rice, Principal Planner, LUT

Paul Schaefer, Senior Planner, LUT

Mike Dahlstrom, Program Educator, LUT

Greg Miller, County Engineer, LUT

Traci Shirley, Planning Assistant, LUT

Chuck Schable, Audiovisual Technician

Barbara Hejtmanek, Recording Secretary

PRESS:

Dana Tims, *The Oregonian*

APPROVAL OF MINUTES:

November 2, 2010

1. CONSENT AGENDA

The Board moved item 1.i. from the Consent to the Regular Agenda.

It was moved to adopt the Consent Agenda, as modified.

Motion – Rogers

2nd – Duyck

Vote – 5-0

CLEAN WATER SERVICES

1.a.

CWS MO 10-91

Award a Two-Year Contract to OLIN Corporation for the Purchase of Sodium Hypochlorite (Approved Under Consent Agenda)

1.b.

CWS MO 10-92

Award a Two-year Contract to Thatcher Company of Montana, Inc. for the Purchase of Sodium Bisulfite (Approved Under Consent Agenda)

1.c.

CWS MO 10-93

Approve Fifth Amendment to Master Contract for Professional Services with Brown and Caldwell, Inc. for the Rock Creek Facility Stormwater Improvements Project No. 6392 (CPO 9) (Approved Under Consent Agenda)

1.d.

CWS MO 10-94

Approve a 36-Month Contract with Polydyne Inc. for the Purchase of Polymers and a Back-Up Contract with BASF Corporation (Approved Under Consent Agenda)

1.e.

CWS MO 10-95

Approve Second Modification to Third Amendment to Master Contract with Stoel Rives, LLP for Legal Representation on the Contractors, Inc. Claim Involving the Durham Phase IV Project (Approved Under Consent Agenda)

1.f.

CWS MO 10-96

Accept Construction of the Lower Tualatin Pump Station Project No. 6187 as Complete and Authorize Release of the Retainage Bond (Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.g.

MO 10-363

Approve Agreement with Beaverton for Transfer of Jurisdiction of a Section of 160th Avenue (Baseline Road to Jay Street) (CPO 6 & 7) (Approved Under Consent Agenda)

1.h.

RO 10-106

Adopt U.S. 26: Glencoe Road Interchange Area Management Plan as Part of the Technical Appendix of the 2020 Transportation Plan (CPO 8) (Approved Under Consent Agenda)

BOARD OF COMMISSIONERS

1.i.

MO 10-354

Establish December Board of Commissioners Meeting Schedule (All CPOs) (Moved From Consent to Regular Agenda)

COUNTY ADMINISTRATIVE OFFICE

1.j.

MO 10-355

Authorize Omnibus International Agreement with Several Oregon Counties for Disaster-Related Emergency Assistance (Approved Under Consent Agenda)

HEALTH AND HUMAN SERVICES

1.k.

MO 10-356

Approve Agreement with Tigard-Tualatin School District and Authorize Contract to Provide Services (Approved Under Consent Agenda)

1.l.

MO 10-357

Grant Waiver From Request for Proposals Process and Approve Contracts to Provide Adult Mental Health Services (Approved Under Consent Agenda)

1.m.

MO 10-358

Award Contract with CODA to Provide Outpatient Drug Court Substance Abuse Treatment Services for Adults and Families (Approved Under Consent Agenda)

JUVENILE DEPARTMENT

1.n.

MO 10-359

Authorize Grant Funding and Agreement with the State of Oregon for Juvenile Drug Court (Approved Under Consent Agenda)

SHERIFF'S OFFICE

1.o.

MO 10-360

Authorize Acceptance of Emergency Management Performance Grant (Approved Under Consent Agenda)

SUPPORT SERVICES

1.p.

MO 10-361

Accept Bid/Award Contract for Boiler and Chiller Replacement – ARRA Project (Approved Under Consent Agenda)

1.q.

MO 10-362

Award Contract/Environmental Engineering Consulting Services (Approved Under Consent Agenda)

SERVICE DISTRICT FOR LIGHTING NO. 1-A COUNTY SERVICE DISTRICT

1.r.

SDL RO 10-7

Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for Washington Gardens Memory Care (CPO 4M) (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

Fran Bates, 14880 NW Ridgetop Court, Beaverton, Oregon, stated that former Commissioner John Leeper has said that he was told (when on the Board) that there was adequate right-of-way along Bethany Boulevard to make a five-lane road without having to condemn or acquire any property. He said that this evidently is inaccurate because current plans call for taking up to 30 properties or parts thereof to make this road happen. Mr. Bates then showed the Board a PowerPoint that depicted properties and how far back the right-of-way goes in various yards.

Commissioner Duyck clarified that there is no current plan. He assumed that Mr. Bates' photographs show the maximum with the five lane scenario.

Mr. Bates replied that three of the four options require taking the house depicted on one of the slides.

Commissioner Schouten asked if all that is being shown will be taken.

Mr. Bates responded in the affirmative, assuming that they have to take the right-of-way from the east side of the road.

Vice Chair Strader asked if these pictures assume that there will be five lanes.

Mr. Bates said that this assumes that three of the four options are implemented.

Eudora Goganian, age 11, 2720 NW Forest Avenue, stated that children are glad that Bethany Boulevard will be improved but worry about the five lanes because it puts the needs of cars before the needs of people. She said that children need to cross Bethany Boulevard to get to school and friends' houses. Ms. Goganian stated that a crosswalk with signal would be great but maintained that five lanes are not safe. She remarked that three lanes are easier and present a shorter distance to cross. Ms. Goganian said that three lanes would allow children to ride bikes and walk to school safely.

Ms. Goganian stated that constructing five lanes would take land from peoples' homes and back yards would be destroyed. She was accompanied by a friend, Sydney, whose grandparents would lose grass, trees and the yard where she plays if the five lanes are built. Ms. Goganian loves trees and said that building five lanes would destroy lots of large trees and replace them with noise and pollution. She did not think it is fair to harm the lives and property of people who live in older, great neighborhoods. Ms. Goganian said that it does not make sense to take away from peoples' back yards to help neighborhoods that do not exist yet and to help cars get to the freeway one or two minutes faster. She favored using the money that would have been spent on land for the five lanes on planting more trees with the three-lane plan.

Ms. Goganian reported that her Mom will not let her ride her bike on a five lane road with painted bike lanes. She suggested that with three lanes, trees could be planted between the bike lanes and the rest of the road—separating bikes, sidewalks and cars. Ms. Goganian said that people could then do errands without even having to drive. She stated that she could walk with her Grandmother and Grandfather to restaurants on a safe three-lane road.

Ms. Goganian concluded that five lanes are great for cars but not people. She questioned whether cars or people should come first. Ms. Goganian said that this is a chance to make a place better for people. She submitted testimony, which may be found in the Meeting File.

Audience applause was given to the speaker.

Vice Chair Strader said that she would not let her 4-year-old daughter ride her bike on that segment of Bethany Boulevard now due to current public safety issues. She agreed that there needs to be pedestrian/bike/car safety for all who travel the entirety of Bethany Boulevard. Vice Chair Strader shared that she, too, likes trees.

Darla Castagno, 15175 NW Perimeter Drive, Beaverton, Oregon, submitted written testimony, which may be found in the Meeting File. She said that she has lived in Oak Hills for 40 years. Ms. Castagno invited the Board to tour Oak Hills in order to come to the understanding that this is not a typical subdivision but rather a totally planned community. She indicated that her submittal is from the State Historic Preservation Office regarding the National Register eligibility for Oak Hills. Ms. Castagno indicated that her phone number is at the bottom of the page so that Board members can call her to schedule a tour.

3. LAND USE AND TRANSPORTATION

3.a.

RO 10-105

Consider the Recommended West Bull Mountain Concept Plan (CPO 4B, 4K)

Joanne Rice stated that the purpose of the proposed Resolution and Order for West Bull Mountain is to adopt and memorialize the general land use and transportation framework for Area 63 and 64. She reviewed that both of those areas were added to the Urban Growth Boundary in 2002. Ms. Rice said that the Resolution and Order completes Phase I of the West Bull Mountain work plan and that the second phase to come is development of the Community Plan, its implementing regulations and the funding strategy. She stated that part of that work will include identifying who will be the long-term water and parks provider and remarked that a great deal of work remains to be done. Ms. Rice said that there will also be a great deal of additional transportation analysis that needs to be done to determine which improvements are funded. She noted that in part of the concept plan documents, there is a list of the top ten needed improvements; she added that staff also acknowledges that there needs to be a full analysis of the other identified improvements to determine which actually get funded in the funding strategy.

Ms. Rice informed the Board that this is a generalized concept plan and is not intended to ensure complete compliance with Metro's functional plan and all of the statewide planning goals; this is the generalized framework for the land use and transportation components. She clarified that the detailed level of findings and compliance will be made when the community plan is done in the next phase. Ms. Rice stated that the Resolution and Order has been written in a way to make it very clear that this is not a legally binding document but rather is intended to guide the next phase of development. She said that relative to the maps and implementing strategies, there is a great deal of flexibility that needs to be provided in implementing the next stage—particularly with regard to parks and roads. Ms. Rice stated that, for example, once a parks provider is identified, a parks master plan will have to be developed and this will provide more specificity in terms of where parks are located.

Ms. Rice reported that changes have been made to the document since the Planning Commission hearing, such as to:

- Note all of the parks in a hash pattern to indicate that those are not fixed locations
- Note that implementation of the three maps (transportation, land use, and parks) is subject to all of the implementing strategies. Information in the implementing strategies calls for further refinement of roads and parks with additional engineering. Quite a bit of work will still be done in the next phase.

Ms. Rice acknowledged receipt of one additional letter since the Board received its packet from John Botaitis, who is unable to be here tonight due to the weather. She summarized his letter, which may be found in the Meeting File.

- Mr. Botaitis lives in Meyers Farm. 161st Avenue goes through that development and connects into Area 63. That is a street that will be extended down into the area. Part of the concept plan includes draft language directing additional engineering in terms of how to deal with traffic control issues. There is still more to come on that issue.

Ms. Rice said that with respect to the next phase of work, staff has proposed that the County's role in that work be sorted out in the 2011 work program for the Long Range Planning Division.

Commissioner Schouten observed that the letter from John Botaitis talks about a petition, which is not attached.

Paul Schaefer responded that several letters were submitted in the May timeframe to committees to address concerns of the road connections and density. He clarified that it was not a formal petition with a lot of signatures but rather there were several letters. Mr. Schaefer explained that Mr. Botaitis' letter is a summary of those concerns with traffic and density.

Commissioner Schouten recalled reading that the density proposed in this concept plan is just a little bit over the minimums required by Metro by just a couple of households per acre.

Joanne Rice said that this is correct. However, she stated that in Area 63, the actual density is affected by the steeper slopes there. Ms. Rice said that this has a density of just under eight units an acre. She stated that when you get into the flatter lands of Area 64, you pick up a little more density, which gives you an overall density range of a little more than 10 units per acre for both. Ms. Rice explained that part of what the concept plan does in response to concerns raised by residents is much low density residential is provided all along the existing single family development in Bull Mountain. She said that some of the area directly south of Meyers Farm is some of the steeper slope area. Ms. Rice stated that once the community plan is done, you could be looking at densities

that might even be less than the six units an acre of Meyers Farm. She reviewed that that is one of the things that the concept plan calls for, namely, to look at these steeper slope areas that possibly come in at lower densities than are currently in the area.

Commissioner Schouten stated that these are average figures. He said he has seen on the maps that slightly higher densities are away from established neighborhoods.

Joanne Rice affirmed that this is correct.

The public hearing was opened.

Liz Newton, Assistant City Manager, City of Tigard, 13125 SW Hall Boulevard, Tigard, Oregon, told the Board that Mayor Dirksen would have liked to be here this evening but he is convening Tigard City Council tonight. She submitted a letter and a red-lined Resolution and Order, both of which may be found in the Meeting File. Ms. Newton stated that the City of Tigard participated on the West Bull Mountain concept plan TAC and has commented to staff throughout this process. She said that a lot of issues that Tigard has raised concerns about have been addressed.

Ms. Newton was not sure if the Board saw the letter which the City of Tigard submitted to the Planning Commission. She related that some of Tigard's concerns are around issues such as water, parks, traffic and governance—who will provide those services and funding for those services. Ms. Newton now understood that that will be addressed in Phase II. She stated that Tigard, along with the City of Beaverton, has raised issues throughout the process as to whether the plan is in compliance with Metro codes and statewide planning goals as a concept plan.

Ms. Newton reported that the two issues that Tigard was really concerned about were that those goals and requirements are met and also what the future expectations of the public are around a concept plan. She recalled that the Planning Commission recommended that the concept plan not be called a concept plan and that it clearly state that it is not legally binding. Ms. Newton stated that the City of Tigard prepared a draft, red-lined version of the Resolution and Order that would suggest that the concept plan name be changed to the Urban Growth Plan Diagram, which was one of the terms used by County staff to help describe how the document actually would be served. She referenced page 7 of the October 20, 2010 concept plan report and took exception to the statement that “A process was created by the County and the consultant team to develop the Community Plan. This plan is being crafted in two phases: Phase I (West Bull Mountain Concept Plan) and Phase II (Community Plan and implementing ordinances, including a finance plan developing both a land use plan and a funding plan) concurrently represent a new approach to planning for future urban development in unincorporated Washington County”. Ms. Newton said that the phrase “for future urban development in unincorporated Washington County” seems contrary to Tigard with what was confirmed in the urban reserves process about the city's role in providing services to those areas. She recommended that that be fleshed out as we move forward.

Ms. Newton referenced page 14 under the Title XI requirements, where the report states “Title references are in italics. Type I plan annexation to appropriate service provider districts for required urban services.” She stated that Tigard believes it should read “Pursuant to 2007 Title XI document is provision for annexation to the district and to a city or any necessary service district to provide all required services.”

Commissioner Rogers thanked Liz Newton for attending this afternoon’s Workession and tonight’s Board Meeting. He shared that he had some concerns about how concrete these concepts were and was all for slowing the process down and trying to get some resolution among the various parties. Commissioner Rogers said that based upon the way it is funded through Metro and based upon the Board having to pass some kind of Resolution and understanding that this is a very preliminary concept plan that can be amended, he is now comfortable with it. He liked what Ms. Newton said tonight but noted that it is hard to modify things at the eleventh hour. Commissioner Rogers hoped that Tigard would continue to participate in Phase II and that some things can then be corrected.

Ms. Newton thanked Commissioner Rogers. She reiterated that the letter to the Planning Commission provides a little more specificity about Tigard’s concerns as we move forward.

Commissioner Schouten assumed that staff will respond to comments made by the City of Tigard. He hoped that the Resolution and Order can specify that it is not a legally binding document and perhaps include some of the other suggested language.

Joanne Rice replied that on advice of Counsel, the attachments to the Resolution and Order do make clear that the R&O is not legally binding. She added that Counsel recommended that that not be stated in the Resolution and Order itself. Ms. Rice said that relative to the term “document concept plan”, because that has been used throughout the planning process, staff decided not to rename it as the Planning Commission recommended. She stated that staff made clear in the attached materials that it is a concept plan and explained that there is further work to be done. Ms. Rice said that some of the statements referenced in the report with regard to the level of planning that the County is doing being above and beyond does not intend to say that this is the level of planning that the County will do in future urban reserves areas. She noted that the Board has made this clear through the Urbanization Forum. Ms. Rice clarified that that statement intends to refer only to Area 63 and 64 as well as North Bethany. She said that the service district reference is to Clean Water Services and Tualatin Valley Fire and Rescue—indicating that they need to be annexed there. Ms. Rice stated that in terms of who is going to be the ultimate service provider for water and parks, it may be the City of Tigard, and if that is the case, that is the direction that we will take in Phase II of the implementation.

John Rankin, Attorney at Law, 26715 SW Baker Road, Sherwood, Oregon, represented eight property owners. (Letter from Mr. Rankin may be found in the Meeting File.) He

represented approximately 100 acres of land inside Area 63—nearly half of the area in Area 63. Mr. Rankin has been involved since near the beginning of the process and has submitted all kinds of iterations of plans because staff allegedly was not creating plans. He said that every time there was some discussion at TAC and SWG, he felt it was important to try to distill it into a drawing. Mr. Rankin stated that a map he submitted is in the Planning Commission packet which is the final Neighbors of West Bull Mountain alternative concept plan. He said that this was developed over a long period of time and with a lot of cooperation—particularly in the last half of the process from County staff. Mr. Rankin thanked Paul Schaefer, both Steve Kelleys, and Greg Miller for listening carefully to what he presented and for the work they did to try to implement that. He encouraged the Board to encourage staff to get out on the ground every time they go through a process like this. Mr. Rankin believed that when staff finally did this, they began to pick up some of his suggestions and concepts. He asked the Board to look at the suggestions in his letter before approving the Resolution and Order tonight.

Mr. Rankin emphasized that flexibility is a big issue for his clients: flexibility as it relates to transportation and to location of parks. He said that when you do a concept plan, it begins to solidify those elements. Mr. Rankin stated that as those elements go forward in a community plan, things get further solidified. He wanted to make sure that there is plenty of flexibility in the process. Mr. Rankin had some ideas that he was not prepared to present tonight but said these will be helpful through the community planning process. He asked that the Board include two more statements in the Resolution and Order:

1. “It appearing to the Board that flexibility, particularly in the location and implementation of transportation and park facilities and areas of special concern, is necessary in implementing the Concept Plan during the community planning stage of the West Bull Mountain Community Planning process; and”

Mr. Rankin was now informed that he was out of testimony time. He asked the Board to ensure that flexibility will be part of this process. (Refer to Meeting File for remainder of suggestions.)

Vice Chair Strader was not sure where Mr. Rankin stands on this matter.

Mr. Rankin replied that he supports this with the caveat that there be flexibility in the transportation and park locations setting. He said that most of what he and his clients have suggested has been adopted. However, Mr. Rankin stated that there are still areas where there are difficulties.

Vice Chair Strader’s understanding was that this Resolution and Order provides the greatest flexibility that we could possibly have.

Joanne Rice affirmed that this is correct. She said that with streets, for example, staff refers to them as preferred route locations and that alignments would need to be changed

to respond to environmental, topographical and geological restraints or additional engineering analysis. Ms. Rice stated that the next phase will deal with what the actual zoning is and staff will look at where property lines are and topographical issues for some of those roads. She believed that enough flexibility is written in such that we do not need to make any adjustments to the Resolution and Order. Ms. Rice stated that several of Mr. Rankin's recommendations are the types of things that would be addressed in the upcoming work program and not in the Resolution and Order.

John Rankin asked Ms. Rice to provide him with notice of the work program when it goes before the Board because he would like to participate in that process.

Commissioner Rogers commented that John Rankin's Dad, Howard Rankin, was probably one of the premier bond counsels in the State of Oregon. He spotted three things in John Rankin's letter that have to do with process. Commissioner Rogers asked him to elaborate.

Mr. Rankin said that the process was difficult because there was one property owner on the SWG; he could not remember if a property owner was on the TAC. He stated that he and his eight property owners spent thousands of dollars on engineering, planning, re-mapping, etc to show that pretty pictures of curvy or linear roads would not work. Mr. Rankin said that when he tried to present that information to the TAC or SWG, there was too short a time to testify. He went on to say that the times to talk were at the beginning and end of the meeting. Mr. Rankin said speakers would have to anticipate what was going to happen at the beginning of the meeting to present a plan that had significant elements different from the preferred plan. He complained that they got to speak at the end, after a decision had been made. Mr. Rankin wanted public comment to be allowed right after the agenda item is presented, followed by deliberation and the decision.

Commissioner Rogers hoped that staff would look at the process to make sure it is very open and that there is the ability to challenge before decisions are made.

Vice Chair Strader asked staff about TAC composition.

Ms. Rice responded that there were two property owners on the SWG—one from Area 63 and one from Area 64. She said that staff will look at the process used and how adjustments can be made to it.

John Weathers, 16399 SW Hoops Court, Tigard, Oregon, submitted a printout of a PowerPoint presentation, which may be found in the Meeting File. He informed the Board that he lives in Scholls Country Estates, which is located right next to Area 64 and is composed of approximately 152 families. Mr. Weathers said that after Planning staff told the neighborhood what was going on, neighbors put together a petition that 126 families signed. He stated that this petition led to key changes to the concept plan. Mr. Weathers focused on the community park, which the preferred plan wished to place west of Roy Rogers Road. He reported that after talking with the neighborhood, staff moved

the park to a different location. Mr. Weathers wanted the plan to contain flexibility. He believed that the concept plan, as drafted, is clear that there is plenty of flexibility to move park locations. Mr. Weathers referenced a letter from Perkins Coie on behalf of West Hills, asking to change the wording from “limited adjustments” to “reasonable adjustments”. He was perplexed by this proposed change and not sure what problem it is trying to solve. Mr. Weathers was aware that the community park is on West Hills property and that West Hills voted against this location as a SWG member. He thought that the park is where it should be. Mr. Weathers favored changing location of parks for only the right reasons. He did not want compromises to result in another Bull Mountain development that does not have an adequate park system or park.

Steve McCracken, 16412 SW Luke Lane, Tigard, Oregon, said that his family has lived here for over 16 years. His concern regarding Luke Lane is that it not be a preferred pass through street as part of this proposal. Mr. McCracken said that he has little sympathy for people who move into a neighborhood containing an airport and then complain about the noise. Alternately, he has tremendous sympathy for people who move to quiet neighborhoods and then jurisdictions change the quietness and cul-de-sac features of the neighborhood. Mr. McCracken said that he moved from another cul-de-sac to Luke Lane, expecting that it would remain the same while his family lived there. He stated that every feature of Luke Lane suggests that it is a cul-de-sac but the plan is to punch through that street to access this new area. Mr. McCracken said that certain roads in Scholls Country Estates are pending pass-through but they are straight. He stated that his street has never had a sign indicating that it was pending pass-through. Mr. McCracken requested that the Board drive to Luke Lane to see that it is a serene quiet neighborhood and that residents want to keep it that way.

It was moved to adopt the concept plan and to authorize the Chair to sign the Resolution and Order to memorialize the action.

Motion – Rogers
2nd – Brian
Vote – 5-0

Commissioner Rogers came to tonight’s meeting really wanting to hear testimony because he was on the fence as to whether or not to move forward with this item. Based upon the Worksession discussion and testimony tonight, he was prepared to move forward.

Chairman Brian expressed appreciation for all of the comments offered tonight by the residents and property owners in the area. He noted that a concern was expressed about how things tend to solidify over time and get very difficult to change. In general, Chairman Brian agreed with that from his experience. However, he said that when you look at the larger context of how we have operated in North Bethany after the concept was adopted, there have been a number of changes to the plan. Chairman Brian stated that when you get into the details of the infrastructure; the size, scope and location; the

financing and who is responsible—these things move around. He underscored the staff report in that the concept plan is a concept and is further subject to a lot of work and a lot of citizen/owner participation. Chairman Brian thought flexibility is good and pointed out that it must be based upon reasonable findings rather than whims. He recalled that this is similar to where we were a year ago with North Bethany and defines what the work is from here on out.

Chairman Brian disagreed with the idea of calling it a diagram because after thousands of dollars and two to three years of work, this is not just a diagram. He observed that there are volumes of data, research, findings and analysis that have gotten us this far. Chairman Brian recognized that it is not perfect or final but reiterated that it would be demeaning to the process to call it a diagram when everyone thought they were working on a concept. He supported leaving it as a concept plan, with various references in the report and record as to its non-binding nature.

Commissioner Rogers, too, appreciated the testimony tonight. He emphasized that this is a concept plan that we can change. Commissioner Rogers said that we need to do some work with Tigard and Beaverton to make certain that we understand their concerns and implement as many of those as we can. He stated that it is important to make sure that our process is very transparent and allows anyone to participate/testify. Commissioner Rogers found it compelling that we do not move the park around like an afterthought when we have thoughtfully sited it. He was not certain we can always not go down somebody's street to open up new areas but favored taking a look at that situation. Commissioner Rogers said that if there are other avenues to access these new areas without going through what appears to be a cul-de-sac, that makes sense. He was not saying we can do that but wanted to be open to that possibility. Commissioner Rogers thanked all of the people who participated in this long process. He noted that the Board has had both Bethany and Bull Mountain to work on and said that these were only a piece of this year's work plan. Commissioner Rogers hoped everyone would continue to participate as we go into Phase II.

Commissioner Schouten wanted to hear from staff now.

Joanne Rice informed the Board that relative to Luke Lane and the connections into the neighborhood to the east, access to Scholls Ferry Road has been proposed as a way to ensure that there will not be a lot of cut-through traffic going through that area. She sympathized with Mr. McCracken because the street was built as a cul-de-sac but on paper when it was designed, it was to go through. Ms. Rice said that this is something that staff will have to look at very carefully. She stated that as part of the work program for the work that is coming up, staff will take to heart all of the comments that have been made—particularly about the public involvement process. Ms. Rice said that staff will package all this information so that it is readily available to everyone so that when the next phase of work happens, all this work will be there as well as the record from this hearing to indicate the testimony that was provided and also comments from the Board.

Commissioner Schouten recognized that people who live in existing neighborhoods have very specific concerns and appreciated them. He said that we are at a very preliminary stage at this point. In terms of cul-de-sacs, Commissioner Schouten commented that we have been getting away from those and do not want to build any more of them. He stated that in some circumstances, we may want to eliminate some of them because they make it very difficult for people to be able to access places. Commissioner Schouten pointed out that not everyone will be driving and cul-de-sacs make it much more difficult to get to places on foot or on bike. He said that cul-de-sacs have caused situations where people have to drive a half mile to get a few hundred yards to some other point. Commissioner Schouten stated that regarding mass transit, there are a lot of parts of the county where we would like to see better bus service because not everybody can afford to own a car, not everyone is old enough to drive a car, and some seniors cannot drive a car. He spoke of the need for transit in our county and added that the county is actually underserved. Commissioner Schouten said that it is fairly doubtful that there will be any kind of transit in this neighborhood because there are a lot of other places with a pressing need but he did not want to preclude that at some point in time there could be bus service in this area. He understood that people living in existing neighborhoods have very specific needs and those will have to be addressed over time as we get into greater detail going beyond the concept plan.

Chairman Brian stated that things have changed regionally over the last 10 or 20 years. He said that topics have been exhaustively discussed with lots of citizen participation discussions about what we want this region to look like over the next several decades. Chairman Brian stated that there is a general agreement that we have to use the land that is inside the Urban Growth Boundary to get more performance and density out of it. He explained that we have to be sure that as we receive our growth, it does not push or force sprawl out into the farm and forest land. Chairman Brian said that those who have been on the Board for many years have seen many fields developed. He noted that it is not just the developers but governmental policies to get better land use performance out of our land to accommodate the growth without sprawling into farm and forest areas. Chairman Brian said that it is always difficult when people face increased density, which is what happens when you live close in to an urban area. He stated that it is difficult but is the reality; he did not think it is going away as a regional policy.

Vice Chair Strader agreed with the Chairman's comments regarding the similarities to North Bethany. However, her caveat is that North Bethany did not have nearly the options that Bull Mountain has. Having worked on North Bethany for the past five years, Vice Chair Strader would not wish a development on any of her colleagues in the region. She recognized that it is a very difficult process in this region to develop any kind of neighborhood because those people who have supported you for years feel that you should be with them, even when you have to make very tough decisions under very different criteria than those who live in the neighborhoods would have for themselves. Vice Chair Strader stated that for elected officials who develop healthy and sustainable neighborhoods, criteria are public safety, how to finance, how to develop a complete community with parks, good schools, access to transportation, public transportation, etc.

She did not blame people who tell the Board that they do not want development in their neighborhoods. Vice Chair Strader grew up in Hillsboro when its population was less than 10,000 and would love to go back to those days. However, she pointed out that those days are long gone. Vice Chair Strader clarified that this does not mean that she does not love what Hillsboro has become because it is a wonderful, vibrant community that has kept its agricultural community. She foresaw a lot of change on the horizon: she did not think North Bethany is done and Bull Mountain is a long way from being done. Vice Chair Strader said that it will take a lot of heavy lifting from community members and an understanding that this is not personal but rather that this is very much how public policy is developed. She acknowledged that it is very messy but felt that as long as we keep it aboveboard and not so personalized, we can do what we did in North Bethany, namely, create another really good community in Bull Mountain. Vice Chair Strader, who will leave the Board in January, wished her colleagues well in both of those neighborhoods because they are very important to the future of Washington County.

3.b.

RO 10-107

Approve Policy for Mid-Block Pedestrian and Trail Crossings (All CPOs)

Greg Miller stated that the purpose of this policy is to adopt a procedure to allow new pedestrian crossings to be established at mid-block locations in uncontrolled intersections on roads under county jurisdiction based upon an engineering study by the applicant and review and approval by the County Engineer. He said that in the past, Washington County has approved pedestrian crossings only at road intersections with few exceptions. Mr. Miller explained that this was based on the belief that this was the only safe and practical system for drivers and pedestrians. He said that now, conditions and public attitudes are changing: new trails are being planned in many locations and pedestrian and bicycle facilities (including those trails) are essential to provide multi-modal access and mobility within a transportation system. Mr. Miller stated that ideally, pedestrian and trail crossings would occur at road intersections having traffic signals so that road crossings could be made safely with minimal additional improvements. He recognized that many proposed trail crossings are in the middle of blocks between road intersections and significant crossing improvements may be needed for adequate safety. Mr. Miller said that many existing roads have been designed primarily for vehicle movement and parallel pedestrian travel but not for substantial pedestrian crossings apart from road intersections. He stated that as a result, some of these new pedestrian crossings will require major capital improvements, given road width, high speeds and large volumes of traffic. Mr. Miller remarked that each one is unique.

Mr. Miller said that this policy authorizes the County Engineer to approve a modification or design exception under County Code Chapter 15.08 for the crossing, which would allow it to be constructed through an appropriate permit. He stated that this procedure attempts to balance the needs of vehicles and pedestrian travel to allow new crossings to

be established where all listed factors bearing on the safety of the crossing have been analyzed and where the crossing incorporates all reasonable, practicable and appropriate safety provisions. Mr. Miller summarized that safety is number one.

Commissioner Schouten acknowledged receipt of letters, such as from Tualatin Hills Park and Recreation District, and that staff made additional revisions. He asked staff to elaborate on these.

Greg Miller indicated that there were two significant changes:

- One paragraph requires that if a crossing is proposed within 300 feet of a controlled intersection, the trail users would have to be diverted to the road intersection and use the signals there to cross the street. THPRD said we needed to be a little bit more flexible about that rather than an absolute prohibition. We added language where if the County Engineer decided that that crossing was not appropriate where proposed and needed to go to the nearest intersection, then the applicant could come back in with further information. There would be a discussion and they could attempt to change the County Engineer's mind. Failing that, they could propose a grade crossing, which is much more expensive but also safe.
- The other significant change is in the last paragraph, where it talked about the possibility of an applicant wanting to appeal the decision of the County Engineer. First step would be to discuss things with the County Engineer and attempt to reach a negotiated agreement. If that failed, they would use the policy that is in County Code Chapter 15.08, which is part of the road standards to appeal a design exception to the road standards.

Chairman Brian asked who, typically, would be the applicant. He wondered if it would be the city, the park district, or some other entity.

Mr. Miller responded that it could be any. He said that most of the road crossings identified so far are THPRD trails but he added that there are a couple of real significant ones that will belong to the City of Hillsboro. Mr. Miller suspected that other cities, as they develop their local community trails, will have similar issues and requests.

Chairman Brian asked if private parties or private non-profits would be able to initiate the review also.

Mr. Miller replied that anyone could initiate the application.

It was moved to approve the revised Washington County Mid-Block Pedestrian Crossing Approval Process.

Motion – Rogers

2nd – Schouten

Vote – 5-0

BOARD OF COMMISSIONERS

MO 10-354

Establish December Board of Commissioners Meeting Schedule

This item was removed from the Consent Agenda and is now taken up for consideration.

Commissioner Duyck proposed that the December 21, 2010 meeting—which was recommended to be cancelled—be changed to “pending”. He explained that the Board does not know what is going to happen with any action that may need to be taken regarding reserves. Commissioner Duyck said that if the Board needs to do something before the end of the year, he would like to have maximum flexibility to do that. He indicated that there will be revised wording in the agenda item, as follows:

December 7, 2010: 8:30 a.m. Worksession; 10:00 a.m. Board Meeting

December 14, 2010: 4:00 p.m. Worksession; 6:30 p.m. Board Meeting

December 21, 2010: **Reserved as needed.**

December 28, 2010: Cancelled.

Commissioner Duyck reiterated that this is for maximum flexibility and does not necessarily mean that we will have a meeting. He said that this keeps the option open.

Chairman Brian stated that this could even be a telephonic meeting.

It was moved to approve the proposed changes to the December Board of Commissioners meeting schedule.

Motion – Duyck
2nd – Rogers
Vote – 5-0

4. ORAL COMMUNICATIONS (5 MINUTE OPPORTUNITY)

None.

5. BOARD ANNOUNCEMENTS

Chairman Brian wished everyone a happy and safe Thanksgiving.

Vice Chair Strader sent “Happy Thanksgiving” wishes to everyone in Washington County and the State of Oregon.

Commissioner Schouten echoed the Thanksgiving wishes and reminded everyone that there will be no Board Meeting next Tuesday since it is a fifth Tuesday.

6. ADJOURNMENT: 7:55 p.m.

Motion – Rogers

2nd – Schouten

Vote – 5-0

MINUTES APPROVED THIS ____ DAY _____ 2010

RECORDING SECRETARY

CHAIRMAN

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 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.

WHEREAS, Washington County Board of Commissioners adopted by Resolution and Order the West Bull Mt. Concept Plan; and

WHEREAS, the city of Tigard signed an intergovernmental agreement with Washington County to refine the concept plan into the River Terrace Community Plan; and

WHEREAS, the River Terrace Community Plan will put into place a means to implement the vision of the concept plan through zoning, development code regulations and other measures that will make urban development possible; and

WHEREAS, the city of Tigard was awarded grant monies as part of the intergovernmental agreement and the proposed amendment will allow access to funds; and

WHEREAS, the city has proposed an amendment to the Tigard Comprehensive Plan Map to include land use designations for the River Terrace Community Plan area based on recommended land uses in the concept plan; and

WHEREAS, the city has proposed an amendment to the Tigard Comprehensive Plan by updating policies corresponding to Statewide Planning Goal 14; and

WHEREAS, the Tigard Planning Commission held a public hearing, which was noticed in accordance with city standards, on December 3, 2012, and recommended approval of the proposed CPA 2012-00002 by motion and with vote in support; and

WHEREAS, on December 11, 2012, the Tigard City Council held a public hearing, which was noticed in accordance with city standards, to consider the Commission's recommendation on CPA 2012-00002, hear public testimony, and apply applicable decision-making criteria; and

WHEREAS, on December 11, 2012, the Tigard City Council adopted CPA 2012-00002 pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt CPA 2012-00002 was based on the findings and conclusions found in Exhibit "C" and the associated land use record which is incorporated herein by reference and is contained in land use file CPA 2012-00002.

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

SECTION 1: Tigard City Council amends the Tigard Comprehensive Plan Map to include land use designations for the River Terrace Community Plan area as shown in Exhibit "A".

SECTION 2: Tigard City Council amends Tigard Comprehensive Plan to include new text as shown in Exhibit "B".

SECTION 3: Tigard City Council adopts the findings and conclusions contained in Exhibit "C" in support of the Council's action and to be the legislative basis for this ordinance.

SECTION 4: 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 _____, 2012.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2012.

Craig Dirksen, Mayor

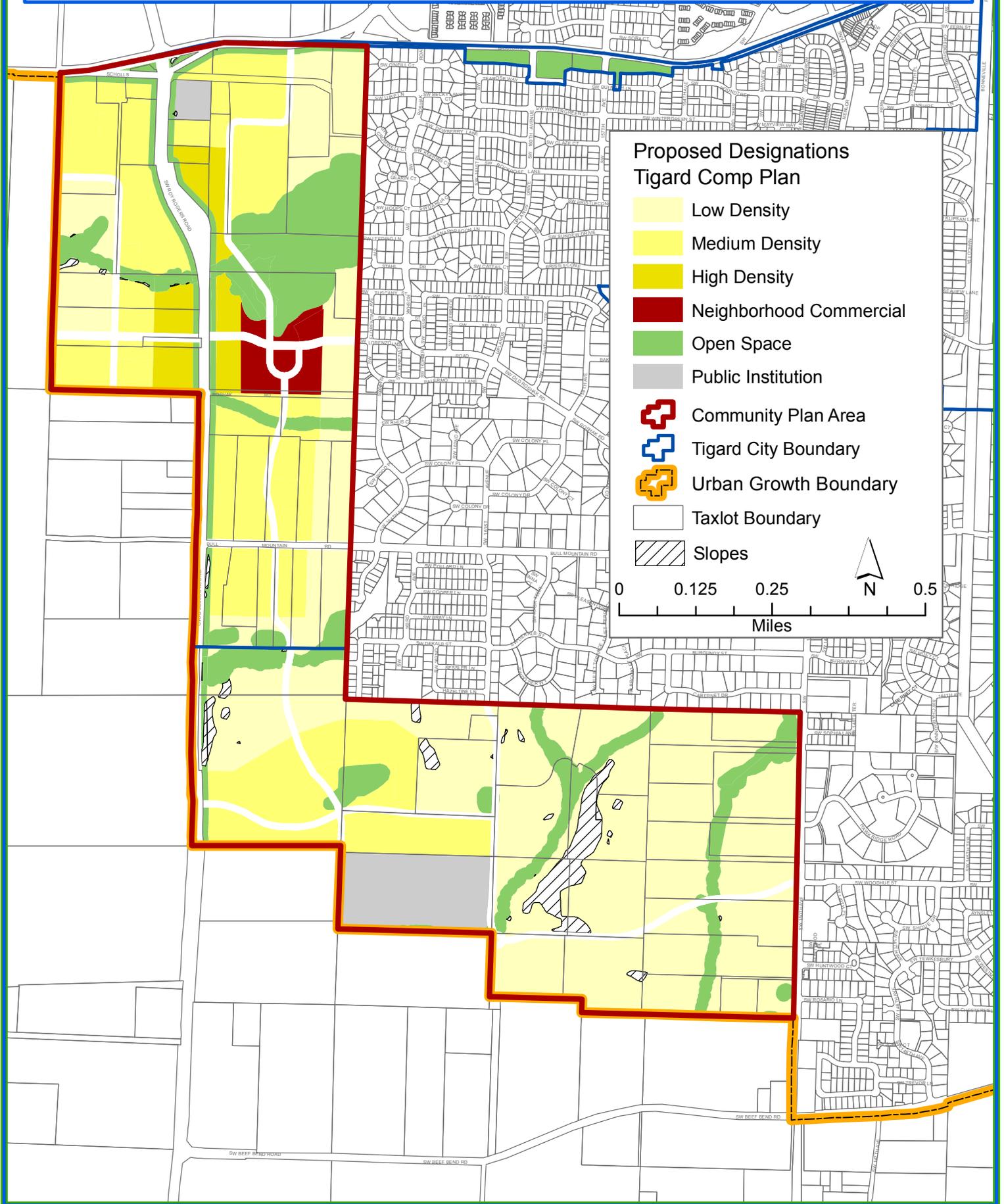
Approved as to form:

City Attorney



Proposed Comprehensive Plan Designations

October 29, 2012 - CPA2012-00002





City of Tigard
CPA2012-00002
Proposed Tigard Comprehensive Plan Text Changes

The City of Tigard proposes to amend the Goal 14: Urbanization chapter of its comprehensive plan to include the policies below. The policies will be located under existing Tigard Comprehensive Plan Goal 14.3. The policies are intended to provide guidance during the preparation and after adoption of the River Terrace Community Plan.

5. Metro brought areas known as Area 63, Area 64 and Roy Rogers West Area within the Urban Growth Boundary. These areas are known as the River Terrace Community Planning area. The City of Tigard shall be the designated service provider for the area.
6. The City shall prepare and adopt a River Terrace Community Plan for the area. The basis for the River Terrace Community Plan shall be the land use designations from the West Bull Mountain Concept Plan. Refinements to the West Bull Mountain Concept Plan shall be considered during the public planning process for the River Terrace Community Plan.
7. The City shall identify appropriate urban zoning districts and regulations as part of the River Terrace Community Plan, which shall comply with the Statewide Planning Goals and the Metro Urban Growth Management Functional Plan.
8. The City shall defer land use and zoning decisions within the area to Washington County, as outlined in the Intergovernmental Agreement dated April 24, 2012, until the River Terrace Community Plan is adopted.
9. If all areas are not annexed by the City by the time the River Terrace Community Plan is adopted, the City shall seek an amendment to the Intergovernmental Agreement of April 24, 2012 transferring land use and zoning responsibility for the River Terrace Community Planning area, including unincorporated areas, to the City.
10. Once the River Terrace Community Plan is adopted, and upon annexation to the City, urban zoning districts shall be adopted for these areas. If unincorporated areas remain, rural zoning shall be retained for these areas.
11. The City shall prepare a public facilities plan and an infrastructure financing plan as part of the River Terrace Community Plan.

12. No application of City zoning or development shall be approved by the city within the River Terrace Community Plan Area until such time as a full analysis under the Transportation Planning Rule (TPR) (OAR 660-012-0060), which shall include a transportation funding strategy prepared in coordination with Washington County, has been completed and approved for the River Terrace Community Plan Area by the City. The funding strategy should identify transportation improvements proposed to resolve transportation system impacts generated by development of the River Terrace Community Area, the responsible party for constructing improvements, their associated cost estimates and public and/or private funding sources, including sources that may be specified by any applicable memoranda of understanding or development agreement. If the funding strategy includes transportation Supplemental Development Charges, it should identify the process and timing for their approval and implementation.

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



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: ADOPT WEST BULL MT. CONCEPT PLAN RECOMMENDED LAND USES AND ASSOCIATED POLICIES

FILE NO.: Comprehensive Plan Amendment (CPA) CPA2012-00002

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 Mt. Concept Plan; to amend the current Tigard Comprehensive Plan Goal 14: Urbanization goals, policies, and recommended action measures.

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

OWNER: N/A

LOCATION: River Terrace Community Plan Area

APPLICABLE REVIEW CRITERIA:

Community 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.

SECTION II. STAFF RECOMMENDATION

Staff recommends the Planning Commission finds this request to meet the necessary approval criteria and RECOMMENDS the Tigard City Council amends the Tigard Comprehensive Plan text and map as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

Project History

The city has agreed via an intergovernmental agreement (IGA) with Washington County to refine its West Bull Mt. Concept Plan into the River Terrace Community Plan. The community plan will put into place a means to implement the vision of the concept plan through zoning, development code regulations and other measures that will make urban development possible. The process will also include updates to utility, parks and transportation master plans, including the financial strategies necessary to fund and maintain required infrastructure improvements.

The concept plan was created over the course of three years with the help of a stakeholder working group (SWG) and a technical advisory committee (TAC). Project goals and principles guided the development of the land use, transportation and parks framework maps. These maps represented the vision stakeholders agreed upon for the future development of the area. They provide a variety of residential densities and housing types; disperse densities throughout the community; provide appropriate amounts of commercial uses, parks, trails and open space; and outline a multi-modal network of connected streets and walkable blocks. The SWG and TAC both voted to forward the concept plan to the Washington County Planning Commission and Board of Commissioners for consideration and adoption. In November 2010, the Planning Commission voted to recommend the Board adopt the concept plan. In December 2010, the Board adopted the concept plan by Resolution and Order.

Since the conclusion of the concept plan, the city has annexed a portion of the area (Area 64) and petitions have been filed by property owners to annex the remainder of the area within the urban growth boundary (Areas 63 and Roy Rogers West). The city will complete the River Terrace Community Plan for all of these areas.

City staff has developed a work program to guide the project through completion. This will include a lot of technical work to ensure the community plan meets the state and regional planning requirements, as well as a public involvement plan to engage stakeholders in any necessary refinements to the concept plan as the process moves forward. Staff anticipates completion of the River Terrace Community Plan in summer 2014.

The first recommendation is to adopt the concept plan recommended land uses (Exhibit A) into the Tigard Comprehensive Plan. This action will set expectations for the community planning process, as well as allowing the city to access a portion of the CET funds from Metro that were given to the city through the IGA with Washington County. A number of policies will also be recommended for adoption to guide regulation of the River Terrace area during and after completion of the community planning process (Exhibit A). These recommended land uses will be further analyzed as part of the community planning process and if there are needed refinements, recommendations will be brought back to planning commission and city council for adoption at the end of the process.

Proposal Description

The primary intent of the amendment is to ensure the City's Comprehensive Plan remains a viable tool for decision-makers. By adopting the amendment, the City will set expectations for the River Terrace Community Plan process and start the transformation from vision to zoning and regulations for the area.

SECTION IV. SUMMARY OF REPORT

Applicable criteria, Commission findings and conclusions

- Tigard Community Development Code
 - o Chapter 18.380
 - o Chapter 18.390
- Applicable Comprehensive Plan Policies
 - o Chapter 1: Citizen Involvement
 - o Chapter 2: Land Use Planning
 - o Chapter 5: Natural Resources and Historic Areas
 - o Chapter 6: Environmental Quality
 - o Chapter 7: Hazards
 - o Chapter 8: Parks, Recreation, Trails, and Open Space
 - o Chapter 9: Economic Development
 - o Chapter 10: Housing
 - o Chapter 11: Public Facilities and Services
 - o Chapter 12: Transportation
 - o Chapter 13: Energy Conservation
 - o Chapter 14: Urbanization
- Metro Urban Growth Management Functional Plan Title 11
- Statewide Planning Goals
 - o Goals 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

City Department and outside agency comments

SECTION V. APPLICABLE CRITERIA AND COMMISSION FINDINGS

CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Chapter 18.380: Zoning Map and Text Amendments

Chapter 18.380.020 Legislative Amendments to the Title and Map

A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.309.060G

Findings: The amendment to the Tigard Comprehensive Plan establishes policies to be applied generally throughout the River Terrace Community Plan Area; and therefore, the application is being processed as a Type IV procedure, Legislative Amendment, as governed by Section 18.390.060G.

Chapter 18.390: Decision-Making Procedures

Chapter 18.390.020. Description of Decision-Making Procedures

B.4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

Findings: The amendment to the Tigard Comprehensive Plan establishes policies to be applied generally throughout the City of Tigard. Therefore was reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendment was initially considered by the Planning Commission with City Council making the final decision.

Chapter 18.390.060.G. Decision-making considerations. 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.**

Findings: The Commission reviewed applicable Statewide Planning Goals, Metro Urban Growth Management Functional Plan, the Tigard Community Development Code, and the Tigard Comprehensive Plan. As indicated pursuant to the Commission's findings and conclusions found within this staff report the amendment is consistent with this criterion.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment satisfies the applicable review criteria within the Tigard Community Development Code.

CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:

General Findings

Finding: The City's Comprehensive Plan was adopted by the Tigard City Council in 1983, and acknowledged as being in conformance with the Statewide Planning Goals by the Land Conservation and Development Department (LCDC) on October 11, 1984. LCDC re-acknowledged the plan's compliance with the statewide planning goals through the Periodic Review process.

Finding: The Commission finds that the following Comprehensive Plan goals and policies apply to the amendment and the amendment satisfies the applicable goals and policies for the reasons stated below. During the course of public hearings, the Community Development Department and the Planning Commission provided all interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goals or policies that might apply to the amendment. No additional provisions were identified.

Chapter 1: Citizen Involvement

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

Policy 2. The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.

Findings: The proposal has complied with all notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code. This staff report was also available seven days in advance of the hearing pursuant to Chapter 18.390.070.E.b of the Tigard Community Development Code.

As part of the Comprehensive Plan Amendment process, public notice of the Planning Commission and City Council public hearings was sent to the interested party list, River Terrace property owners and property owners within 500 ft. of River Terrace and published in the November 15, 2012 issue of The Times. The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the proposed amendment could be viewed.

Policy 3. The City shall establish special citizen advisory boards and committees to provide input to the City Council, Planning Commission, and City staff.

Findings: The West Bull Mt. Concept Planning recommendations were endorsed by both the project's steering committee and technical advisory committee. These groups included community stakeholders, property owners and jurisdictional partners.

Policy 5. The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community.

Findings: As outlined above, the community was given notice and opportunity to get information and get testify.

Goal 1.2 Ensure all citizens have access to:

- A. opportunities to communicate directly to the City; and**
- B. information on issues in an understandable form.**

Policy 1. The City shall ensure pertinent information is readily accessible to the community and presented in such a manner that even technical information is easy to understand.

Findings: Information regarding the topics included in this Comprehensive Plan Amendment was available in multiple locations in an understandable format for the duration of the process. This included paper and electronic copies that were available in the permit center and also on the website.

Policy 2. The City shall utilize such communication methods as mailings, posters, newsletters, the internet, and any other available media to promote citizen involvement and continue to evaluate the effectiveness of methods used.

Findings: Information was distributed throughout the process via the City's website and direct mailings to property owners in the River Terrace area and all property owners within 500 ft. of the area.

Policy 5. The City shall seek citizen participation and input through collaboration with community organizations, interest groups, and individuals in addition to City sponsored boards and committees.

Findings: The West Bull Mt. Concept Planning recommendations were endorsed by both the project's steering committee and technical advisory committee. These groups included community stakeholders, property owners and jurisdictional partners.

Chapter 2: Land Use Planning

Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative basis of Tigard's land use planning program.

Policy 1: The City's land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens' own interests.

Findings: The amendment refines the general policy direction related to Tigard Comprehensive Plan Goal 14: Urbanization for completion of the community plan and subsequent development of the River Terrace Area. The policy statements are clear and serve the interests of the citizens. The city coordinated the development of the proposed polices with the Oregon Department of Transportation, the Department of Land Conservation and Development, and Metro to ensure compliance with state and regional requirements.

Policy 2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.

Findings: The amendment refines the general policy direction related to Tigard Comprehensive Plan Goal 14: Urbanization for completion of the community plan and subsequent development of the River Terrace Area. It also applies comprehensive plan designations to the River Terrace Area that are based on the West Bull Mt. Concept Plan recommended land uses. Both will be used to guide the application of Tigard zoning and regulations to the area that will be consistent with the comprehensive plan.

Policy 3. The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.

Findings: The City sent out request for comments on the proposed amendment to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments of this Staff Report. Additionally, Metro, the Oregon Department of Transportation, and the Department of Land Conservation and Development staff provided input throughout the development of the proposed amendment.

Policy 20. The City shall periodically review and if necessary update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.

Findings: The proposed amendment will update the Tigard Comprehensive Plan map and policies to prepare for the future development of the River Terrace Area. The area has been brought into the urban growth boundary and a concept plan completed. The concept plan was a collaboration of many stakeholders, regulatory agencies, and local jurisdictions. The amendment will set the stage for the transformation of the concept plan into a community plan where the application of zoning and regulations will take place. The community plan will provide reliable information to make findings against applicable laws and requirements. Findings of conformance to applicable state and regional requirements for this amendment can be found in Section V of this Staff Report.

Chapter 5: Natural Resources and Historic Areas

Goal 5.1 Protect natural resources and the environmental and ecological functions they provide and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.

Findings: As discussed in the findings made for Statewide Planning Goal 5, the amendment does not alter the City's acknowledged Goal 5 inventories or land use programs. No changes will occur to current Natural Resource protections as the result of adopting the proposed amendment. The amendment does not conflict with goals and policies of this chapter of the Tigard Comprehensive Plan.

Chapter 6: Environmental Quality

Goal 6.1 Reduce air pollution and improve air quality in the community and region.

Policy 3: The City shall promote land use patterns, which reduce dependency on the automobile, are compatible with existing neighborhoods, and increase opportunities for walking, biking, and /or public transit.

Findings: The proposed amendment designates comprehensive plan land uses based on the recommended land uses found in the concept plan. The concept plan was completed using a principle of transportation choices and connectivity. The concept plan provided for a broad range of connected infrastructure that allowed convenient access for pedestrians, cyclists, drivers, and transit riders. It also recommended a neighborhood commercial area that is accessible by bike or foot from the neighborhoods adjacent to and within the planning area. Giving residents a variety of choices will promote the reduction of vehicle miles traveled. No transportation amendments are proposed at this time, but will be addressed during the community planning process.

Chapter 7: Hazards

Goal 7.2 Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.

Findings: The adoption of the proposed amendment has no impact on City policies or programs related to hazards. The community plan will address hazards through the application of zoning and code regulations.

Chapter 8: Parks, Recreation, Trails, and Open Space

Goal 8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:

- a. **developed areas with facilities for active recreation; and**
- b. **undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.**

Goal 8.2 Create a citywide network of interconnected on- and off-road pedestrian and bicycle trails.

Findings: The adoption of the proposed amendment has no impact on City policies or programs related to parks, recreation, trails, and open space. The comprehensive plan map will have open space designations added with the amendment, but the city has no zoning to identify properties for these uses. Recommended locations will be finalized through the community planning process and address needed parks, trails, and open space. The Tigard Parks System Master Plan will be updated as part of the process and guide future city facilities.

Chapter 9: Economic Development

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

Findings: The proposed amendment designates five acres of the River Terrace area as neighborhood commercial on the Tigard Comprehensive Plan map. The concept plan intended this commercial area to serve as a retail, mixed-use gathering place for the neighborhoods in close proximity. The overall vision of the concept plan is to create a network of multi-modal transportation improvement to promote walking and biking through the neighborhoods to access the commercial area. The concept plan stakeholders recommended this approach as opposed to auto-oriented commercial development to make the area more desirable and livable.

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.

Findings: The proposed amendment designates the majority of land within the River Terrace area as residential on the Tigard Comprehensive Plan map, divided into low, medium, and high density. The range of comprehensive plan designations will allow for a variety of housing types on different sized lots to meet the housing needs of future residents in the area. This diversity will also allow the city to comply with Metro Title 11 requirement of 10 units/net developable acre. Tigard zoning and regulations will be applied to the area during the community planning process based on the proposed comprehensive plan designations.

Chapter 11: Public Facilities and Services

Goal 11.1 Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.

Findings: The adoption of the proposed amendment has no impact on City policies or programs related to stormwater. However, the concept plan process outlined the necessary infrastructure needed to accommodate the recommended land uses. The community plan will analyze the findings of the concept plan and update stormwater needs and cost estimates as necessary. The Tigard Public Facility Plan will then be updated accordingly.

Goal 11.2 Secure a reliable, high quality, water supply to meet the existing and future needs of the community.

Findings: The adoption of the proposed amendment has no impact on City policies or programs related to its water distribution. However, the concept plan process outlined the necessary infrastructure needed to accommodate the recommended land uses. The Tigard Water Master Plan also accounted for the recommended land uses in the River Terrace area when calculating future need. The community plan will analyze the findings of the concept plan and update water infrastructure needs and cost estimates as necessary. The Tigard Public Facility Plan will then be updated accordingly.

Goal 11.3 Develop and maintain a wastewater collection system that meets the existing and future needs of the community.

Findings: The adoption of the proposed amendment has no impact on City policies or programs related to wastewater collection. However, the concept plan process outlined the necessary infrastructure needed to accommodate the recommended land uses. Clean Water Services is currently updating its regional collection model and these results will be incorporated into the community planning process. The community plan will analyze the findings of the concept plan and update water infrastructure needs and cost estimates as necessary. The Tigard Public Facility Plan will then be updated accordingly.

Chapter 12: Transportation

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

Goal 12.2 Develop and maintain a transportation system for the efficient movement of people and goods.

Goal 12.3 Provide and accessible, multi-modal transportation system that meets the mobility needs of the community.

Findings: The proposed amendment is consistent with these goals. The comprehensive land use designations were developed through the concept planning process, which took into account the transportation impacts of the recommended land uses. Although no transportation improvements are proposed to be adopted at this time, the community planning process will analyze and refine the transportation proposals to support the zoning applied in the process. The concept plan was also completed using a principle of transportation choices and connectivity. The concept plan provided for a broad range of connected infrastructure that allowed convenient access for pedestrians, cyclists, drivers, and transit riders. The community planning process will incorporate findings and infrastructure needs into the Tigard 2035 Transportation System Plan and address the State's Transportation Planning Rule as required. The Tigard Public Facility Plan will then be updated accordingly.

Chapter 13: Energy Conservation

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;**
- B. public transit that is reliable, connected, and efficient; and**
- C. bicycle and pedestrian infrastructure that is safe and well connected.**

Findings: The proposed amendment designates comprehensive plan land uses based on the recommended land uses found in the concept plan. The concept plan was completed using a principle of transportation choices and connectivity. The concept plan provided for a broad range of connected infrastructure that allowed convenient access for pedestrians, cyclists, drivers, and transit riders. It also recommended a neighborhood commercial area that is accessible by bike or foot from the neighborhoods adjacent to and within the planning area. Giving residents a variety of choices will promote the reduction of vehicle miles traveled. No transportation amendments are proposed at this time, but will be addressed during the community planning process.

Chapter 14: Urbanization

Goal 14.1 Provide and/or coordinate the full range of urban level services to lands and citizens within the Tigard City Limits.

Findings: The proposed amendment adopts the recommended land uses from the concept plan into the Tigard Comprehensive Plan map. This is the first step of the process to plan for the provision of urban level services to the River Terrace area, which will be served by the city of Tigard. This amendment does not address the full range of services needed for the area, this will take place during the community planning process. The result will be an updated public facility plan and an infrastructure financing strategy for the future development of the area.

Goal 14.2 Promote Tigard citizens' interests in urban growth boundary expansion and other regional and state growth management decisions.

Findings: The proposed amendment is consistent with this policy as this is the first step in completing the River Terrace Community Plan for areas brought within the urban growth boundary. The city will be the service provider for the area and completing the community plan is in Tigard citizens' interest.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment satisfies the applicable goals and policies contained in the City of Tigard Comprehensive Plan.

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 11

Findings: The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit friendly communities. It is the purpose of Title 11 to guide such long-range planning for

urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

The proposed amendment will update the Tigard Comprehensive Plan map and policies to prepare for the future development of the River Terrace Area. The area has been brought into the urban growth boundary (Areas 63 and 64 in 2002; Roy Rogers West in 2011) and a concept plan completed. The concept plan was a collaboration of many stakeholders, regulatory agencies, and local jurisdictions. The amendment will set the stage for the transformation of the concept plan into a community plan where the application of zoning and regulations will take place. The community plan will provide reliable information to make findings against all requirements of Title 11.

The concept plan made findings against Title 11 (those in place in 2007) and found the work to be in compliance related to requirements for a concept plan. This included the requirement of average residential densities of at least 10 units per net residential acre. The concept plan averaged 10.7 units per net residential acre in Areas 63 and 64 (216 acres and 2,311 units). The 2011 urban growth boundary expansion included in this proposed amendment (Roy Rogers West) is subject to updated Title 11 rules. The new rules require a zoned capacity for a number and type of housing unit for new areas added to the UGB. Roy Rogers West required zoned capacity for a minimum of 479 dwelling units dispersed in the area or adjoining Areas 63 and 64. The proposed land uses will achieve the target through application of various city zoning districts that meet the criteria for low and medium density residential designations (1 to 12 units/acre). The flexibility afforded the city during the community planning process will ensure compliance with Title 11.

The proposed amendment also meets the requirements for sufficient commercial services, inventory of and protection plan for natural resources, and a conceptual school plan. Each of the three is shown with a Tigard Comprehensive Plan map designation. The commercial area will provide basic services for the area. The open spaces coincide with Clean Water Services setback requirements and the school district owns the property designated as public institution and anticipates the development of a school once enough homes have been built to support it.

The proposed amendment also sets policy direction consistent with Title 11 for interim protection of areas added to the UGB. The city will not allow urban level development of the area until the community plan is complete and compliance with all regional and state requirements are confirmed.

The proposed amendment is a first step to set expectations for the community planning process. The concept plan found compliance with Title 11 requirements and the community plan will be required to do the same. The city worked with Metro, the Oregon Department of Transportation and Oregon Department of Land Conservation and Development staffs to ensure their concerns were addressed for the proposed amendments. They were provided the opportunity to review and comment on all work leading up to the document proposed for adoption.

The proposed amendment (CPA2012-00002) adopts the West Bull Mt. Concept Plan recommended land uses into the Tigard Comprehensive Plan map and adds policies to prepare for the future development of the River Terrace Area. The area has been brought into the urban growth boundary and a concept plan completed. It will set the stage for the transformation of the concept plan into a community plan where the application of zoning and regulations will take

place. The community plan will provide reliable information to make final findings against applicable laws and requirements. The proposed amendment is consistent Title 11.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan Title 11.

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Findings: This goal was met as the proposal has complied with all notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code. This staff report was also available seven days in advance of the hearing pursuant to Chapter 18.390.070.E.b of the Tigard Community Development Code.

As part of the Comprehensive Plan Amendment process, public notice of the Planning Commission and City Council public hearings was sent to the interested parties list, property owners in the area and within 500 ft. and published in the November 15, 2012 issue of The Times (in accordance with Tigard Development Code Chapter 18.390). The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City’s webpage where the entire draft of the text changes could be viewed.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCDC as being consistent with the statewide planning goals.

Findings: The amendment to the Tigard Comprehensive Plan is being undertaken to update the City’s acknowledged Comprehensive Plan in a manner consistent with current conditions and citizen values. The amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City’s implementing ordinances, be addressed as part of the decision-making process. All noticing requirements have been met. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 5 – Natural Resources

This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites.

Findings: The City is currently in compliance with the State’s Goal 5 program and Metro’s Title 13: Nature in Neighborhoods program, which implements Goal 5. The amendment does not alter the City’s acknowledged Goal 5 inventories or land use programs. No changes will occur to current natural resource protections. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 5 process requirements.

Statewide Planning Goal 6: Air, Water, and Land Resources Quality

To maintain and improve the quality of the air, water, and land resources of the state.

Findings: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The amendment does not alter the City's acknowledged land use programs regarding water quality and flood management protections. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

To protect people and property from natural hazards.

Findings: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 7. The amendment does not alter the City's acknowledged land use programs regarding water quality and flood management protections. The City is currently a participant in the National Flood Insurance Program administered by the Federal Emergency Management Agency. The amendment does not alter the City's participation. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 7.

Statewide Planning Goal 8 – Recreational Needs

This goal requires the satisfaction of 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.

Findings: The City is currently in compliance with Statewide Planning Goal 8. The amendment does not alter the City's acknowledged Goal 8 policies or land use programs. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 8.

Statewide Planning 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.

Findings: The City is currently in compliance with Goal 9 and Metro's Title 4: Industrial and Other Employment Areas through its acknowledged Comprehensive Plan. The amendment does not alter the City's acknowledged Goal 9 policies or land use programs. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 9.

Statewide Planning Goal 10: Housing

To provide adequate housing for the needs of the community, region and state.

Findings: The City is currently in compliance with Goal 10 and the Metropolitan Housing Rule (OAR 660-007/Division 7), and Metro's Title 1: Housing Capacity, and Title 7: Housing Choice. The City is currently under periodic review and performing a Goal 10 analysis, which includes the River Terrace area. The adoption of the amendment does not alter the City's compliance with Goal 10 as the addition of the recommended land uses in the River Terrace area is consistent with state and regional housing requirements. The amendment to the Comprehensive Plan is in compliance with Goal 10.

Statewide Planning Goal 11: Public Facilities and Services

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.

Findings: The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The amendment does not alter the City's acknowledged Goal 11 policies or plans. However, as part of the River Terrace Community Plan process, the Public Facility Plan will be updated to account for the recommended land uses and future development of the area, including a financing strategy. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 11.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Findings: The City is currently in compliance with Goal 12 and Metro's Regional Transportation Plan through its acknowledged Comprehensive Plan and Transportation System Plan as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The amendment adopts the recommended land uses from the West Bull Mt. Concept Plan into the Tigard Comprehensive Plan map. The amendment also includes a policy to not allow development of the area until a full TPR analysis is complete. The River Terrace Community Plan process will make findings against the TPR based on the land uses proposed. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 12.

Statewide Planning Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Findings: The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The amendment does not alter the City's compliance with Goal 13. As a result, the amendment to the Tigard Comprehensive Plan is in compliance with Goal 13.

Statewide Planning 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 ensure efficient use of land, and to provide for livable communities.

Findings: The City is currently in compliance with Goal 14 and Metro's Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Planning Area Agreement and Urban Services Agreement as required by ORS 195.065 and ORS 197.

The proposed amendment will update the Tigard Comprehensive Plan map and policies to prepare for the future development of the River Terrace Area. The area has been brought into the urban growth boundary (Areas 63 and 64 in 2002; Roy Rogers West in 2011) and a concept plan completed. The concept plan was a collaboration of many stakeholders, regulatory agencies, and local jurisdictions. The amendment will set the stage for the transformation of the concept plan into a community plan where the application of zoning and regulations will take place. The community plan will provide reliable information to make findings against all requirements of Title 11.

The proposed amendment is a first step to set expectations for the community planning process. The concept plan found compliance with Title 11 requirements and the community plan will be required to do the same. The city worked with Metro, the Oregon Department of Transportation and Oregon Department of Land Conservation and Development staffs to ensure their concerns

were addressed for the proposed amendments. They were provided the opportunity to review and comment on all work leading up to the document proposed for adoption.

The adoption of the proposed amendment (CPA2012-00002) does not alter the City's compliance with Goal 14. The amendment is consistent with this goal.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment is consistent with the applicable Statewide Planning Goals.

SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Community Development Department, Administrative Department, Finance Department, Public Works Department, and Police Department have had an opportunity to review this proposal and have no objections.

CONCLUSION: Based on no comment from City staff, staff finds the proposed amendment does not interfere with the best interests of the City.

SECTION VII. OUTSIDE AGENCY COMMENTS

The following agencies/jurisdictions had an opportunity to review this proposal and did not respond:

City of King City
City of Tualatin
Clean Water Services
Metro Land Use and Planning
Oregon Department of Land Conservation and Development
Oregon Department of Transportation, Region 1
Oregon Department of Transportation, Region 1, District 2A
Tualatin Hill Parks and Recreation District
Tualatin Valley Fire & Rescue
Tualatin Valley Water District

The following agencies/jurisdictions had an opportunity to review this proposal and sent in comments that are found as Attachments 1 and 2:

City of Beaverton
Washington County, Department of Land Use and Transportation

Findings: Washington County was supportive of the proposed amendment and recommended also adopting other elements of the West Bull Mt. Concept Plan, such as parks, trails and street classifications. The city is proposing this amendment as a first step in completing the required community plan for the area. The aforementioned elements will be reviewed and refined as necessary during the process and incorporated into the respective city master plans. The proposed amendment is in compliance with state and regional requirements. Updated master plans will be adopted during the community planning process and will ensure continued compliance with state and regional requirements. Staff recommends no changes to the proposed amendment based on the Washington County comments.

The city of Beaverton recommended adding policies that addressed the importance of coordination among the two cities and other agency partners and developing cooperative agreements for phasing of improvements along the boundary of River Terrace and South Cooper Mountain community plan areas. The city of Tigard acknowledges the importance of coordination during the planning process and has been in frequent discussions with agency partners. It is important and inherent in any large planning process. Tigard has convened the concept plan technical advisory committee to ensure information is being shared throughout the planning process. Tigard has also met with Beaverton staff a number of times and will continue to do so throughout the process.

The city of Tigard has acknowledged the importance of coordination by several adopted policies currently in the Tigard Comprehensive Plan. Some examples include Policy 2.1.3, Policy 5.1.4, Policy 6.2.2, Policy 7.1.3, Policy 11.1.2, Policy 11.3.2, Policy 12.5.1 and Policy 12.5.3.

Tigard is in full support of coordination of planning efforts. The city's River Terrace Community Plan work program has included the importance of coordination, as has the Tigard Comprehensive Plan. Staff recommends no changes to the proposed amendment based on the Washington County comments.

CONCLUSION: Based on responses from outside agencies listed above, the Commission finds the proposed amendment meets all requirements of these agencies and is consistent with the best interests of the City.

SECTION VIII. CONCLUSION

The proposed changes comply with the applicable Statewide Planning Goals, applicable regional, state and federal regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

Therefore, Staff recommends that the Planning Commission recommend approval of the Comprehensive Plan Amendment to the Tigard City Council as determined through the public hearing process.

ATTACHMENT:

ATTACHMENT 1: CITY OF BEAVERTON COMMENTS

ATTACHMENT 2: WASHINGTON COUNTY COMMENTS

EXHIBIT A: PROPOSED AMENDMENT TO THE TIGARD COMPREHENSIVE PLAN.



PREPARED BY: Darren Wyss
Senior Planner

November 26, 2012
DATE



APPROVED BY: Tom McGuire
Interim Community Development Director

November 26, 2012
DATE



Community and Economic Development

November 21, 2012

Darren Wyss, Senior Planner
City of Tigard Planning Division
13125 SW Hall Boulevard
Tigard, OR 97223

**RE: Comments for Comprehensive Plan Amendment (CPA) 2012-00002 – Adopt West Bull MT
Concept Plan Recommended Land Uses and Associated Policies**

Dear Mr. Wyss:

The City of Beaverton has reviewed the proposed Tigard Comprehensive Plan Text Changes and offers the comments listed below. As you know, the City of Beaverton is preparing to launch a public planning process for the South Cooper Mountain area located just north of SW Scholls Ferry Road and SW 175th. Approximately 544 acres of what is also known as Urban Reserve Area (URA) 6B was added to the Urban Growth Boundary (UGB) in October 2011. One of the conditions Metro placed on the UGB expansion requires the City of Beaverton to prepare a concept plan for the entirety of URA 6B (1,776 acres) as well as a community plan and corresponding comprehensive plan provisions and land use regulations for that portion of South Cooper Mountain now in the UGB. The City Council approved annexation of this 544-acre territory on November 13, 2012.

Given the numerous common transportation, sewer, water, stormwater management, natural resource, and trails and transit service issues involved in the River Terrace planning effort and Beaverton's upcoming South Cooper Mountain project, the city suggests that policies be added regarding inter-jurisdictional coordination and cooperation as follows:

- **Transportation & transit:** It is recommended that policies be added requiring coordination among the two cities, Washington County, TriMet and ODOT to address transportation and transit, including timing of needed improvements and funding strategies and mechanisms.
- **Sewer, water and stormwater management:** Policies requiring coordination among the two cities and Clean Water Services should be added to address common sewer, water and storm water management issues.

- Natural resources: In addition, the city suggests a policy be added regarding coordination among the two cities, Metro, Tualatin Hills Parks & Recreation District and Washington County to address protection and enhancement of natural resources in the area, provision of access to public lands and natural features, including planning for trails and pedestrian and bicycle travel to access these lands and features, and connect with other local and regional trails.
- Intergovernmental Agreements: The city recommends adding a policy regarding cooperative agreements among the two cities, Washington County, CWS, and other applicable service providers to address phasing of development along SW Scholls Ferry and SW 175th/Roy Rogers, including timing of transportation sewer, water and stormwater improvements needed to support urban development in the River Terrace and South Cooper Mountain community plan areas.

The City of Beaverton believes it is critical that the two jurisdictions coordinate particularly closely in the analysis of transportation and utilities, and cooperate with partner jurisdictions and districts to find solutions to meet the challenges we face in providing services to these urbanizing areas. It would be mutually beneficial for the cities to work together on developing financing strategies to take advantage of economies of scale and spread the costs of infrastructure over a larger area.

Thank you for the opportunity to comment on Tigard's proposed Comprehensive Plan Text Changes. We look forward to coordinating with you as both cities move forward with their respective planning efforts.

Sincerely,



Steven Sparks, AICP
Planning Manager



WASHINGTON COUNTY
OREGON

November 20, 2012

City of Tigard Planning Division
Attn.: Mr. Darren Wyss, Senior Planner
13125 SW Hall Blvd.
Tigard, OR 97223

RE: CPA2012-0002

Dear Mr. Wyss,

The county appreciates the opportunity to participate in the city's planning of River Terrace and looks forward to completion of the River Terrace plan.

The county supports the adoption of the West Bull Mountain Concept Plan into the city of Tigard's Comprehensive Plan. The county would also encourage the city's Comprehensive Plan to be amended to include other elements of the Concept Plan, such as parks, trails and street classifications.

Please let me know if you have any questions. I can be reached by phone at (503) 846-8817 or via e-mail at paul_schaefer@co.washington.or.us.

Thank you

Paul Schaefer
Senior Planner

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Business Meeting**Meeting Date:** 12/11/2012**Length (in minutes):** 60 Minutes**Agenda Title:** Legislative Public Hearing for Downtown Connectivity Plan Code Amendments**Submitted By:** Sean Farrelly, Community Development**Item Type:** Public Hearing - Legislative**Meeting Type:** Council Business Meeting - Main**Public Hearing:** Yes**Publication Date:** 11/22/2012**Information****ISSUE**

The purpose of the legislative public hearing is to receive a brief staff report, listen to public testimony and consider the Downtown Connectivity Plan Code Amendments.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends Council support the Planning Commission's recommendation to adopt the proposed comprehensive plan and development code amendments, as amended.

KEY FACTS AND INFORMATION SUMMARY

The Tigard Downtown Improvement Plan (TDIP) found one of the major constraints for the development of Downtown to be the lack of connectivity which impedes pedestrian, bicycle and vehicle circulation in the Downtown. To address this, the city produced, with stakeholder input, the Tigard Downtown Conceptual Connectivity Plan (Connectivity Plan). The intent of the Connectivity Plan is to establish a framework for improved multi-modal connectivity and circulation in Downtown Tigard.

There are three objectives in the proposals for new downtown connections:

- **Connectivity:** Foster the creation of smaller block structures, consistent with the walkable urban village envisioned by the Tigard Downtown Improvement Plan.
- **Circulation:** Create efficient routes into and around the Downtown.
- **Capacity:** Create parallel streets to accommodate the demand created by new Downtown development.

The Plan was originally developed by a consultant team who worked with city staff and a technical advisory team of public agency representatives. Tigard City Council, Planning Commission, the City Center Advisory Commission, and the Tigard Transportation Advisory Committee reviewed and provided input to the plan.

Implementation

The Connectivity Plan will be implemented through amendments to the Tigard Development Code (TDC) and the City of Tigard 2035 Transportation System Plan (TSP). The proposed amendments address the future connectivity improvements and the new downtown street cross sections called for in the Connectivity Plan. The intent of these proposed amendments is to provide the city with some tools for implementing its vision for downtown Tigard while recognizing that improvements will likely be done incrementally over 10 to 20 years or longer as individual properties redevelop.

The Staff Report to the City Council includes Exhibits A-D with the proposed amendments to the Transportation System Plan (part of the Comprehensive Plan) and three chapters of the Tigard Development Code.

- **Exhibit A:** Amendments to the Transportation System Plan

The TSP amendments consist of maps of the proposed locations of new streets superimposed on an aerial map of Downtown so that it is clear where future streets are expected to go and a new street classification map to show how much right-of-way is needed.

The future street connection alignments of the Connectivity Plan were refined after meetings with property owners and other stakeholders. Wherever possible, alignments were adjusted to minimize the impacts to property owners, while still

achieving the desired connections.

- Exhibit B: Amendments to 18.370 Variances and Adjustments

These amendments address adjustments to the connectivity requirements. The process provides some flexibility for property owners and the city, for example, when application of the connectivity standards would preclude reasonable economic use of the site or would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees.

- Exhibit C: Amendments to 18.610 610 Tigard Downtown District Development and Design Standards

These amendments consist of a purpose, and applicability and connectivity standards. Unless a future street is also added to the city's Capital Improvement Program, it will likely only get built when there is new development or major redevelopment (e.g., redevelopment valued at more than 60% of total current value) on an affected property. At the time of development, applicants will be required to dedicate right-of-way and construct the portion of the street that is on their property. In some circumstances, a public easement, instead of right-of-way could be dedicated. In all cases, the city will work to ensure that the required improvements are "roughly proportional" to the impacts of the development.

For smaller projects (e.g. redevelopment valued at less than 60% of total current value), the applicant will only be required to keep the future alignment clear of buildings. Surface parking, landscaping, temporary structures, driveways and similar types of development could be allowed within the areas where new connections are planned. The applicant could also be asked to sign a non-remonstrance to any future Local Improvement District (LID) to help pay for the identified street or alley improvement.

- Exhibit D: Amendments to 18.810 Street and Utility Improvement Standards

These amendments add special downtown street cross sections which provide an enhanced pedestrian environment. These cross sections apply to existing streets as well as future street connections and will be applied when the city improves a street or when a private developer has to make full- or half-street improvements as a part of their development.

The new street classifications and cross sections with the recommended right-of-way widths, sidewalk, vehicle and bike lanes were developed based on the present and potential contexts of the streets, i.e. the narrowest streets are proposed for areas that are likely to develop with primarily residential uses.

Public Involvement

Since the original development of the Connectivity Plan, the City Center Advisory Commission reviewed the plan over several months, endorsing it in fall 2010. Starting in November 2011, Angelo Planning Group was engaged to develop proposed development and comprehensive plan code language. Small group meetings were held with potentially affected property owners in March 2012. Work sessions were held with the City Center Advisory Commission and Planning Commission. A public open house was held on July 19, 2012. Feedback from these meetings was incorporated into the code language and proposed street map.

Council was briefed on the proposed amendments on September 18, 2012. At the meeting four changes to the proposed maps/code were suggested that were carried forward to the Planning Commission public hearing. The Planning Commission held a public hearing on the amendments on October 15, 2012. All property owners in the downtown MU-CBD district were notified by mail.

Three property owners (or their representative) testified at the meeting:

Alexander Craghead, chair of the City Center Advisory Commission and a representative of owners of 12205 SW Hall, testified in favor of the amendments.

Cecilia Thompson, owner of 8610 SW Scoffins St. (an apartment complex) testified in opposition to the amendments because the proposed connectivity map shows a pedestrian path could be required if her property were to redevelop.

Russ Little, owner of 12020 SW Main (Woodcraft), testified in opposition to the amendments. He expressed concern about the proposed connectivity map because he felt his property would be overly impacted by two proposed connections.

The Planning Commission recommended three changes to the proposed amendments:

- Additional code language that specifies 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.

-Revising Figure 5-14B. Connectivity Projects Detail Sheet: Map 1 to realign one of the proposed connections across the Woodcraft property.

-One change to the language about the ADA accessibility of pedestrian paths was also suggested. Staff proposes to make a reference to an existing standard in the development code.

The Commission also supported the four changes carried forward from the Council workshop.

With these changes, the Planning Commission voted unanimously to recommend the proposed code amendments be approved.

OTHER ALTERNATIVES

The Council may approve, approve with modifications, deny or adopt an alternative to an application for the legislative change or remand to the Commission for rehearing and reconsideration.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Tigard Downtown Improvement Plan

DATES OF PREVIOUS COUNCIL CONSIDERATION

September 18, 2012

Attachments

[Ordinance with Exhibit A](#)

[Staff Report to the City Council](#)

[Staff Report - EXHIBIT A](#)

[Staff Report - EXHIBIT A1.: Planning Commission recommended changes to Exhibit A](#)

[Staff Report - EXHIBIT B](#)

[Staff Report - EXHIBIT C](#)

[Staff Report - EXHIBIT D](#)

[Staff Report - EXHIBIT E.: Traffic Analysis](#)

[Staff Report - EXHIBIT F.: Citizen Comments](#)

[Staff Report - EXHIBIT G.: Agency Comments](#)

[Staff Report - EXHIBIT H: October 15, 2012 Planning Commission Minutes](#)

[Presentation Slides](#)

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 12-**

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

WHEREAS, the applicant, the City of Tigard, has requested approval of amendments to the Tigard 2035 Transportation System Plan and the Tigard Community Development Code to implement street connectivity and design standards from the Tigard Downtown Conceptual Connectivity Plan; and

WHEREAS, notice was provided to the Department of Land Conservation and Development 35 days prior to the first scheduled public hearing; and

WHEREAS, the Tigard Planning Commission held a public hearing on October 15, 2012 which was noticed in accordance with City standards, and recommended with a unanimous vote that Council approve the proposed code amendment, as amended; and

WHEREAS, the Tigard City Council held a public hearing on December 11, 2012 to consider the proposed amendment, and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has found the following to be the 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; and

WHEREAS, the Tigard City Council has determined that the proposed comprehensive plan and development code amendments are consistent with the applicable review criteria and approves the request as being in the best interest of the City of Tigard.

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

SECTION 1: The specific text amendments attached as "**EXHIBIT A**" to this Ordinance is hereby approved and adopted by the City Council

SECTION 2: The findings in the November 26, 2012 staff report to the City Council and the Minutes of the October 15, 2012 Planning Commission hearing are hereby adopted in explanation of the Council's decision.

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 _____, 2012.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2012.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date

EXHIBIT A

DRAFT Amendments to 2035 Transportation System Plan Volume 1 of 3

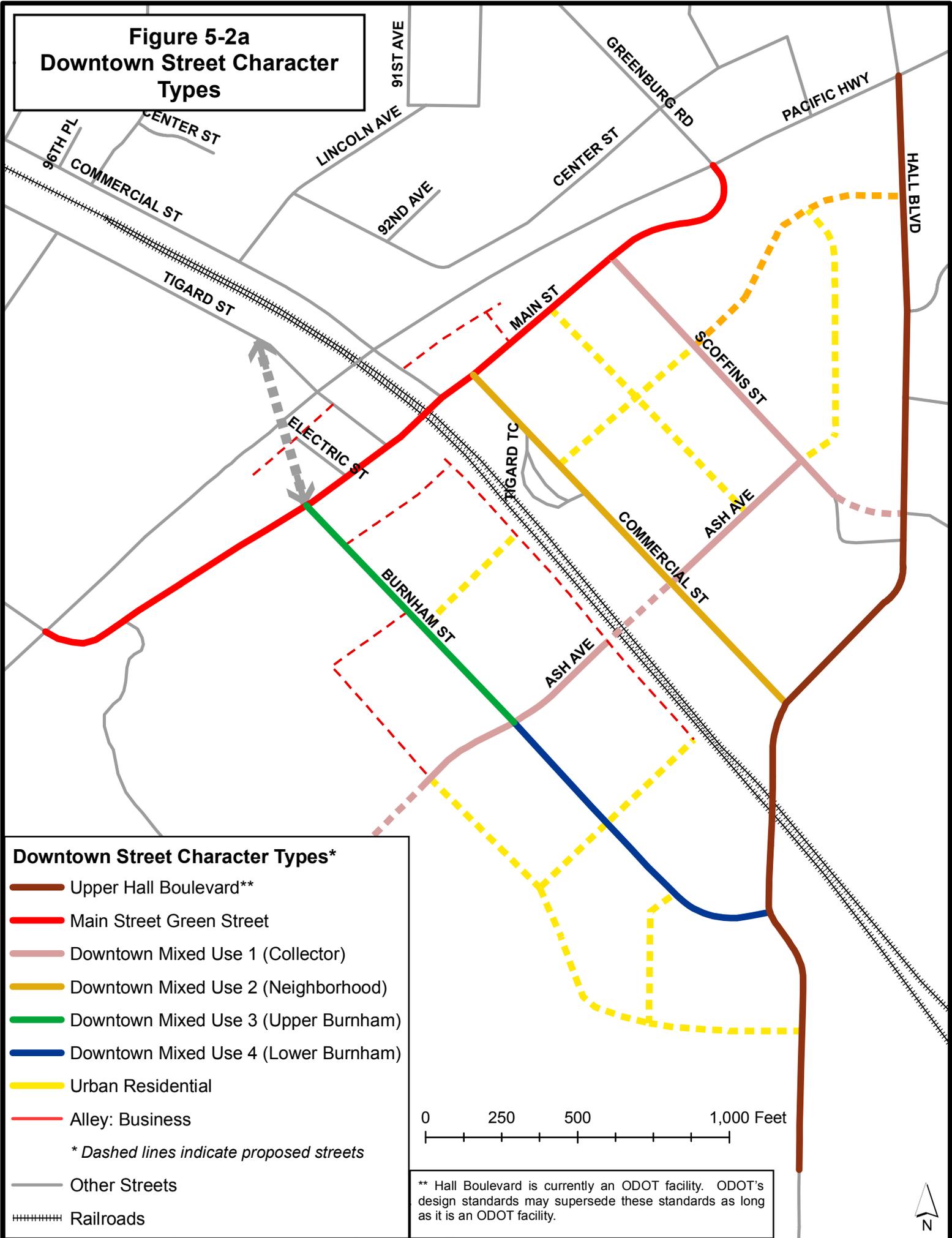
Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.

Functional Classifications (page 48)

The functional classification of a roadway defines the primary role in terms of providing mobility and access. An individual street's classification directs the design and management of the roadway, including right of way needs, the number of travel lanes and other cross-section elements, and access management standards. Figure 5-2 shows the functional classification for each roadway in Tigard. Within the Downtown Mixed Use Central Business District, the functional classification is further refined by the street character types shown on Figure 5-2A. The character types are implemented through special street design standards. In addition, Figure 5-2A identifies future roadways which are intended to provide an enhanced network of pedestrian-friendly streets in the Downtown area.

**Figure 5-2a
Downtown Street Character
Types**



Street Design Standards (Cross Sections) (page 52)

Roadways in Tigard are the primary means of mobility for residents, serving the majority of trips over multiple modes. Pedestrians, bicyclists, public transit, and motorists all use public roads for the vast majority of trips. Therefore, it is increasingly important to plan, design, and build new roadways in a manner that improves multi-modal access and mobility.

The City of Tigard street design standards ensure that all new streets are constructed as “complete streets” and include facilities for pedestrians and bicycles and also provide drainage and landscaping where appropriate. Because they are reviewed and updated periodically, the City of Tigard’s street design standards are located in the city’s Community Development Code ~~section 18.800~~ Chapter 18.810 Street and Utility Improvement Standards.

Special Areas: Downtown (page 95)

The City of Tigard is committed to creating a downtown that is active, has a compact urban form, and provides multi-modal access and circulation. Public investments and planning activities for downtown are intended to provide a catalyst for economic development. Significant growth in downtown is planned for both employment and housing uses.

Downtown is primarily located south of Pacific Highway between Hall Boulevard and Fanno Creek but also extends north of the Pacific Highway near Greenburg Road and Hall Boulevard. Pacific Highway and Hall Boulevard are the primary access routes to the downtown area. Pacific Highway currently experiences significant peak hour congestion and queuing which also impacts travel on Hall Boulevard. The Pacific Highway viaduct over the railroad tracks creates a grade separation between Pacific Highway and Main Street and limits both access and visibility to the Downtown from the highway.

Downtown Tigard has a transit center which is served by TriMet Routes 12, 45, 64, 76, and 78 connecting it to the Beaverton Transit Center, Sherwood, Lake Oswego, Tualatin, and downtown Portland. The Tigard Transit Center is also served by WES Commuter Rail. The existing transit service available to Downtown Tigard, combined with future plans to enhance WES service and provide high capacity transit along the Pacific Highway corridor, position Downtown to have transit service that can support increased employment and residential growth in the area despite existing congestion along Pacific Highway.

Although Pacific Highway and Hall Boulevard have sidewalks and bicycle lanes (with the exception of a few gaps in the sidewalk system on Hall Boulevard), the lack of local and collector street connectivity and existing roadway geometry within the downtown area do not create a very desirable environment for pedestrians and bicyclists to travel within the downtown.

At the broadest level, options for improving access to the downtown area fall into the following categories:

- Improve local and collector roadway connectivity to and within Downtown.
- Provide better facilities for alternative modes (transit, bicycles, pedestrians, etc.).
- Enhance intersection capacity on Pacific Highway to increase the ability to cross and access Pacific Highway from Walnut Street, Greenburg Road, and Hall Boulevard.

In order to address these issues the City prepared a Downtown Connectivity and Circulation Plan which identified a more complete system of streets and pathways to improve multi-modal access to, from and

within the Downtown Mixed Use Central Business District. Through this effort the following transportation facility design principles were recognized as being of particular importance within the downtown:

- Maximize efficiency and ease of access for all transportation modes and for emergency services. (This principle can be realized, in part, by determining appropriate access spacing and by avoiding off-set intersections.)
- Enhance accessibility for people of all ages and abilities. (Strategies for achieving this objective include keeping block sizes relatively small and providing bike and pedestrian facilities.)
- Create a network with a diversity of human-scaled street types that support urban places and integrate with blocks/buildings.
- Link with city, regional, and national transportation networks. (Achieving this end requires careful integration of this plan with Tigard's TSP and with other local and regional planning efforts.)
- Ensure the economic viability of the blocks that result from the implementation of the new street grid.

In addition, a number of connectivity and circulation improvements, including new road and pathway connections within and adjacent to the downtown area were identified. These improvements are intended to foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development as well as to solve some existing connectivity issues, such as access across railroad tracks

Infrastructure Investment

Figure 5-14 shows the additional multi-modal improvement projects related to the Downtown area which include Main Street streetscape improvements, a mixed-use trail along the rail corridor, and Ash Street extensions east across the railroad tracks and west and north to Pacific Highway. *Specific project considerations can be found in Technical Memorandum #5 in the Volume 3 Technical Appendix.*

Connectivity Requirements

In addition to the projects shown on Figure 5-14, the Downtown Connectivity and Circulation Plan identified a more complete system of streets and pathways to improve multi-modal access to, from and within the Downtown Mixed Use Central Business District. These improvements are shown on Figures 5-14A through 5-14I and are subject to the connectivity requirements below. If an alternate alignment is subsequently been approved by the City, the alternate alignment shall supersede the alignment shown on Maps 5-14B – Figure 5-14I.

Figure 5-14A. Connectivity Projects Index Map

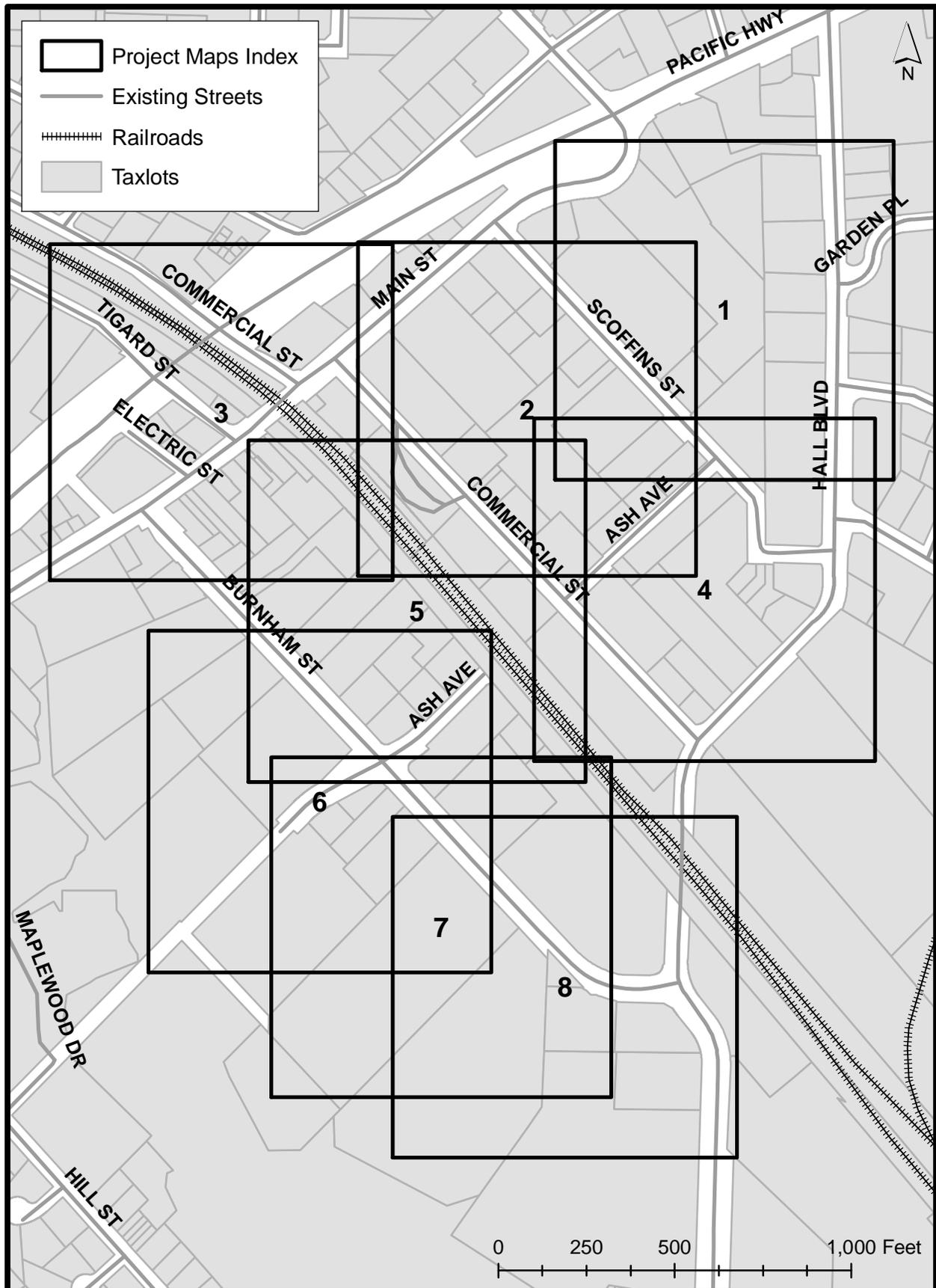


Figure 5-14B. Connectivity Projects Detail Sheet: Map 1



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

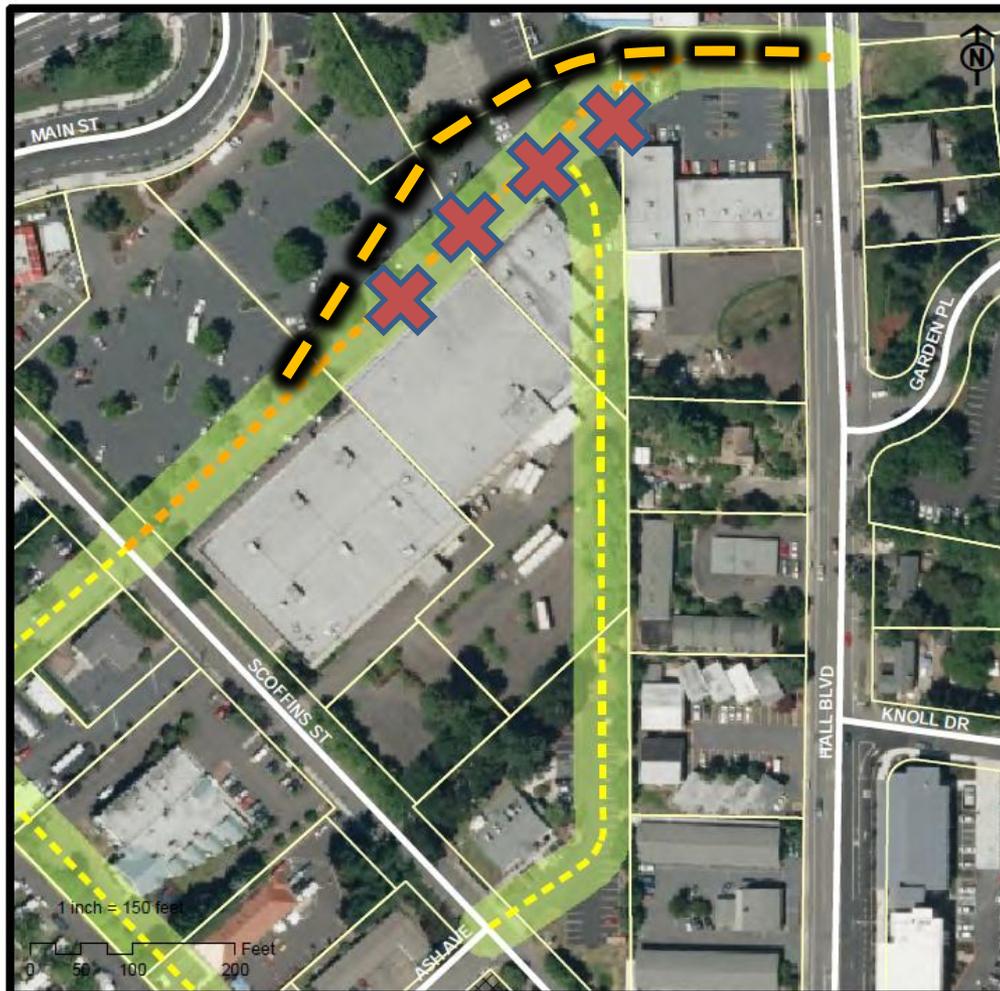


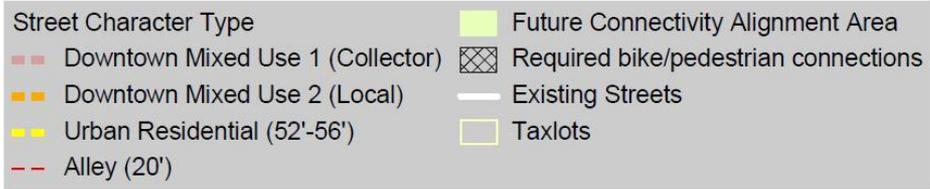
Figure 5-14C. Connectivity Projects Detail Sheet: Map 2

Street Character Type		 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	 Existing Streets
 Downtown Mixed Use 2 (Local)	 Taxlots	
 Urban Residential (52'-56')		
 Alley (20')		

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.



Figure 5-14D. Connectivity Projects Detail Sheet: Map 3



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

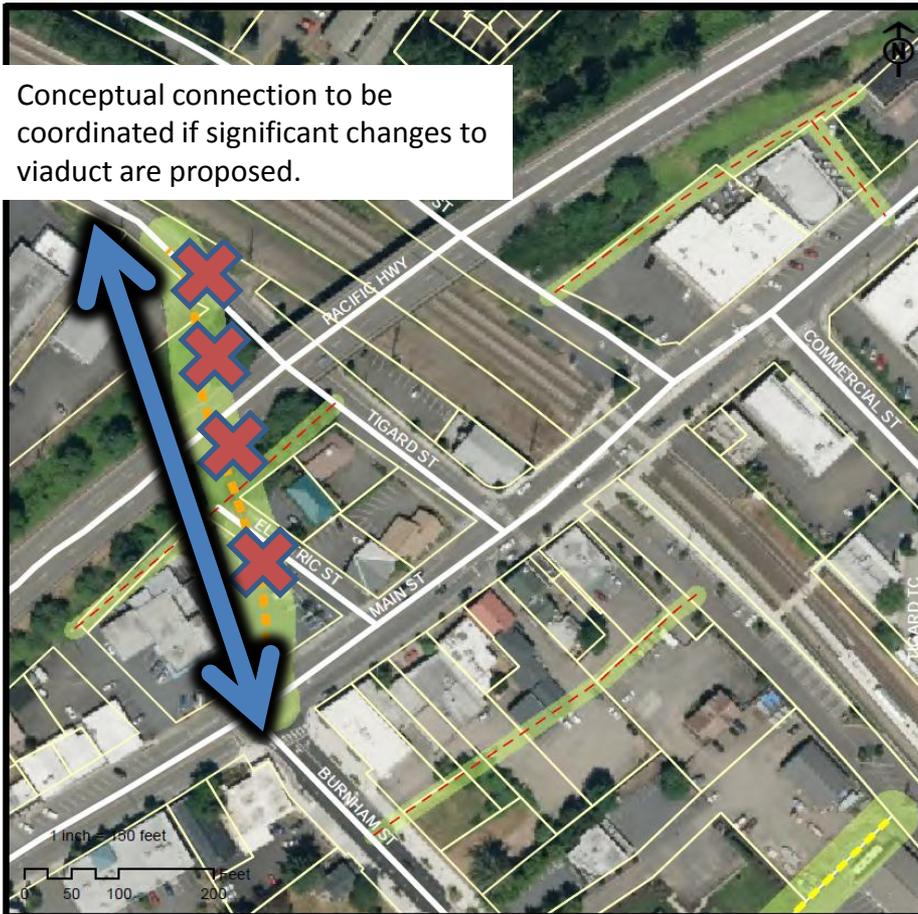
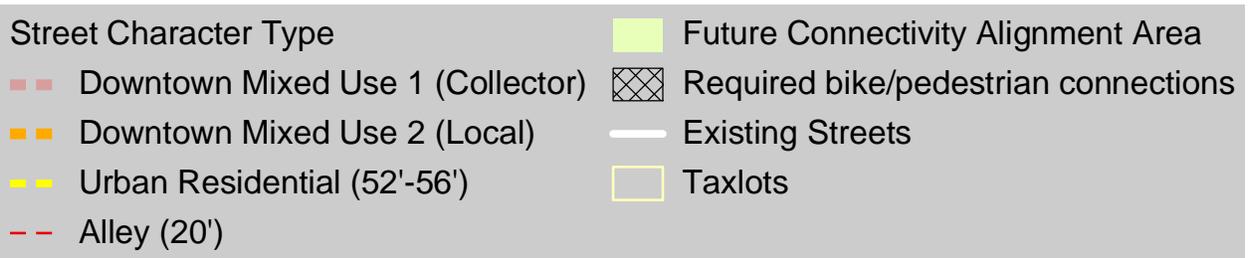


Figure 5-14E. Connectivity Projects Detail Sheet: Map 4



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.

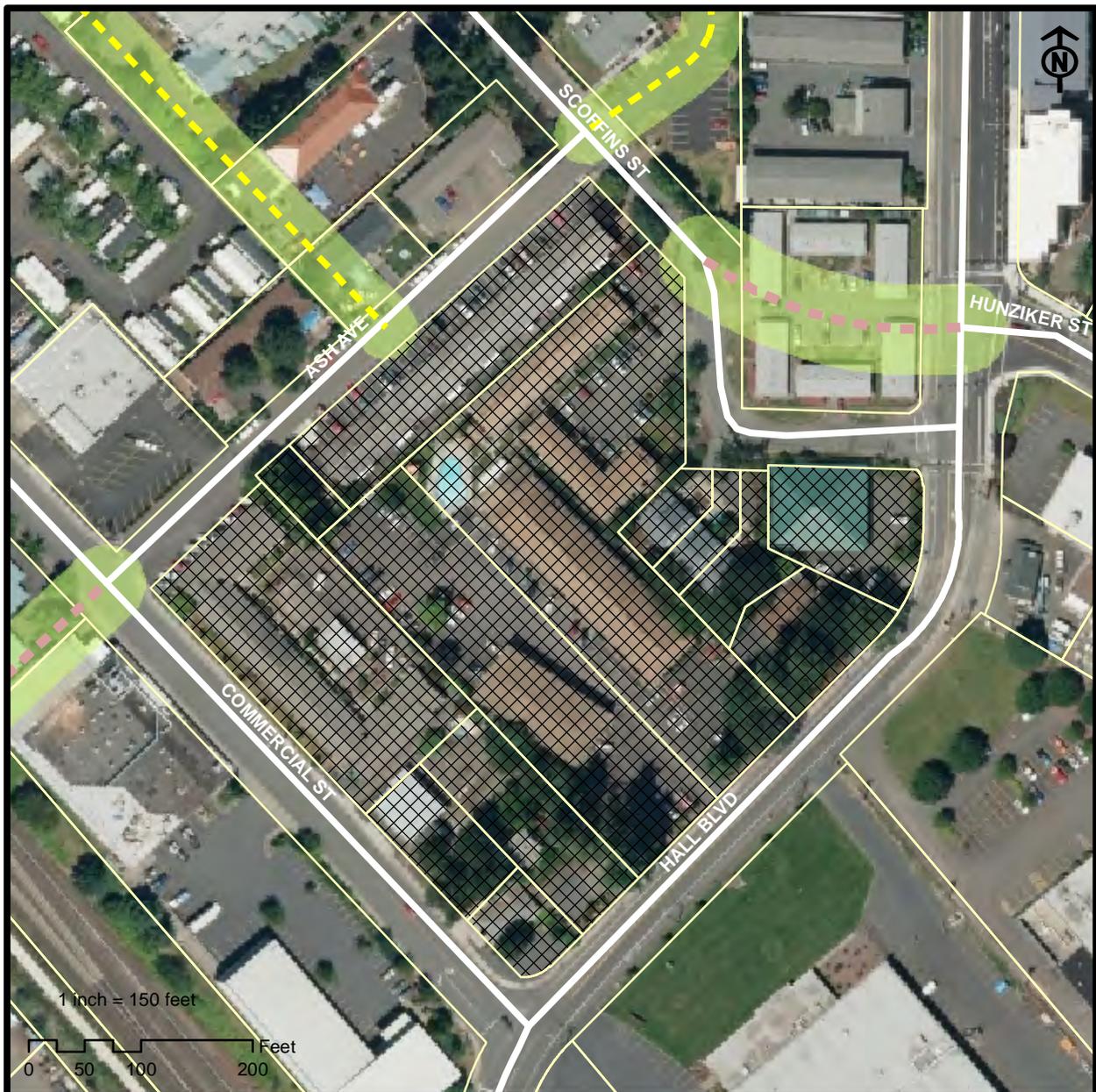
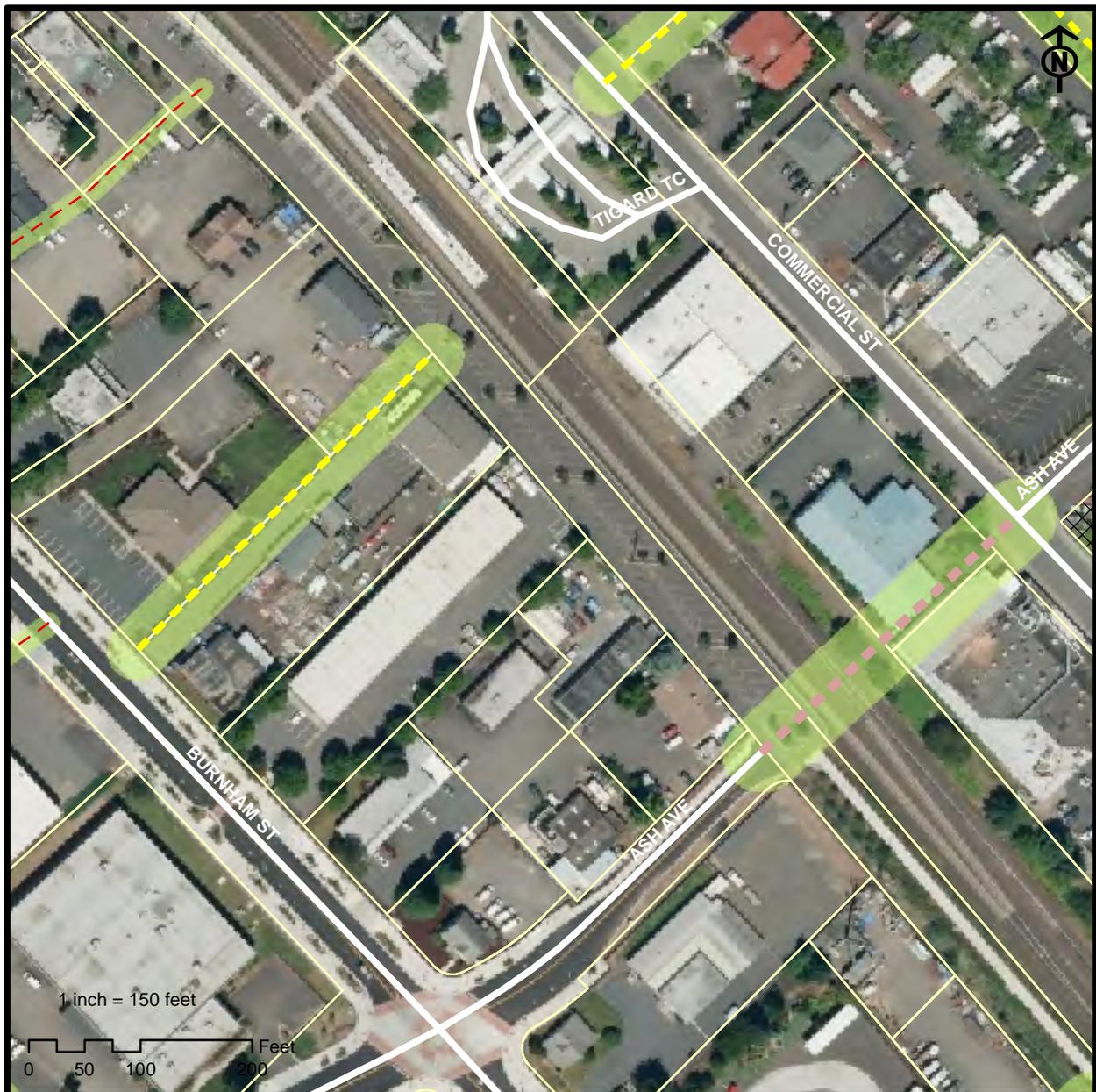


Figure 5-14F. Connectivity Projects Detail Sheet: Map 5

Street Character Type	 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections
 Downtown Mixed Use 2 (Local)	 Existing Streets
 Urban Residential (52'-56')	 Taxlots
 Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.



Change to Figure 5-14F.

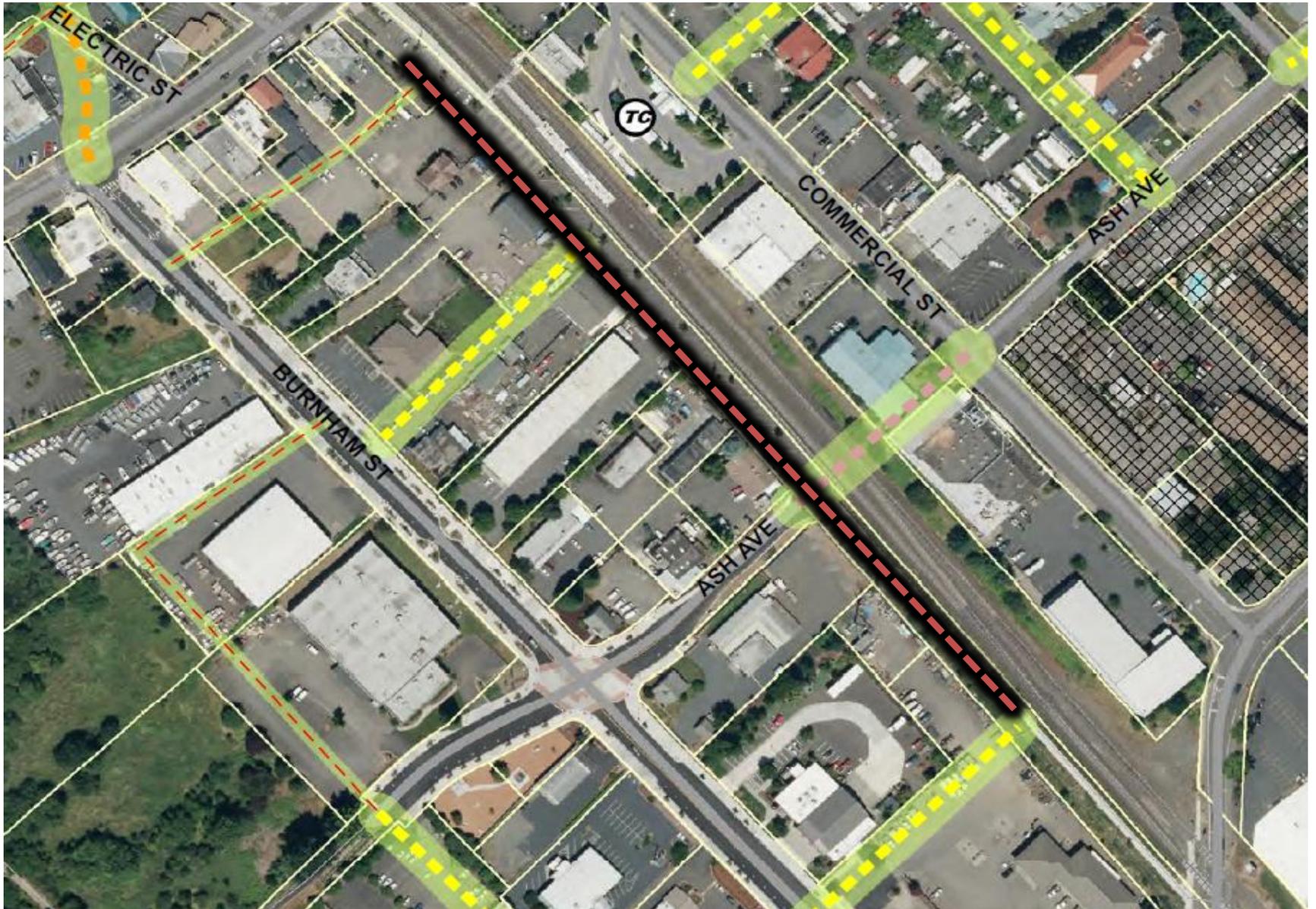


Figure 5-14G. Connectivity Projects Detail Sheet: Map 6

Street Character Type	 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections
 Downtown Mixed Use 2 (Local)	 Existing Streets
 Urban Residential (52'-56')	 Taxlots
 Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Figure 5-14H. Connectivity Projects Detail Sheet: Map 7

Street Character Type		 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	 Existing Streets
 Downtown Mixed Use 2 (Local)	 Taxlots	
 Urban Residential (52'-56')		
 Alley (20')		

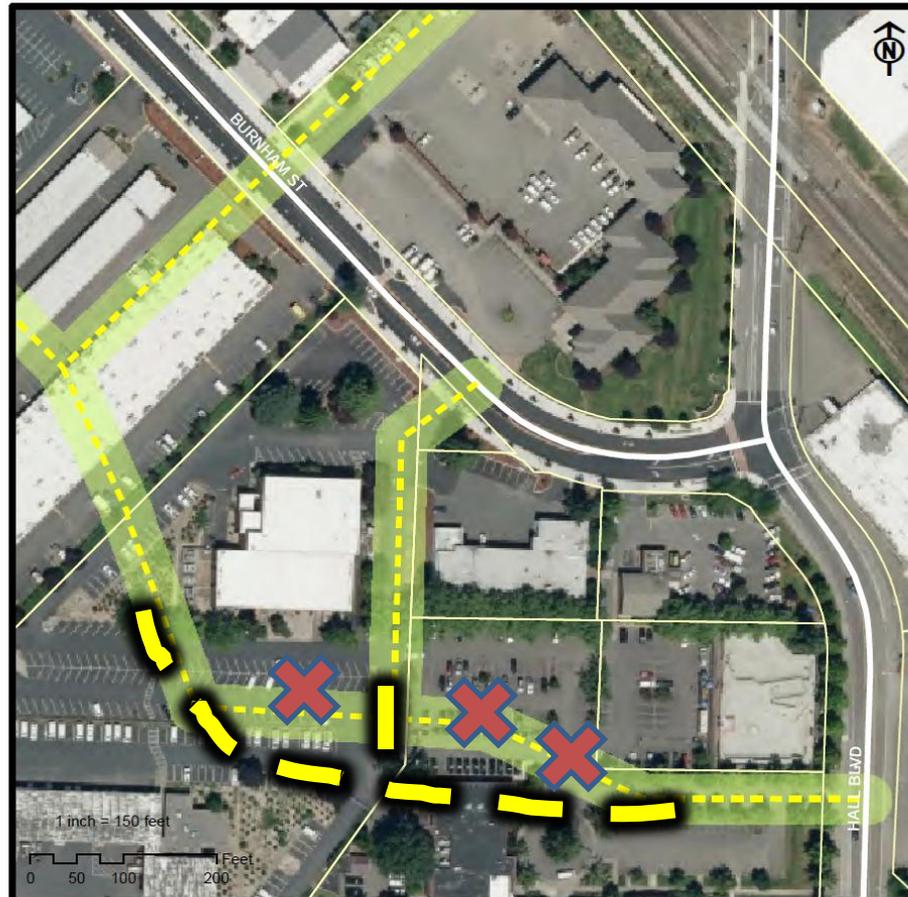
Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.



Figure 5-14I. Connectivity Projects Detail Sheet: Map 8



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



DRAFT Amendments to the TDC Chapter 18.370 Variances and Adjustments

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.
- ◆ Proposed language added at Planning Commission hearing in red underline.

18.370.020 Adjustments

A. Purpose. The purpose of this section is to establish two classes of special variances:

1. “Development adjustments” which allow modest variation from required development standards within proscribed limits. Because such adjustments are granted using “clear and objective standards,” these can be granted by means of a Type I procedure, as opposed to the more stringent standards of approval and procedure for variances.

2. “Special adjustments” which are variances from development standards which have their own approval criteria as opposed to the standard approval criteria for variances contained in Section 18.370.020.C.

B. Development adjustments.

1. The following development adjustments will be granted by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Subsection B2 below:

- a. Front yard setbacks. Up to a 25% reduction of the dimensional standards for the front yard setback required in the base zone. Setback of garages may not be reduced by this provision.
- b. Interior setbacks. Up to a 20% reduction of the dimensional standards for the side and rear yard setbacks required in the base zone.
- c. Lot coverage. Up to 5% increase of the maximum lot coverage required in the base zone.

2. Approval criteria. A development adjustment shall be granted if there is a demonstration of compliance with all of the applicable standards:

- a. A demonstration that the adjustment requested is the least required to achieve the desired effect;
- b. The adjustment will result in the preservation of trees, if trees are present in the development area;
- c. The adjustment will not impede adequate emergency access to the site;
- d. There is not a reasonable alternative to the adjustment which achieves the desired effect.

C. Special adjustments.

1. Adjustments to development standards within subdivisions (Chapter 18.430). The Director shall consider the application for adjustment at the same time he/she considers the preliminary plat. An adjustment may be approved, approved with conditions, or denied provided the Director finds:

- a. There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;
- b. The adjustment is necessary for the proper design or function of the subdivision;
- c. The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and
- d. The adjustment is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this title.

2. Adjustment to minimum residential density requirements (Chapter 18.510). The Director is authorized to grant an adjustment to the minimum residential density requirements in Section 18.510.040, by means of a Type I procedure, as governed by Section 18.390.030 as follows:

- a. For development on an infill site as follows:
 - (1) In the R-25 zone, sites of .75 acre or smaller.
 - (2) In the R-40 zone, sites of .75 acre or smaller.
- b. For development on sites larger than those contained in 1 above, if the applicant can demonstrate by means of detailed site plan that the site is so constrained that the proportional share of the required minimum density cannot be provided and still meet all of the development standards in the underlying zone.
- c. To be granted an adjustment in either Subsections a or b above, the applicant must demonstrate that the maximum number of residential units are being provided while complying with all applicable development standards in the underlying zone. There is nothing in this section which precludes an applicant for applying to a variance to these standards, as governed by Section 18.370.010.

3. For adjustments to density requirements in Washington Square Regional Center, the standards of Section 18.630.020.E apply.

4. For Modifications to dimensional and minimum density requirements for developments within the Washington Square Regional Center that include or abut designated Water Resource overlay areas, the standards of Section 18.630.020.F apply.

5. Adjustment to access and egress standards (Chapter 18.705).

- a. In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.
- b. The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:
 - (1) It is not possible to share access;

- (2) There are no other alternative access points on the street in question or from another street;
- (3) The access separation requirements cannot be met;
- (4) The request is the minimum adjustment required to provide adequate access;
- (5) The approved access or access approved with conditions will result in a safe access; and
- (6) The visual clearance requirements of Chapter 18.795 will be met.

6. Adjustments to landscaping requirements (Chapter 18.745).

a. Adjustment to use of existing trees as street trees. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the use of existing trees to meet the street tree requirements in Section 18.745.030 providing there has been no cutting and filling around the tree during construction which may lead to its loss, unless the following can be demonstrated:

- (1) The ground within the drip-line is altered merely for drainage purposes; and
- (2) It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.

b. Adjustment for street tree requirements. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the adjustments to the street tree requirements in Section 18.745.030, based on the following approval criteria:

- (1) If the location of a proposed tree would cause potential problems with existing utility lines;
- (2) If the tree would cause visual clearance problems; or
- (3) If there is not adequate space in which to plant street trees.

7. Adjustments to parking standards (Chapter 18.765).

a. Reduction from minimum parking requirements. By means of a Type II procedure, as governed by Section 18.390.040, the Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that:

- (1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and
- (2) A reduction in parking will not have an adverse impact on adjacent uses.

b. Reductions in minimum parking requirements in new developments for transit improvements. The Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H by means of a Type II procedure, as governed by Section 18.390.040, when the applicant:

- (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
- (2) Documents operational characteristics indicating the number of transit users, or number of non-auto users for a particular facility.

c. Reductions in minimum parking requirements in existing developments for transit improvements. The Director may authorize up to a 10% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H at a conversion ratio of one

space per 100 square feet of transit facility by means of a Type I procedure as governed by Section 18.390.030, when the applicant:

(1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and

(2) Meets the following requirements:

(a) A transit facility must be located adjacent to a street with transit service. The facility should be located between the building and front property line, within 20 feet of an existing transit stop, or the facility may include a new transit stop if approved by Tri-Met.

(b) A transit facility shall include a covered waiting or sitting area.

d. Increases in the maximum parking requirements. The Director may approve off-street parking in excess of the maximum allowed parking spaces in Section 18.765.070G by means of a Type II procedure, as governed by Section 18.390.040, when the applicant can demonstrate that all of the following criteria are met:

(1) The individual characteristics of the use at that location requires more parking than is generally required for a use of this type and intensity;

(2) The need for additional parking cannot be reasonably met through provision of on-street parking or shared parking with adjacent or nearby uses; and

(3) The site plan shall indicate how the additional parking can be redeveloped to more intensive transit-supportive use in the future.

e. Reduction in required bicycle parking. The Director may approve a reduction of required bicycle parking per Section 18.765.050.E by means of Type II procedure, as governed by Section 18.390.040, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

f. Use of alternative parking garage layout. By means of a Type II procedure, as governed by Section 18.390.040, the Director may approve an alternative design of parking garage which differs from the dimensional standards contained in Figure 18.765.2 when it can be shown that 1) the proposed structure meets design guidelines of the Urban Land Institute's (ULI) Dimension of Parking, Current Edition; or 2) a similar structure functions efficiently using proposed modified layout, circulation and dimensions.

g. Reduction in length of stacking lane. By means of a Type I procedure, as governed by 18.390.030, the Director may allow a reduction in the amount of vehicle stacking area required in Section 18.765.040.D.2 if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

8. Adjustments to sign code (Chapter 18.780).

a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the sign code based on findings that at least one of the following criteria are satisfied:

(1) The proposed adjustment to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Chapter 18.780, Signs;

(2) A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;

(3) Up to an additional 25% of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of Chapter 18.780,

Signs. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other non-dimensional standards or restrictions of this chapter;

(4) The proposed sign is consistent with the criteria set forth in Section 18.780.130.G;

(5) The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:

(a) The combined height of both signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;

(b) Neither sign will pose a vision clearance problem or will project into the public right-of-way; and

(c) Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.

b. In addition to the criteria in Subsection a above, the Director shall review all of the existing or proposed signage for the development and its relationship to the intent and purpose of Chapter 18.780, Signs. As a condition of approval of the adjustment, the Director may require:

(1) Removal or alteration of nonconforming signs to achieve compliance with the standards contained in Chapter 18.780, Signs;

(2) Removal or alteration of conforming signs to establish a consistent sign design throughout the development; and

(3) Application for sign permits for signs erected without permits or removal of such illegal signs.

9. Adjustments to setbacks to reduce tree removal (Chapter 18.790). By means of a Type I procedure, as governed by Section 18.390.030, the Director may grant a modification from applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development. Such modification may reduce the required setback by up to 50%, but shall not be more than is necessary for the preservation of trees on the site. The setback modification described in this section shall supersede any special setback requirements or exceptions set out elsewhere in this title, including but not limited to Chapter 18.730, except Section 18.730.040.

10. Adjustments to wireless communication facilities (Chapter 18.798).

a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be set back at least the height of the tower from any off-site residence based on findings that at the following criteria are satisfied:

(1) The proposed location of the tower complies with the setback requirements for the underlying zone in which the property is located;

- (2) A structural engineer certifies that the tower is designed to collapse within itself;
- (3) Because of topography, vegetation, building orientation and/or other factor, a site closer to an off-site residence will equally or better reduce the visual impacts associated with the tower upon the off-site residence.

b. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be located 2,000 feet from another tower in a residential zone or 500 feet from another tower in a non-residential zone based on findings that the following criteria are satisfied:

- (1) The applicant has fully complied with the collocation protocol as provided in Section 18.798.080; and
- (2) A registered radio engineer certifies that a more distant location is not technically feasible and/or sites at a more appropriate location are not available; or
- (3) A location closer than the required separation will reduce visual or other impacts on surrounding uses better than sites beyond the required separation.

11. Adjustments for street improvement requirements (Chapter 18.810). By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the street improvement requirements, based on findings that the following criterion is satisfied: Strict application of the standards will result in an unacceptably adverse impact on existing development, on the proposed development, or on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes or existing mature trees. In approving an adjustment to the standards, the Director shall determine that the potential adverse impacts exceed the public benefits of strict application of the standards. (Ord. 06-20)

12. Adjustments to Downtown Connectivity Standards (Chapter 18.610.025). **This adjustment applies to the location of required connections; adjustments to the design of the required improvement are subject to 18.370.020.C.11.** By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the connectivity standards, based on findings that the following criteria are satisfied:

- a. Granting the adjustment will equally or better meet downtown design principles outlined in the Transportation System Plan;
- b. Application of the Downtown Connectivity Standards would preclude all reasonable economic use of the site;
- c. Any adjustment of the street and pedestrian connectivity improvement designations will, at a minimum, preserve the potential for a future connectivity improvements; and
- d. Granting the adjustment would not result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees.

DRAFT Amendments to TDC Chapter 18.610 Tigard Downtown District Development and Design Standards

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.
- ◆ Proposed language added at Planning Commission hearing in red underline.

Sections:

- 18.610.010 Purpose and Procedures**
- 18.610.015 Pre-Existing Uses and Developments within the Downtown District**
- 18.610.020 Building and Site Development Standards**
- 18.610.025 Street Connectivity**
- 18.610.030 Building and Site Design Standards**
- 18.610.035 Additional Standards**
- 18.610.040 Special Requirements for Development Bordering Urban Plaza**
- 18.610.045 Exceptions to Standards**
- 18.610.050 Building and Site Design Objectives (to be used with Track 3 Approval Process)**
- 18.610.055 Signs**
- 18.610.060 Off-Street Parking and Loading Requirements**

18.610.010 Purpose and Procedures

- A. Purpose. The objectives of the Tigard Downtown Development and Design Standards are to implement the Comprehensive Plan, Tigard Downtown Improvement Plan, and Urban Renewal Plan and ensure the quality, attractiveness, and special character of the Downtown. The regulations are intended to:
1. Facilitate the development of an urban village by promoting the development of a higher density, economically viable, and aesthetically pleasing pedestrian-oriented downtown where people can live, work, play and shop for their daily needs without relying on the automobile. The quality and scale of the downtown urban environment shall foster social interaction and community celebration.
 2. Encourage the integration of natural features and the open space system into Downtown by promoting development sensitive to natural resource protection and enhancement; addressing the relationship to Fanno Creek Park; and promoting opportunities for the creation of public art and use of sustainable design.

3. Enhance the street level as an inviting place for pedestrians by guiding the design of the building “walls” that frame the right-of-way (the “public realm”) to contribute to a safe, high quality pedestrian-oriented streetscape. Building features will be visually interesting and human-scaled, such as storefront windows, detailed façades, art and landscaping. The impact of parking on the pedestrian system will also be limited. The downtown streetscape shall be developed at a human scale and closely connected to the natural environment through linkages to Fanno Creek open space and design attention to trees and landscapes.
4. Promote Tigard’s Downtown as a desirable place to live and do business. Promote development of high-quality high density housing and employment opportunities in the Downtown.
5. Provide a clear and concise guide for developers and builders by employing greater use of graphics to explain community goals and desired urban form to applicants, residents and administrators.

B. Conflicting standards. The following standards and land use regulations apply to all development within the Downtown Mixed Use Central Business District. With the exception of public facility ~~and street~~ requirements, if a design standard found in this section conflicts with another standard in the Development Code, the standards in this section shall govern, even if less restrictive than other areas of the code.

C. Applicability.

1. New buildings and redevelopment: All applicable Design Standards apply to new buildings and related site improvements.
2. Expansion, modification and site improvements to existing development: An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed, provided the application for such proposed project moves toward compliance with the applicable Development Code standards. Only those Downtown Building and Site Design Standards applicable to the proposed expansion, modification or site improvements to the existing development shall be applicable.
3. Design standards do not apply to the following projects:
 - a. Maintenance and repair of a building, structure, or site in a manner that is consistent with previous approvals and/or necessary for safety;
 - b. Projects undertaken to bring an existing development into compliance with the Americans with Disabilities Act;
 - c. Exterior painting;
 - d. Any exterior project that doesn’t require a building permit;
 - e. Interior remodeling;
 - f. Temporary structures/uses (as defined in Chapter 18.785);

- g. Any project involving a pre-existing single-family residential building or duplex (that is not being or already been converted to a nonresidential use).

D. Downtown design review approval process.

...

E. Procedures.

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F. Downtown design review submittal requirements.

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G. Approval period.

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H. Extension.

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I. Phased development.

1. If the development of a site takes more than one year, the applicant shall submit a phased development time schedule for approval by the Director. In no case shall the total time period for all phases be greater than seven years without reapplying for design review.
2. The criteria for approving a phased development proposal is that all of the following are satisfied:
 - a. The public facilities are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - d. The Director's decision may be appealed as provided by Section 18.390.040.G. No notice need be given of the Director's decision.

J. Bonding and assurances.

1. Performance Bonds for Public Improvements. On all projects where public improvements are required the Director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the plan in order to ensure the completed project is in conformance with the approved plan; and
2. Release of Performance Bonds. The bond shall be released when the Director finds the completed project conforms to the approved plan and all conditions of approval are satisfied.
3. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the

Director is filed with the City Recorder assuring such installation within six months after occupancy:

- a. Security may consist of a faithful performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City Attorney; and
- b. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

K. Business tax filing.

...

18.610.015 Pre-Existing Uses and Developments within the Downtown District

A. Applicability. Notwithstanding the provisions of Section 18.760.040 (Criteria for Nonconforming Situations), land uses and associated development in the MU-CBD District that were lawfully in existence at the time of adoption of these standards may continue as lawful uses and developments.

1. Land uses and associated development that were in existence at the time of the adoption of the MU-CBD District and Chapter 18.610 may continue on the property. Additions, expansions, or enlargements to such uses or developments, shall be limited to the property area of said use or development lawfully in existence at the time of adoption of this ordinance, January 26, 2010.
2. If a pre-existing structure or use is destroyed by fire, earthquake or other act of God, or otherwise abandoned then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within one year of the date of the loss. The new structure would have to conform to the code.

B. Standards for projects involving existing single-family and duplex dwellings.

1. Existing single-family buildings and duplexes used for residential purposes are exempt from the standards.
2. For projects involving preexisting housing units used for nonresidential uses the applicable standards are: Section 18.610.020, Building and Site Development Standards, including the applicable sub-area from Map 610.A; Section 18.610.030, Building Design Standards for Nonresidential Buildings and Section 18.610.035, Additional Standards.

C. Existing nonconforming industrial structures. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lots 100 and 202, Map 2 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300. (Ord. 10-02 § 2)

18.610.020 Building and Site Development Standards

A. Sub-areas.

...

B. **Development standards.** Development standards apply to all new development in the MU-CBD zone, including developments utilizing the Track 3 approval process. Variances or adjustments may be granted if the criteria found in Chapter 18.370 is satisfied.

1. Development Standards Matrix. See Table 18.610.1 and Map 18.610.A.

Table 18.610.1
MU-CBD Development Standards Matrix^{1, 2, 3}

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front setback				
Minimum	0 ft.	0/5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%
Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards in the MU-CBD zone.

⁴ In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.075.

⁵ Landscaping/screening requirements for parking lots must be met.

⁶ Station Area Overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ 3 stories/45 feet within 200 feet of Fanno Creek Park boundary (see Map 610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).

2. Parking Location. ...

3. Rooftop Features/Equipment Screening. ...

4. Other Exterior Mechanical Equipment. ...

18.610.025 Street Connectivity

~~Section to be reserved until completion of Downtown Circulation Plan. (Ord. 10-02 § 2)~~

- A.** Purpose Statement. The purpose of this section is to implement the *City of Tigard 2035 Transportation System Plan* which describes a more complete system of streets and pathways to improve multi-modal access to, from and within the Downtown Mixed Use Central Business District. The standards in this section are intended to execute connectivity improvement projects that will foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development. The standards are also intended to solve some existing connectivity issues, such as access across railroad tracks.
- B.** Applicability. The connectivity standards in this section apply only to those properties with designated streets or alleys as shown on Figures 5-14A through 5-14I of the *City of Tigard 2035 Transportation System Plan*. Development on properties with designated streets or alleys is subject to the connectivity requirements below.
- C.** Required New Street and Alley Connections. Required new street and alley connections shall be provided as follows.
- 1.** New development and major redevelopment. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor, the applicant shall comply with subsections (a) and (b), below.
- (a)** Dedicate the required right-of-way. The applicant shall dedicate the amount of right-of-way necessary to construct the required street or alley consistent with the designated street cross-section.
- i.** As an alternative, the City Engineer may approve the dedication of a public easement in lieu of a portion of the public right-of-way in accordance with TDC 18.810.030.C.
- (b)** Construct the required improvements. The applicant shall construct the full street or alley improvements as shown in the designated street cross-section.
- 2.** All other projects. For projects other than new development and major redevelopment, the applicant shall comply with sections (a) and (b) below:
- (a)** Preserve the potential for a future connectivity improvement. No new buildings shall be located within the area identified as future street or alley alignment. Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the future alignment.
- (b)** Sign a non-remonstrance to future Local Improvement District (LID). The property owner shall sign a non-remonstrance agreement for formation of a future LID to pay for the identified street or alley improvement.
- D.** Required New Pedestrian Pathway. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor that is

within the area designated for required multi-use pathway, the applicant shall comply with subsection (1) below:

1. Provide multi-use pathway on public easements or right-of-ways through the block in a manner which ensures that connections through the block are provided at least every 330 feet. The required pathway shall provide direct connection through the block and be [ADA accessible](#), subject to the requirements of 18.810.110.

E. Adjustments to the connectivity standards are subject to TDC 18.370.020.

F. Replacement of a pre-existing structure that is destroyed by fire, earthquake or other cause beyond the control of the owner, shall not be considered a major redevelopment for the purposes of 18.610.025.C and of 18.610.025.D.

18.610.030 Building and Site Design Standards

...

18.610.035 Additional Standards

...

18.610.040 Special Requirements for Development Bordering Urban Plaza

...

18.610.045 Exceptions to Standards

- A. Exceptions to setback requirements. ...
- B. Exceptions to parking requirements. ...
- C. Exceptions for private or shared outdoor area. ...
- D. Exceptions to landscaping requirements. ...

18.610.050 Building and Site Design Objectives (to be used with Track 3 Approval Process)

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18.610.055 Signs

...

18.610.060 Off-Street Parking and Loading Requirements

...

DRAFT Amendments to TDC Chapter 18.810 Street and Utility Improvement Standards

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.

Sections:

18.810.010	Purpose
18.810.020	General Provisions
18.810.030	Streets
18.810.040	Blocks
18.810.050	Easements
18.810.060	Lots
18.810.070	Sidewalks
18.810.080	Public Use Areas
18.810.090	Sanitary Sewers
18.810.100	Storm Drainage
18.810.110	Bikeways and Pedestrian Pathways
18.810.120	Utilities
18.810.130	Cash or Bond Required
18.810.140	Monuments—Replacement Required.
18.810.150	Installation Prerequisite
18.810.160	Installation Conformation
18.810.170	Plan Check
18.810.180	Notice to City
18.810.190	City Inspection of Improvements
18.810.200	Engineer’s Written Certification Required
18.810.210	Completion Requirements

18.810.010 Purpose

- A. Purpose. The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

18.810.020 General Provisions

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. 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.

- B. Standard specifications. The city engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Chapter 7.40 applies. The provision of Chapter 7.40 of the Tigard Municipal Code shall apply to this chapter.
- D. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be granted by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Section ~~18.370.020.C.11~~ ~~18.370.030.C.9~~. (Ord. 99-22)
- E. Except as provided in Section 18.810.030.S, as used in this chapter, the term “streets” shall mean “public streets” unless an adjustment under Section 18.810.020.D is allowed. (Ord. 99-22)

18.810.030 Streets

A. Improvements.

1. No development shall occur unless the development has frontage or approved access to a public street.
2. No development shall occur unless streets within the development meet the standards of this chapter.
3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
- 4 Any new street or additional street width planned as a portion of an existing street shall meet the standards of this chapter.
5. If the city could and would otherwise require the applicant to provide street improvements, the city engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

6. The standards of this chapter include the standard specifications adopted by the city engineer pursuant

to Section 18.810.020.B.

7. The approval authority may approve adjustments to the standards of this chapter if compliance with the standards would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees. The approval authority may also approve adjustments to the standards of this chapter if compliance with the standards would have a substantial adverse impact on existing development or would preclude development on the property where the development is proposed. In approving an adjustment to the standards, the approval authority shall balance the benefit of the adjustment with the impact on the public interest represented by the standards. In evaluating the impact on the public interest, the approval authority shall consider the criteria listed in Section 18.810.030.E.1. An adjustment to the standards may not be granted if the adjustment would risk public safety.

B. Creation of rights-of-way for streets and related purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation.

1. The council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the council to be present:
 - a. Establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
 - b. The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such dedication is recommended by the commission to the council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
 - c. The street is located within the Downtown Mixed Use Central Business District and has been identified on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan as a required connectivity improvement.
2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval.
 - a. The applicant shall submit such additional information and justification as may be necessary to enable the commission in its review to determine whether or not a recommendation for approval by the council shall be made.
 - b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title.
 - c. The commission in submitting the proposal with a recommendation to the council may attach conditions which are necessary to preserve the standards of this title.
3. All deeds of dedication shall be in a form prescribed by the city and shall name “the public” as grantee.

C. Creation of access easements. ...

- D. Street location, width and grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:
1. Street grades shall be approved by the city engineer in accordance with subsection N below; and
 2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
 - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
 - b. Conform to a plan adopted by the commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.
- E. Minimum rights-of-way and street widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1.
1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:
 - a. The type of road as set forth in the comprehensive plan transportation chapter - functional street classification.
 - b. Anticipated traffic generation.
 - c. On-street parking needs.
 - d. Sidewalk and bikeway requirements.
 - e. Requirements for placement of utilities.
 - f. Street lighting.
 - g. Drainage and slope impacts.
 - h. Street tree location.
 - i. Planting and landscape areas.
 - j. Safety and comfort for motorists, bicyclists, and pedestrians.
 - k. Access needs for emergency vehicles.

Table 18.810.1

Minimum Widths for Street Characteristics and Downtown Street Character Types

Type of Street	Right-of-Way Width	Paved Width	Number of Lanes	Min. Lane Width	On-street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip Width (exclusive of curb)	Median Width
Arterial	64'—128'	Varies	2—7 (Refer to TSP)	12'	N/A	6' (New Streets) 5'—6' (Existing Streets)	8' (Res. & Ind. Zones) 10' (Comm. Zones)	5'	12' ⁽¹⁾
Collector	58'—96'	Varies	2—5 (Refer to TSP)	11'	8' ⁽⁴⁾	6' (New Streets) ⁽⁵⁾ 5'—6' (Existing Streets) ₍₅₎	6' (Res. & Ind. Zones) 8' (Comm. Zones)	5'	12' ⁽¹⁾
Neighborhood Route	50'—58'	28'—36'	2	10'	8'	5'—6'	5'—6' ⁽²⁾	5'	N/A
Local: Industrial/Commercial	50'	36'	2			N/A	5'—6' ⁽²⁾	5'	N/A
Local: Residential • Under 1500 ADT • Under 500 ADT • Under 200 ADT	54'/50' ⁽³⁾ 50'/46' ⁽³⁾ 46'/42' ⁽³⁾	32'/28' ⁽³⁾ 28'/24' ⁽³⁾ 24'/20' ⁽³⁾	2 2 2		8' (both sides) 8' (one side) (No Parking)	N/A N/A N/A	5'—6' ⁽²⁾	5'	N/A
Cul-de-sac bulbs in Industrial and Commercial Zones	50' radius	42' radius	N/A	N/A		N/A			N/A
Cul-de-sac bulbs in Residential Zones	47' radius	40' radius	N/A	N/A		N/A		N/A	N/A
Upper Hall Boulevard ⁽⁶⁾	<u>94'</u>	<u>64'</u>	<u>3</u>	<u>11'</u>	<u>8'</u>	<u>6'</u>	<u>10.5'</u>	<u>4'</u>	<u>14'</u>
Main Street Green Street	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>
<u>Downtown Mixed Use 1 – Downtown Collector</u>	<u>66'-70'</u>	<u>46'</u>	<u>2</u>	<u>10'</u>	<u>8'</u>	<u>5'</u>	<u>6-8'</u>	<u>4'</u>	<u>N/A</u>
<u>Downtown Mixed Use 2 – Downtown Neighborhood</u>	<u>58'-62'</u>	<u>38'</u>	<u>2</u>	<u>11'</u>	<u>8'</u>	<u>N/A</u>	<u>6-8'</u>	<u>4'</u>	<u>N/A</u>
<u>Downtown Mixed Use 3 – Upper Burnham</u>	<u>62'-74'</u>	<u>38'</u>	<u>2</u>	<u>11'</u>	<u>8'</u>	<u>N/A</u>	<u>6-8'</u>	<u>5.5-9.5'</u>	<u>N/A</u>
<u>Downtown Mixed Use 4 – Lower Burnham</u>	<u>68'-72'</u>	<u>48'</u>	<u>2</u>	<u>10'</u>	<u>8'</u>	<u>N/A</u>	<u>6-8'</u>	<u>4'</u>	<u>12'</u>

<u>Downtown – Urban Residential</u>	<u>52’-56’</u>	<u>32’</u>	<u>1</u>	<u>18’</u>	<u>7’</u>	<u>N/A</u>	<u>6-8’</u>	<u>4’</u>	<u>N/A</u>
Alley: Residential	16’	16’			N/A	N/A	N/A	N/A	N/A
Alley: Business	20’	20’			N/A	N/A	N/A	N/A	N/A

¹ Medians required for five- and seven-lane roadways. They are optional for three-lane roadways.

² Sidewalk widths for these streets shall be five feet with landscape strip; six feet if against curb (if permitted in accordance with Section 18.810.070.C).

³ “Skinny street” roadway widths are permitted where cross section and review criteria are met. Refer to corresponding cross sections (Figures 18.810.3, 18.810.4 and 18.810.5) for details and conditions.

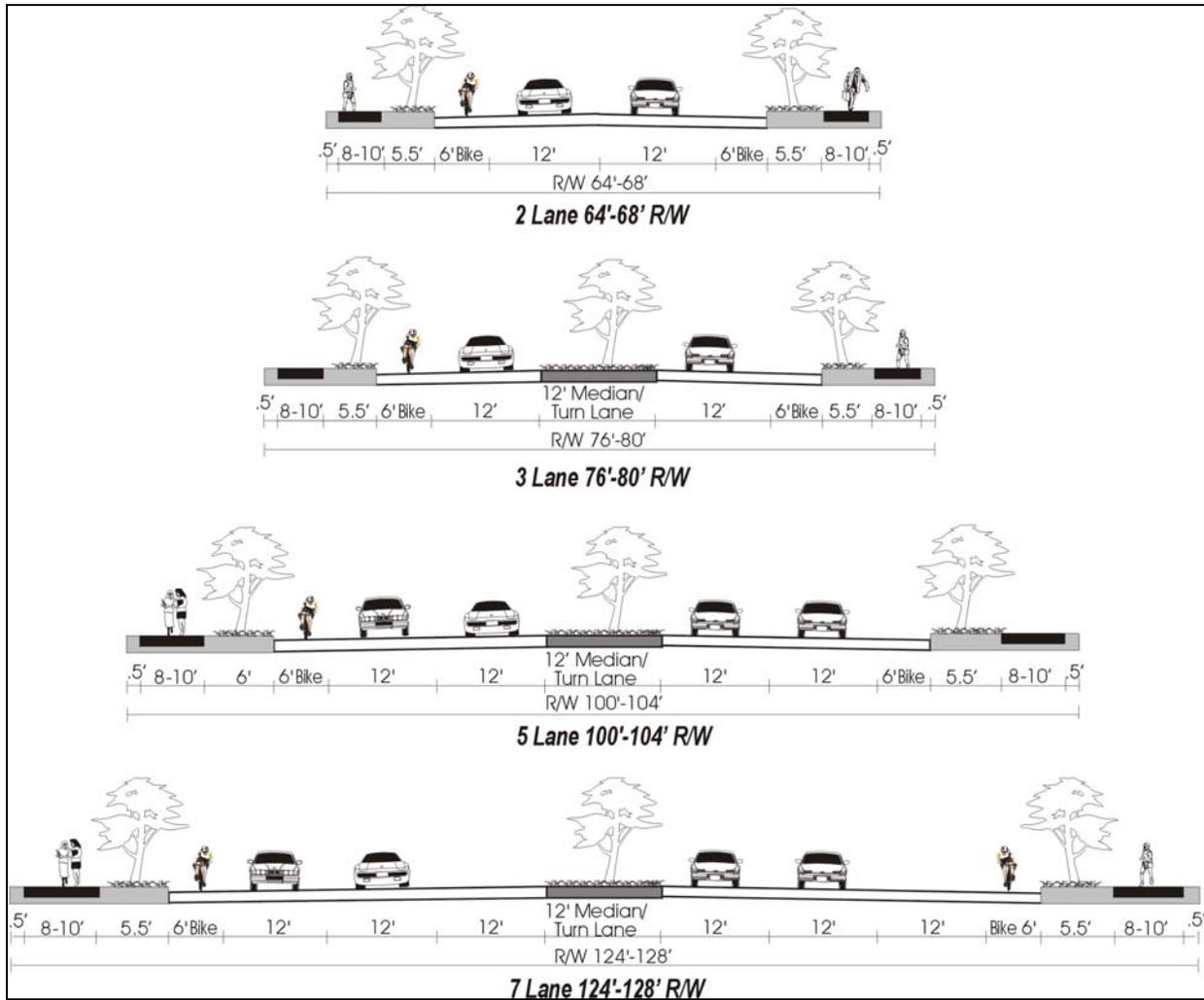
⁴ Parking is allowed on collectors within the Downtown Urban Renewal District.

⁵ Bicycle lane requirements on collectors within the Downtown Urban Renewal District shall be determined by the city engineer.

⁶ SW Hall Boulevard is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Boulevard Corridor. The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

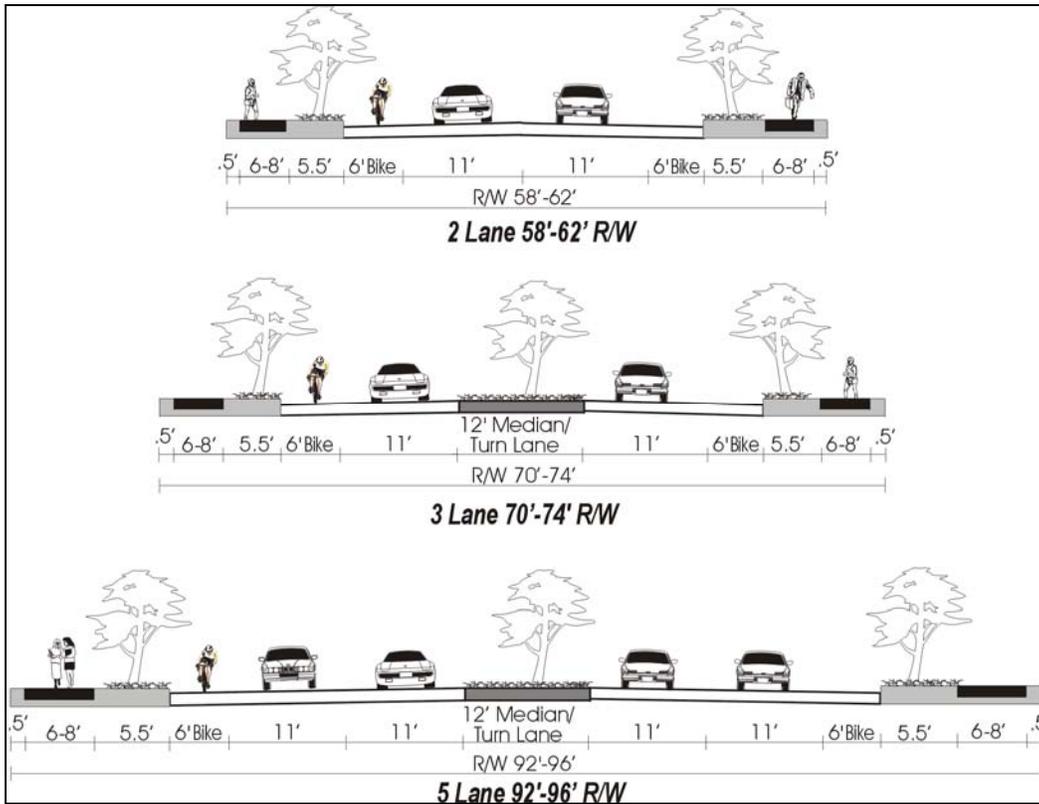
⁷ Main Street Green Street standards are currently being developed through a separate process.

Figure 18.810.1
Arterials Sample Cross Sections



(Ord. 02-33)

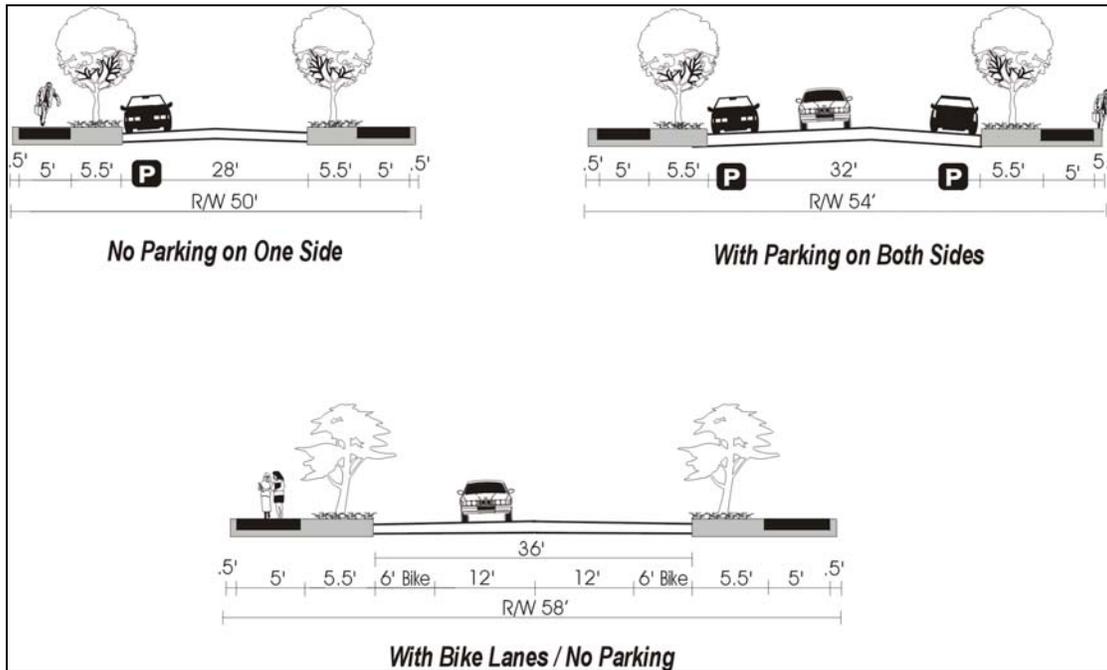
Figure 18.810.2
Collector Sample Cross Sections ⁽¹⁾



¹ Parking is allowed on collectors within the Downtown Urban Renewal District. Bike lane requirements on these same collectors shall be determined by the city engineer.

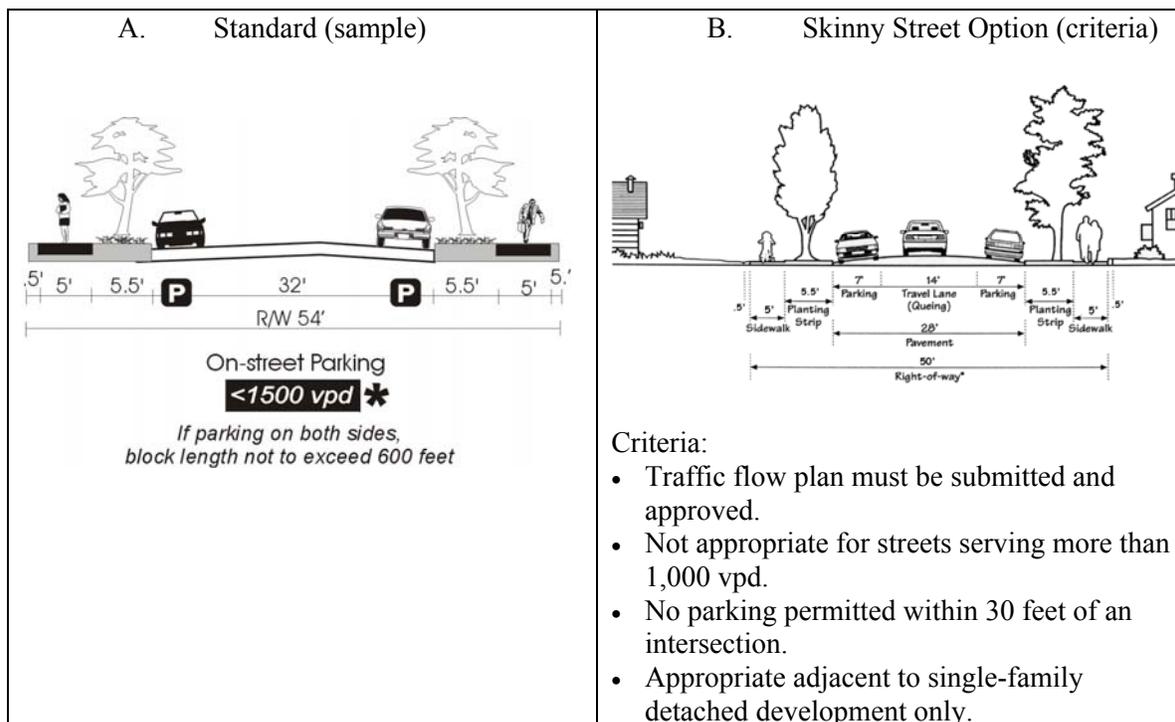
(Ord. 09-09 § 3 (Exh. B); Ord. 02-33)

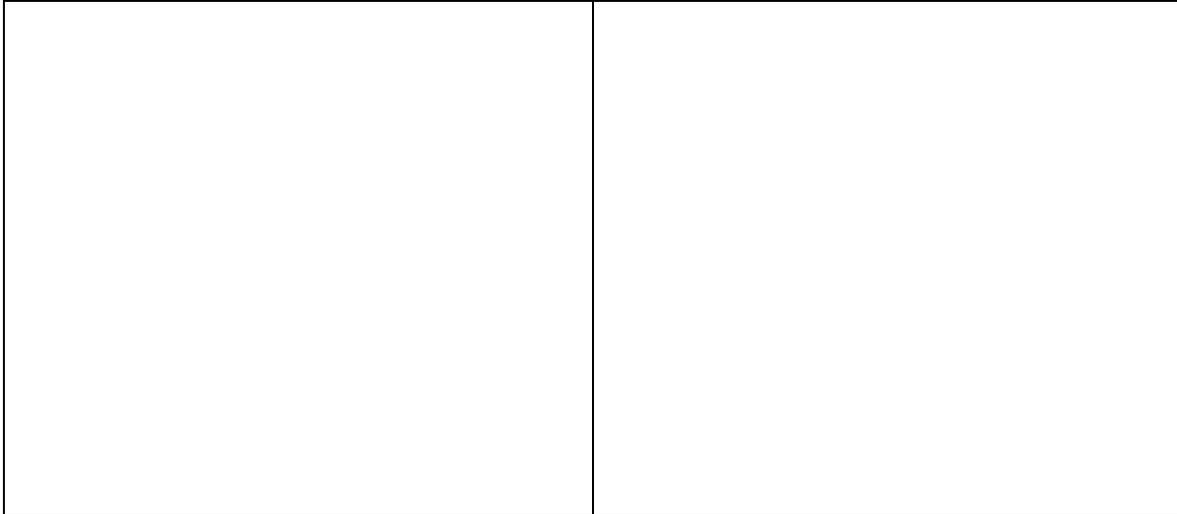
Figure 18.810.3
Neighborhood Routes Sample Cross Sections



(Ord. 02-33)

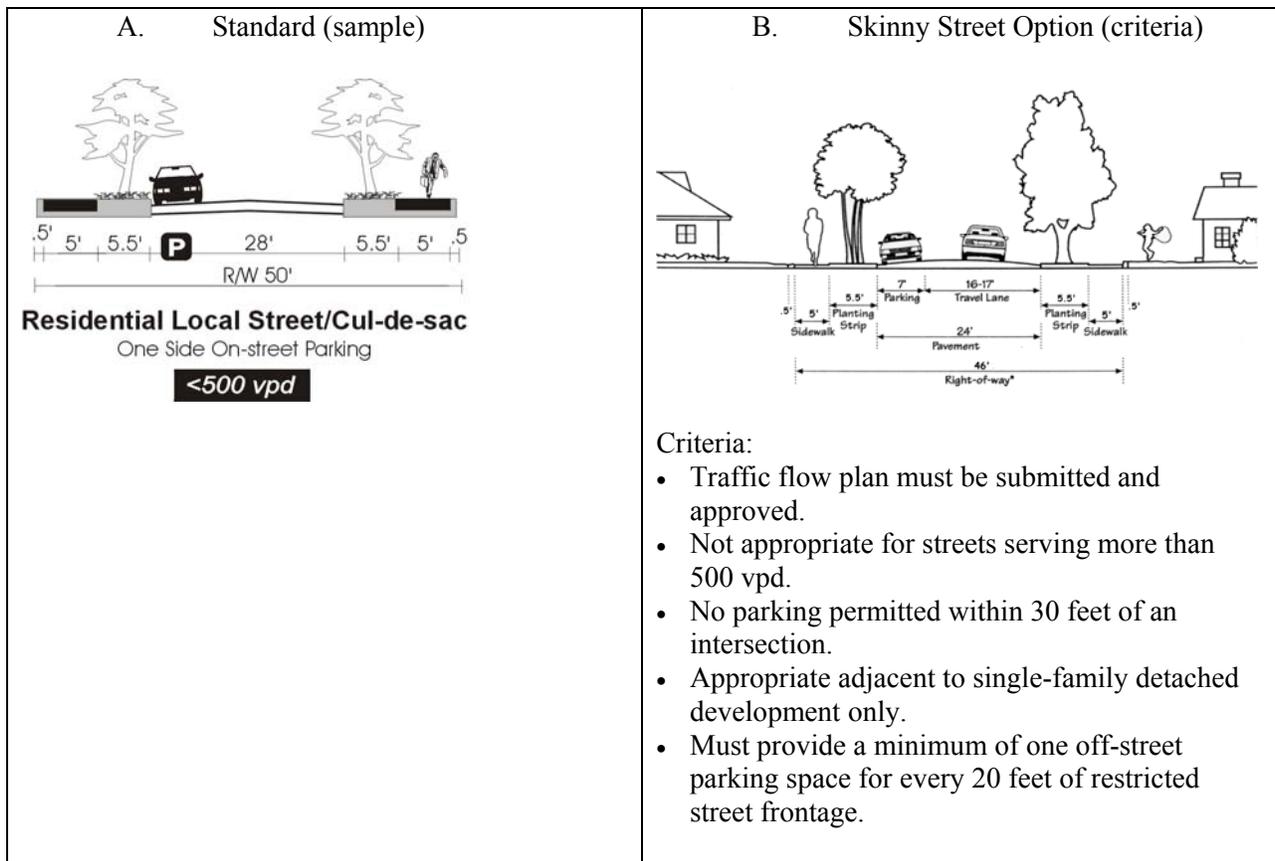
Figure 18.810.4
Local Residential Streets - <1,500 vpd





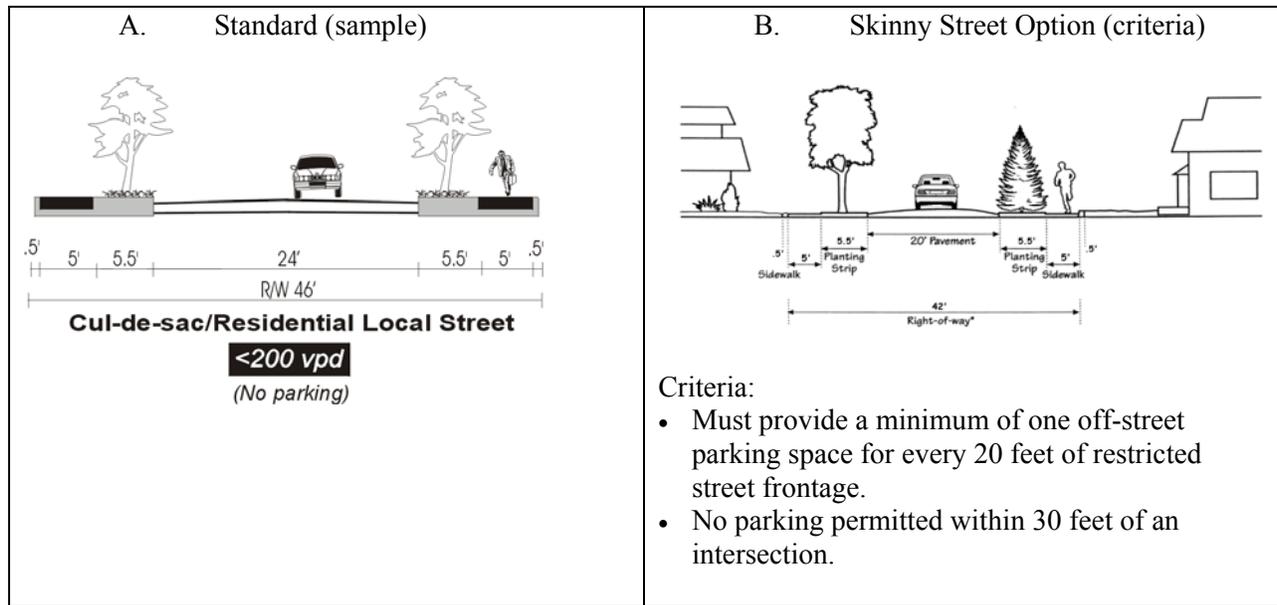
(Ord. 02-33)

Figure 18.810.5
Local Residential Streets < 500 vpd



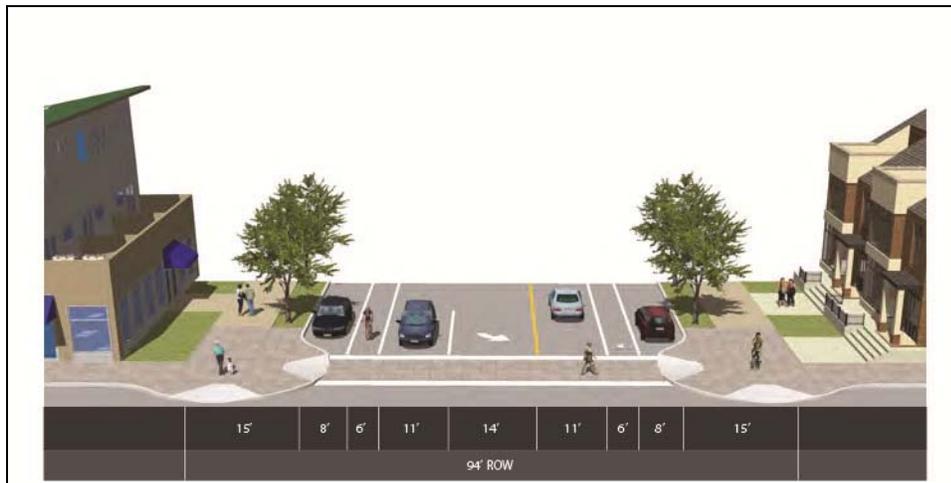
(Ord. 02-33)

Figure 18.810.6
Local Residential Street < 200 vpd



(Ord.02-33)

Figure 18.810.7
Upper Hall Boulevard



Note: SW Hall Boulevard is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Boulevard Corridor. The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

Figure 18.810.8
Downtown Mixed Use 1 – Downtown Collector



Figure 18.810.9
Downtown Mixed Use 2 – Downtown Neighborhood



Figure 18.810.10
Downtown Mixed Use 3 – Upper Burnham



Figure 18.810.11
Downtown Mixed Use 4 – Lower Burnham

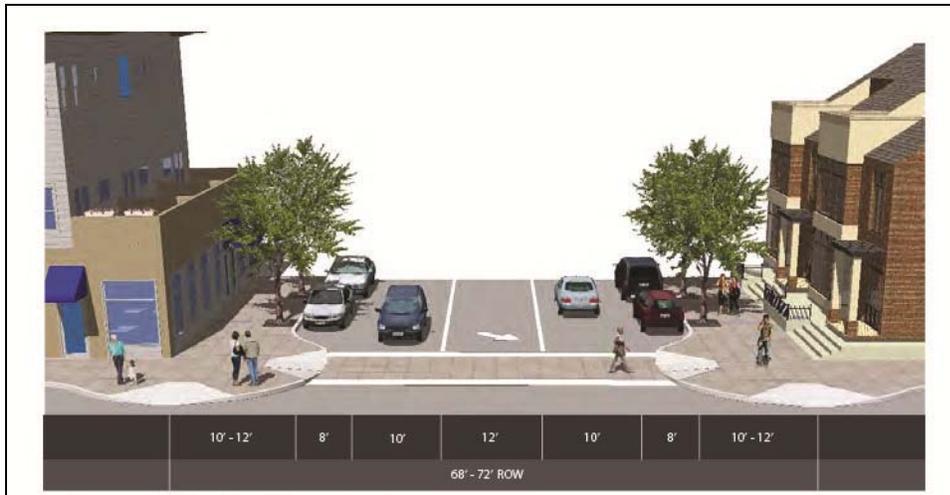


Figure 18.810.12
Downtown – Urban Residential



Figure 18.810.12
Alley: Business



Note: Permeable pavers are optional.

F. Future street plan and extension of streets.

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G. Street spacing and access management.

...

H. Street alignment and connections.

1. Full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to

a regulated water feature if regulations would not permit construction.

2. All local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.
3. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.
4. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.

I. Intersection angles. ...

J. Existing rights-of-way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.

K. Partial street improvements. Partial street improvements resulting in a pavement width of less than 20 feet, while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

L. Culs-de-sacs. ...

M. Street names. ...

N. Grades and curves.

...

O. Curbs, curb cuts, ramps, and driveway approaches. ...

P. Streets adjacent to railroad right-of-way. ...

Q. Access to arterials and collectors. ...

R. Alleys, public or private.

1. Alleys shall be no less than 20 feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.
2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

- S. Survey monuments. ...
- T. Private streets.
...
- U. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works director and approved by the commission.
- V. Street signs. ...
- W. Mailboxes. ...
- X. Traffic signals. ...
- Y. Street light standards. ...
- Z. Street name signs. ...
- AA. Street cross-sections. ...
- BB. Traffic calming. ...
- CC. Traffic study. ...

18.810.040 Blocks

- A. Block design. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.
- B. Sizes.
 - 1. The perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the centerline of the streets except:
 - a. Where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development; or
 - b. For blocks adjacent to arterial streets, limited access highways, collectors or railroads.
 - c. For nonresidential blocks in which internal public circulation provides equivalent access.
 - 2. Bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is exempted by subsection B.1 of this section. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code. (Ord. 06-20; Ord. 02-33)

18.810.050 Easements

...

18.810.060 Lots

...

18.810.070 Sidewalks

- A. Sidewalks. All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.
- B. Requirement of developers.
1. As part of any development proposal, or change in use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within 1/2 mile of their site to all transit facilities and neighborhood activity centers (schools, parks, libraries, etc.). In addition, the developer may be required to participate in the removal of any gaps in the pedestrian system off-site if justified by the development.
 2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).
- C. Planter strip requirements. A planter strip separation of at least five feet between the curb and the sidewalk shall be required in the design of streets, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; it would conflict with the utilities; there are significant natural features (large trees, water features, significant habitat areas, etc.) that would be destroyed if the sidewalk were located as required; ~~or~~ where there are existing structures in close proximity to the street (15 feet or less); or where the standards in Table 18.810.1 specify otherwise. Additional consideration for exempting the planter strip requirement may be given on a case-by-case basis if a property abuts more than one street frontage.
- ~~D. Sidewalks in Central Business District. In the Central Business District, sidewalks shall be 10 feet in width, and:~~
- ~~1. All sidewalks shall provide a continuous unobstructed path; and~~
 - ~~2. The width of curbside sidewalks shall be measured from the back of the curb.~~
- E. Maintenance. ...
- F. Application for permit and inspection. ...
- G. Council initiation of construction. ... (Ord. 06-20; Ord. 02-33; Ord. 99-22)

18.810.080 Public Use Areas

...

18.810.090 Sanitary Sewers

...

18.810.100 Storm Drainage

...

18.810.110 Bikeways and Pedestrian Pathways

A. Bikeway extension.

1. As a standard, bike lanes shall be required along all arterial and collector routes and where identified on the city's adopted bicycle plan in the transportation system plan (TSP). Bike lane requirements along collectors within the Downtown Urban Renewal District shall be determined by the city engineer unless specified in Table 18.810.1.
2. Developments adjoining proposed bikeways identified on the city's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way, provided such dedication is directly related to and roughly proportional to the impact of the development.
3. Any new street improvement project shall include bicycle lanes as required in this document and on the adopted bicycle plan.

B. Cost of construction. Development permits issued for planned unit developments, conditional use permits, subdivisions and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements in an amount roughly proportional to the impact of the development.

C. Minimum width.

1. The minimum width for bikeways within the roadway is five feet per bicycle travel lane.
2. The minimum width for multi-use paths separated from the road and classified as regional or community trails in the Greenway Trail System Master Plan is 10 feet. The width may be reduced to eight feet if there are environmental or other constraints.
3. The minimum width for off-street paths classified as neighborhood trails, according to the Greenway Trail System Master Plan, is three feet.
4. Design standards for bike and pedestrian-ways shall be determined by the city engineer. (Ord. 11-04 §2; Ord. 09-09 § 3; Ord. 02-33; Ord. 99-22)

18.810.120 Utilities

...

18.810.130 Cash or Bond Required

...

18.810.140 Monuments—Replacement Required.

...

18.810.150 Installation Prerequisite

...

18.810.160 Installation Conformation

...

18.810.170 Plan Check

...

18.810.180 Notice to City

...

18.810.190 City Inspection of Improvements

...

18.810.200 Engineer’s Written Certification Required

...

18.810.210 Completion Requirements (To be completed.) ■

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: DOWNTOWN CONNECTIVITY PLAN CODE AMENDMENTS PROJECT

CASE NOS: Comprehensive Plan Amendment (CPA) CPA 2012-00001
Development Code Amendment (DCA) DCA 2012-00002

APPLICANT: City of Tigard
13125 SW Hall Boulevard
Tigard, OR 97223

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 in the *Downtown Tigard Conceptual Connectivity Plan*.

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;

SECTION II. STAFF RECOMMENDATION

Staff recommends that the City Council concur with the Planning Commission and find that this request for a Comprehensive Plan Amendment and Development Code Amendments meets the necessary approval criteria according to the findings found in Section IV of this report. Therefore, staff recommends City Council APPROVE CPA 2012-00001 and DCA 2012-00002.

SECTION III. BACKGROUND INFORMATION

Project History

In 1996, the Metro 2040 Plan included Downtown Tigard, the historic center of Tigard, as a Town Center, one of 37 areas in the Portland Region identified as a focus for redevelopment, multi-modal transportation and concentrations of households and employment.

The current local Downtown Tigard planning effort dates back to 2002. A group of citizens and business owners were inspired to work on ideas for Downtown to capitalize on the planned Commuter Rail station in Downtown. A more extensive planning process was made possible with a state Transportation and Growth Management (TGM) grant.

Tigard Downtown Improvement Plan (TDIP)

A Task Force of 24 citizens was formed to guide the plan's development. The planning process incorporated high levels of citizen involvement, including community dialogues, workshops, open house, and a public survey.

The result of the planning process was the Tigard Downtown Improvement Plan (TDIP). The TDIP set forth a vision to create "a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes and uses 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."

Urban Renewal Plan

An Urban Renewal Plan was developed to implement the TDIP. The tools provided by urban renewal, including Tax Increment Financing, are intended to attract private investment and facilitate the area's redevelopment. Tigard voters approved the use of Tax Increment Financing for the Urban Renewal District in the May 2006 election.

Downtown Comprehensive Plan Chapter

Chapter 15 of the Comprehensive Plan identifies Downtown Tigard as a "Special Planning Area" needing additional planning attention due to its unique circumstances and value to the community. It was adopted specifically to provide the goals, policies, and action measures to implement the vision of the TDIP and its goal of creating a vibrant and active urban village. The City has taken a number of steps toward that goal including the adoption of the Tigard Downtown District Development and Design Standards (Chapter 18.610).

Key Comprehensive Plan findings related to transportation and connectivity include:

- Block sizes are large for a downtown.
- The Area is served by two major transportation corridors (Hwy 99W and Hall Blvd.) with heavy traffic levels. Many of the other Downtown streets lack complete sidewalks. In general, there are poor linkages to and within the Downtown.

Addressing the connectivity and transportation issues is an important part of achieving that goal. More specifically, Goal 15.4 for Downtown is to "Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles, and transit." Through a series of planning projects, the City has been working to implement the goals, policies and recommended action measures identified in Chapter 15. The *Tigard Downtown Improvement Plan*, the *Downtown Streetscape Design Plan* and *Tigard Downtown Future Vision* all further these goals and policies, recognizing the need to improve connectivity and circulation within Downtown Tigard.

Downtown Tigard Conceptual Connectivity Plan

The *Downtown Tigard Conceptual Connectivity Plan* (Connectivity Plan) seeks to actualize the concepts included in these plans, and is meant to complement the recently adopted Downtown Tigard Code Amendments. It has been informed further by the recently designed improvements to both Main and Burnham Streets. The Connectivity Plan was developed by a consultant team, led by SERA Architects, who collaborated with City staff and a technical advisory team of public agency representatives. The City Center Advisory Commission reviewed and provided input to the Plan. The intent of the Connectivity Plan is to establish a framework for improved multi-modal connectivity and circulation in Downtown Tigard. Objectives include:

- Connectivity: Foster the creation of smaller block structures, consistent with the walkable urban village envisioned by the Tigard Downtown Improvement Plan.
- Circulation: Create efficient routes into and around the Downtown.
- Capacity: Create parallel streets to accommodate the demand created by new Downtown development.

The Connectivity Plan, which was completed in 2010, identified a number of future street connections through Downtown. However, the location of the alignments was left relatively general. In order to be implemented, the alignments have been further refined and detailed maps have been prepared. Wherever possible, alignments have been adjusted to minimize the impacts to property owners, while still achieving the desired connections. The width of the proposed future streets is based on the new downtown cross section designs. Most of the connectivity and circulation improvements envisioned are expected to be implemented over time as property owners seek to redevelop their land. A smaller number of key projects could be initiated by the city if they are needed to meet essential connectivity or other objectives. Amendments to the *Tigard Development Code* and *City of Tigard 2035 Transportation System Plan* are needed to implement these improvements in the future.

City of Tigard High Capacity Transit Land Use Plan

The City of Tigard High Capacity Transit Land Use Plan was completed in May 2012 and approved by the City Council in August 2012. The plan identifies changes that would make possible station areas more supportive of high capacity transit. The concept plan for Downtown Tigard notes: "Given the heavy demand for traffic flow on OR Highway 99W/Pacific Highway and SW Hall Boulevard, the major transportation improvements for Downtown are focused on improving opportunities for local circulation. This includes smaller block sizes serving automobiles, pedestrians and bicycles..." The concept plan identified desired future street connections, which are similar to those identified in the Connectivity Plan, and recommends development of a circulation plan as a first implementation step.

Process and Outreach

The city has been working with downtown property and business owners to ensure that proposed implementation measures are fair and equitable for property owners in the planning area and the community overall. Over the last six months, city staff and consultants have conducted the following activities to develop strategies to implement the connectivity improvements:

Connectivity Plan

- Open House
- City Center Advisory Commission review over several meetings
- City Council, Planning Commission, and Tigard Transportation Advisory Committee workshops

Implementation Project

- Identified preliminary implementation strategies and refined proposed connectivity projects.

- Met with study area property and business owners in March 2012 to review draft plans and implementation strategies for connectivity improvements and refined the proposed plans in response to meeting participants' comments and concerns.
- Prepared a preliminary set of proposed amendments to the city's development code and Transportation System Plan (TSP) that will help the city implement the improvements in partnership with property owners and developers in the future. Proposed amendments to the TSP and development code included updated standards related to variances, downtown design and development standards, and street and utility standards.
- Conducted a work session with the Tigard Planning Commission on June 4 to review a summary of proposed code amendment concepts.
- Held a community open house on July 17, 2012 to review a summary of proposed code amendment concepts.
- Conducted a work session with the Tigard City Council on September 18, 2012 to review a summary of proposed code amendment concepts.

In addition, the city has continued to provide information to downtown property owners and other interested parties via the city's Web site, e-mail announcements to interested parties, and articles in local newsletters.

The draft code amendments were presented to the Planning Commission at a public hearing on October 15, 2012. The Commission received public testimony and deliberated on the amendments.

The Planning Commission recommended three changes to the proposed amendments:

- Additional code language that specifies 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.
- Revising Figure 5-14B. Connectivity Projects Detail Sheet: Map 1 to realign one of the proposed connection across the Woodcraft property.
- One change to the language about the ADA accessibility of pedestrian paths was also suggested. Staff proposes to make a reference to an existing standard in the development code.
- The Commission also supported the four changes carried forward from the Council workshop.

The Planning Commission unanimously recommended approval of the CPA and DCA with amended language to the City Council. These amendments will be forwarded to the City Council for consideration at a public hearing on December 11, 2012.

Summary of the Draft Plan and Code Amendments

This project includes amendments to both the Tigard Development Code (TDC) and *City of Tigard 2035 Transportation System Plan* (TSP). The amendments address both **future connectivity improvements** and **new downtown street cross sections**. The intent of these proposed amendments is to provide the city with some tools for implementing the vision for downtown Tigard. The proposed code amendments also provide some flexibility for the city and property owners in terms of when and where the cross sections and connectivity improvements apply.

Connectivity Improvements – these are future streets or bicycle/pedestrian facilities designed to provide more access through blocks.

- Unless a future street is also added to the City's Capital Improvement Program, it will likely only get built when there is new development or major redevelopment (e.g., redevelopment valued at more than 60% of total current value) on an affected property.
- Proposed code requirements for New Development and Major Redevelopment:
 - At the time of development, applicants are required to dedicate right-of-way and construct the portion of the street that is on their property.

- In some circumstances, applicants can dedicate a public easement instead of right-of-way.
- Proposed code requirements for Smaller Projects (redevelopment projects valued at less than 60% of total current value):
 - Applicants are only required to keep the future alignment clear of buildings.
 - Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the areas where new connections are planned.
 - Applicants are asked to sign a non-remonstrance to any future Local Improvement District (LID) to help pay for the identified street or alley improvement.
- In all cases, the city will work to ensure that the required improvements are “roughly proportional” to the impacts of the development.
- Alternative alignments or designs are allowed in some cases:
 - Because these future streets aren’t fully designed as yet, an adjustment process provides some flexibility for property owners and the city.
 - For example, when application of the connectivity standards would preclude reasonable economic use of the site or would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees.
- Detailed maps showing the future streets are being added to the TSP so that it is clear where future streets are expected to go and how much right-of-way is needed.

New Downtown Street Cross Sections – these are drawings showing the required width of right-of-way, travel lanes, parking, sidewalks, landscaping, etc. for each street type or classification.

- Currently the TSP includes a map showing the street classification (e.g., arterial, collector, etc.) and TDC Chapter 18.810 describes all of the cross sections, showing the required width of travel lanes, on-street parking, sidewalks, etc.
- As part of the Conceptual Connectivity Plan project, special street cross sections which provide an enhanced pedestrian environment were designed for the downtown.
- To implement these special cross sections, a new street classification map for the downtown is being added to the TSP and the new cross sections are being added to Chapter 18.810.
- These cross sections apply to existing streets as well as future street connections and will be used when the city improves a street or when a private developer has to make full- or half-street improvements as a part of their development.

The proposed amendments will affect the TSP as well as a number of chapters in the TDC:

- Amendments to the Transportation System Plan to add background and figures (amendments to TSP included as Exhibit A).
- Amendments to 18.370 to address adjustments to the connectivity requirements (amendments to TDC Chapter 18.370 included as Exhibit B).
- Amendments to 18.610 to add purpose, applicability and connectivity standards amendments to TDC Chapter 18.610 included as Exhibit C).
- Amendments to 18.810 to add new downtown cross-sections amendments to TDC Chapter 18.810 included as Exhibit D).

SECTION IV. APPLICABLE CRITERIA AND FINDINGS

APPLICABLE CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Chapter 18.380. ZONING MAP AND TEXT AMENDMENTS

“18.380.020 Legislative Amendments to this Title and Map

A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.”

The CPA and DCA would establish rules and regulations to be applied generally to all similarly affected properties throughout the City of Tigard. Therefore, the application is being processed as a Type IV procedure, which is a legislative amendment, as governed by Section 18.390.060.G.

Chapter 18.390. DECISION-MAKING PROCEDURES

“18.390.B.4. Types defined. There are four types of decision-making procedures, as follows: ...

4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.”

The CPA and DCA would result in the large-scale implementation of the city’s connectivity goals and policies for downtown as detailed in the Comprehensive Plan. Therefore, the application will be reviewed under the Type IV procedure as detailed in the Section 18.390.060.G. In accordance with this section, the CPA and DCA were initially considered by the Planning Commission with the final decision made by the City Council.

“18.390.060.G. Decision-making considerations. 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.”**

The applicable decision-making considerations include the following:

- Applicable Statewide Planning Goals - Goals 1, 2, 9, 11, 12, and 13.
- Applicable federal and state of Oregon statutes – Oregon Administrative Rules Chapter 660, Division 12.
- Applicable Metro regulations – Urban Growth Management Functional Plan Title 6 and Regional Transportation Functional Plan Titles 1, 2, and 5.
- Applicable Comprehensive Plan policies - Goals 1, Citizen Involvement; 2, Land Use Planning; 9, Economic Development; 11, Public Facilities and Services; 12, Transportation; 13, Energy Conservation; and 15, Downtown.
- Applicable city ordinances – TMC Chapters 18.380 and 18.390.

CONCLUSION: The review criteria listed above are applicable to the CPA and DCA. The CPA and DCA are reviewed through the Type IV legislative procedure. The Planning Commission and Council will base their decisions on applicable federal, state, Metro, and local policies and regulations, which are enumerated and addressed in this staff report. Therefore, the applicable Tigard Development Code provisions are met.

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES

CITIZEN INVOLVEMENT

“GOAL:

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

The Connectivity Plan was developed by urban designers from SERA Architects, with technical assistance by Kittelson & Associates (traffic and transportation analysis) and Johnson Reid (market and real estate analysis), under contract with the City of Tigard. Guidance was provided by the City Center Advisory Commission (CCAC) and a Technical Advisory Committee (TAC) comprised of staff from the City of Tigard, TriMet, Metro, and the Oregon Department of Transportation. Public input was gathered on draft alternatives of the plan at a public open house in July 2009.

Following completion of the Connectivity Plan in 2010, the City began evaluating implementation alternatives. This effort included meetings with study area property and business owners in March 2012 to review draft plans and implementation strategies for connectivity improvements, a work session with the Tigard Planning Commission on June 4, 2012 to review a summary of proposed code amendment concepts, and a community open house on July 17, 2012 to review a summary of proposed code amendment concepts. Public hearing notices, consistent with Measure 56 requirements, were sent to 127 Downtown Tigard property owners on September 13, 2012 for the Planning Commission hearing and on November 21, 2012 for the City Council hearing. A request for comments was also provided to property owners, interested parties and affected agencies on September 10, 2012. The Planning Commission public hearing notice was published in the Tigard Times on September 27, 2012 and the City Council public hearing notice was published on November 22, 2012. A public hearing notice was provided to interested parties and affected agencies on October 4, 2012 for the Planning Commission public hearing and on November 21, 2012 for the City Council public hearing.

The Planning Commission considered the CPA and DCA through the public hearing process on October 15, 2012. The Commission unanimously recommended approval of the CPA and DCA with amendments to the City Council. The council public hearing is scheduled for December 11, 2012.

The Downtown Connectivity Plan Code Amendments process demonstrates that citizens, affected agencies and other jurisdictions have been provided the opportunity to participate in all phases of the planning process consistent with this policy.

“GOAL:

- 1.2 **Ensure all citizens have access to:**
A. opportunities to communicate directly to the City; and
B. information on issues in an understandable form.”

“POLICIES:

5. **The City shall seek citizen participation and input through collaboration with community organizations, interest groups, and individuals in addition to City sponsored boards and committees.”**

In addition to public meetings with the City Center Advisory Commission, Planning Commission, Tigard Transportation Advisory Committee, and City Council, where public feedback was welcomed, the city conducted two open houses and held five small group meetings with downtown property owners. Information about the project was posted on the city’s website, which was regularly updated. Project information was also posted at community events.

- “6. The City shall provide opportunities for citizens to communicate to Council, boards and commissions, and staff regarding issues that concern them.”**

The City Center Advisory Commission provided input and reviewed the Downtown Connectivity Plan over thirteen meetings. Citizen input was also requested at two Tigard Transportation Advisory Committee meetings and two Planning Commission workshops. In addition, two public open houses and five small group meetings with property owners were held.

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:

- 1. The City’s land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens’ own interests.”**

In 2008 the city completed its periodic review and update of its Comprehensive Plan, which has been acknowledged by Oregon Department of Land Conservation and Development DLCD as consistent with Statewide Planning Goals. Chapter 15 of the Comprehensive Plan, which was initially adopted on April 24, 2007, identifies Downtown Tigard as a “Special Planning Area” needing additional planning attention due to its unique circumstances and value to the community. Through a series of planning projects, the City has been working to implement the goals, policies and recommended action measures identified in Chapter 15. The *Downtown Tigard Conceptual Connectivity Plan*, *Tigard Downtown Improvement Plan*, and *Tigard Downtown Future Vision* all further these goals and policies, recognizing the need to improve connectivity and circulation within Downtown Tigard. The CPA and DCA have been guided by these planning processes, which have established clear policy direction in compliance with state and regional requirements and serve citizens’ interests, consistent with this policy.

- “2. The City’s land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.”**

As noted above, the *Downtown Tigard Conceptual Connectivity Plan*, *Tigard Downtown Improvement Plan*, and *Tigard Downtown Future Vision* all further goals and policies of the Comprehensive Plan in recognizing the need to improve connectivity and circulation within Downtown Tigard. The CPA and DCA implement the recommendations of these plans. Therefore, they are consistent with related plans and implement the Comprehensive Plan, as required by this 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 on the proposed CPA and DCA were sent to Metro – Land Use and Planning, Washington County Department of Land Use & Transportation, Oregon Department of Transportation (ODOT), Oregon Department of Land Conservation and Development, Oregon Department of Environmental Quality, Tualatin Valley Fire & Rescue, Clean Water Services, ODOT Rail Division, Portland & Western Railroad, Southern Pacific Railroad and TriMet Transit Development. Representatives of the Oregon Department of Transportation, Metro, and TriMet were also members of the Technical Advisory Committee. DLCD was provided the opportunity to comment and coordinate the application for the Post Acknowledgement Plan Amendment process per ORS 197.610. Therefore, the city has coordinated the adoption, amendment and implementation of the CPA and DCA with potentially affected jurisdictions and agencies consistent with this policy.

- “4. The City’s land use program shall promote the efficient use of land through the creation of incentives and redevelopment programs.”**

The amendments rely largely on redevelopment to implement the desired connectivity improvements. The City’s downtown is within an urban renewal area, which provides incentives for redevelopment; the amendments ensure that as redevelopment takes place, the needed connections are provided for.

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

Downtown Tigard is a Metro-designated “Town Center”. The Connectivity Plan describes a vision for a complete system of streets and pathways that would significantly improve multi-modal access to, from, and within Downtown and organize development within a block structure better suited to intensive urban development. The proposed street and pathway network would create a fine-grained block structure that is characteristic of other successful downtowns throughout the region and the nation. The new grid will be pedestrian-friendly, universally accessible, and supportive of both the existing downtown-appropriate businesses and the type and scale of development the community desires to see here in the future. In addition, the street character classifications have been tailored to meet the future context of individual street segments.

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

E) Overlay districts where natural resource protections or special planning and regulatory tools are warranted.”

The DCA includes amendments to Chapter 18.610: Tigard Downtown District Development and Design Standards, an existing overlay district applicable to the downtown area. The amendments to this overlay district recognize the special nature of the downtown area and the need to provide for smaller block sizes and an enhanced pedestrian environment in this area. In addition, the CPA includes special street standards applicable only to the downtown area in recognition of the particular needs of this area.

“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.”

The amendments to the DCA require that affected property owners dedicate right-of-way (or a public easement) and construct the portion of the street that is on their property when undertaking New Development or Major Redevelopment (e.g., redevelopment valued at more than 60% of total current value). For Smaller Projects (redevelopment projects valued at less than 60% of total current value), applicants are not required to construct the streets, but are required to design their site to allow for the future construction of the street by keeping the future alignment free of buildings and to sign a non-remonstrance to any future Local Improvement District (LID) to help pay for the identified street or alley improvement. These amendments help ensure that the appropriate public facilities are provided, while ensuring that the required improvements are “roughly proportional” to the impacts of the development.

“9. The City may, upon determining it is in the public interest, enter into development agreements to phase the provision of required public facilities and services and/or payment of impact fees and/or other arrangements that assure the integrity of the infrastructure system and public safety.”

The City will continue to have the option of entering into development agreements to allow the phasing of required improvements specified in the CPA and DCA.

“10. The City shall institute fees and charges to ensure development pays for development related services and assumes the appropriate costs for impacts on the transportation and other public facility systems.”

The DCA requires that applicants for Smaller Projects sign a non-remonstrance agreement for formation of a future LID to pay for the identified street or alley improvement, which will facilitate the City’s existing ability to form LIDs to ensure that development pays for development related services and appropriate costs for impacts on the transportation system.

“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;

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

The proposal is compatible with the recently adopted zoning for Downtown. As noted in the Connectivity Plan, a complete system of streets and pathways would significantly improve multi-modal access to, from, and within Downtown and organize development within a block structure better suited to the desired level of urban development. In addition, the street character classifications have been tailored to meet the future context of individual street segments.

Regulatory flexibility necessary for connectivity projects to adapt to site conditions is provided for in Section 18.370.020.C.12 (Adjustments to Downtown Connectivity Standards), included in Exhibit B. This section allows applicants to seek an adjustment to the Downtown Connectivity Standards (e.g., to modify a proposed alignment) if application of the Downtown Connectivity Standards would preclude all reasonable economic use of the site.

“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;”

The CPA and DCA do not amend allowed land uses, but are intended to help ensure that adequate transportation facilities are provided to serve the land uses currently allowed in the downtown area.

“18. The Council may at any time, upon finding it is in the overall public interest, initiate legislative amendments to change the Comprehensive Plan text, Plan/Zoning Map(s) and/or the Community Development Code.”

In January 2010 City Council directed staff to implement the Downtown chapter of the Comprehensive Plan and the Connectivity Plan by undertaking an update of Tigard's downtown connectivity related code provisions. The CPA and DCA reflect City Council direction for implementation of the Connectivity Plan and Comprehensive Plan, which they have found to be in the overall public interest consistent with this policy.

“20. The City shall periodically review and, if necessary, update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.”

The CPA and DCA amendments were developed in response to community needs identified through the Connectivity Plan and downtown planning efforts. The City Center Advisory Commission reviewed and provided input to the Connectivity Plan and many other mechanisms for public input were provided throughout the downtown planning process (as described in Section III) to ensure community needs were well represented. The CPA and DCA are also intended to provide reliable information to property owners, developers, and the general public related to development and redevelopment within the downtown. The CPA and DCA conform to applicable state, administrative rules, and regional requirements as identified in the findings for this staff report. Therefore, the CPA and DCA are consistent with this policy.

“21. The City shall require all development to conform to site design/development regulations.”

The DCA and CPA establish new development regulations for future connectivity improvements in Downtown Tigard. These regulations apply to development as follows:

- New Development and Major Redevelopment:
 - At the time of development, applicants are required to dedicate right-of-way and construct the portion of the street that is on their property.
- Smaller Projects (redevelopment projects valued at less than 60% of total current value):
 - Applicants are only required to keep the future alignment clear of buildings.
 - Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the areas where new connections are planned.
 - Applicants are asked to sign a non-remonstrance to any future Local Improvement District (LID) to help pay for the identified street or alley improvement.
- In all cases, the city will work to ensure that the required improvements are “roughly proportional” to the impacts of the development.
- Alternative alignments or designs are allowed in some cases:
 - Because these future streets aren’t fully designed as yet, an adjustment process provides some flexibility for property owners and the city.
 - For example, when application of the connectivity standards would preclude reasonable economic use of the site or would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees.
- Detailed maps showing the future streets are being added to the TSP so that it is clear where future streets are expected to go and how much right-of-way is needed.

The proposed new street cross-sections will replace the existing street cross-sections within Downtown.

New Downtown Street Cross Sections

- Currently the TSP includes a map showing the street classification (e.g., arterial, collector, etc.) and TDC Chapter 18.810 describes all of the cross sections, showing the required width of travel lanes, on-street parking, sidewalks, etc.
- As part of the Conceptual Connectivity Plan project, special street cross sections which provide an enhanced pedestrian environment were designed for the downtown.
- To implement these special cross sections, a new street classification map for the downtown is being added to the TSP and the new cross sections are being added to Chapter 18.810.
- These cross sections apply to existing streets as well as future street connections and will be used when the city improves a street or when a private developer has to make full- or half-street improvements as a part of their development.

Therefore, the CPA and DCA are consistent with this policy.

“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.”

The future alignments and designated cross-sections of the planned streets have been selected to minimize conflicts with existing and planned future land uses in Downtown Tigard and to provide for compatibility of the street network with the walkable, urban neighborhood envisioned in the various plans for the downtown. Therefore, the CPA and DCA are consistent with this policy.

“24. The City shall establish design standards to promote quality urban development and to enhance the community’s value, livability, and attractiveness.”

The CPA and DCA in Chapter 18.810 establish design standards for new streets and street improvements in Downtown Tigard. These standards are intended to enhance the downtown’s value, livability, and attractiveness, consistent with this policy.

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ECONOMIC DEVELOPMENT

“GOAL:

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

“POLICIES:

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 DCA in Chapter 18.370 includes provisions to allow adjustments to the connectivity requirements. For example, when application of the connectivity standards would preclude all reasonable economic use of the site. Therefore, the CPA and DCA have been designed to be flexible and adaptive to promote economic development opportunities and allow the provision of required infrastructure, consistent with this policy, while concurrently supporting the city’s goals and policies for Downtown Tigard.

“4. The City shall address the public facility needs of business and economic development through identifying and programming needed public facilities and services within the Public Facility and Community Investment Plans.”

As part of implementation of the Connectivity Plan, the City will add certain key roadway connections to the CIP in order to address the public facility needs of Downtown businesses and community economic development, consistent with this policy.

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

The CPA and DCA are intended to produce smaller block sizes and enhanced connectivity in Downtown Tigard in order to support efficient development and redevelopment of commercial lands in the Downtown. Therefore, the CPA and DCA are consistent with this policy.

“10. The City shall strongly support, as essential to the region’s economic future, the development of efficient regional multi-modal transportation systems throughout the Portland Metropolitan area.”

The DCA and CPA are intended to enhance connectivity for all modes of transportation within and through Downtown Tigard. The planned connections will help provide an efficient multi-modal transportation system for the community, consistent with this policy.

“GOAL:

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

“POLICIES:

2. The City shall adopt land use regulations and standards to ensure a well-designed and attractive urban environment that supports/protects public and private sector investments.”

The CPA and DCA in Chapter 18.810 establish design standards for new streets and street improvements in Downtown Tigard. These standards are intended to ensure a well-designed and attractive urban environment that supports/protects public and private sector investments, consistent with this 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.”**

During planning for Downtown Tigard and throughout the Connectivity Plan process, the community identified connectivity and walkability enhancements in the Downtown as a key component to improving and maintaining quality of community life and promoting a vibrant and sustainable economy in the Downtown. The CPA and DCA implement these goals to provide enhanced walkability and multi-modal connectivity as a way to improve and maintain the quality of community life and to promote a vibrant and sustainable economy, consistent with this policy.

PUBLIC FACILITIES

“GOAL:

- 11.1 Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.”**

“POLICIES:

- 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.”**

The CPA and DCA include new street cross-section standards for Downtown Tigard. These new streets will meet Public Works and Clean Water Services standards for stormwater treatment. Therefore, the CPA and DCA encourage low impact development practices and other measures that reduce the amount of and/or treat stormwater at the source, consistent with this policy.

TRANSPORTATION

“GOAL:

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

“POLICIES:

- 1. The City shall plan for a transportation system that meets current community needs and anticipated growth and development.”**

The new transportation connections planned for Downtown Tigard were identified during the Connectivity Plan process based on analysis of current community needs as well as the ability of the transportation system to serve anticipated growth and development. An analysis of projected future traffic volumes on existing and planned roadways was conducted as part of development of the Connectivity Plan (Exhibit E). This analysis showed that the planned connections will enable the transportation system Downtown to continue to meet the community’s needs, consistent with this policy.

- “2. The City shall prioritize transportation projects according to community benefit, such as safety, performance, and accessibility, as well as the associated costs and impacts.”**

The planned transportation connections identified in the Connectivity Plan were prioritized as part of the implementation effort that resulted in the CPA and DCA. The desired connections were prioritized based on the safety, performance, and/or accessibility benefits to the community relative to their impacts on Downtown property owners. The high priority projects have been identified for inclusion in the City’s

CIP; other projects will be built as development and redevelopment allow. Therefore, the CPA and DCA are consistent with this policy.

“3. The City shall maintain and enhance transportation functionality by emphasizing multi-modal travel options for all types of land uses.”

The Connectivity Plan identified the need to reduce block sizes and provide enhanced connectivity throughout Downtown Tigard as a way to enhance transportation functionality for all modes of travel. The CPA and DCA implement this change by requiring new connections be constructed or, at a minimum, not obstructed upon redevelopment. The CPA and DCA also designate an area for provision of multi-use pathways to provide better non-motorized connectivity. Therefore, the CPA and DCA are consistent with this policy.

“4. The City shall promote land uses and transportation investments that promote balanced transportation options.”

The CPA and DCA will promote transportation investments that benefit motorized and non-motorized modes, promoting balanced transportation options consistent with this policy. While the CPA and DCA do not affect the allowed land uses within Downtown Tigard, the smaller block sizes that are encouraged by the CPA and DCA will promote pedestrian-friendly land uses that are also highly accessible by other modes, consistent with this policy.

“6. The City shall support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system.”

By promoting development of a more walkable downtown through smaller block sizes and increased bicycle and pedestrian connectivity, the CPA and DCA support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system, consistent with this policy.

“7. The City shall strive to protect the natural environment from impacts derived from transportation facilities.”

The DCA in Chapter 18.370 includes provisions to allow adjustments to the connectivity requirements when their application would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees, in order to protect the natural environment from impacts of new roadways, consistent with this policy.

“8. The City shall mitigate impacts to the natural environment associated with proposed transportation construction or reconstruction projects.”

The DCA in Chapter 18.370 includes provisions precluding adjustments that would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees. Where impacts are unavoidable, the City’s existing mitigation requirements would apply, consistent with this policy.

“9. The City shall coordinate with private and public developers to provide access via a safe, efficient, and balanced transportation system.”

The CPA and DCA would provide a mechanism for the City to work with developers to provide additional access roads and multi-use paths within the Downtown in order to promote a safer, more efficient, and better balanced transportation system, consistent with this policy.

“10. The City shall require all development to meet adopted transportation standards or provide

appropriate mitigations.”

The CPA and DCA would establish new transportation standards within the Downtown that will need to be met at the time of development. Establishing transportation standards is consistent with this policy.

“GOAL :

12.2 Develop and maintain a transportation system for the efficient movement of people and goods.”

“POLICIES:

“2. The City shall manage the transportation system to support desired economic development activities.”

The CPA and DCA provide a mechanism for the City to manage the transportation system Downtown to encourage development of new roadway and multi-modal connections, enhanced streetscapes, improved walkability, and more efficient traffic flow, which support the economic development of the Downtown, consistent with this policy.

“3. The City shall design streets to encourage a reduction in trip length by improving arterial, collector, and local street connections.”

The Connectivity Plan identified the need to improve local and collector street connections within the downtown. The CPA and DCA implement this plan by requiring construction of new connections upon New Development or Major Redevelopment, and protect the ability to build the connections in the future for Smaller Projects. The planned street connections contained in the CPA and DCA will encourage a reduction in trip length for drivers going to or through the Downtown, consistent with this policy.

“4. The City shall design arterial routes, highway access, and adjacent land uses in ways that facilitate the efficient movement of people, goods and services.”

The CPA and DCA include a proposed cross-section for Upper Hall Boulevard, an arterial route, which provides two travel lanes for vehicles, a center turn lane, bicycle lanes, sidewalks buffered from traffic by a landscape strip, and on-street parking. This cross-section facilitates the efficient movement of people, goods, and services, while maintaining an attractive and pedestrian-friendly streetscape appropriate to the Downtown, consistent with this policy.

“6. The City shall develop and maintain an efficient arterial grid system that provides access within the City, and serves through traffic in the City.”

The CPA and DCA do not include any modifications to the existing arterial grid system other than a new cross-section for Upper Hall Boulevard. However, the proposed new connections in the local and collector street grids contained in the CPA and DCA will improve the efficiency of the arterial grid system by providing alternate routes for local traffic and freeing up capacity on the arterial grid system for access to the City and through traffic.

“8. The City recognizes freight movement as being a priority of the transportation system.”

The CPA and DCA do not include any modifications to the existing truck routes other than a new cross-section for Upper Hall Boulevard. However, the proposed new connections in the local and collector street grids contained in the CPA and DCA will improve the efficiency of the arterial grid system by providing alternate routes for local traffic and freeing up capacity on the arterial grid system for freight access to the City and through traffic.

“9. The City shall require the provision of appropriate parking in balance with other transportation modes.”

The CPA and DCA do not affect required private off-street parking; however, by providing for the construction of new streets, all of which provide on-street parking, and by including on-street parking in many of the new street cross-sections for the Downtown, the CPA and DCA support the provision of public on-street parking appropriate to a downtown setting, while still maintaining a pedestrian-friendly environment.

“10. The City shall strive to increase non-single occupant vehicle mode shares through vehicle trip reduction strategies, such as those outlined in the Regional Transportation Plan.”

The Regional Transportation Plan and Regional Transportation Framework Plan are addressed under the METRO policies section of this report.

“11. The City shall design the transportation system to provide connectivity between Metro designated centers, corridors, employment and industrial areas.”

Downtown Tigard is a Metro-designated “Town Center”. The Connectivity Plan describes a vision for a complete system of streets and pathways that would significantly improve multi-modal access to, from, and within Downtown. The CPA and DCA implement this vision, consistent with this policy.

“GOAL:

12.3 Provide an accessible, multi-modal transportation system that meets the mobility needs of the community.”

“POLICIES:

3. The City shall design and construct transportation facilities to meet the requirements of the Americans with Disabilities Act.”

The CPA and DCA include new cross-sections for streets in the Downtown. These cross-sections, with the exception of the alley, provide for sidewalks that exceed the minimum standards set by the Americans with Disabilities Act (ADA). ADA compliant ramps are also planned for all intersections.

“4. The City shall support and prioritize bicycle, pedestrian, and transit improvements for transportation disadvantaged populations who may be dependent on travel modes other than private automobile.”

The CPA and DCA implement the City’s vision for a complete system of streets and pathways that would significantly improve multi-modal access to, from, and within Downtown. With the Tigard Transit Center located Downtown, central to the proposed new street and pathway connections, improvements in walkability will improve the convenience of accessing the Downtown by transit. The reduced block sizes will make walking more appealing, and new multi-use paths will provide safe connections for pedestrians and bicyclists. Therefore, the CPA and DCA support pedestrian, bicycle, and transit improvements for transportation disadvantaged populations, consistent with this policy.

5. The City shall develop and maintain neighborhood and local connections to provide efficient circulation in and out of the neighborhoods.

The CPA and DCA are intended to provide a more robust network of neighborhood and local street connections within the Downtown neighborhood to provide more efficient circulation within and around the Downtown, consistent with this policy.

6. The City shall require development adjacent to transit routes to provide direct pedestrian accessibility.

The CPA and DCA would establish new transportation standards within the Downtown that will need to be met at the time of development. The new standards provide for greater pedestrian accessibility, consistent with this policy.

7. The City shall develop and implement public street standards that recognize the multi-purpose nature of the street right-of-way.

The CPA and DCA include updated street cross-section designs for Downtown streets. These cross-sections (with the exception of the alley) provide many uses for the street right-of-way, with space for pedestrians, bicycles, and vehicles, including on-street parking to serve Downtown businesses. Therefore, the CPA and DCA are consistent with this policy.

8. The City shall design all projects on Tigard city streets to encourage pedestrian and bicycle travel.

The CPA and DCA implement plans for a Downtown with pedestrian-friendly block sizes, additional off-street pathway connections, and street cross-sections that are safe and attractive for pedestrians and bicyclists, all of which will encourage pedestrian and bicycle travel, consistent with this policy.

9. The City shall require sidewalks to be constructed in conjunction with private development and consistent with adopted plans.

The CPA and DCA require that the new street and pathway connections, including sidewalks where applicable, be constructed in conjunction with private development for New Development and Major Redevelopment (e.g., redevelopment valued at more than 60% of total current value). For Smaller Projects (redevelopment projects valued at less than 60% of total current value), applicants are not required to construct the streets, but are required to design their site to allow for the future construction of the street by keeping the future alignment free of buildings. Therefore, the CPA and DCA are consistent with this policy.

10. The City shall require and/or facilitate the construction of off-street trails to develop pedestrian and bicycle connections that cannot be provided by a street.

The DCA in Section 18.610.025.D includes requirements for New Development and Major Redevelopment (e.g., redevelopment valued at more than 60% of total current value) within a designated area to provide off-street trails at designated intervals due to the difficulty of constructing new streets through the area. Therefore, the DCA is consistent with this policy.

11. The City shall require appropriate access to bicycle and pedestrian facilities for all schools, parks, public facilities, and commercial areas.

The CPA and DCA are intended to provide a more robust network of bicycle and pedestrian facilities, within the Downtown, providing improved circulation and access to schools, public facilities and commercial areas, consistent with this policy.

“GOAL:

12.4 Maintain and improve transportation system safety.”

“POLICIES:

1. The City shall consider the intended uses of a street during the design to promote safety,

efficiency, and multi-modal needs.”

The CPA and DCA include new street cross-sections for the Downtown that were developed in consideration of the intended uses of the existing and proposed new streets. The cross-sections and proposed new alignments are designed to promote safety and efficiency for all modes, consistent with this policy.

“2. The City shall coordinate with appropriate agencies to provide safe, secure, connected, and desirable pedestrian, bicycle, and public transit facilities.”

Request for comments on the proposed CPA and DCA were sent to Metro – Land Use and Planning, Washington County Department of Land Use & Transportation, Oregon Department of Transportation (ODOT), Oregon Department of Land Conservation and Development, Oregon Department of Environmental Quality, Tualatin Valley Fire & Rescue, Clean Water Services, ODOT Rail Division, Portland & Western Railroad, Southern Pacific Railroad and TriMet Transit Development. Representatives of the Oregon Department of Transportation, Metro, and TriMet were also members of the Technical Advisory Committee. DLCD was provided the opportunity to comment and coordinate the application for the Post Acknowledgement Plan Amendment process per ORS 197.610. Therefore, the city has coordinated with appropriate agencies to implement the planned transportation facilities, consistent with this policy.

9. The City shall require new transportation facilities to meet adopted lighting standards.

The CPA and DCA include new street cross-sections for the Downtown were developed in consideration of the intended uses of the existing and proposed new streets. The cross-sections provide ample space to locate street lights in accordance with the adopted lighting standards, consistent with this policy.

“GOAL:

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

“POLICIES:

1. The City shall coordinate and cooperate with adjacent agencies and service providers—including Metro, TriMet, ODOT, Washington County, and neighboring cities—when appropriate, to develop transportation projects which benefit the region as a whole, in addition to the City of Tigard.”

Request for comments on the proposed CPA and DCA were sent to Metro – Land Use and Planning, Washington County Department of Land Use & Transportation, Oregon Department of Transportation (ODOT), Oregon Department of Land Conservation and Development, Oregon Department of Environmental Quality, Tualatin Valley Fire & Rescue, Clean Water Services, ODOT Rail Division, Portland & Western Railroad, Southern Pacific Railroad and TriMet Transit Development. Representatives of the Oregon Department of Transportation, Metro, and TriMet were also members of the Technical Advisory Committee. Therefore, the city has coordinated with appropriate agencies and service providers to implement the planned transportation facilities, which will provide benefits for through traffic as well as local travel, consistent with this policy.

“GOAL:

12.6 Fund an equitable, balanced, and sustainable transportation system that promotes the well-being of the community.”

“POLICIES:

3. **The City shall seek opportunities for transportation investments that support transportation goals of efficiency, multi-modal access, and safety.”**

The City has identified key connections from the Connectivity Plan for inclusion in the City’s CIP. These key connections represent opportunities for transportation investments that support efficiency, multi-modal access, and safety, consistent with this policy.

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;**
 - B. **public transit that is reliable, connected, and efficient; and**
 - C. **bicycle and pedestrian infrastructure that is safe and well connected.”**

By promoting development of a more walkable downtown through smaller block sizes and increased bicycle and pedestrian connectivity, the CPA and DCA support land use patterns that reduce dependency on the automobile and provide bicycle and pedestrian infrastructure that is safe and well connected. The connectivity improvements in the vicinity of the Tigard Transit Center also support public transit that is reliable, connected and efficient. Therefore, the CPA and DCA are consistent with this policy.

SPECIAL PLANNING AREAS: DOWNTOWN

“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.”**

The CPA and DCA support a more walkable downtown through smaller block sizes and increased bicycle and pedestrian connectivity. The connectivity improvements in the vicinity of the Tigard Transit Center also support public transit that is reliable, connected and efficient. By doing so, the CPA and DCA support the goal of creating a vibrant and active urban village that is pedestrian oriented and accessible by many modes of transportation. Therefore, the CPA and DCA are consistent with this goal.

“GOAL:

- 15.2 **Facilitate the development of an urban village.”**

“Policies:

1. **New zoning, design standards, and design guidelines shall be developed and used to ensure the quality, attractiveness, and special character of the Downtown as the “heart” of Tigard, while being flexible enough to encourage development.”**

The CPA and DCA establish design standards for new streets and street improvements in Downtown Tigard. These standards are intended to ensure the quality and attractiveness of the Downtown. The DCA in Chapter 18.370 includes provisions to allow adjustments to the connectivity requirements in certain circumstances in order to be flexible enough to encourage development, consistent with this policy.

- “4. Existing nonconforming uses shall be allowed to continue, subject to a threshold of allowed expansion.”**

The CPA and DCA will not create any non-conforming uses; however, they will create non-conforming sites that will be allowed to continue, subject to a threshold of allowed expansion (redevelopment valued at more than 60% of total current value), consistent with this policy.

- “5. Downtown design, development and provision of service shall emphasize public safety, accessibility, and attractiveness as primary objectives.”**

The new street cross-sections and proposed street and pathway connections implemented by the CPA and DCA emphasize accessibility, safety, and attractiveness, consistent with this policy.

- “7. New zoning and design guidelines on Main Street will emphasize a “traditional Main Street” character.”**

The CPA and DCA include a placeholder for the Main Street street design, since this design is being developed through other planning processes and will be adopted separately.

“GOAL:

- 15.3 Develop and Improve the Open Space System and Integrate Natural Features into downtown.”**

“POLICIES:

- 1. Natural resource functions and values shall be integrated into downtown urban design.”**

The new street cross-sections contained in the CPA and DCA include street trees on all street types except for the alley, and will meet Public Works and Clean Water Services standards for stormwater treatment, integrating the natural resource functions of tree cover and stormwater management into Downtown urban design, consistent with this policy.

“GOAL:

- 15.4 Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles, and transit.”**

“POLICIES:

- 1. The downtown shall be served by a complete array of multi-modal transportation services including auto, transit, bike, and pedestrian facilities.”**

The CPA and DCA implement the City’s vision for a complete system of streets and pathways that would significantly improve multi-modal access to, from, and within Downtown. With the Tigard Transit Center located Downtown, central to the proposed new street and pathway connections, improvements in walkability will improve the convenience of accessing the Downtown by transit. The reduced block sizes will make walking more appealing, and new multi-use paths will provide safe connections for pedestrians and bicyclists. Therefore, the CPA and DCA support development of a complete array of multi-modal transportation services including auto, transit, bike, and pedestrian facilities, consistent with this policy.

- “4. Recognizing the critical transportation relationships between the downtown and surrounding transportation system, especially bus and Commuter Rail, Highway 99W, Highway 217 and Interstate 5, the City shall address the downtown’s transportation needs**

in its Transportation System Plan and identify relevant capital projects and transportation management efforts.”

The CPA modifies the City’s TSP to include the new proposed street connections and the updated street cross-sections. In addition, the City will identify priority street connections for inclusion on the CIP.

5. Streetscape and public area design shall focus on creating a pedestrian friendly environment without the visual dominance by automobile-oriented uses.”

The CPA and DCA include new street and pathway connections that will reduce block sizes to improve walkability, and new cross-sections to create a pedestrian-friendly streetscape, consistent with this policy.

“6. The City shall require a sufficient, but not excessive, amount of parking to provide for downtown land uses. Joint parking arrangements shall be encouraged.”

The CPA and DCA do not affect required private off-street parking; however, by providing for the construction of new streets, all of which provide on-street parking, and by including on-street parking in many of the new street cross-sections for the Downtown, the CPA and DCA support the provision of public on-street parking appropriate to a downtown setting, while still maintaining a pedestrian-friendly environment.

CONCLUSION: Based on the analysis above, staff finds that the CPA and DCA are consistent with the applicable goals and policies contained in the City of Tigard Comprehensive Plan.

APPLICABLE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLES

Title 6: Central City, Regional Centers, Town Centers and Station Communities

3.07.610 Purpose

The Regional Framework Plan identifies Centers, Corridors, Main Streets and Station Communities throughout the region and recognizes them as the principal centers of urban life in the region. Title 6 calls for actions and investments by cities and counties, complemented by regional investments, to enhance this role. A regional investment is an investment in a new high-capacity transit line or designated a regional investment in a grant or funding program administered by Metro or subject to Metro’s approval.

Downtown Tigard is a designated Town Center. The CPA and DCA would support the Town Center by enhancing multi-modal connectivity, walkability, and access to transit. The planned transportation facilities included in the CPA and DCA would be financed locally or through development, and are not regional investments subject to the requirements of Title 6.

APPLICABLE METRO REGIONAL TRANSPORTATION FUNCTIONAL PLAN (RTFP) TITLES

Title 5: Amendment of Comprehensive Plans

3.08.510 Amendments of City and County Comprehensive and Transportation System Plans

A. When a city or county proposes to amend its comprehensive plan or its components, it shall consider the strategies in subsection 3.08.220A as part of the analysis required by OAR 660-012-0060.

The prior planning processes that led to the development of the CPA and DCA included consideration of a variety of alternatives to meet the transportation needs identified above. All of the strategies listed in subsection 3.08.220A have been considered through these processes, consistent with this policy. The CPA and DCA primarily implement “5. Connectivity improvements to provide parallel arterials, collectors or local streets that include pedestrian and bicycle facilities... in order to provide alternative routes and encourage walking, biking and access to transit”. However, other strategies including safety improvements are recommended at the intersection of Hall and Scoffins/Hunziker to realign an off-set intersection, bicycle and pedestrian system improvements on all new streets as well as for a block where new street connections are not appropriate, and traffic calming street designs including narrow travel lanes, on-street parking, and street trees.

- C. If a city or county proposes a transportation project that is not included in the RTP and will result in a significant increase in SOV capacity or exceeds the planned function or capacity of a facility designated in the RTP, it shall demonstrate consistency with the following in its project analysis:**
- 1. The strategies set forth in subsection 3.08.220A (1) through (5);**
 - 2. Complete street designs adopted pursuant to subsection 3.08.110A and as set forth in Creating Livable Streets: Street Design Guidelines for 2040 (2nd Edition, 2002) or similar resources consistent with regional street design policies; and**
 - 3. Green street designs adopted pursuant to subsection 3.08.110A and as set forth in Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002) and Trees for Green Streets: An Illustrated Guide (2002) or similar resources consistent with federal regulations for stream protection.**

The CPA and DCA include new planned streets in Downtown Tigard, which is a designated regional pedestrian district in the 2035 Regional Transportation Plan (RTP). The new streets would create a modest increase in SOV capacity, but would also support RTP policies related to the Regional Pedestrian Network Vision, including:

- “2. Build a well-connected network of pedestrian facilities that serves all ages and abilities
- “3. Create walkable downtowns, centers, main streets and station communities
- “4. Improve pedestrian access to transit”

The connectivity improvements and enhanced street designs will make the pedestrian district more walkable and support pedestrian access to the Tigard Transit Center. In addition, as noted above, consideration of the strategies set forth in subsection 3.08.220A has occurred as part of the planning processes that preceded the CPA and DCA, and the majority of the strategies have been incorporated into the CPA and DCA. The new streets designs are complete streets and will meet Public Works and Clean Water Services standards for stormwater treatment, consistent with this policy.

- E. This section does not apply to city or county transportation projects that are financed locally and would be undertaken on local facilities.**

The new planned streets would be local facilities and would be financed locally, either through the City’s CIP or through development. The new street designs are all on local facilities, with the exception of Hall Boulevard, which is an ODOT facility. Any improvements on Hall Boulevard will be carefully coordinated with ODOT.

CONCLUSION: Based on the analysis above, staff finds that the CPA and DCA are consistent with the applicable Metro regulations.

STATE STATUTES OR REGULATIONS

Oregon Administrative Rules (OAR) Chapter 660, Division 12 (Transportation Planning)

660-012-0060

Plan and Land Use Regulation Amendments

- (1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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);
 - (b) Change standards implementing a functional classification system; or
 - (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The CPA and DCA establish new functional classifications specific to Downtown Tigard that apply to both existing and planned transportation facilities; therefore, the CPA and DCA would significantly affect existing and planned transportation facilities under subsections (a) and (b) above.

- (2) If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion.
- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
 - (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
 - (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

- (d) **Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.**
- (e) **Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the significantly affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, even though the improvements would not result in consistency for all performance standards.**

A traffic analysis was conducted by Kittelson and Associates as part of the development of a Circulation Plan. The future year for the available traffic analysis is beyond the horizon of the City's adopted TSP (which uses 2035 as the future year); however, the analysis found that the character classifications for the downtown street network are appropriate to handle the anticipated traffic volumes in Downtown Tigard through 2050.

The traffic analysis identified one potential capacity issue with the proposed local street network, where a planned local street would intersect Hall Boulevard, becoming an extension of the existing Garden Place. The analysis found that traffic operations at this intersection would exceed the available planning-level capacity by approximately 15% in 2050. However, the planned local street alignments were refined slightly in preparation for adoption; one of the refinements addressed the potentially problematic intersection. The proposed alignment would now be offset from the existing Garden Place intersection with Hall Boulevard. It is assumed that the new local street would have limited (likely right-in/right-out) access onto Hall. This would remove the congestion issue at the intersection. Therefore, the allowed land uses are consistent with the planned function, capacity, and performance standards of the affected transportation facilities.

CONCLUSION: Based on the analysis above, staff finds that the CPA and DCA support (or do not conflict) with state or federal regulations. All affected agencies have been notified of the recommended amendments and have been given the opportunity to comment.

STATEWIDE PLANNING GOALS

Statewide Planning Goal 1, Citizen Involvement, outlines the citizen involvement requirements for adoption of, and changes to the Comprehensive Plans and implementing documents.

As described in the Background Information, the city has provided Tigard citizens, affected agencies and other jurisdictions multiple and varied opportunities to participate in all phases of the planning process to enhance connectivity in Downtown Tigard. Over the last six months, city staff and consultants have conducted the following activities to develop strategies to implement the connectivity improvements:

Connectivity Plan

- Open House
- City Center Advisory Commission review over several meetings
- City Council, Planning Commission, and Tigard Transportation Advisory Committee workshops

Implementation Project

- Identified preliminary implementation strategies and refined proposed connectivity projects.
- Met with study area property and business owners in March 2012 to review draft plans and implementation strategies for connectivity improvements and refined the proposed plans in response to meeting participants' comments and concerns.

- Prepared a preliminary set of proposed amendments to the city's development code and Transportation System Plan (TSP) that will help the city implement the improvements in partnership with property owners and developers in the future. Proposed amendments to the TSP and development code included updated standards related to variances, downtown design and development standards, and street and utility standards.
- Conducted a work session with the Tigard Planning Commission on June 4 to review a summary of proposed code amendment concepts.
- Held a community open house on July 17, 2012 to review a summary of proposed code amendment concepts.

In addition, the city has continued to provide information to downtown property owners and other interested parties via the city's Web site, e-mail announcements to interested parties, and articles in local newsletters. The recommended amendments were further considered through the public hearing process at the Planning Commission and will be considered by City Council prior to adoption.

Citizen involvement opportunities utilized to create the CPA and DCA have been consistent with Statewide Planning Goal 1.

Statewide Planning Goal 2, Land Use Planning, establishes a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

In 2008 the city completed its periodic review and update of its Comprehensive Plan, which has been acknowledged by Oregon Department of Land Conservation and Development DLCD as consistent with Statewide Planning Goals. Chapter 15 of the Comprehensive Plan, which was initially adopted in April 24, 2007, identifies Downtown Tigard as a "Special Planning Area" needing additional planning attention due to its unique circumstances and value to the community. Through a series of planning projects, the City has been working to implement the goals, policies and recommended action measures identified in Chapter 15. The *Downtown Tigard Conceptual Connectivity Plan*, *Tigard Downtown Improvement Plan*, and *Tigard Downtown Future Vision* all further these goals and policies, recognizing the need to improve connectivity and circulation within Downtown Tigard. The CPA and DCA have been guided by these planning processes, which have established clear policy direction in compliance with state and regional requirements and serve citizen's interests.

The CPA and DCA are being processed as a Type IV procedure, which requires any applicable Statewide Planning Goals, federal or state statutes or regulations, METRO regulations, Comprehensive Plan policies and city's implementing ordinances, be addressed as part of the decision-making process. All applicable review criteria have been addressed within this staff report. Therefore, the requirements of Statewide Planning Goal 2 have been met.

Statewide Planning Goal 9, Economic Development, requires provision of adequate opportunities throughout the state for a variety of economic activities vital to public health, welfare and prosperity.

During planning for Downtown Tigard and throughout the Connectivity Plan process, the community identified connectivity and walkability enhancements in the Downtown as a key component to promoting a vibrant and sustainable economy in the Downtown. The CPA and DCA have been designed to implement these objectives while being flexible and adaptive to promote economic development opportunities, consistent with Statewide Planning Goal 9.

Statewide Planning Goal 11, Public Facilities/Services, requires planning and development of a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

The CPA and DCA provide a framework for the extension of new streets through Downtown Tigard, providing an orderly and efficient arrangement of public facilities and services. Therefore, the CPA and DCA are consistent with and supportive of Statewide Planning Goal 11.

Statewide Planning Goal 12, Transportation, requires provision of a safe, convenient and economic transportation system.

The City's existing TSP complies with Goal 12. The CPA and DCA implement plans for additional access roads and multi-use paths within the Downtown in order to promote a safer, more efficient, and better balanced transportation system, consistent with, and supportive of Statewide Planning Goal 12. Goal 12 is implemented by OAR Chapter 660, Division 12, which is addressed above.

Statewide Planning Goal 13, Energy Conservation, requires land and uses developed on the land to be managed and controlled to maximize the conservation of all forms of energy, based upon sound economic principles.

By promoting development of a more walkable downtown through smaller block sizes and increased bicycle and pedestrian connectivity, the CPA and DCA support land use patterns that reduce energy consumption due to vehicle travel. In addition, the planned street connections contained in the CPA and DCA will encourage a reduction in trip length for drivers going to or through the Downtown, further reducing energy consumption from automobiles traveling within and through Tigard. Therefore, the CPA and DCA are consistent with, and supportive of Statewide Planning Goal 13.

Inapplicable Statewide Planning Goals include Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands) because they address rural land outside the Metro Urban Growth Boundary; Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces), 6 (Air, Water and Land Resources Quality, and 7 (Areas Subject to Natural Hazards) because the amendments do not affect existing resource lists or protections for identified resources; Goal 8 (Recreational Needs), because the amendments do not address recreational resources; Goal 10 (Housing), because the amendments do not affect housing policy; Goal 14 (Urbanization) because the Downtown is entirely within the Urban Growth Boundary; Goal 15 (Willamette River Greenway), because the Willamette River does not flow through Tigard; and Goals 16 (Estuarine Resources), 17 (Coastal Shorelines), 18 (Beaches and Dunes), and 19 (Ocean Resources), because they relate to Oregon's coastal resources.

CONCLUSION: Based on the analysis above, staff finds that the recommended amendments are consistent with the applicable Statewide Planning Goals.

SECTION V. CITIZEN COMMENTS

Five comments were received in response to the Measure 56 notice and request for comments to property owners. One was strongly supportive, two were neutral, and two stated concerns. These comments were provided to the Planning Commission when received during their portion of the legislative adoption process and will be provided to City Council when received during their portion of the legislative adoption process. Citizen comments are available in the project record in Exhibit F. In addition, eight citizens contacted staff by phone or in person regarding the code amendments. The comments consisted of clarifying questions in regard to how the amendments would affect their property.

At the Planning Commission public hearing, three property owners (or their representative) testified at the meeting:

- Alexander Craghead, chair of the City Center Advisory Commission and a representative of owners of 12205 SW Hall, testified in favor of the amendments.
- Cecilia Thompson, owner of 8610 SW Scoffins St. (an apartment complex) testified in opposition to the amendments because the proposed connectivity map shows a pedestrian path could be

- required if her property were to redevelop.
- Russ Little, owner of 12020 SW Main (Woodcraft), testified in opposition to the amendments. He expressed concern about the proposed connectivity map because he felt his property would be overly impacted by two proposed connections.

Their testimony is summarized in the Planning Commission minutes.

SECTION VI. AGENCY COMMENTS

Metro – Land Use and Planning, Washington County Department of Land Use & Transportation, Oregon Department of Land Conservation and Development, and Oregon Department of Environmental Quality, Clean Water Services, ODOT Rail Division, and Southern Pacific Transportation were given the opportunity to review this proposal and submitted no comments or objections.

Tualatin Valley Fire & Rescue and TriMet reviewed the proposal and provided comments supporting the amendments, which are attached in Exhibit F and are available in the project record.

Oregon Department of Transportation reviewed the proposal and provided comments which are discussed below:

1. The TSP and amendments show that a corridor plan is needed for Hall Blvd to determine the final cross section. While ODOT supports the need for the corridor plan, due to limited resources there is unlikely to be State funding available for the corridor plan. We recommend that if this is a city priority that the city identify a funding source for this planning effort.

Staff Response: The city may prioritize this study in the future with the city's next TSP Update.

2. The Tigard HCT Land Use Plan developed a Downtown Concept Plan. The TSP amendments should reflect the recommendations from the HCT plan and explain how the two efforts are related. Particularly how this should include showing the connections between the old downtown and the expanded downtown that is included in the HCT plan i.e. Tigard Triangle.

Staff Response: The HCT Land Use Plan includes concepts which don't directly result in any policy changes such as amendments to the TSP or Development Code. The HCT Land Use Plan concepts (including transportation projects) are being integrated into the SW Corridor Plan effort; these are being evaluated at several varying levels of detail to make up the Corridor Plan, including Transportation Plan and Transit Alternatives Analysis. Ultimately the final SW Corridor Plan elements will go back to agencies for formal amendments.

3. The TSP amendments focus on downtown street character types and planned street connections. We recommend that the City show connectivity planned for all modes, for example including the trail alignments that are planned these should be included on the Connectivity Projects Detail Sheets and it is recommended to have a map showing all the planned connections for all modes on a single map. This will help clarify all the connectivity that is planned for.

Staff Response: The proposed amendments will implement the street connectivity plan as it relates to development. Trail alignments have been outlined in the Trail System Master Plan. An integrated map showing connectivity for all modes will be produced in the future, but it is not essential to be included in these code amendments.

4. As discussed on the phone earlier this week, we recommend that Figure 5-14 Connectivity Projects Detail Sheet Map 3 include a note explaining that the realignment of Tigard St to connect to Burnham St would be a city responsibility in coordination with a future OR 99W viaduct replacement project that requires ODOT approval. Although I haven't had an opportunity to check with the ODOT Bridge Section, it is unlikely that ODOT would be replacing the viaduct any time in the plan horizon unless there are structural issues that develop. From our conversation it sounded like you will be working on a new detail sheet for this project, please forward that to me for ODOT review and comment. Also, does the city plan to keep the planned trail alignment along Tigard St? Showing the trails on these detail sheets will help understanding the connectivity projects.

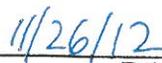
Staff Response: The Burnham Street to Tigard Street connection will be reclassified on Map 3 as a concept, distinct from the other proposed streets, that is dependent on the speculative construction of a new OR 99W viaduct which is not expected within the plan year horizon.

The Tigard Street trail is identified in the Trail System Master Plan.

Portland and Western Railroad reviewed the proposal and provided comments recommending that the Ash Avenue crossing of the rail tracks be grade separated.

Staff response: The Ash Avenue crossing has appeared as a project in the TSP for several years. The city envisions an at-grade crossing, but recognizes this will only be accomplished with the agreement of ODOT Rail Division and the railroad.


PREPARED BY: Sean Farrelly
Redevelopment Project Manager


DATE


REVIEWED BY: Tom McGuire
Acting Community Development Director


DATE

EXHIBITS

- EXHIBIT A - DRAFT Amendments to 2035 Transportation System Plan Volume 1
- EXHIBIT A1-Planning Commission's recommended changes to maps
- EXHIBIT B - DRAFT Amendments to the TDC Chapter 18.370 Variances and Adjustments
- EXHIBIT C - DRAFT Amendments to TDC Chapter 18.610 Tigard Downtown District Development and Design Standards
- EXHIBIT D - DRAFT Amendments to TDC Chapter 18.810 Street and Utility Improvement Standards
- EXHIBIT E - Kittelson and Associates traffic analysis conducted as part of the development of the Downtown Conceptual Circulation Plan
- EXHIBIT F: Citizen comments
F.1. Gary and Judy Craghead

- F.2. Fraternal Order of Eagles
- F.3 J. Ronald and Cecilia Thompson
- F.4. Abbas Nikzad
- F.5. Luella Paddack (e-mail)

EXHIBIT G: Agency comments

- G.1. ODOT (e-mail)
- G.2. Tualatin Valley Fire & Rescue
- G.3. Portland & Western Railroad
- G.4. TriMet (e-mail)

EXHIBIT H: October 15, 2012 Planning Commission minutes

EXHIBIT A

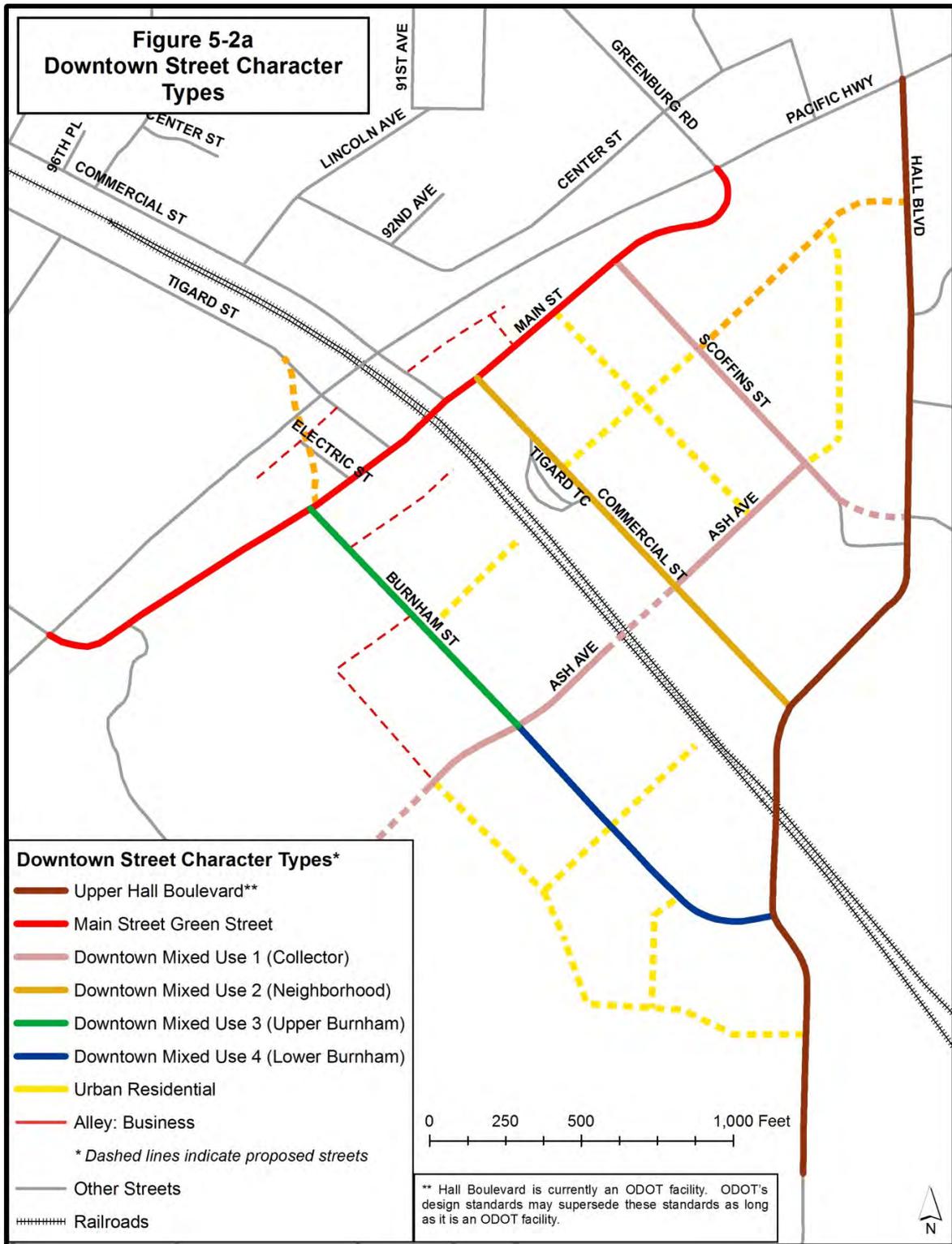
DRAFT Amendments to 2035 Transportation System Plan Volume 1 of 3

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.

Functional Classifications (page 48)

The functional classification of a roadway defines the primary role in terms of providing mobility and access. An individual street's classification directs the design and management of the roadway, including right of way needs, the number of travel lanes and other cross-section elements, and access management standards. Figure 5-2 shows the functional classification for each roadway in Tigard. Within the Downtown Mixed Use Central Business District, the functional classification is further refined by the street character types shown on Figure 5-2A. The character types are implemented through special street design standards. In addition, Figure 5-2A identifies future roadways which are intended to provide an enhanced network of pedestrian-friendly streets in the Downtown area.



Street Design Standards (Cross Sections) (page 52)

Roadways in Tigard are the primary means of mobility for residents, serving the majority of trips over multiple modes. Pedestrians, bicyclists, public transit, and motorists all use public roads for the vast majority of trips. Therefore, it is increasingly important to plan, design, and build new roadways in a manner that improves multi-modal access and mobility.

The City of Tigard street design standards ensure that all new streets are constructed as “complete streets” and include facilities for pedestrians and bicycles and also provide drainage and landscaping where appropriate. Because they are reviewed and updated periodically, the City of Tigard’s street design standards are located in the city’s Community Development Code ~~section 18.800~~ Chapter 18.810 Street and Utility Improvement Standards.

Special Areas: Downtown (page 95)

The City of Tigard is committed to creating a downtown that is active, has a compact urban form, and provides multi-modal access and circulation. Public investments and planning activities for downtown are intended to provide a catalyst for economic development. Significant growth in downtown is planned for both employment and housing uses.

Downtown is primarily located south of Pacific Highway between Hall Boulevard and Fanno Creek but also extends north of the Pacific Highway near Greenburg Road and Hall Boulevard. Pacific Highway and Hall Boulevard are the primary access routes to the downtown area. Pacific Highway currently experiences significant peak hour congestion and queuing which also impacts travel on Hall Boulevard. The Pacific Highway viaduct over the railroad tracks creates a grade separation between Pacific Highway and Main Street and limits both access and visibility to the Downtown from the highway.

Downtown Tigard has a transit center which is served by TriMet Routes 12, 45, 64, 76, and 78 connecting it to the Beaverton Transit Center, Sherwood, Lake Oswego, Tualatin, and downtown Portland. The Tigard Transit Center is also served by WES Commuter Rail. The existing transit service available to Downtown Tigard, combined with future plans to enhance WES service and provide high capacity transit along the Pacific Highway corridor, position Downtown to have transit service that can support increased employment and residential growth in the area despite existing congestion along Pacific Highway.

Although Pacific Highway and Hall Boulevard have sidewalks and bicycle lanes (with the exception of a few gaps in the sidewalk system on Hall Boulevard), the lack of local and collector street connectivity and existing roadway geometry within the downtown area do not create a very desirable environment for pedestrians and bicyclists to travel within the downtown.

At the broadest level, options for improving access to the downtown area fall into the following categories:

- Improve local and collector roadway connectivity to and within Downtown.
- Provide better facilities for alternative modes (transit, bicycles, pedestrians, etc.).
- Enhance intersection capacity on Pacific Highway to increase the ability to cross and access Pacific Highway from Walnut Street, Greenburg Road, and Hall Boulevard.

In order to address these issues the City prepared a Downtown Connectivity and Circulation Plan which identified a more complete system of streets and pathways to improve multi-modal access to, from and

within the Downtown Mixed Use Central Business District. Through this effort the following transportation facility design principles were recognized as being of particular importance within the downtown:

- Maximize efficiency and ease of access for all transportation modes and for emergency services. (This principle can be realized, in part, by determining appropriate access spacing and by avoiding off-set intersections.)
- Enhance accessibility for people of all ages and abilities. (Strategies for achieving this objective include keeping block sizes relatively small and providing bike and pedestrian facilities.)
- Create a network with a diversity of human-scaled street types that support urban places and integrate with blocks/buildings.
- Link with city, regional, and national transportation networks. (Achieving this end requires careful integration of this plan with Tigard's TSP and with other local and regional planning efforts.)
- Ensure the economic viability of the blocks that result from the implementation of the new street grid.

In addition, a number of connectivity and circulation improvements, including new road and pathway connections within and adjacent to the downtown area were identified. These improvements are intended to foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development as well as to solve some existing connectivity issues, such as access across railroad tracks

Infrastructure Investment

Figure 5-14 shows the additional multi-modal improvement projects related to the Downtown area which include Main Street streetscape improvements, a mixed-use trail along the rail corridor, and Ash Street extensions east across the railroad tracks and west and north to Pacific Highway. *Specific project considerations can be found in Technical Memorandum #5 in the Volume 3 Technical Appendix.*

Connectivity Requirements

In addition to the projects shown on Figure 5-14, the Downtown Connectivity and Circulation Plan identified a more complete system of streets and pathways to improve multi-modal access to, from and within the Downtown Mixed Use Central Business District. These improvements are shown on Figures 5-14A through 5-14I and are subject to the connectivity requirements below. If an alternate alignment is subsequently been approved by the City, the alternate alignment shall supersede the alignment shown on Maps 5-14B – Figure 5-14I.

Figure 5-14A. Connectivity Projects Index Map

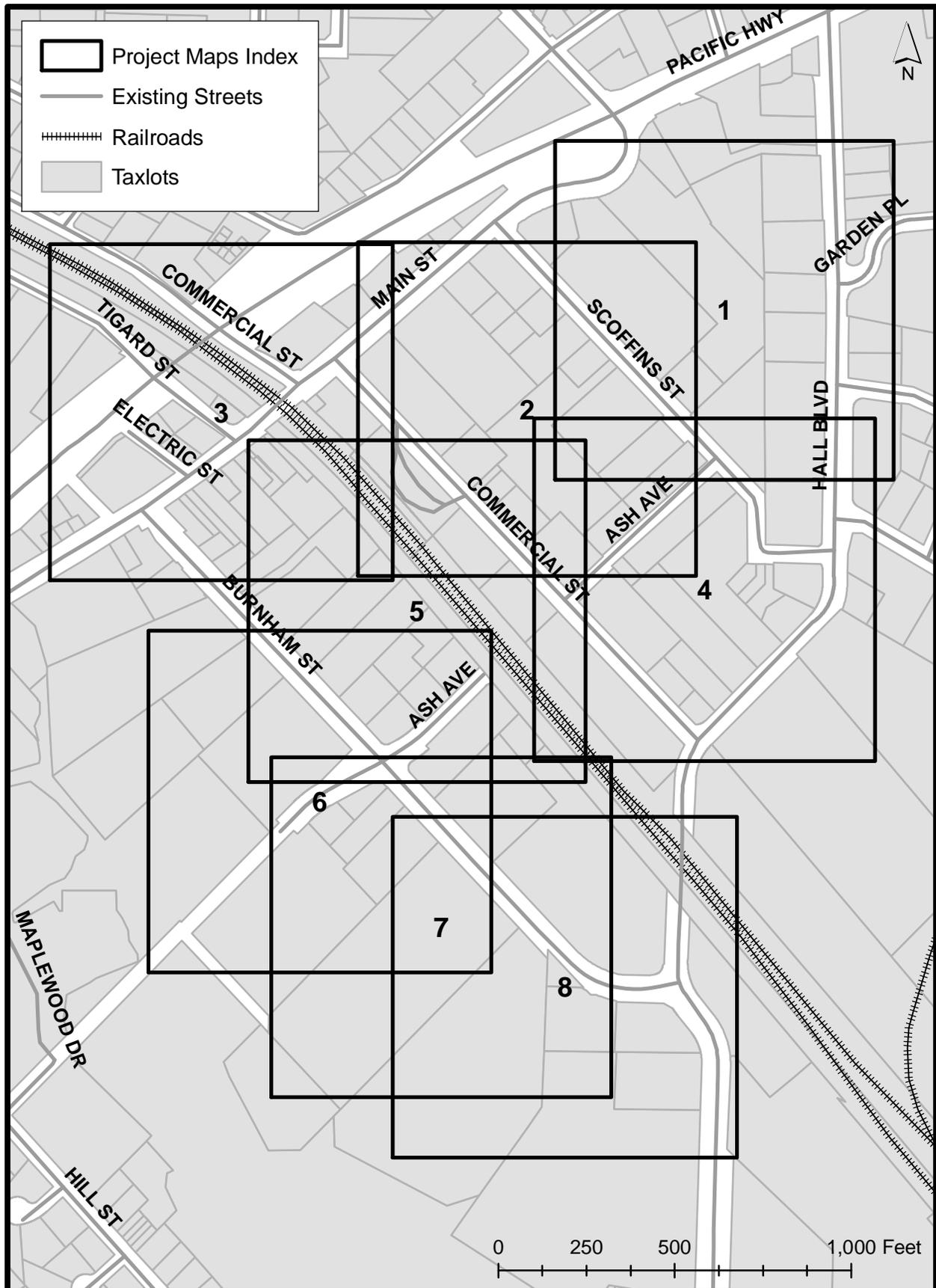


Figure 5-14B. Connectivity Projects Detail Sheet: Map 1

Street Character Type	 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections
 Downtown Mixed Use 2 (Local)	 Existing Streets
 Urban Residential (52'-56')	 Taxlots
 Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.

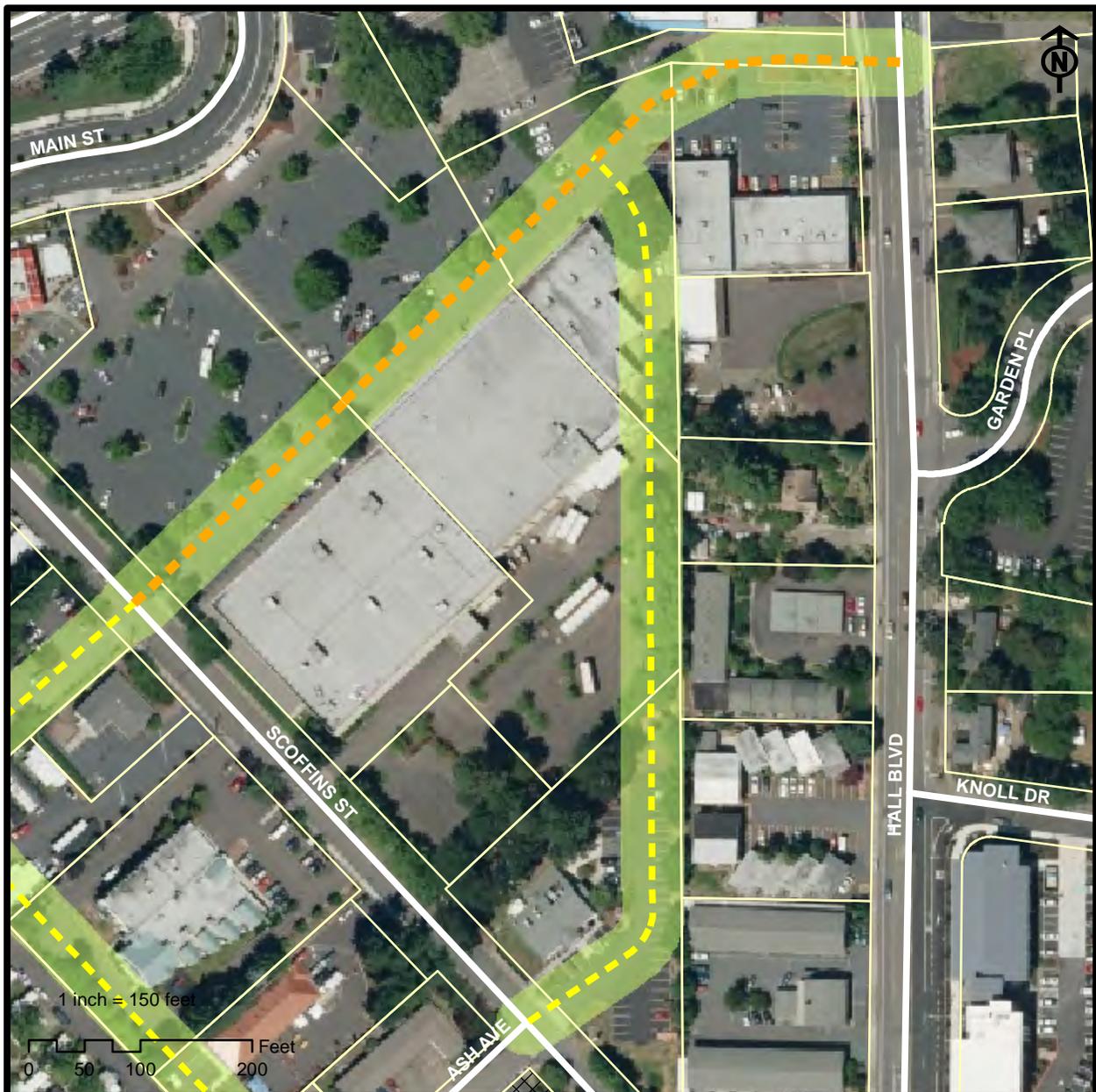


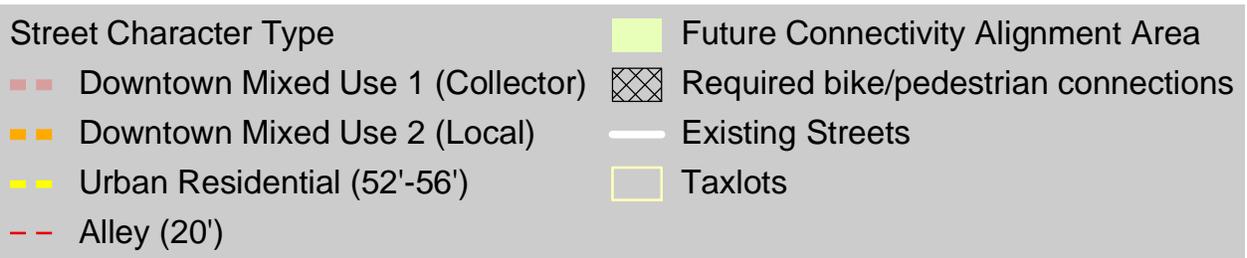
Figure 5-14C. Connectivity Projects Detail Sheet: Map 2

Street Character Type		 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	 Existing Streets
 Downtown Mixed Use 2 (Local)	 Taxlots	
 Urban Residential (52'-56')		
 Alley (20')		

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.



Figure 5-14D. Connectivity Projects Detail Sheet: Map 3



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.

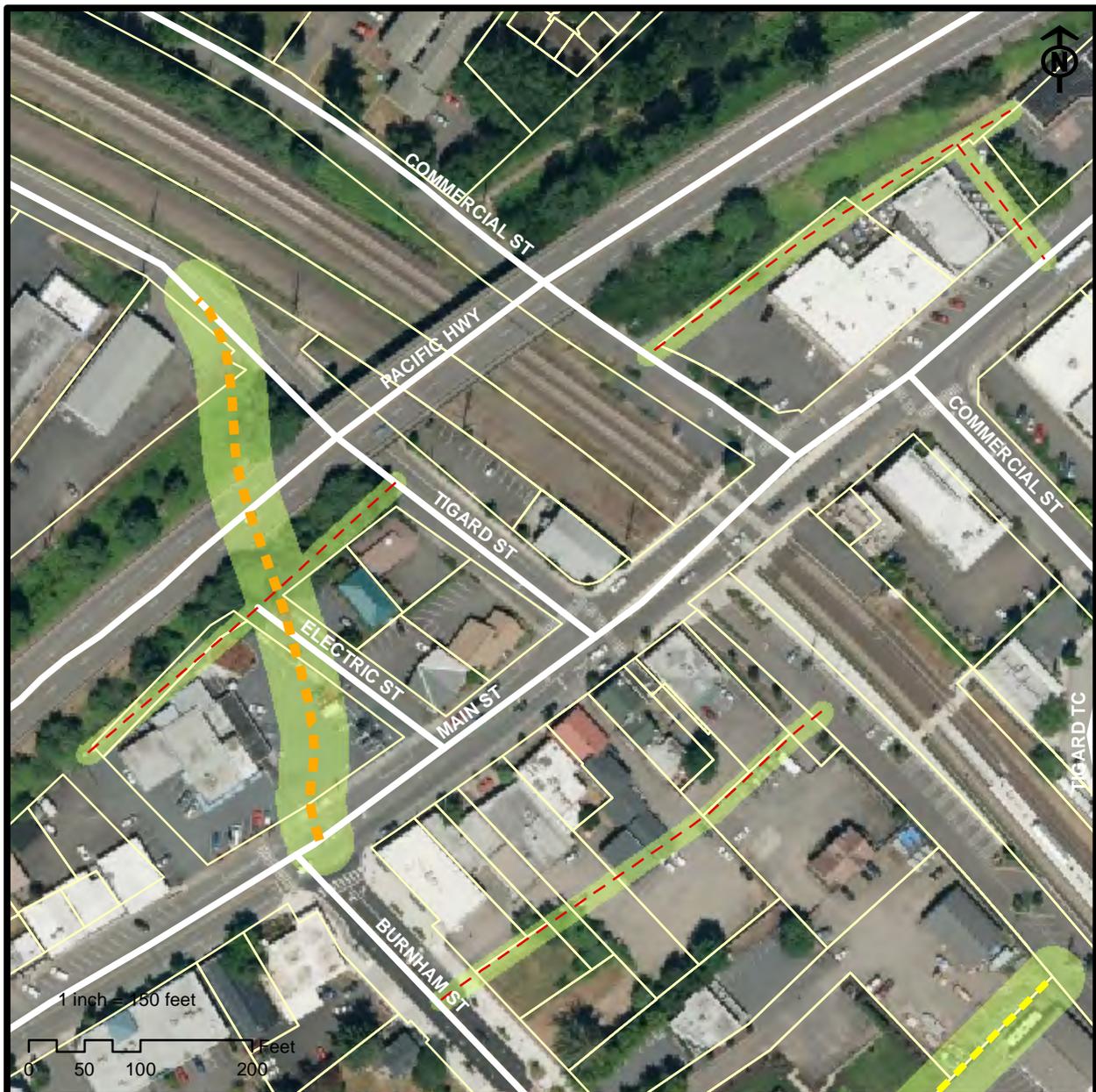
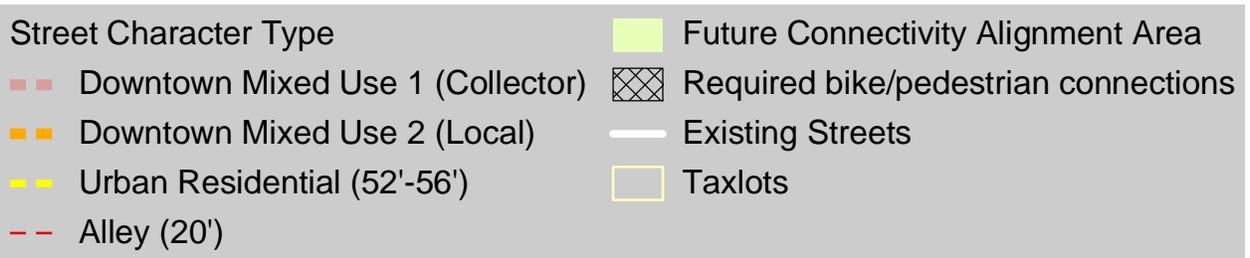


Figure 5-14E. Connectivity Projects Detail Sheet: Map 4



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.

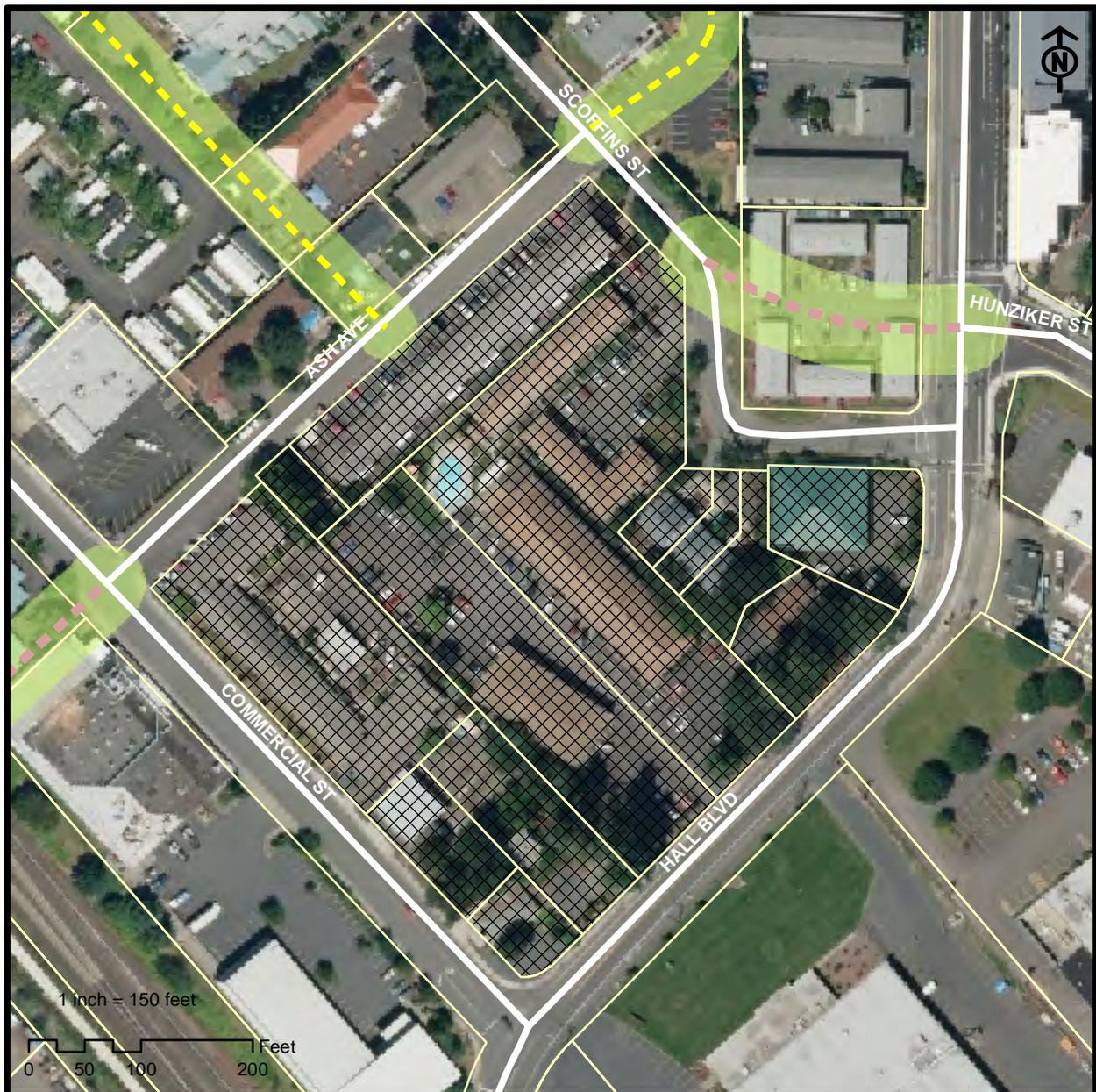


Figure 5-14F. Connectivity Projects Detail Sheet: Map 5

Street Character Type	 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections
 Downtown Mixed Use 2 (Local)	 Existing Streets
 Urban Residential (52'-56')	 Taxlots
 Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.

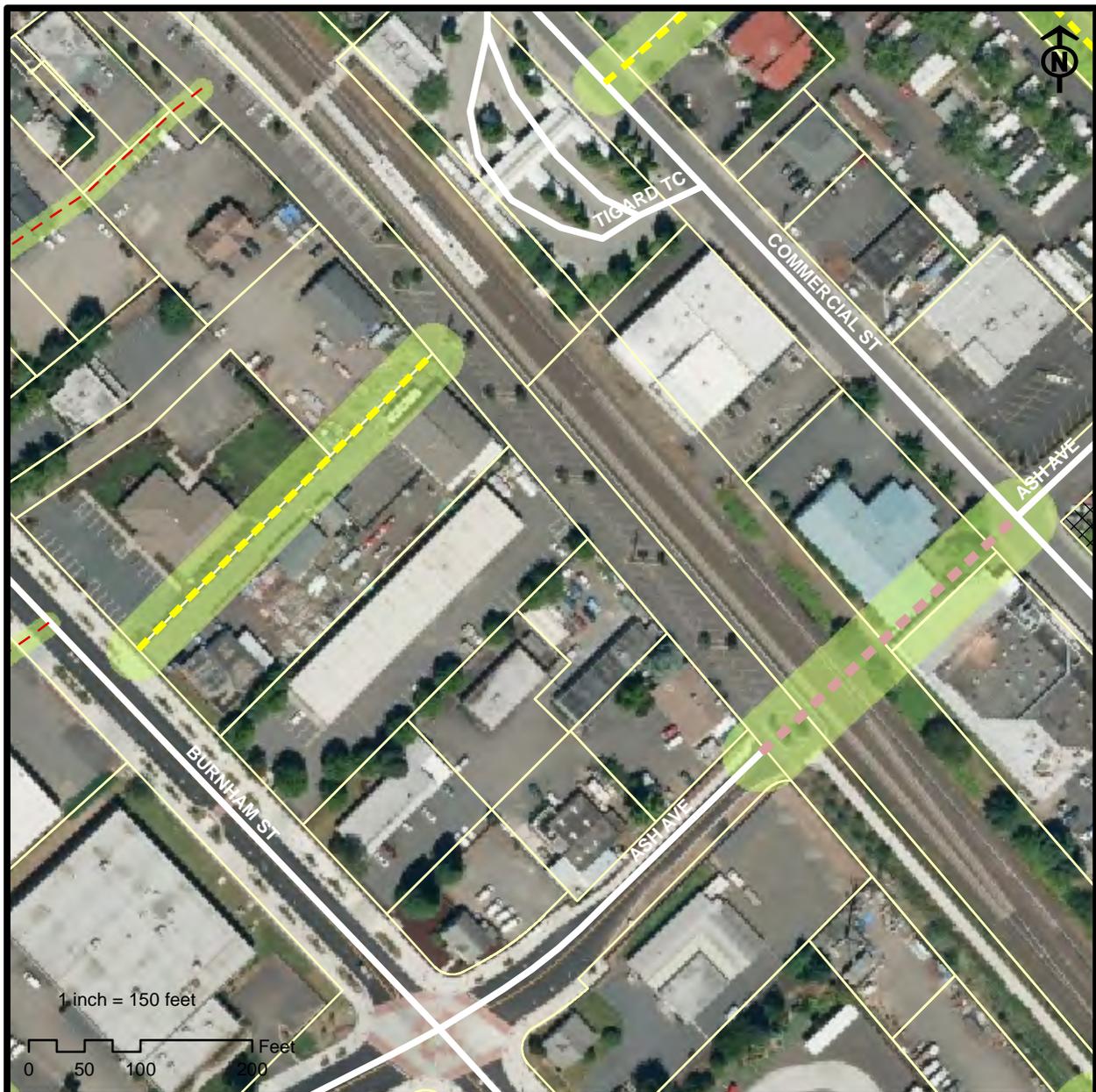


Figure 5-14G. Connectivity Projects Detail Sheet: Map 6

Street Character Type	 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections
 Downtown Mixed Use 2 (Local)	 Existing Streets
 Urban Residential (52'-56')	 Taxlots
 Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Figure 5-14H. Connectivity Projects Detail Sheet: Map 7

Street Character Type	 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections
 Downtown Mixed Use 2 (Local)	 Existing Streets
 Urban Residential (52'-56')	 Taxlots
 Alley (20')	

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.



Figure 5-14I. Connectivity Projects Detail Sheet: Map 8

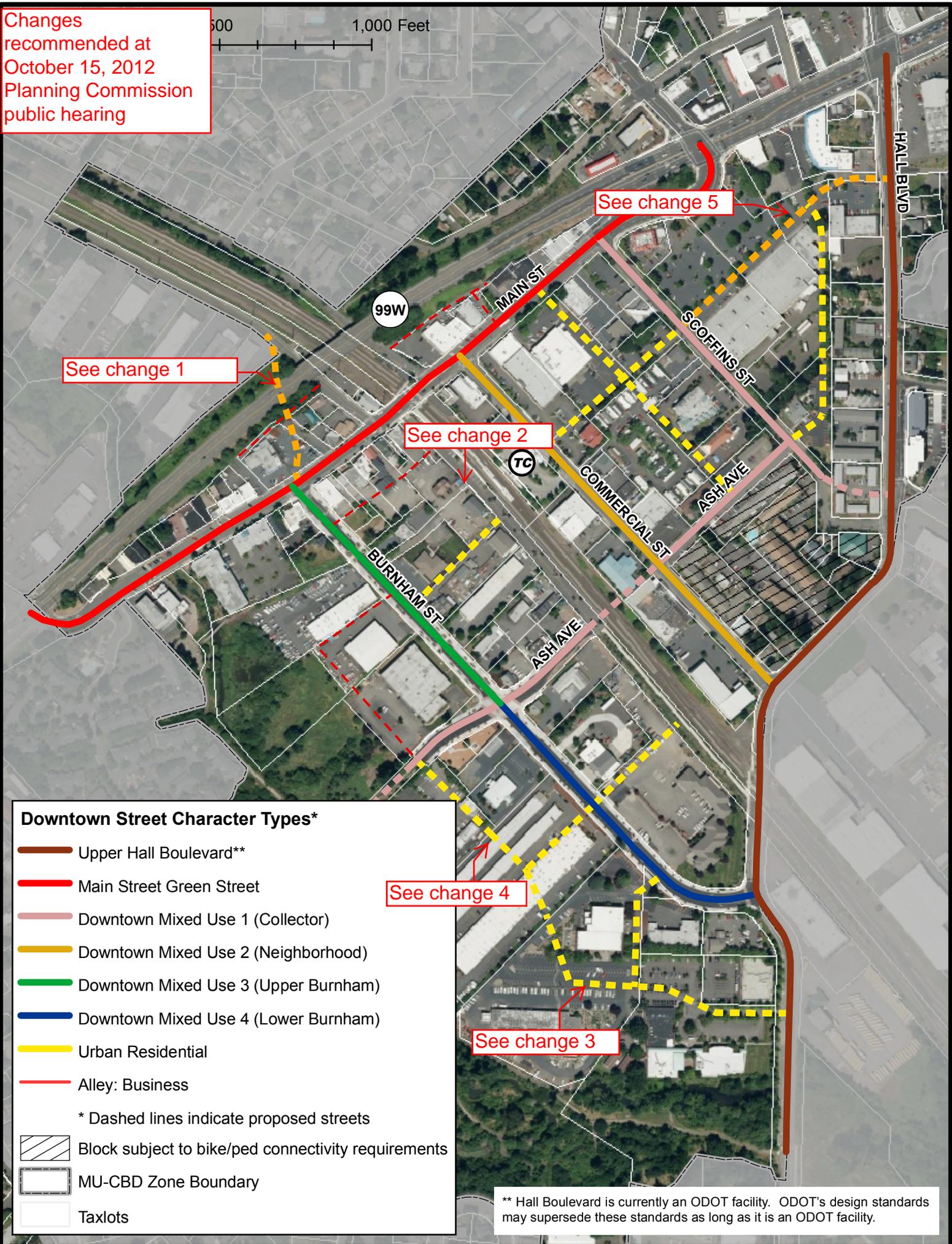
Street Character Type		 Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	 Existing Streets
 Downtown Mixed Use 2 (Local)	 Taxlots	
 Urban Residential (52'-56')		
 Alley (20')		

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way listed for the street character type.



Changes recommended at October 15, 2012 Planning Commission public hearing

500 1,000 Feet



See change 1

See change 2

See change 5

See change 4

See change 3

Downtown Street Character Types*

-  Upper Hall Boulevard**
-  Main Street Green Street
-  Downtown Mixed Use 1 (Collector)
-  Downtown Mixed Use 2 (Neighborhood)
-  Downtown Mixed Use 3 (Upper Burnham)
-  Downtown Mixed Use 4 (Lower Burnham)
-  Urban Residential
-  Alley: Business

* Dashed lines indicate proposed streets

 Block subject to bike/ped connectivity requirements

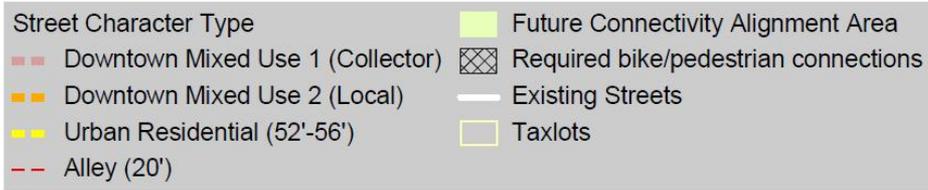
 MU-CBD Zone Boundary

 Taxlots

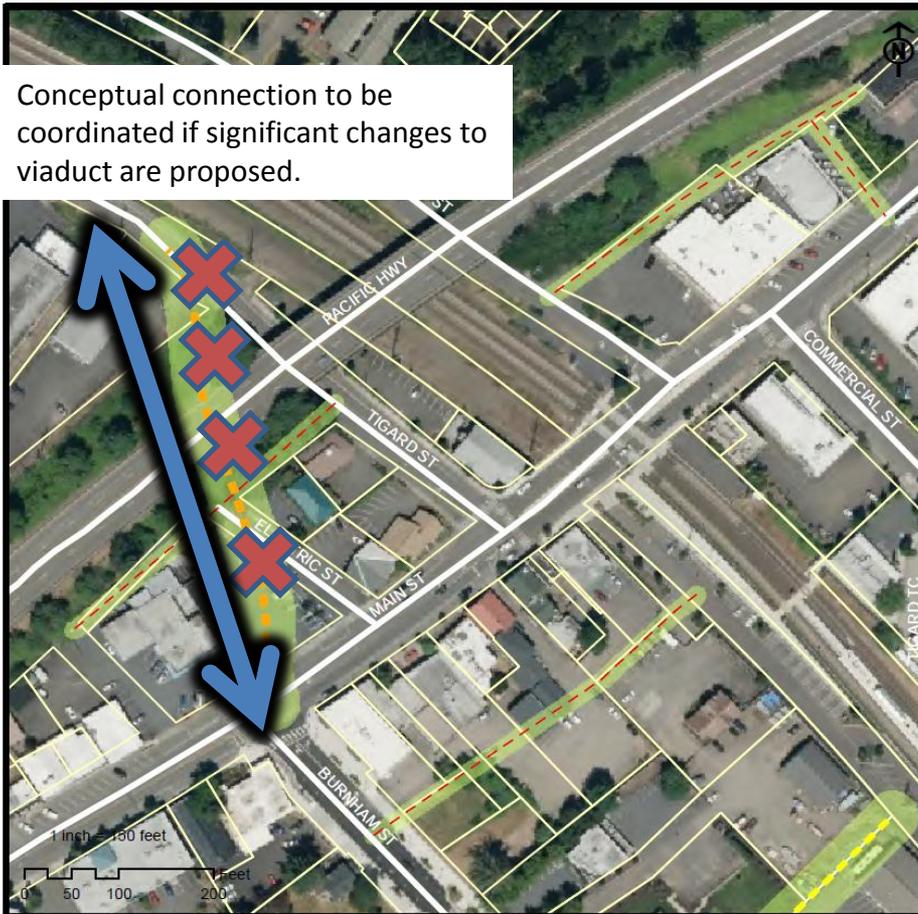
** Hall Boulevard is currently an ODOT facility. ODOT's design standards may supersede these standards as long as it is an ODOT facility.

Change 1

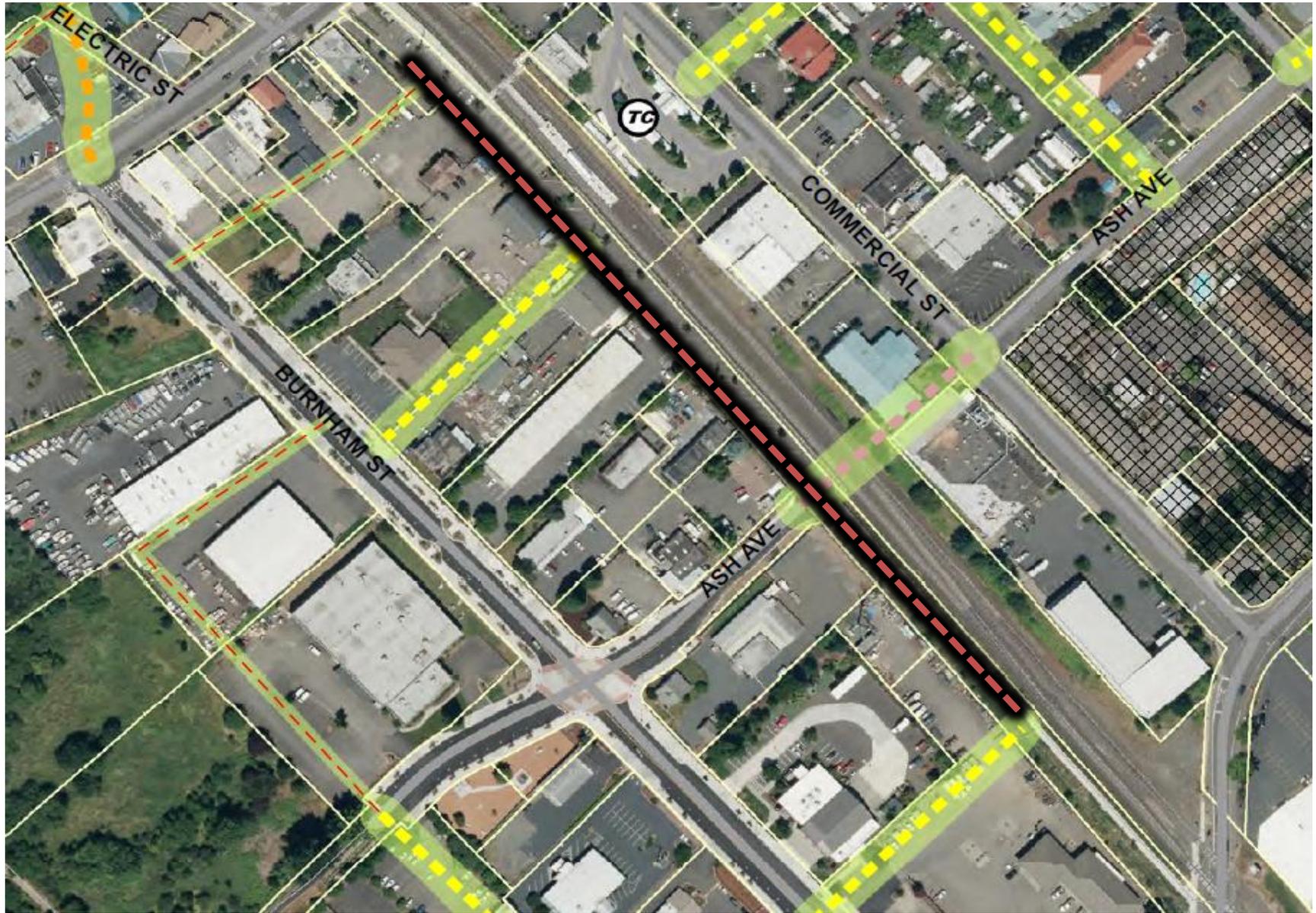
Figure 5-14D. Connectivity Projects Detail Sheet: Map 3



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Change 2

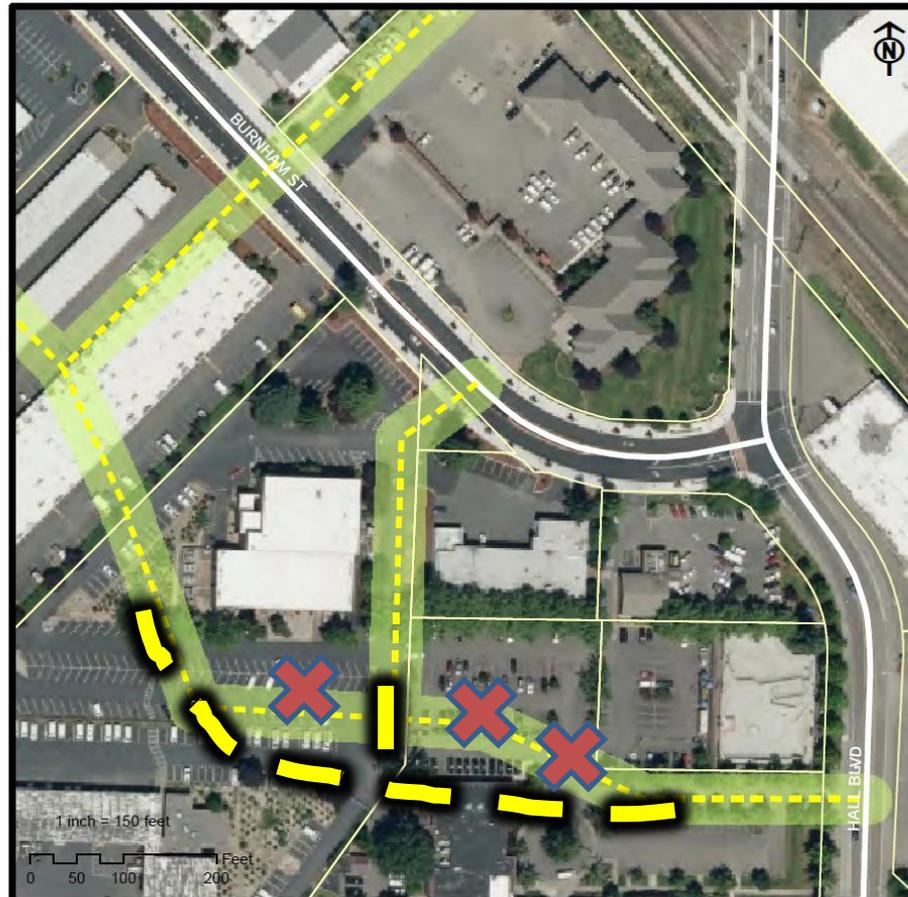


Change 3

Figure 5-14I. Connectivity Projects Detail Sheet: Map 8



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Change 4

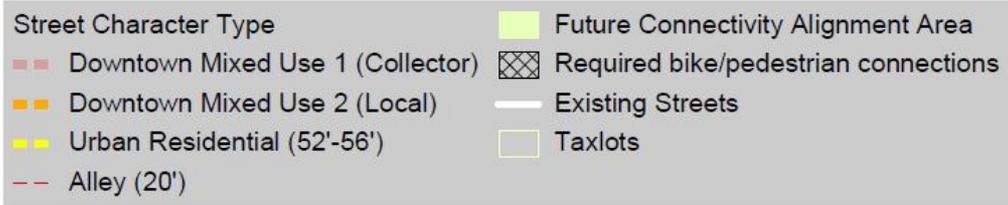
Allow flexible design standards for the street near Fanno Creek park. Reduced ROW, pervious pavers.

(addressed in 18.370)



Figure 5-14B. Connectivity Projects Detail Sheet: Map 1

Change 5



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

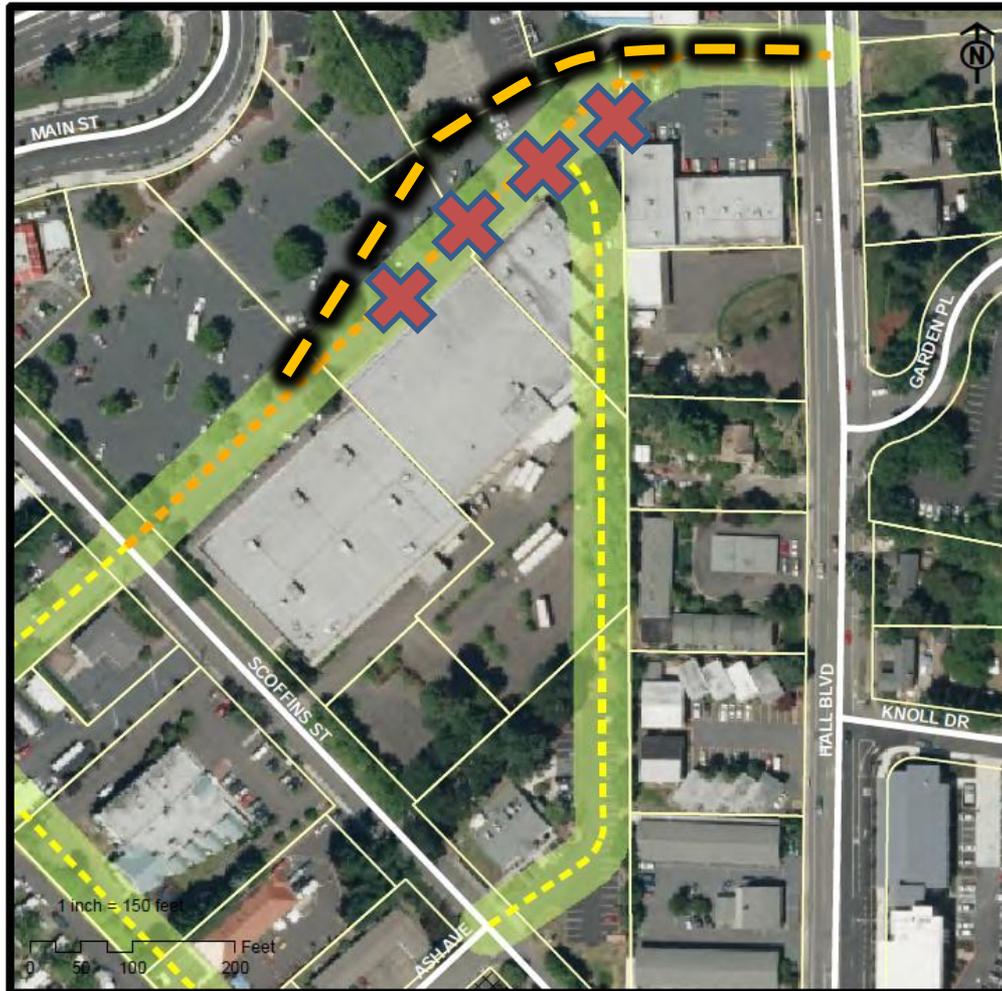


EXHIBIT B

DRAFT Amendments to the TDC Chapter 18.370 Variances and Adjustments

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.
- ◆ Proposed language added at Planning Commission hearing in red underline.

18.370.020 Adjustments

A. Purpose. The purpose of this section is to establish two classes of special variances:

1. “Development adjustments” which allow modest variation from required development standards within proscribed limits. Because such adjustments are granted using “clear and objective standards,” these can be granted by means of a Type I procedure, as opposed to the more stringent standards of approval and procedure for variances.

2. “Special adjustments” which are variances from development standards which have their own approval criteria as opposed to the standard approval criteria for variances contained in Section 18.370.020.C.

B. Development adjustments.

1. The following development adjustments will be granted by means of a Type I procedure, as governed by Section 18.390.030, using approval criteria contained in Subsection B2 below:

- a. Front yard setbacks. Up to a 25% reduction of the dimensional standards for the front yard setback required in the base zone. Setback of garages may not be reduced by this provision.
- b. Interior setbacks. Up to a 20% reduction of the dimensional standards for the side and rear yard setbacks required in the base zone.
- c. Lot coverage. Up to 5% increase of the maximum lot coverage required in the base zone.

2. Approval criteria. A development adjustment shall be granted if there is a demonstration of compliance with all of the applicable standards:

- a. A demonstration that the adjustment requested is the least required to achieve the desired effect;
- b. The adjustment will result in the preservation of trees, if trees are present in the development area;
- c. The adjustment will not impede adequate emergency access to the site;
- d. There is not a reasonable alternative to the adjustment which achieves the desired effect.

C. Special adjustments.

1. Adjustments to development standards within subdivisions (Chapter 18.430). The Director shall consider the application for adjustment at the same time he/she considers the preliminary plat. An adjustment may be approved, approved with conditions, or denied provided the Director finds:

- a. There are special circumstances or conditions affecting the property which are unusual and peculiar to the land as compared to other lands similarly situated;
- b. The adjustment is necessary for the proper design or function of the subdivision;
- c. The granting of the adjustment will not be detrimental to the public health, safety, and welfare or injurious to the rights of other owners of property; and
- d. The adjustment is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this title.

2. Adjustment to minimum residential density requirements (Chapter 18.510). The Director is authorized to grant an adjustment to the minimum residential density requirements in Section 18.510.040, by means of a Type I procedure, as governed by Section 18.390.030 as follows:

- a. For development on an infill site as follows:
 - (1) In the R-25 zone, sites of .75 acre or smaller.
 - (2) In the R-40 zone, sites of .75 acre or smaller.
- b. For development on sites larger than those contained in 1 above, if the applicant can demonstrate by means of detailed site plan that the site is so constrained that the proportional share of the required minimum density cannot be provided and still meet all of the development standards in the underlying zone.
- c. To be granted an adjustment in either Subsections a or b above, the applicant must demonstrate that the maximum number of residential units are being provided while complying with all applicable development standards in the underlying zone. There is nothing in this section which precludes an applicant for applying to a variance to these standards, as governed by Section 18.370.010.

3. For adjustments to density requirements in Washington Square Regional Center, the standards of Section 18.630.020.E apply.

4. For Modifications to dimensional and minimum density requirements for developments within the Washington Square Regional Center that include or abut designated Water Resource overlay areas, the standards of Section 18.630.020.F apply.

5. Adjustment to access and egress standards (Chapter 18.705).

- a. In all zoning districts where access and egress drives cannot be readily designed to conform to Code standards within a particular parcel, access with an adjoining property shall be considered. If access in conjunction with another parcel cannot reasonably be achieved, the Director may grant an adjustment to the access requirements of Chapter 18.705 through a Type II procedure, as governed in Section 18.390.030, using approval criteria contained in Subsection 2b below.
- b. The Director may approve, approve with conditions, or deny a request for an adjustment from the access requirements contained in Chapter 18.705, based on the following criteria:
 - (1) It is not possible to share access;

- (2) There are no other alternative access points on the street in question or from another street;
- (3) The access separation requirements cannot be met;
- (4) The request is the minimum adjustment required to provide adequate access;
- (5) The approved access or access approved with conditions will result in a safe access; and
- (6) The visual clearance requirements of Chapter 18.795 will be met.

6. Adjustments to landscaping requirements (Chapter 18.745).

a. Adjustment to use of existing trees as street trees. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the use of existing trees to meet the street tree requirements in Section 18.745.030 providing there has been no cutting and filling around the tree during construction which may lead to its loss, unless the following can be demonstrated:

- (1) The ground within the drip-line is altered merely for drainage purposes; and
- (2) It can be shown that the cut or fill will not damage the roots and will not cause the tree to die.

b. Adjustment for street tree requirements. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for the adjustments to the street tree requirements in Section 18.745.030, based on the following approval criteria:

- (1) If the location of a proposed tree would cause potential problems with existing utility lines;
- (2) If the tree would cause visual clearance problems; or
- (3) If there is not adequate space in which to plant street trees.

7. Adjustments to parking standards (Chapter 18.765).

a. Reduction from minimum parking requirements. By means of a Type II procedure, as governed by Section 18.390.040, the Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that:

- (1) Use of transit, demand management programs, and/or special characteristics of the customer, client employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standards Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements, and
- (2) A reduction in parking will not have an adverse impact on adjacent uses.

b. Reductions in minimum parking requirements in new developments for transit improvements. The Director may authorize up to a 20% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H by means of a Type II procedure, as governed by Section 18.390.040, when the applicant:

- (1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and
- (2) Documents operational characteristics indicating the number of transit users, or number of non-auto users for a particular facility.

c. Reductions in minimum parking requirements in existing developments for transit improvements. The Director may authorize up to a 10% reduction in the total minimum vehicle parking spaces required in Section 18.765.070.H at a conversion ratio of one

space per 100 square feet of transit facility by means of a Type I procedure as governed by Section 18.390.030, when the applicant:

(1) Incorporates transit-related facilities such as bus stops and pull-outs, bus shelters, transit-oriented developments and other transit-related development; and

(2) Meets the following requirements:

(a) A transit facility must be located adjacent to a street with transit service. The facility should be located between the building and front property line, within 20 feet of an existing transit stop, or the facility may include a new transit stop if approved by Tri-Met.

(b) A transit facility shall include a covered waiting or sitting area.

d. Increases in the maximum parking requirements. The Director may approve off-street parking in excess of the maximum allowed parking spaces in Section 18.765.070G by means of a Type II procedure, as governed by Section 18.390.040, when the applicant can demonstrate that all of the following criteria are met:

(1) The individual characteristics of the use at that location requires more parking than is generally required for a use of this type and intensity;

(2) The need for additional parking cannot be reasonably met through provision of on-street parking or shared parking with adjacent or nearby uses; and

(3) The site plan shall indicate how the additional parking can be redeveloped to more intensive transit-supportive use in the future.

e. Reduction in required bicycle parking. The Director may approve a reduction of required bicycle parking per Section 18.765.050.E by means of Type II procedure, as governed by Section 18.390.040, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking.

f. Use of alternative parking garage layout. By means of a Type II procedure, as governed by Section 18.390.040, the Director may approve an alternative design of parking garage which differs from the dimensional standards contained in Figure 18.765.2 when it can be shown that 1) the proposed structure meets design guidelines of the Urban Land Institute's (ULI) Dimension of Parking, Current Edition; or 2) a similar structure functions efficiently using proposed modified layout, circulation and dimensions.

g. Reduction in length of stacking lane. By means of a Type I procedure, as governed by 18.390.030, the Director may allow a reduction in the amount of vehicle stacking area required in Section 18.765.040.D.2 if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

8. Adjustments to sign code (Chapter 18.780).

a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the sign code based on findings that at least one of the following criteria are satisfied:

(1) The proposed adjustment to the height limits in the sign code is necessary to make the sign visible from the street because of the topography of the site, and/or a conforming building or sign on an adjacent property would limit the view of a sign erected on the site in conformance with Chapter 18.780, Signs;

(2) A second freestanding sign is necessary to adequately identify a second entrance to a business or premises that is oriented towards a different street frontage;

(3) Up to an additional 25% of sign area or height may be permitted when it is determined that the increase will not deter from the purpose of Chapter 18.780,

Signs. This increase should be judged according to specific needs and circumstances which necessitate additional area to make the sign sufficiently legible. The increase(s) shall not conflict with any other non-dimensional standards or restrictions of this chapter;

(4) The proposed sign is consistent with the criteria set forth in Section 18.780.130.G;

(5) The proposed exception for a second freestanding sign on an interior lot which is zoned commercial or industrial is appropriate because all of the following apply:

(a) The combined height of both signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;

(b) Neither sign will pose a vision clearance problem or will project into the public right-of-way; and

(c) Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district.

b. In addition to the criteria in Subsection a above, the Director shall review all of the existing or proposed signage for the development and its relationship to the intent and purpose of Chapter 18.780, Signs. As a condition of approval of the adjustment, the Director may require:

(1) Removal or alteration of nonconforming signs to achieve compliance with the standards contained in Chapter 18.780, Signs;

(2) Removal or alteration of conforming signs to establish a consistent sign design throughout the development; and

(3) Application for sign permits for signs erected without permits or removal of such illegal signs.

9. Adjustments to setbacks to reduce tree removal (Chapter 18.790). By means of a Type I procedure, as governed by Section 18.390.030, the Director may grant a modification from applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development. Such modification may reduce the required setback by up to 50%, but shall not be more than is necessary for the preservation of trees on the site. The setback modification described in this section shall supersede any special setback requirements or exceptions set out elsewhere in this title, including but not limited to Chapter 18.730, except Section 18.730.040.

10. Adjustments to wireless communication facilities (Chapter 18.798).

a. By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be set back at least the height of the tower from any off-site residence based on findings that at the following criteria are satisfied:

(1) The proposed location of the tower complies with the setback requirements for the underlying zone in which the property is located;

- (2) A structural engineer certifies that the tower is designed to collapse within itself;
- (3) Because of topography, vegetation, building orientation and/or other factor, a site closer to an off-site residence will equally or better reduce the visual impacts associated with the tower upon the off-site residence.

b. By means of a Type I procedure, as governed by Section 18.390.030, the Director shall approve, approve with conditions, or deny a request for an adjustment to the requirement that a wireless communication tower be located 2,000 feet from another tower in a residential zone or 500 feet from another tower in a non-residential zone based on findings that the following criteria are satisfied:

- (1) The applicant has fully complied with the collocation protocol as provided in Section 18.798.080; and
- (2) A registered radio engineer certifies that a more distant location is not technically feasible and/or sites at a more appropriate location are not available; or
- (3) A location closer than the required separation will reduce visual or other impacts on surrounding uses better than sites beyond the required separation.

11. Adjustments for street improvement requirements (Chapter 18.810). By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the street improvement requirements, based on findings that the following criterion is satisfied: Strict application of the standards will result in an unacceptably adverse impact on existing development, on the proposed development, or on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes or existing mature trees. In approving an adjustment to the standards, the Director shall determine that the potential adverse impacts exceed the public benefits of strict application of the standards. (Ord. 06-20)

12. Adjustments to Downtown Connectivity Standards (Chapter 18.610.025). **This adjustment applies to the location of required connections; adjustments to the design of the required improvement are subject to 18.370.020.C.11.** By means of a Type II procedure, as governed by Section 18.390.040, the Director shall approve, approve with conditions, or deny a request for an adjustment to the connectivity standards, based on findings that the following criteria are satisfied:

- a. Granting the adjustment will equally or better meet downtown design principles outlined in the Transportation System Plan;
- b. Application of the Downtown Connectivity Standards would preclude all reasonable economic use of the site;
- c. Any adjustment of the street and pedestrian connectivity improvement designations will, at a minimum, preserve the potential for a future connectivity improvements; and
- d. Granting the adjustment would not result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees.

EXHIBIT C

DRAFT Amendments to TDC Chapter 18.610 Tigard Downtown District Development and Design Standards

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.
- ◆ Proposed language added at Planning Commission hearing in red underline.

Sections:

- 18.610.010 Purpose and Procedures**
- 18.610.015 Pre-Existing Uses and Developments within the Downtown District**
- 18.610.020 Building and Site Development Standards**
- 18.610.025 Street Connectivity**
- 18.610.030 Building and Site Design Standards**
- 18.610.035 Additional Standards**
- 18.610.040 Special Requirements for Development Bordering Urban Plaza**
- 18.610.045 Exceptions to Standards**
- 18.610.050 Building and Site Design Objectives (to be used with Track 3 Approval Process)**
- 18.610.055 Signs**
- 18.610.060 Off-Street Parking and Loading Requirements**

18.610.010 Purpose and Procedures

A. Purpose. The objectives of the Tigard Downtown Development and Design Standards are to implement the Comprehensive Plan, Tigard Downtown Improvement Plan, and Urban Renewal Plan and ensure the quality, attractiveness, and special character of the Downtown. The regulations are intended to:

1. Facilitate the development of an urban village by promoting the development of a higher density, economically viable, and aesthetically pleasing pedestrian-oriented downtown where people can live, work, play and shop for their daily needs without relying on the automobile. The quality and scale of the downtown urban environment shall foster social interaction and community celebration.
2. Encourage the integration of natural features and the open space system into Downtown by promoting development sensitive to natural resource protection and enhancement; addressing the relationship to Fanno Creek Park; and promoting opportunities for the creation of public art and use of sustainable design.

3. Enhance the street level as an inviting place for pedestrians by guiding the design of the building “walls” that frame the right-of-way (the “public realm”) to contribute to a safe, high quality pedestrian-oriented streetscape. Building features will be visually interesting and human-scaled, such as storefront windows, detailed façades, art and landscaping. The impact of parking on the pedestrian system will also be limited. The downtown streetscape shall be developed at a human scale and closely connected to the natural environment through linkages to Fanno Creek open space and design attention to trees and landscapes.
4. Promote Tigard’s Downtown as a desirable place to live and do business. Promote development of high-quality high density housing and employment opportunities in the Downtown.
5. Provide a clear and concise guide for developers and builders by employing greater use of graphics to explain community goals and desired urban form to applicants, residents and administrators.

B. Conflicting standards. The following standards and land use regulations apply to all development within the Downtown Mixed Use Central Business District. With the exception of public facility ~~and street~~ requirements, if a design standard found in this section conflicts with another standard in the Development Code, the standards in this section shall govern, even if less restrictive than other areas of the code.

C. Applicability.

1. New buildings and redevelopment: All applicable Design Standards apply to new buildings and related site improvements.
2. Expansion, modification and site improvements to existing development: An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed, provided the application for such proposed project moves toward compliance with the applicable Development Code standards. Only those Downtown Building and Site Design Standards applicable to the proposed expansion, modification or site improvements to the existing development shall be applicable.
3. Design standards do not apply to the following projects:
 - a. Maintenance and repair of a building, structure, or site in a manner that is consistent with previous approvals and/or necessary for safety;
 - b. Projects undertaken to bring an existing development into compliance with the Americans with Disabilities Act;
 - c. Exterior painting;
 - d. Any exterior project that doesn’t require a building permit;
 - e. Interior remodeling;
 - f. Temporary structures/uses (as defined in Chapter 18.785);

- g. Any project involving a pre-existing single-family residential building or duplex (that is not being or already been converted to a nonresidential use).

D. Downtown design review approval process.

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E. Procedures.

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F. Downtown design review submittal requirements.

...

G. Approval period.

...

H. Extension.

...

I. Phased development.

1. If the development of a site takes more than one year, the applicant shall submit a phased development time schedule for approval by the Director. In no case shall the total time period for all phases be greater than seven years without reapplying for design review.
2. The criteria for approving a phased development proposal is that all of the following are satisfied:
 - a. The public facilities are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - d. The Director's decision may be appealed as provided by Section 18.390.040.G. No notice need be given of the Director's decision.

J. Bonding and assurances.

1. Performance Bonds for Public Improvements. On all projects where public improvements are required the Director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the plan in order to ensure the completed project is in conformance with the approved plan; and
2. Release of Performance Bonds. The bond shall be released when the Director finds the completed project conforms to the approved plan and all conditions of approval are satisfied.
3. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the

Director is filed with the City Recorder assuring such installation within six months after occupancy:

- a. Security may consist of a faithful performance bond payable to the City, cash, certified check or such other assurance of completion approved by the City Attorney; and
- b. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.

K. Business tax filing.

...

18.610.015 Pre-Existing Uses and Developments within the Downtown District

A. Applicability. Notwithstanding the provisions of Section 18.760.040 (Criteria for Nonconforming Situations), land uses and associated development in the MU-CBD District that were lawfully in existence at the time of adoption of these standards may continue as lawful uses and developments.

1. Land uses and associated development that were in existence at the time of the adoption of the MU-CBD District and Chapter 18.610 may continue on the property. Additions, expansions, or enlargements to such uses or developments, shall be limited to the property area of said use or development lawfully in existence at the time of adoption of this ordinance, January 26, 2010.
2. If a pre-existing structure or use is destroyed by fire, earthquake or other act of God, or otherwise abandoned then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within one year of the date of the loss. The new structure would have to conform to the code.

B. Standards for projects involving existing single-family and duplex dwellings.

1. Existing single-family buildings and duplexes used for residential purposes are exempt from the standards.
2. For projects involving preexisting housing units used for nonresidential uses the applicable standards are: Section 18.610.020, Building and Site Development Standards, including the applicable sub-area from Map 610.A; Section 18.610.030, Building Design Standards for Nonresidential Buildings and Section 18.610.035, Additional Standards.

C. Existing nonconforming industrial structures. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P Industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lots 100 and 202, Map 2 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300. (Ord. 10-02 § 2)

18.610.020 Building and Site Development Standards

A. Sub-areas.

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B. **Development standards.** Development standards apply to all new development in the MU-CBD zone, including developments utilizing the Track 3 approval process. Variances or adjustments may be granted if the criteria found in Chapter 18.370 is satisfied.

1. Development Standards Matrix. See Table 18.610.1 and Map 18.610.A.

Table 18.610.1
MU-CBD Development Standards Matrix^{1, 2, 3}

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front setback				
Minimum	0 ft.	0/5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%
Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards in the MU-CBD zone.

⁴ In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.075.

⁵ Landscaping/screening requirements for parking lots must be met.

⁶ Station Area Overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ 3 stories/45 feet within 200 feet of Fanno Creek Park boundary (see Map 610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).

2. Parking Location. ...

3. Rooftop Features/Equipment Screening. ...

4. Other Exterior Mechanical Equipment. ...

18.610.025 Street Connectivity

~~Section to be reserved until completion of Downtown Circulation Plan. (Ord. 10-02 § 2)~~

- A.** Purpose Statement. The purpose of this section is to implement the *City of Tigard 2035 Transportation System Plan* which describes a more complete system of streets and pathways to improve multi-modal access to, from and within the Downtown Mixed Use Central Business District. The standards in this section are intended to execute connectivity improvement projects that will foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development. The standards are also intended to solve some existing connectivity issues, such as access across railroad tracks.
- B.** Applicability. The connectivity standards in this section apply only to those properties with designated streets or alleys as shown on Figures 5-14A through 5-14I of the *City of Tigard 2035 Transportation System Plan*. Development on properties with designated streets or alleys is subject to the connectivity requirements below.
- C.** Required New Street and Alley Connections. Required new street and alley connections shall be provided as follows.
- 1.** New development and major redevelopment. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor, the applicant shall comply with subsections (a) and (b), below.
- (a)** Dedicate the required right-of-way. The applicant shall dedicate the amount of right-of-way necessary to construct the required street or alley consistent with the designated street cross-section.
- i.** As an alternative, the City Engineer may approve the dedication of a public easement in lieu of a portion of the public right-of-way in accordance with TDC 18.810.030.C.
- (b)** Construct the required improvements. The applicant shall construct the full street or alley improvements as shown in the designated street cross-section.
- 2.** All other projects. For projects other than new development and major redevelopment, the applicant shall comply with sections (a) and (b) below:
- (a)** Preserve the potential for a future connectivity improvement. No new buildings shall be located within the area identified as future street or alley alignment. Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the future alignment.
- (b)** Sign a non-remonstrance to future Local Improvement District (LID). The property owner shall sign a non-remonstrance agreement for formation of a future LID to pay for the identified street or alley improvement.
- D.** Required New Pedestrian Pathway. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor that is

within the area designated for required multi-use pathway, the applicant shall comply with subsection (1) below:

1. Provide multi-use pathway on public easements or right-of-ways through the block in a manner which ensures that connections through the block are provided at least every 330 feet. The required pathway shall provide direct connection through the block and be [ADA accessible](#), subject to the requirements of 18.810.110.

E. Adjustments to the connectivity standards are subject to TDC 18.370.020.

F. Replacement of a pre-existing structure that is destroyed by fire, earthquake or other cause beyond the control of the owner, shall not be considered a major redevelopment for the purposes of 18.610.025.C and of 18.610.025.D.

18.610.030 Building and Site Design Standards

...

18.610.035 Additional Standards

...

18.610.040 Special Requirements for Development Bordering Urban Plaza

...

18.610.045 Exceptions to Standards

- A. Exceptions to setback requirements. ...
- B. Exceptions to parking requirements. ...
- C. Exceptions for private or shared outdoor area. ...
- D. Exceptions to landscaping requirements. ...

18.610.050 Building and Site Design Objectives (to be used with Track 3 Approval Process)

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18.610.055 Signs

...

18.610.060 Off-Street Parking and Loading Requirements

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EXHIBIT D

DRAFT Amendments to TDC Chapter 18.810 Street and Utility Improvement Standards

Proposed amendments are shown as follows:

- ◆ Proposed new text is shown in double-underline.
- ◆ Existing text proposed to be deleted is shown in ~~strike-through~~.

Sections:

18.810.010	Purpose
18.810.020	General Provisions
18.810.030	Streets
18.810.040	Blocks
18.810.050	Easements
18.810.060	Lots
18.810.070	Sidewalks
18.810.080	Public Use Areas
18.810.090	Sanitary Sewers
18.810.100	Storm Drainage
18.810.110	Bikeways and Pedestrian Pathways
18.810.120	Utilities
18.810.130	Cash or Bond Required
18.810.140	Monuments—Replacement Required.
18.810.150	Installation Prerequisite
18.810.160	Installation Conformation
18.810.170	Plan Check
18.810.180	Notice to City
18.810.190	City Inspection of Improvements
18.810.200	Engineer's Written Certification Required
18.810.210	Completion Requirements

18.810.010 Purpose

- A. Purpose. The purpose of this chapter is to provide construction standards for the implementation of public and private facilities and utilities such as streets, sewers, and drainage.

18.810.020 General Provisions

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. 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.

- B. Standard specifications. The city engineer shall establish standard specifications consistent with the application of engineering principles.
- C. Chapter 7.40 applies. The provision of Chapter 7.40 of the Tigard Municipal Code shall apply to this chapter.
- D. Adjustments. Adjustments to the provisions in this chapter related to street improvements may be granted by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Section ~~18.370.020.C.11~~ ~~18.370.030.C.9~~. (Ord. 99-22)
- E. Except as provided in Section 18.810.030.S, as used in this chapter, the term “streets” shall mean “public streets” unless an adjustment under Section 18.810.020.D is allowed. (Ord. 99-22)

18.810.030 Streets

A. Improvements.

1. No development shall occur unless the development has frontage or approved access to a public street.
2. No development shall occur unless streets within the development meet the standards of this chapter.
3. No development shall occur unless the streets adjacent to the development meet the standards of this chapter, provided, however, that a development may be approved if the adjacent street does not meet the standards but half-street improvements meeting the standards of this title are constructed adjacent to the development.
- 4 Any new street or additional street width planned as a portion of an existing street shall meet the standards of this chapter.
5. If the city could and would otherwise require the applicant to provide street improvements, the city engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement is not feasible due to the inability to achieve proper design standards;
 - b. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - c. Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;
 - d. The improvement would be in conflict with an adopted capital improvement plan;
 - e. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets; or
 - f. Additional planning work is required to define the appropriate design standards for the street and the application is for a project which would contribute only a minor portion of the anticipated future traffic on the street.

6. The standards of this chapter include the standard specifications adopted by the city engineer pursuant

to Section 18.810.020.B.

7. The approval authority may approve adjustments to the standards of this chapter if compliance with the standards would result in an adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees. The approval authority may also approve adjustments to the standards of this chapter if compliance with the standards would have a substantial adverse impact on existing development or would preclude development on the property where the development is proposed. In approving an adjustment to the standards, the approval authority shall balance the benefit of the adjustment with the impact on the public interest represented by the standards. In evaluating the impact on the public interest, the approval authority shall consider the criteria listed in Section 18.810.030.E.1. An adjustment to the standards may not be granted if the adjustment would risk public safety.

B. Creation of rights-of-way for streets and related purposes. Rights-of-way shall be created through the approval of a final subdivision plat or major partition; however, the council may approve the creation of a street by acceptance of a deed, provided that such street is deemed essential by the council for the purpose of general traffic circulation.

1. The council may approve the creation of a street by deed of dedication without full compliance with the regulations applicable to subdivisions or major partitions if any one or more of the following conditions are found by the council to be present:
 - a. Establishment of a street is initiated by the council and is found to be essential for the purpose of general traffic circulation, and partitioning or subdivision of land has an incidental effect rather than being the primary objective in establishing the road or street for public use; or
 - b. The tract in which the road or street is to be dedicated is an isolated ownership of one acre or less and such dedication is recommended by the commission to the council based on a finding that the proposal is not an attempt to evade the provisions of this title governing the control of subdivisions or major partitions.
 - c. The street is located within the Downtown Mixed Use Central Business District and has been identified on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan as a required connectivity improvement.
2. With each application for approval of a road or street right-of-way not in full compliance with the regulations applicable to the standards, the proposed dedication shall be made a condition of subdivision and major partition approval.
 - a. The applicant shall submit such additional information and justification as may be necessary to enable the commission in its review to determine whether or not a recommendation for approval by the council shall be made.
 - b. The recommendation, if any, shall be based upon a finding that the proposal is not in conflict with the purpose of this title.
 - c. The commission in submitting the proposal with a recommendation to the council may attach conditions which are necessary to preserve the standards of this title.
3. All deeds of dedication shall be in a form prescribed by the city and shall name “the public” as grantee.

C. Creation of access easements. ...

- D. Street location, width and grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan and shall be considered in their relation to existing and planned streets, to topographic conditions, to public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets:
1. Street grades shall be approved by the city engineer in accordance with subsection N below; and
 2. Where the location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either:
 - a. Provide for the continuation or appropriate projection of existing streets in the surrounding areas, or
 - b. Conform to a plan adopted by the commission, if it is impractical to conform to existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.
- E. Minimum rights-of-way and street widths. Unless otherwise indicated on an approved street plan, or as needed to continue an existing improved street or within the Downtown District, street right-of-way and roadway widths shall not be less than the minimum width described below. Where a range is indicated, the width shall be determined by the decision-making authority based upon anticipated average daily traffic (ADT) on the new street segment. (The City Council may adopt by resolution, design standards for street construction and other public improvements. The design standards will provide guidance for determining improvement requirements within the specified ranges.) These are presented in Table 18.810.1.
1. The decision-making body shall make its decision about desired right-of-way width and pavement width of the various street types within the subdivision or development after consideration of the following:
 - a. The type of road as set forth in the comprehensive plan transportation chapter - functional street classification.
 - b. Anticipated traffic generation.
 - c. On-street parking needs.
 - d. Sidewalk and bikeway requirements.
 - e. Requirements for placement of utilities.
 - f. Street lighting.
 - g. Drainage and slope impacts.
 - h. Street tree location.
 - i. Planting and landscape areas.
 - j. Safety and comfort for motorists, bicyclists, and pedestrians.
 - k. Access needs for emergency vehicles.

Table 18.810.1

Minimum Widths for Street Characteristics and Downtown Street Character Types

Type of Street	Right-of-Way Width	Paved Width	Number of Lanes	Min. Lane Width	On-street Parking Width	Bike Lane Width	Sidewalk Width	Landscape Strip Width (exclusive of curb)	Median Width
Arterial	64'—128'	Varies	2—7 (Refer to TSP)	12'	N/A	6' (New Streets) 5'—6' (Existing Streets)	8' (Res. & Ind. Zones) 10' (Comm. Zones)	5'	12' ⁽¹⁾
Collector	58'—96'	Varies	2—5 (Refer to TSP)	11'	8' ⁽⁴⁾	6' (New Streets) ⁽⁵⁾ 5'—6' (Existing Streets) ₍₅₎	6' (Res. & Ind. Zones) 8' (Comm. Zones)	5'	12' ⁽¹⁾
Neighborhood Route	50'—58'	28'—36'	2	10'	8'	5'—6'	5'—6' ⁽²⁾	5'	N/A
Local: Industrial/Commercial	50'	36'	2			N/A	5'—6' ⁽²⁾	5'	N/A
Local: Residential • Under 1500 ADT • Under 500 ADT • Under 200 ADT	54'/50' ⁽³⁾ 50'/46' ⁽³⁾ 46'/42' ⁽³⁾	32'/28' ⁽³⁾ 28'/24' ⁽³⁾ 24'/20' ⁽³⁾	2 2 2		8' (both sides) 8' (one side) (No Parking)	N/A N/A N/A	5'—6' ⁽²⁾	5'	N/A
Cul-de-sac bulbs in Industrial and Commercial Zones	50' radius	42' radius	N/A	N/A		N/A			N/A
Cul-de-sac bulbs in Residential Zones	47' radius	40' radius	N/A	N/A		N/A		N/A	N/A
Upper Hall Boulevard ⁽⁶⁾	<u>94'</u>	<u>64'</u>	<u>3</u>	<u>11'</u>	<u>8'</u>	<u>6'</u>	<u>10.5'</u>	<u>4'</u>	<u>14'</u>
Main Street Green Street	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>	<u>TBD⁽⁷⁾</u>
<u>Downtown Mixed Use 1 – Downtown Collector</u>	<u>66'-70'</u>	<u>46'</u>	<u>2</u>	<u>10'</u>	<u>8'</u>	<u>5'</u>	<u>6-8'</u>	<u>4'</u>	<u>N/A</u>
<u>Downtown Mixed Use 2 – Downtown Neighborhood</u>	<u>58'-62'</u>	<u>38'</u>	<u>2</u>	<u>11'</u>	<u>8'</u>	<u>N/A</u>	<u>6-8'</u>	<u>4'</u>	<u>N/A</u>
<u>Downtown Mixed Use 3 – Upper Burnham</u>	<u>62'-74'</u>	<u>38'</u>	<u>2</u>	<u>11'</u>	<u>8'</u>	<u>N/A</u>	<u>6-8'</u>	<u>5.5-9.5'</u>	<u>N/A</u>
<u>Downtown Mixed Use 4 – Lower Burnham</u>	<u>68'-72'</u>	<u>48'</u>	<u>2</u>	<u>10'</u>	<u>8'</u>	<u>N/A</u>	<u>6-8'</u>	<u>4'</u>	<u>12'</u>

<u>Downtown – Urban Residential</u>	<u>52’-56’</u>	<u>32’</u>	<u>1</u>	<u>18’</u>	<u>7’</u>	<u>N/A</u>	<u>6-8’</u>	<u>4’</u>	<u>N/A</u>
Alley: Residential	16’	16’			N/A	N/A	N/A	N/A	N/A
Alley: Business	20’	20’			N/A	N/A	N/A	N/A	N/A

¹ Medians required for five- and seven-lane roadways. They are optional for three-lane roadways.

² Sidewalk widths for these streets shall be five feet with landscape strip; six feet if against curb (if permitted in accordance with Section 18.810.070.C).

³ “Skinny street” roadway widths are permitted where cross section and review criteria are met. Refer to corresponding cross sections (Figures 18.810.3, 18.810.4 and 18.810.5) for details and conditions.

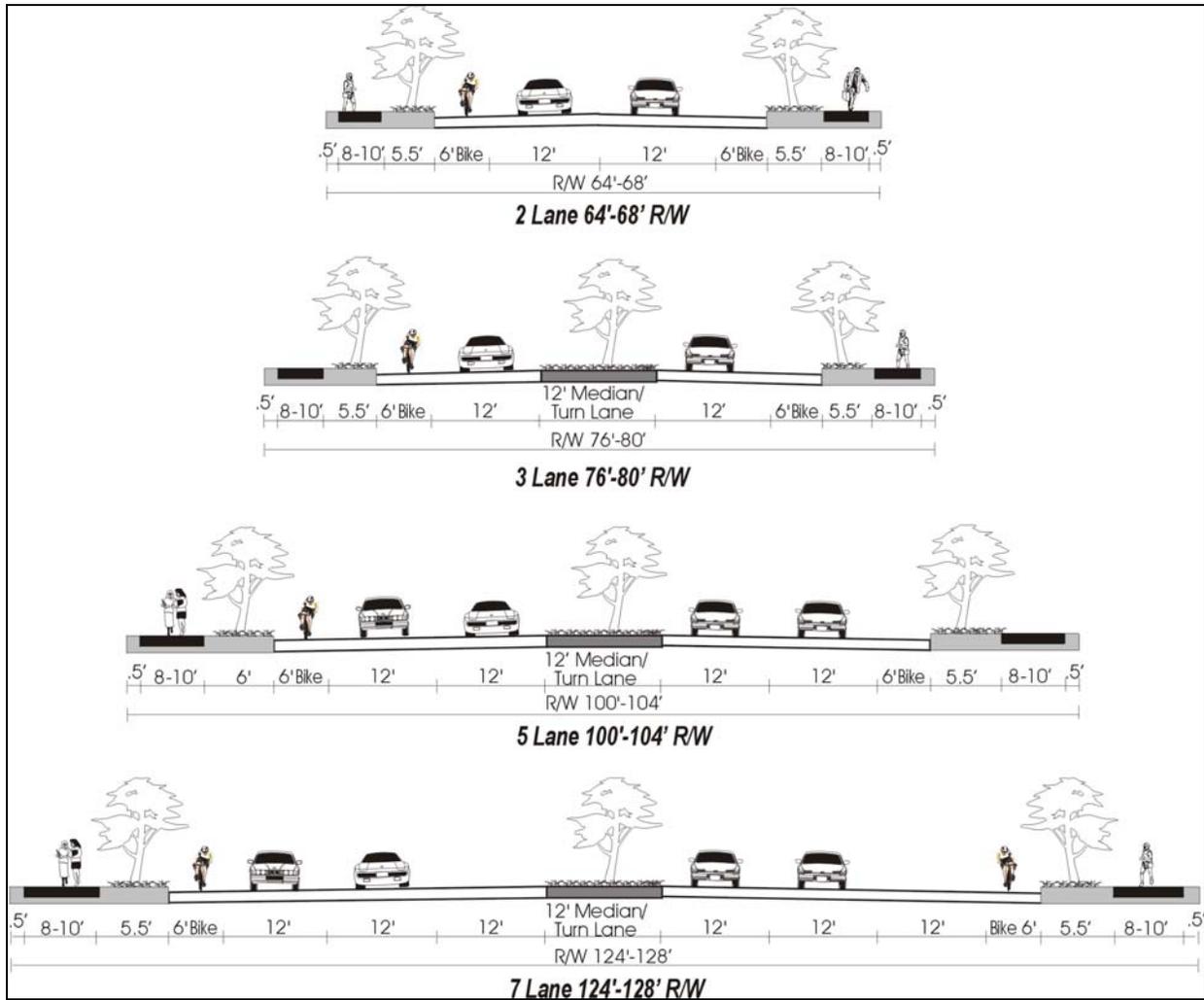
⁴ Parking is allowed on collectors within the Downtown Urban Renewal District.

⁵ Bicycle lane requirements on collectors within the Downtown Urban Renewal District shall be determined by the city engineer.

⁶ SW Hall Boulevard is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Boulevard Corridor. The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

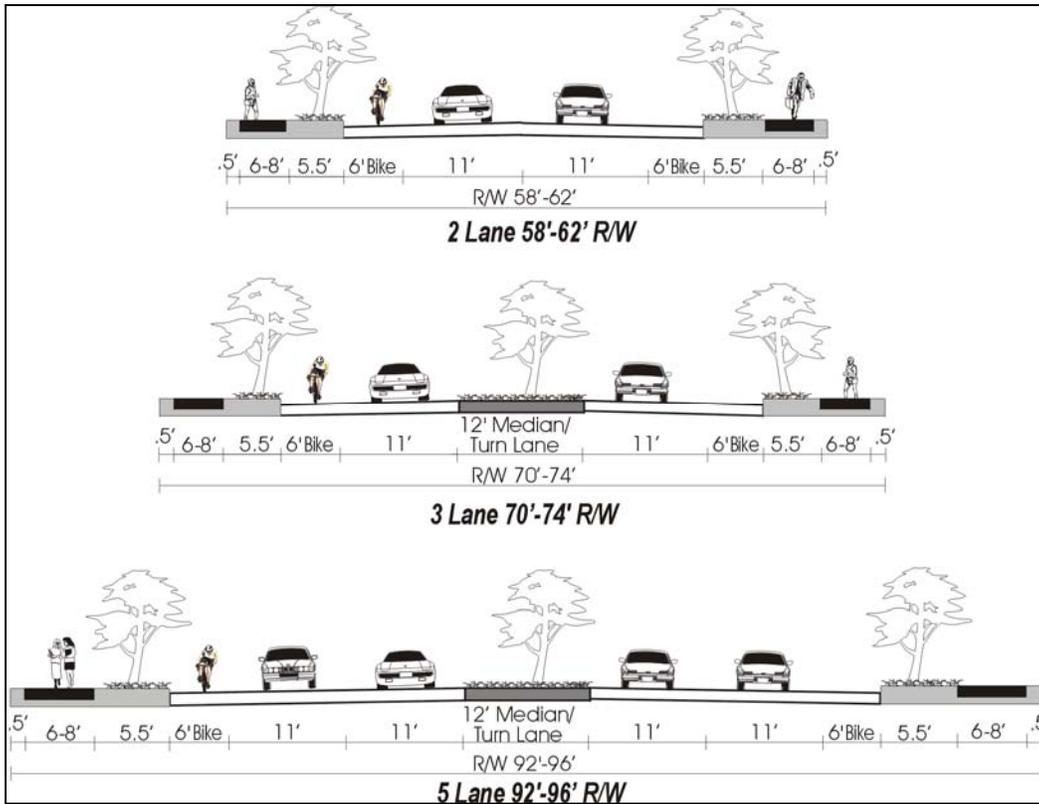
⁷ Main Street Green Street standards are currently being developed through a separate process.

Figure 18.810.1
Arterials Sample Cross Sections



(Ord. 02-33)

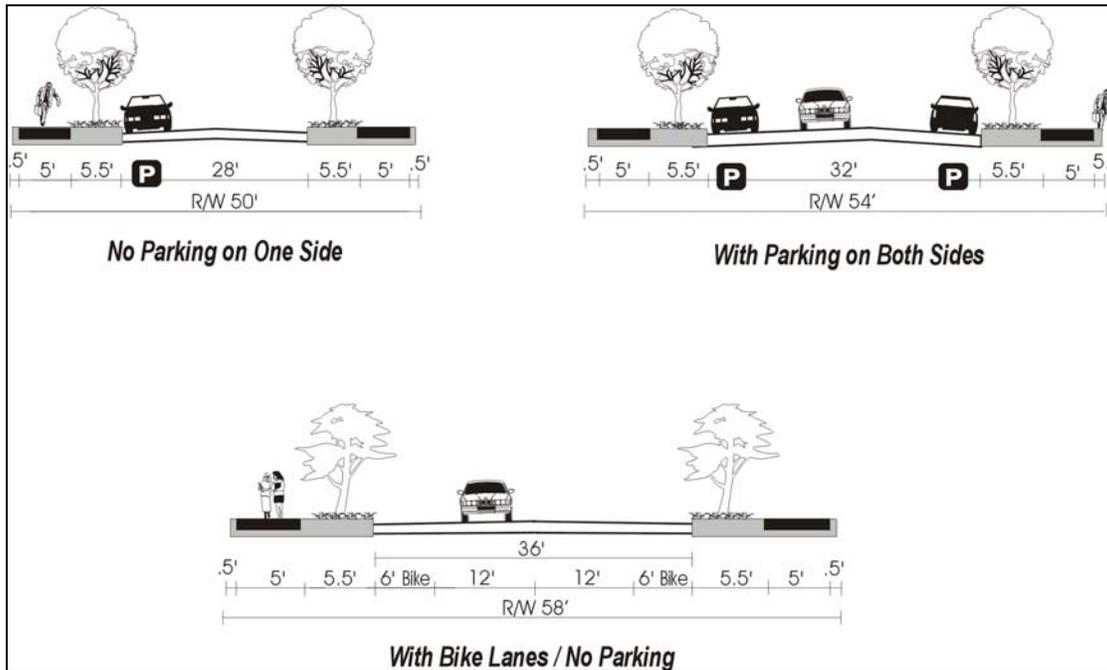
Figure 18.810.2
Collector Sample Cross Sections ⁽¹⁾



¹ Parking is allowed on collectors within the Downtown Urban Renewal District. Bike lane requirements on these same collectors shall be determined by the city engineer.

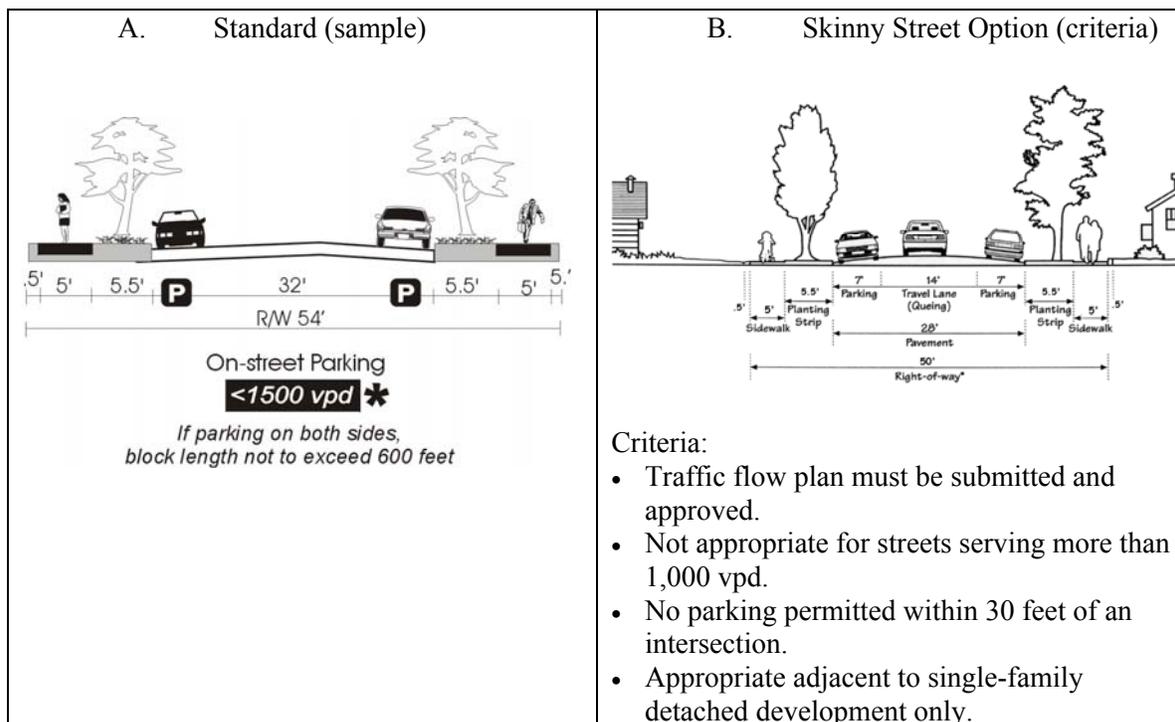
(Ord. 09-09 § 3 (Exh. B); Ord. 02-33)

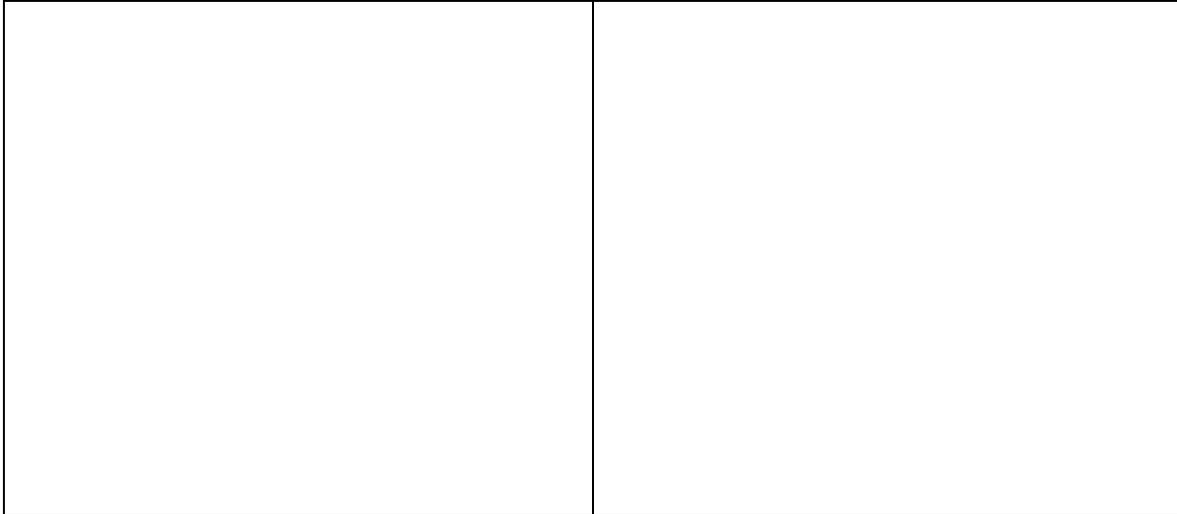
Figure 18.810.3
Neighborhood Routes Sample Cross Sections



(Ord. 02-33)

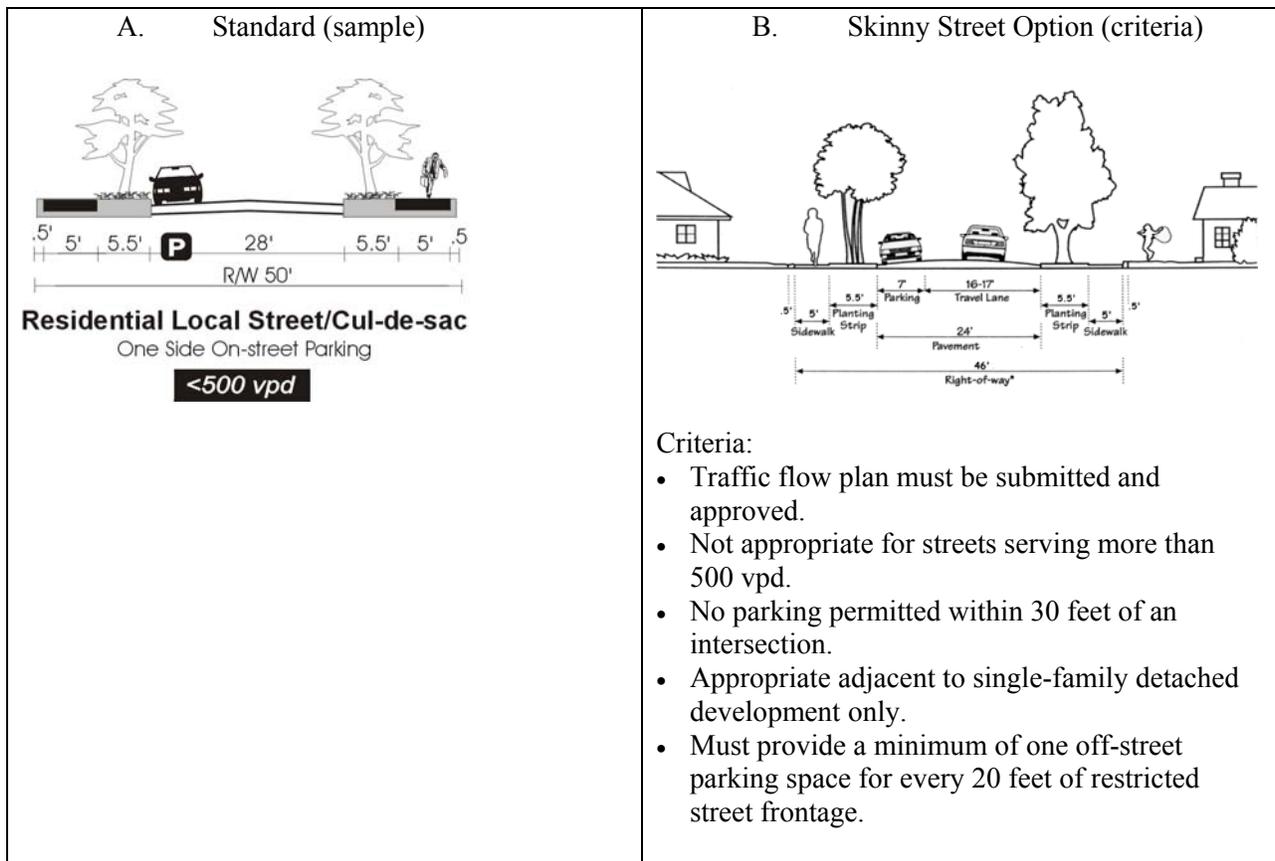
Figure 18.810.4
Local Residential Streets - <1,500 vpd





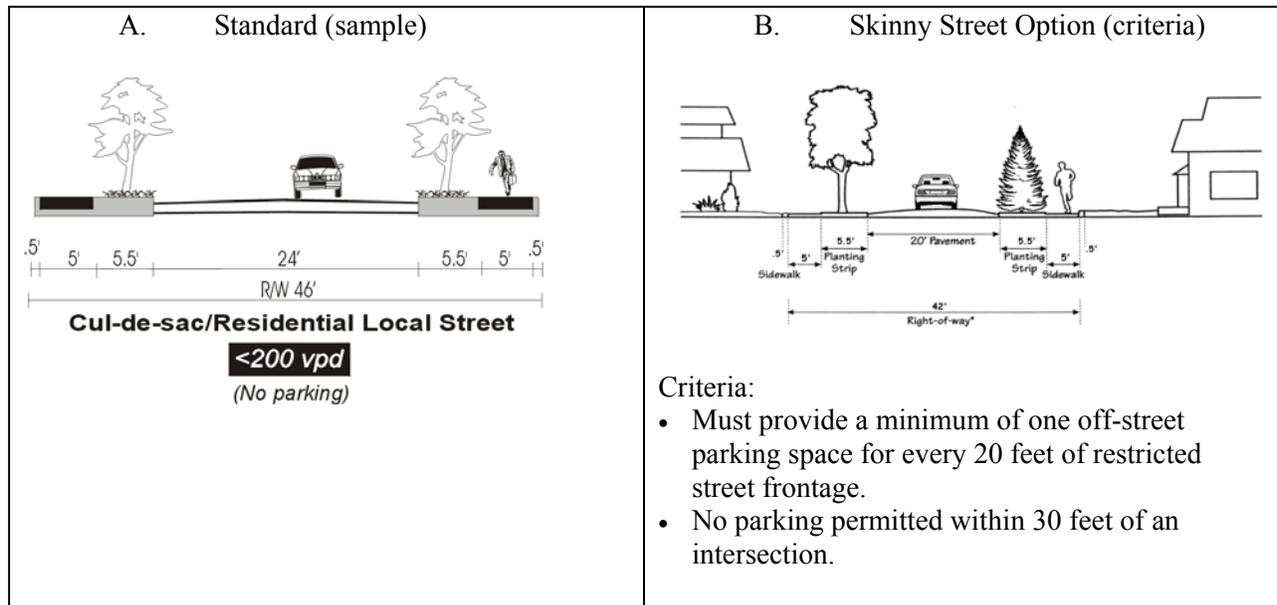
(Ord. 02-33)

Figure 18.810.5
Local Residential Streets < 500 vpd



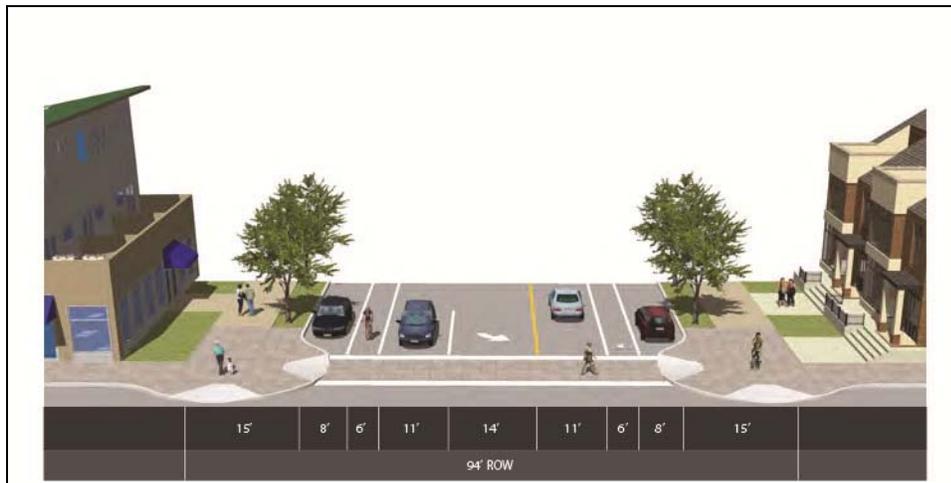
(Ord. 02-33)

Figure 18.810.6
Local Residential Street < 200 vpd



(Ord.02-33)

Figure 18.810.7
Upper Hall Boulevard



Note: SW Hall Boulevard is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Boulevard Corridor. The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

Figure 18.810.8
Downtown Mixed Use 1 – Downtown Collector



Figure 18.810.9
Downtown Mixed Use 2 – Downtown Neighborhood



Figure 18.810.10
Downtown Mixed Use 3 – Upper Burnham



Figure 18.810.11
Downtown Mixed Use 4 – Lower Burnham

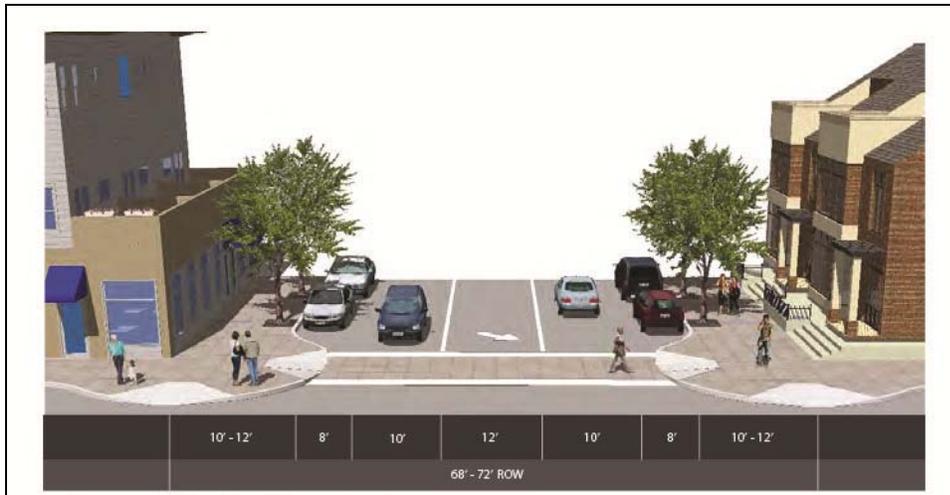


Figure 18.810.12
Downtown – Urban Residential



Figure 18.810.12
Alley: Business



Note: Permeable pavers are optional.

F. Future street plan and extension of streets.

...

G. Street spacing and access management.

...

H. Street alignment and connections.

1. Full street connections with spacing of no more than 530 feet between connections is required except where prevented by barriers such as topography, railroads, freeways, pre-existing developments, lease provisions, easements, covenants or other restrictions existing prior to May 1, 1995 which preclude street connections. A full street connection may also be exempted due to

a regulated water feature if regulations would not permit construction.

2. All local, neighborhood routes and collector streets which abut a development site shall be extended within the site to provide through circulation when not precluded by environmental or topographical constraints, existing development patterns or strict adherence to other standards in this code. A street connection or extension is considered precluded when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the constraint precludes some reasonable street connection.
3. Proposed street or street extensions shall be located to provide direct access to existing or planned transit stops, commercial services, and other neighborhood facilities, such as schools, shopping areas and parks.
4. All developments should provide an internal network of connecting streets that provide short, direct travel routes and minimize travel distances within the development.

I. Intersection angles. ...

J. Existing rights-of-way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development.

K. Partial street improvements. Partial street improvements resulting in a pavement width of less than 20 feet, while generally not acceptable, may be approved where essential to reasonable development when in conformity with the other requirements of these regulations, and when it will be practical to require the improvement of the other half when the adjoining property developed.

L. Culs-de-sacs. ...

M. Street names. ...

N. Grades and curves.

...

O. Curbs, curb cuts, ramps, and driveway approaches. ...

P. Streets adjacent to railroad right-of-way. ...

Q. Access to arterials and collectors. ...

R. Alleys, public or private.

1. Alleys shall be no less than 20 feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.
2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

- S. Survey monuments. ...
- T. Private streets.
...
- U. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works director and approved by the commission.
- V. Street signs. ...
- W. Mailboxes. ...
- X. Traffic signals. ...
- Y. Street light standards. ...
- Z. Street name signs. ...
- AA. Street cross-sections. ...
- BB. Traffic calming. ...
- CC. Traffic study. ...

18.810.040 Blocks

- A. Block design. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of limitations and opportunities of topography.
- B. Sizes.
 - 1. The perimeter of blocks formed by streets shall not exceed 2,000 feet measured along the centerline of the streets except:
 - a. Where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, or pre-existing development; or
 - b. For blocks adjacent to arterial streets, limited access highways, collectors or railroads.
 - c. For nonresidential blocks in which internal public circulation provides equivalent access.
 - 2. Bicycle and pedestrian connections on public easements or right-of-ways shall be provided when full street connection is exempted by subsection B.1 of this section. Spacing between connections shall be no more than 330 feet, except where precluded by environmental or topographical constraints, existing development patterns, or strict adherence to other standards in the code. (Ord. 06-20; Ord. 02-33)

18.810.050 Easements

...

18.810.060 Lots

...

18.810.070 Sidewalks

- A. Sidewalks. All industrial streets and private streets shall have sidewalks meeting city standards along at least one side of the street. All other streets shall have sidewalks meeting city standards along both sides of the street. A development may be approved if an adjoining street has sidewalks on the side adjoining the development, even if no sidewalk exists on the other side of the street.
- B. Requirement of developers.
1. As part of any development proposal, or change in use resulting in an additional 1,000 vehicle trips or more per day, an applicant shall be required to identify direct, safe (1.25 x the straight line distance) pedestrian routes within 1/2 mile of their site to all transit facilities and neighborhood activity centers (schools, parks, libraries, etc.). In addition, the developer may be required to participate in the removal of any gaps in the pedestrian system off-site if justified by the development.
 2. If there is an existing sidewalk on the same side of the street as the development within 300 feet of a development site in either direction, the sidewalk shall be extended from the site to meet the existing sidewalk, subject to rough proportionality (even if the sidewalk does not serve a neighborhood activity center).
- C. Planter strip requirements. A planter strip separation of at least five feet between the curb and the sidewalk shall be required in the design of streets, except where the following conditions exist: there is inadequate right-of-way; the curbside sidewalks already exist on predominant portions of the street; it would conflict with the utilities; there are significant natural features (large trees, water features, significant habitat areas, etc.) that would be destroyed if the sidewalk were located as required; ~~or~~ where there are existing structures in close proximity to the street (15 feet or less); or where the standards in Table 18.810.1 specify otherwise. Additional consideration for exempting the planter strip requirement may be given on a case-by-case basis if a property abuts more than one street frontage.
- ~~D. Sidewalks in Central Business District. In the Central Business District, sidewalks shall be 10 feet in width, and:~~
- ~~1. All sidewalks shall provide a continuous unobstructed path; and~~
 - ~~2. The width of curbside sidewalks shall be measured from the back of the curb.~~
- E. Maintenance. ...
- F. Application for permit and inspection. ...
- G. Council initiation of construction. ... (Ord. 06-20; Ord. 02-33; Ord. 99-22)

18.810.080 Public Use Areas

...

18.810.090 Sanitary Sewers

...

18.810.100 Storm Drainage

...

18.810.110 Bikeways and Pedestrian Pathways

A. Bikeway extension.

1. As a standard, bike lanes shall be required along all arterial and collector routes and where identified on the city's adopted bicycle plan in the transportation system plan (TSP). Bike lane requirements along collectors within the Downtown Urban Renewal District shall be determined by the city engineer unless specified in Table 18.810.1.
2. Developments adjoining proposed bikeways identified on the city's adopted pedestrian/bikeway plan shall include provisions for the future extension of such bikeways through the dedication of easements or rights-of-way, provided such dedication is directly related to and roughly proportional to the impact of the development.
3. Any new street improvement project shall include bicycle lanes as required in this document and on the adopted bicycle plan.

B. Cost of construction. Development permits issued for planned unit developments, conditional use permits, subdivisions and other developments which will principally benefit from such bikeways shall be conditioned to include the cost or construction of bikeway improvements in an amount roughly proportional to the impact of the development.

C. Minimum width.

1. The minimum width for bikeways within the roadway is five feet per bicycle travel lane.
2. The minimum width for multi-use paths separated from the road and classified as regional or community trails in the Greenway Trail System Master Plan is 10 feet. The width may be reduced to eight feet if there are environmental or other constraints.
3. The minimum width for off-street paths classified as neighborhood trails, according to the Greenway Trail System Master Plan, is three feet.
4. Design standards for bike and pedestrian-ways shall be determined by the city engineer. (Ord. 11-04 §2; Ord. 09-09 § 3; Ord. 02-33; Ord. 99-22)

18.810.120 Utilities

...

18.810.130 Cash or Bond Required

...

18.810.140 Monuments—Replacement Required.

...

18.810.150 Installation Prerequisite

...

18.810.160 Installation Conformation

...

18.810.170 Plan Check

...

18.810.180 Notice to City

...

18.810.190 City Inspection of Improvements

...

18.810.200 Engineer’s Written Certification Required

...

18.810.210 Completion Requirements (To be completed.) ■

EXHIBIT E - Kittelson and Associates traffic analysis conducted as part of the development of the Downtown Conceptual Circulation Plan


KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

610 SW Alder Street, Suite 700, Portland, OR 97205 P 503.228.5230 F 503.273.8169

MEMORANDUM

Date: December 22, 2009 Project #: 10170.0
To: Matt Arnold
 SERA Architects
From: Elizabeth Wemple, PE, Jamie Parks and Michael Houston
Project: Downtown Tigard Circulation Plan
Subject: Horizon Year Transportation Circulation

As requested by SERA Architects, Kittelson & Associates, Inc. (KAI) has performed a year 2050 estimate of trip generation, distribution and traffic analysis for Tigard, Oregon. This analysis was conducted to support the City of Tigard Downtown Circulation Plan. The study area is roughly bounded by Highway 99W to the northwest, Hall Boulevard to the east, and Fanno Creek to the south and west. The area approximately corresponds to Metro's Town Center designation.

METHODOLOGY

Year 2050 estimates for the total development areas in downtown Tigard were provided by City staff. Downtown Tigard is expected to experience high residential, retail, and office growth between now and the horizon year of 2050. Table 1 summarizes the expected extent of total development in downtown Tigard in 2050. As shown, over 1 million square feet of retail, 532,000 square feet of office, and roughly 3,260 dwelling units are anticipated for downtown Tigard.

Table 1 Year 2050 Total Downtown Build-Out

Sub-Area Summary	Highway 99W-Hall Boulevard	Main Street-Center Street	Scoffins Street-Commercial Street	Fanno Creek-Burnham Street	Station Area Overlay	Totals
Retail Area (sf)	376,500	366,625	305,250	271,700	none	1,320,075
Office Area (sf)	230,000	52,000	50,000	200,000	none	532,000
Dwelling Units	667	117	958	824	695	3,260

Trip Generation and Mode Reduction

Based on the anticipated development in the study area, future person trips were estimated using the *Trip Generation Manual, 8th Edition*. This standard resource was published by the Institute of Transportation Engineers (ITE).

In the year 2050, it is expected that a significant portion of the travel in and out of downtown Tigard will occur using non-auto modes. The Metro Regional Transportation Plan (RTP) includes

a target for the maximum percentage of single-occupant vehicle (SOV) trips for downtown Tigard. The target is between 45 and 55 percent. Similarly, the City of Tigard has a desirable maximum SOV of 40 percent in this part of town. Both are year 2035 targets. For this analysis, we estimated that thirty percent of the person trips in and out of downtown will use non-automobile transportation (i.e., transit, bicycle, or walk) in 2050. This anticipates that in addition to the non-automobile trips, approximately 20 to 30 percent of all trips will occur by carpooling.

Table 2 summarizes the estimated trip generation of the expected development in downtown Tigard, taking into consideration the anticipated reduction in vehicle trips.

Table 2 Year 2050 Downtown Trip Generation Summary

Land Use	ITE Code	Size	Daily Weekday Trips	Weekday PM Peak Hour		
				Total	In	Out
Retail Area (sf)	820	1,320,075 sf	58,640	5,510	2,650	2,860
Office Area (sf)	710	532,000 sf	5,855	795	135	660
Dwelling Units	230	3,259 units	18,935	1,695	1,135	560
Subtotal			83,430	8,000	3,920	4,080
30% Non-Auto Mode Reduction			(25,030)	(2,400)	(1,175)	(1,225)
Total			58,400	5,600	2,745	2,855

As shown in the table, downtown Tigard is expected to generate 58,400 daily trips, where 5,600 will occur during the p.m. peak hour. Of the peak hour trips, 2,745 are anticipated to be entering the downtown while 2,855 are expected to be exiting. The anticipated retail development in downtown is expected to have the largest portion of trips between the three land uses.

Trip Distribution

To estimate the number of vehicle trips on the proposed downtown Tigard transportation network developed by SERA Architects, the trips shown in Table 2 were assigned to the future roadway network. The trip distribution for each of the arterials in the immediate area was based on estimates developed using Metro’s regional travel demand model. Table 3 shows the estimated trip distribution to the arterials.

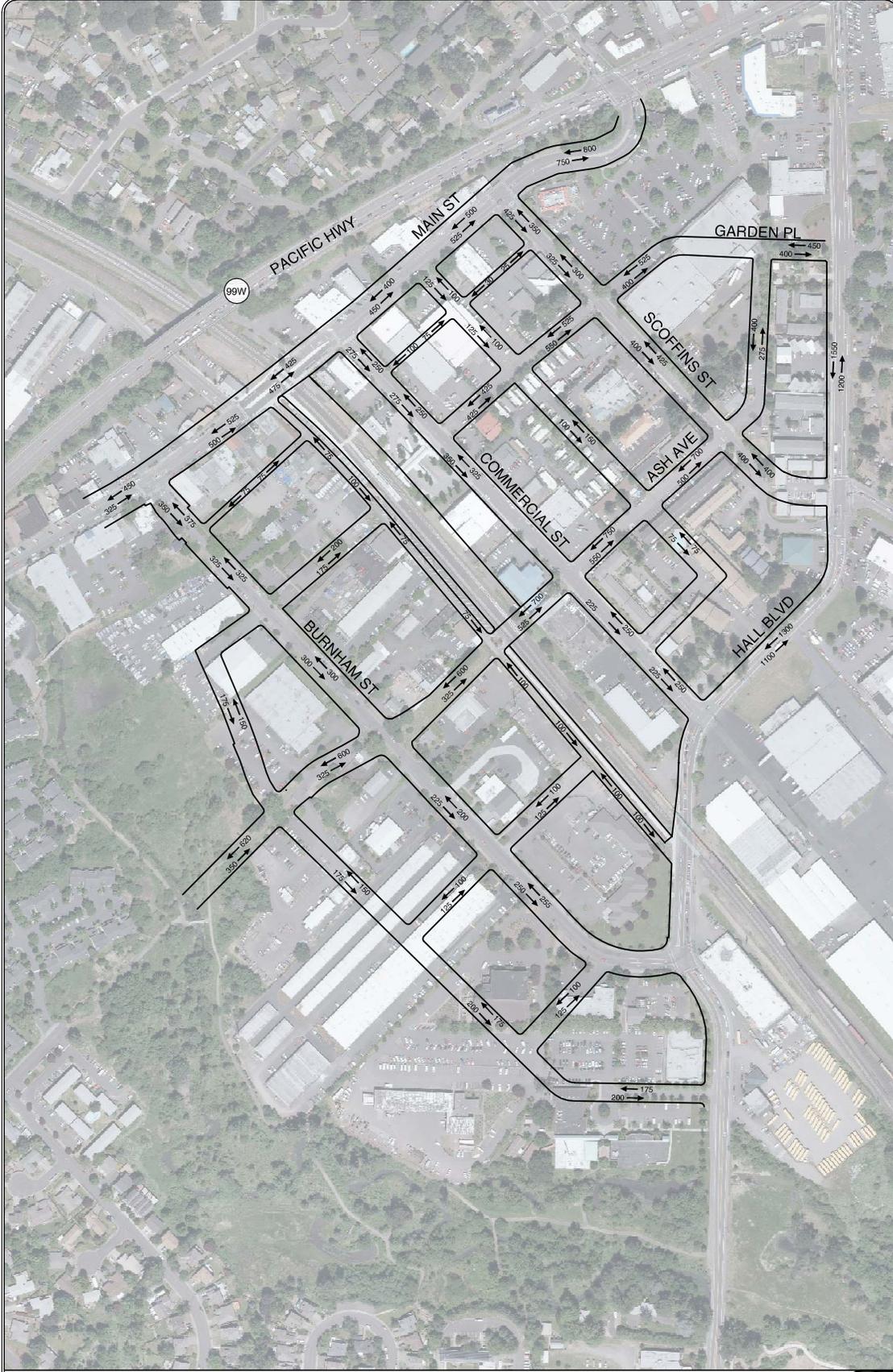
Table 3 Downtown Trip Distribution

Roadway	Direction	Total	Percent
Hall Boulevard—North	In	140	5%
	Out	145	
Highway 99W—East	In	550	20%
	Out	570	
Hunziker Boulevard	In	550	20%
	Out	570	
Hall Boulevard—South	In	270	10%
	Out	285	
Highway 99W—West	In	275	10%
	Out	285	
Ash Avenue—South	In	140	5%
	Out	145	
Greenburg Road	In	550	20%
	Out	570	
Garden Place	In	270	10%
	Out	285	
Total	In	2,745	100%
	Out	2,855	

As shown in the table, the roadways that are expected to carry the highest proportion of downtown trips are Highway 99W to the east, Hunziker Boulevard, and Greenburg Road.

Vehicle trips were assigned onto the future roadway network according to the distributions shown in Table 3. In addition, background traffic (i.e. regional traffic without an origin or destination within downtown) was included in the estimate. Background traffic was estimated using demand estimates from Metro's 2035 regional travel model. It was assumed that the areas adjacent to downtown Tigard would be primarily built-out by 2035 and that little growth would occur in these areas between 2035 and 2050. For this reason, no adjustment factor was added to the 2035 background volumes.

Figure 1 shows the assigned 2050 peak-hour trips (background plus trips originating/destined for downtown Tigard) on each link of the roadway network. Average daily volumes would be approximately 10 times the peak-hour volumes shown in Figure 1.



2050 PM PEAK HOUR TRAFFIC VOLUMES
TIGARD, OR

FIGURE
1

H:\projfiles\10770px\dwg\figs\FIG01.dwg Dec 22, 2009 6:40pm - mhouston Layout Tab FIG01

ROADWAY CHARACTER

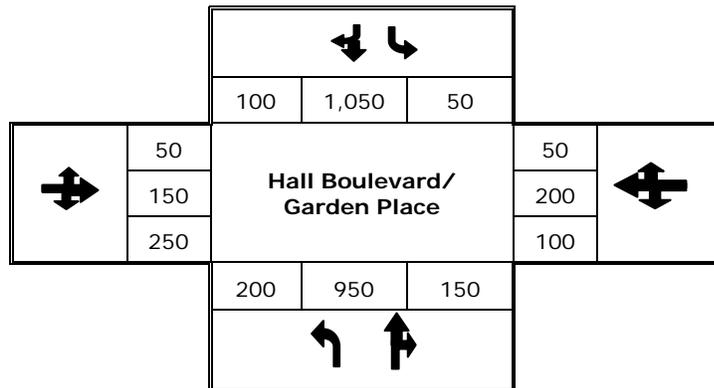
SERA Architects provided a street character classification map for the future roadway network. The following roadway characteristics correspond to the character classifications provided by SERA:

- **Upper Hall Boulevard:** Three-lane cross-section, with bike lanes for cyclists. Assumed planning-level capacity is 20,000 vehicles per day.
- **Downtown Mixed Use 1 – Downtown Collector with median:** Two-lane cross-section with a median for turn lanes at intersections, and bike lanes. Assumed planning-level capacity is 15,000 vehicles per day.
- **Downtown Mixed Use 2 – Downtown Collector:** Two-lane cross-section with bike lanes for cyclists. Assumed planning-level capacity is 8,000 vehicles per day.
- **Downtown Mixed Use 3 – Downtown Local:** Two-lane cross-section with no bike lanes. Assumed planning-level capacity is 7,000 vehicles per day.
- **Downtown Mixed Use 4 – Upper Burnham:** Two-lane cross-section with no bike lanes similar to the Downtown Mixed Use 3, but wider sidewalks are provided. Assumed planning-level capacity is 7,000 vehicles per day.
- **Downtown Mixed Use 5 – Lower Burnham:** Two-lane cross-section with a continuous left-turn lane and no bike lanes. Assumed planning-level capacity is 12,000 vehicles per day.
- **Urban Green Street 1:** Two-lane cross-section similar to the Downtown Mixed Use 2, but with permeable pavers for parking. No bike lanes are provided. Assumed planning-level capacity is 7,000 vehicles per day.
- **Urban Green Street 2:** Narrow two-lane cross-section with permeable pavers for parking. Assumed planning-level capacity is 2,000 vehicles per day.
- **Urban Residential:** Narrow two-lane cross-section. Assumed planning-level capacity is 2,000 vehicles per day.
- **Alley:** Narrow roadway, usually with several access points. Alleys are assumed to provide local access only and have no specific planning-level capacity.

In addition, bike lanes are recommended if traffic volumes exceed 3,000 vehicles per day on roadways, particularly those with bicycle and multi use pathway connections. Based on the characteristics described above, the volumes shown in Figure 1 were compared to the thresholds for each of the character classifications shown in the proposed downtown street network provided by SERA. The projected volumes and roadway cross-sections were found to match the characteristic of the proposed street network.

HALL BOULEVARD/GARDEN PLACE TRAFFIC OPERATIONS

The traffic operations at the Hall Boulevard/Garden Place intersection were estimated under year 2050 p.m. peak hour traffic conditions. Turning movements at the intersection were based upon the link volumes shown in Figure 1. The graphic on the next page illustrates the turning volumes and lane configurations assumed at the intersection.



The intersection was evaluated using critical movement analysis (CMA), a standard procedure for estimating planning-level intersection operations. The lane configurations shown above result in intersection operations that are estimated to exceed the available capacity by roughly 15 percent in the year 2050. It was found that the primary capacity constraint is the through volumes on Hall Boulevard, and additional lanes on Garden Place, such as exclusive turn lanes, result in only a slight improvement to intersection operations. Additional north and southbound lanes on Hall Boulevard bring the intersection significantly under capacity. However, while the forecasted traffic volumes at the intersection are expected to slightly exceed the available capacity with the lane configurations shown above, it results in the future congestion expected in a downtown setting.

CONCLUSION

Based on the findings described above, each of the character classifications shown in the proposed downtown street network provided by SERA match closely to the anticipated traffic volumes in downtown Tigard.

While the traffic operations at the Hall Boulevard/Garden Place intersection were estimated to exceed the available planning-level capacity in the future year, no additional changes are recommended to the roadway character classification of either roadway. Therefore it is likely that there will be peak period congestion and/or queuing in the vicinity of this intersection. The likelihood is that the congestion will be limited to peak commuting or shopping periods, and that off peak the intersection would operate with limited congestion.

We trust this memorandum summarizes the analysis and results for the future traffic circulation in Downtown Tigard. Please don't hesitate to contact us at (503) 228-5230 if you have any questions.

EXHIBIT F: Citizen Comments

F.1. Gary and Judy Craghead

F.2. Fraternal Order of Eagles

F.3 .J. Ronald and Cecilia Thompson

F.4. Abbas Nikzad

F.5. Luella Paddack (e-mail)



Upholstery Custom Sewing Commercial Sewing

Gary A Craghead, Principal Consultant | gary@johannsonline.com | 503 620 1699
12205 SW Hall Blvd, Tigard OR 97223-6210 | www.johannsonline.com

September 25, 2012

TO: Sean Farrelly
City of Tigard
13125 SW Hall Blvd
Tigard OR 97223

RE: *Comments for the record regarding the Downtown Connectivity Plan*

Mr. Farrelly:

The following comprise of our official comments on the proposed Downtown Connectivity Plan. As you know, we own property and conduct business at 12205 SW Hall Blvd., within the urban renewal district and in the area this plan addresses. We brought our business to downtown 36 years ago from Multnomah, and we view our commitment to Tigard as a long-term one. We are very supportive of any efforts that will make downtown a place that is easier to do business, prosper, and thrive.

Overall, we are pleased with the general direction and the way that this plan has developed. Earlier in the process, we had significant concerns that the plan was being designed for an ideal world where downtown was a blank slate. This was troubling. However, in the last year or so, the city has shown a clear effort to work with ourselves, our neighbors, and other property and business owners downtown to refine this plan. We are impressed at the city's efforts to maximize the new street grid while also keeping impacts to property use and redevelopment at a minimum. That's not just good for us it's good for everyone in the city.

A few specific changes now in the plan strike us as good. For one, roads intersecting the Rite Aid/Value Village shopping center, adjacent to us, in the new map are placed in parking lot areas where they could more easily be built, and hopefully spur improvements to the existing structures and possibly create new ones in the existing, underutilized parking lots. We also believe that the creation of this new street from Hall to Scoffins, and then through the Post Office property to Commercial, will be a significant improvement to local circulation.

We also applaud the continued inclusion of a new road from an intersection with Scoffins and Ash, along the back of the Hall Boulevard properties, and then to the aforementioned new road. We are keenly aware of the heavy traffic on Hall Boulevard. Although the recent intersection improvements at Hall Boulevard and OR

99-W have improved things somewhat, we think it likely that, at some point in the not to distant future, driveways along Hall will become impractical. A coordinated effort to relocate access for properties along Hall to a combination of Scoffins and this new road would be of great benefit. While this plan does not mean that this will be happening right away, it does lay the groundwork for this future improvement.

In summary, we believe that the plan reflects a sensible approach that combines the needs of the community with the practical realities of the needs of both existing business and redevelopment. We applaud the city for pursuing common sense solutions; it is exactly these sorts of win-win scenarios that will make our downtown more successful in the years to come. We strongly recommend that the Planning Commission and the City Council support and adopt the amendments necessary to make this plan an official part of the city's future.

Best Regards



Gary A. Craghead
Owner
Johann's



Judy A. Craghead
Owner
Johann's



Fraternal Order of Eagles

PORTLAND AERIE No. 4
8845 SW Commercial St
Mailing address P.O. Box 230576
Tigard, OR 97281
503-639-4480 aerie4@gmail.com

September 19, 2012

Mr. Sean Farrelly
Redevelopment Project Manager
City of Tigard Community Development
12125 SW Hall Blvd
Tigard, OR 97225

Dear Mr. Farrelly,

On behalf of the Fraternal Order of Eagles Portland Aerie No. 4 (*the "Eagles"*) located at 8845 SW Commercial Street, Tigard, OR, we are in receipt of your September 10, 2012 "Request for Comments" on the subject of The City of Tigard's (*the "City"*) Comprehensive Plan Amendment (CPA) 2012-00001 and Development Code (DCA) 2012-00002.

In 2001 the Eagles relocated from Portland to Tigard's downtown after a four (4) year search for zoned property with ample off street parking and nearby public transportation to sustain its approximate 400 members. Our current location does not burden street alignments, disrupt other merchants or residences and helps anchor the community with our philanthropy. Any disruption in its use shall have catastrophic financial consequence to the Eagles.

In review of the aforementioned plan amendment the connectivity improvements suggest a minimum of 13 parking stalls abutting Ash Street and Commercial Street could be lost to street improvements. This is not acceptable. Our membership consists of retired taxpayers many of which are on fixed incomes. Taking any portion of the property will reduce membership and effectively bankrupt the Eagles Aerie #4. Perhaps this sounds extreme but our annual budget, unlike the City, is funded without ODOT, State and/or Local taxpayer monies, does not receive government subsidy, and can not sustain deficit spending.

Clearly we have interest in more details on the above subject plan specifically how the City of Tigard or Oregon Department of Transportation plan to create street improvements along Ash Street and Commercial Street without an impact to the Eagles.

The Fraternal Order of Eagles is a membership driven, 501-C8 organization in compliance with City Commercial Zoning District Code 18.520.1 wherein Civic (Institutional) Religious, Social, Fraternal Clubs/Lodges are permitted uses.

Should you have any questions or comments please do not hesitate to contact me.

Sincerely,

Dean Johnston
Aerie No. 4 Secretary

F. 3.

We are the owners/operators of Manchester Square Apartments. Manchester Square Apartments have frontage along both Scoffins Street and Hall Boulevard.

We have objections to the enclosed application, especially with the hash lines across the block contained Manchester Square Apartments, which are labeled "Block subject to bike/ped connectivity requirements."

We request that Manchester Square Apartments be exempted from The *Downtown Tigard Conceptual Connectivity Plan*, *Tigard Downtown Improvement Plan* and *Tigard Downtown Future Vision*, especially as pertains to the "Block subject to bike/ped connectivity requirements."

We are small business owners with six employees and own (or rather owe to the bank) the above mentioned apartments as well as two other apartment complexes in Beaverton. The various, and increasingly demanding, rules and regulations make it very difficult for us to continue our business. We are getting hit with demands at all levels of government from city, to county, to state, and to federal. All of these rules and regulations take their toll on our ability to manage and provide affordable, quality housing that is desired by our tenants.

Specifically, our tenants do not want non-tenants walking or riding through our complex. We have had tenants tell us that they value security and privacy, and they like the way Manchester Square is arranged. These apartments are their homes. They wish to feel secure and only want their neighbors (the other tenants) to feel free to amble through the complex. They do not want their homes to be considered to be an urban village. One of our resident managers goes to great lengths to make certain that people who do not live at the complex (or are not guests of the residents), do not linger or pose any type of threat to our tenants' homes.

As it is, our tenants and their guests are able to access the apartment complex by way of Scoffins Street or Hall Boulevard. They have expressed that they have easy access to the Library, City Hall, shopping, and dining.

We know that the attached information says that **Connectivity Improvements** will likely only get built when there is a new development or major redevelopment (e.g., redevelopment valued at more than 60 percent of the total current value). However, it has been our experience that once a plan gets locked in and approved, then the so called "will likely only get built" becomes dictatorial. Which means, that based on our prior experience we do not trust future bureaucrats to honor "likely only".

Furthermore, we have unfortunately experienced fires at our complexes. We have no confidence that if the cost of rebuilding damaged apartments exceeds 60% of the value, then we will not have to put bike/ped lanes through our complex. Previously, in the rare instances where we have had to rebuild damaged apartments, in spite of having fire insurance, the mere costs of upgrading to the current building code has cost us tens of thousands of dollars. This is an example of where good and well intentioned government action (i.e. upgrading the building code, which is done regularly), has made it expensive (and burdensome) when operating a business with property that is decades old. We do not want, nor do we wish, to be part of more burdensome plans.

Additionally, we see the city making a proposition that it is desirable to create a "walkable urban village" as envisioned by the Tigard Downtown Improvement Plan. This is an example of a solution in search of a problem. There is no evidence that Downtown Tigard would be better off by becoming a walkable urban village. It is merely some conjecture that somehow all of the money spent to become a walkable urban village is worth it.

We do not want our property to become part of a walkable urban village, nor will we "sign a non-remonstrance to future Local Improvement District to help pay for the identified street or alley improvement".

Sincerely,



J. Ronald Thompson



Cecilia I. Thompson

Sept 24, 2012



REQUEST FOR COMMENTS

DATE: September 10, 2012

FROM: City of Tigard Community Development

STAFF CONTACT: Sean Farrelly, Redevelopment Project Manager
 Phone: (503) 718-2420 Fax: (503) 718-2748 Email: sean@tigard-or.gov

**Downtown Tigard Connectivity Plan Code Amendments
 COMPREHENSIVE PLAN AMENDMENT (CPA) 2012-00001, DEVELOPMENT CODE
 AMENDMENT (DCA) 2012-00002**

REQUEST: To amend the City of Tigard 2035 Transportation System Plan to add background and figures and to amend the Tigard Development Code (Title 18) Chapters 18.370, 18.610 and 18.810.

The complete text of the currently proposed amendments can be viewed on the city's website at <http://www.tigard-or.gov/connectivity>.

LOCATION: The boundaries of the Mixed Use- Central Business District zone

ZONE: MU-CBD (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; Statewide Planning Goals 1, 2, 9, 11, 12, and 13; METRO's Urban Growth Management Functional Plan Title 6; METRO's Regional Transportation Functional Plan Titles 1, 2, and 5.

Attached are the **Applicant's Materials** for your review. From information supplied by various departments and agencies and from other information available to our staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on this application, **WE NEED YOUR COMMENTS BACK BY: September 28, 2012.** You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact the Tigard Community Development, 13125 SW Hall Boulevard, Tigard, OR 97223.

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

- We have reviewed the proposal and have no objections to it.
- Please contact _____ of our office.
- Please refer to the enclosed letter or email.
- Written comments provided below:

Name & Number of Person Commenting: Abbas Nikzad 503-544-1292

Sean Farrelly

Subject: FW: Connectivity Plan

From: Sean Farrelly
Sent: Wednesday, September 12, 2012 4:33 PM
To: 'Luella Paddack'
Subject: RE: Connectivity Plan

Luella-
If by project, you mean "when will the streets be built?" They will be built mostly when a property owner chooses to redevelop their property. The city could put improving Ash Avenue into its Capital Improvement Plan, but there are no current plans to do that.

Thanks,
Sean

From: Luella Paddack [mailto:lueluepad@frontier.com]
Sent: Wednesday, September 12, 2012 4:27 PM
To: Sean Farrelly
Subject: Re: Connectivity Plan

Sean, thanks for your quick reply. The only remaining question I have at this time is what is the implementation timeline to begin this project?

Thanks. Luella Paddack

On 9/12/12 2:52 PM, "Sean Farrelly" <Sean@tigard-or.gov> wrote:

Hi Luella,
It was good meeting with you in March.

A Collector is a designation for a road that has a low-to-moderate-capacity and serves to move traffic from local streets to arterial roads. The proposed width for this type of road in Downtown Tigard is 65-70 feet of right of way . Technically Ash Avenue has been designated a Collector quite some time in the city's Transportation System Plan.

The code amendments we are proposing will adopt the location of new roads and the development code language. Unless a future street is also added to the city's Capital Improvement Program, it will likely only get built when there is new development or major redevelopment (e.g., redevelopment valued at more than 60 percent of total current value) on an affected property. So the implementation goal hasn't changed.

The code amendments will be discussed at a City Council workshop next Tuesday , Sept. 18 at 6:30 pm.

The Planning Commission public hearing will be October 15, at 7:00 at Tigard City Hall. Public comment can be made at this hearing. The City Council have a public hearing to adopt the amendments on December 11.

Let me know if you have any other questions.

Thanks,
Sean

From: Luella Paddack [<mailto:lueluepad@frontier.com>]
Sent: Wednesday, September 12, 2012 12:54 PM
To: Sean Farrelly
Subject: Connectivity Plan

Sean, I am the owner of a 4-plex on Ash Avenue - 12455,65,75,85 Ash Ave. I attended the March 15th meeting but was unable to attend the July meeting. With regard to your Request for Comments, I would like to know what the term Collector means. Ash Avenue is designated a Downtown Mixed Use 1 (Collector).

It was discussed in the March meeting that you were looking at 2018 as a goal for adopting the plan. Has the implementation goal timeline changed?

Are there any future meetings that I might attend to keep knowledgeable about what is happening and how it might affect my property?

Thanks for your help in this regard,

Luella Paddack

DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

EXHIBIT G: Agency Comments

- G.1. ODOT (e-mail)
- G.2. Tualatin Valley Fire & Rescue
- G.3. Portland & Western Railroad
- G.4. TriMet (e-mail)

Sean Farrelly

From: DANIELSON Marah B <Marah.B.DANIELSON@odot.state.or.us>
Sent: Friday, September 28, 2012 5:03 PM
To: Sean Farrelly
Cc: RAHMAN Lidwien; JOHNSON Andrew * Andy
Subject: Tigard Downtown Circulation and Connectivity Plan

Hi Sean,

I have a few comments regarding the Downtown Circulation Plan TSP Amendments and Code Amendments.

1. The TSP and amendments show that a corridor plan is needed for Hall Blvd to determine the final cross section. While ODOT supports the need for the corridor plan, due to limited resources there is unlikely to be State funding available for the corridor plan. We recommend that if this is a city priority that the city identify a funding source for this planning effort.
2. The Tigard HCT Land Use Plan developed a Downtown Concept Plan. The TSP amendments should reflect the recommendations from the HCT plan and explain how the two efforts are related. Particularly how this should include showing the connections between the old downtown and the expanded downtown that is included in the HCT plan i.e. Tigard Triangle.
3. The TSP amendments focus on downtown street character types and planned street connections. We recommend that the City show connectivity planned for all modes for example including the trail alignments that are planned these should be included on the Connectivity Projects Detail Sheets and it is recommended to have a map showing all the planned connections for all modes on a single map this will help to understand all the connectivity that is planned for.
4. As discussed on the phone earlier this week, we recommend that Figure 5-14 Connectivity Projects Detail Sheet Map 3 include a note explaining that the realignment of Tigard St to connect to Burnham St would be a city responsibility in coordination with a future OR 99W viaduct replacement project that requires ODOT approval. Although I haven't had an opportunity to check with the ODOT Bridge Section, it is unlikely that ODOT would be replacing the viaduct any time in the plan horizon unless there are structural issues that develop. From our conversation it sounded like you will be working on a new detail sheet for this project, please forward that to me for ODOT review and comment. Also, does the city plan to keep the planned trail alignment along Tigard St? Showing the trails on these detail sheets will help understanding the connectivity projects.

Thanks for the opportunity to comment.

Marah Danielson
Senior Planner
ODOT Region 1 Planning
(503)731-8258
fax (503)731-8259



Date: September 26, 2012

To: City of Tigard

Re: Request for comments dated September 10, 2012, for the Downtown Tigard Connectivity Plan Code Amendments

After reviewing the materials provided to us by the City of Tigard, TVF&R acknowledges the city's efforts to engage property owners in the above-named process and have no objections to the proposal. We recognize the importance of connectivity in the Downtown Tigard area and request that the City continue to partner with TVF&R when the proposed projects move to the design phase.

If you have any questions or concerns regarding TVF&R traffic and transportation planning, please contact DFM Karen Mohling at (503)259-1512.

Thank you,

Al Kennedy, Division Chief
Tualatin Valley Fire & Rescue
Central Integrated Operations Division
(503) 649-8577



Pur Hand + Western

REQUEST FOR COMMENTS

DATE: September 10, 2012

FROM: City of Tigard Community Development

STAFF CONTACT: Sean Farrelly, Redevelopment Project Manager
 Phone: (503) 718-2420 Fax: (503) 718-2748 Email: sean@tigard-or.gov

**Downtown Tigard Connectivity Plan Code Amendments
 COMPREHENSIVE PLAN AMENDMENT (CPA) 2012-00001, DEVELOPMENT CODE
 AMENDMENT (DCA) 2012-00002**

REQUEST: To amend the City of Tigard 2035 Transportation System Plan to add background and figures and to amend the Tigard Development Code (Title 18) Chapters 18.370, 18.610 and 18.810.

The complete text of the currently proposed amendments can be viewed on the city's website at <http://www.tigard-or.gov/connectivity>.

LOCATION: The boundaries of the Mixed Use- Central Business District zone

ZONE: MU-CBD (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; Statewide Planning Goals 1, 2, 9, 11, 12, and 13; METRO's Urban Growth Management Functional Plan Title 6; METRO's Regional Transportation Functional Plan Titles 1, 2, and 5.

Attached are the **Applicant's Materials** for your review. From information supplied by various departments and agencies and from other information available to our staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on this application, **WE NEED YOUR COMMENTS BACK BY: September 28, 2012.** You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact the Tigard Community Development, 13125 SW Hall Boulevard, Tigard, OR 97223.

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

- We have reviewed the proposal and have no objections to it.
- Please contact _____ of our office.
- Please refer to the enclosed letter or email.
- Written comments provided below:

Railroad switches exist at Ash Avenue. Modification at this crossing will be difficult/impossible. The Railroad recommends a grade-separated crossing to accommodate growth.

Sully Porter 503 480-7775

Name & Number of Person Commenting:

Sean Farrelly

From: Lehto, Alan <LehtoA@trimet.org>
Sent: Wednesday, September 12, 2012 12:48 PM
To: Sean Farrelly
Cc: Batty, Sean; Recker, Joseph D; Betteridge, Kelly (CRC); Mills, Tom; Kautz, Steve
Subject: Downtown Tigard Connectivity Plan Code Amendments Comments
Attachments: 20120911230112778.pdf

Sean,

Thank you for the opportunity to review the proposed Comp Plan and Development Code Amendments regarding downtown connectivity and street character types.

TriMet supports the proposed changes because we believe these will substantially enhance access to and from existing transit and facilitate development that can support the City's desire for future transit improvements. Better walking and biking access to and from transit stops and stations allows more people to access transit; more demand makes improvements to transit more cost-effective, forming the potential for a virtuous cycle.

Thank you,

Alan

Alan Lehto
Director of Planning & Policy
TriMet
4012 SE 17th Ave
Portland, OR 97202
503-962-2136
FAX: 503-962-6451

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
October 15, 2012**

CALL TO ORDER

President Walsh called the meeting to order at 7:06 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 Fitzgerald
Commissioner Muldoon
Commissioner Rogers
Commissioner Schmidt
Commissioner Shavey

Absent: Commissioner Ryan; Alt. Commissioner Miller; Alt. Commissioner Armstrong

Staff Present: Tom McGuire, Interim Community Development Director; Doreen Laughlin, Executive Assistant; Sean Farrelly, Redevelopment Project Manager; Marissa Daniels, Associate Planner; Gary Pagenstecher, Associate Planner

COMMUNICATIONS

This agenda item was moved by President Walsh to the end of the meeting.

CONSIDER MINUTES

June 4, 2012 Meeting Minutes: President Walsh asked if there were any additions, deletions, or corrections to the June 4 minutes; there being none, Walsh declared the minutes approved as submitted.

WORKSHOP – RIVER TERRACE COMMUNITY PUBLIC INVOLVEMENT PLAN

Associate Planner Marissa Daniels gave an update on the public involvement plan for River Terrace. She covered the following three items and then opened it up for discussion:

- The Planning Commission's role as Tigard's state recognized Committee for Citizen Involvement.
- Details about the River Terrace Community Plan.

- Described the contents of the public involvement plan.

She advised the commissioners that Sr. Planner, Darren Wyss, would be back in November to give a comprehensive overview of the project. She noted that there would be Stakeholder Working Group (SWG) meetings and that a Planning Commission member would be invited to participate in that. The committee will act as an advisory body to staff and provide a venue for citizen involvement opportunities in planning for River Terrace. The first message was sent through the “listserv” the previous week. Daniels noted that one of the benefits of following from Washington County is that they passed to Tigard a list of over a 100 contacts for this project. She added that the commissioners were welcome to join that listserv online at the City website and noted that the first kick-off meeting for the project would be held Wednesday, October 24th near the general River Terrace area – at Deer Creek Elementary School. She invited the Commissioners to attend and left postcards at the podium for them to pick up if they wanted more information on that and wanted to attend.

Questions from the Commissioners of Daniels

What is the role of the River Terrace Community Plan as a whole? You’ll review items of the plan as they come through the legislative adoption process. There’s a schedule on the draft (**Exhibit A**). You can see there that different topics will come through at different times to the Commission before the final adoption of the plan. Staff will keep the Commission updated and engaged throughout so that they will be prepared for that process at those different points.

Questions of Interim CD Director, Tom McGuire

Referring to the current staff issues - where does this project fit in your priorities – with everything else you have going on with planning staff right now? This project is one of the Council’s goals for this year and one of their top priorities. We have Darren Wyss as the project manager and he will be moving this forward. In addition, we hired a local land use consultant, John Spencer, who will primarily help to manage the long range projects and assist me. So this project will move forward. Darren will be here in November to update the Commission on the processes and where this is going.

At this point, President Walsh took a quick poll of the audience and noted that a majority of the people present were there for the Connectivity Agenda item. He decided to change the agenda order and moved the public hearing on connectivity to the next order of business.

President Walsh opened the public hearing:

PUBLIC HEARING - CPA2012-00001/DCA2012-00002

TIGARD DOWNTOWN CONNECTIVITY PLAN CODE AMENDMENTS

REQUEST: To amend the City of Tigard 2035 Transportation System Plan to add background and figures and to amend the Tigard Development Code (Title 18) Chapters 18.370, 18.610 and 18.810 to implement new street connections. The complete text of the currently proposed amendments can be viewed on the city’s website at <http://www.tigard-or.gov/connectivity> **LOCATION:** Downtown District. **ZONE:** MU-CBD.

STAFF REPORT

Sean Farrelly, Redevelopment Project Manager introduced himself and also introduced Cathy Corliss who was there as a consultant with Angelo Planning Group and had worked on developing some of the code language for this amendment. Farrelly went over a PowerPoint presentation regarding the Tigard Downtown Improvement Plan (**Exhibit B**). He turned the presentation regarding the proposed amendments to Chapter 18.610 over to Ms. Corliss.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission find that this request for a Comp Plan Amendment and Development Code Amendments meets the necessary approval criteria according to the findings found in Section IV of the staff report. Staff recommends approval of CPA2012-00001 and DCA2012-00002.

PUBLIC COMMENT

TESTIMONY IN FAVOR – Alexander Craghead – 12205 SW Hall Blvd Tigard 97223

Mr. Craghead is the chair of the City Center Advisory Commission (CCAC) and present on behalf of the CCAC. He noted they had reviewed this quite thoroughly over several meetings (and stated that that was an understatement). He said tonight's amendments represent an accumulation of over five years of effort on behalf of the CCAC to carve the future transportation systems for downtown Tigard. The CCAC believes this plan achieves connectivity goals and that the right amount of flexibility is built into the plan. He had participated in the outreach of the property owners and heard the various concerns. He said he saw response from staff addressing those concerns while still achieving the goals. In closing, Craghead said the CCAC recommends the Planning Commission approve these amendments.

TESTIMONY IN OPPOSITION

Cecilia Thompson – 1847 N. 150 E Centerville, UT

She and her husband own a 67 unit apartment building in the area. They are concerned about the safety and security of the tenants if they have to have paths going through the area. They do not want to provide pedestrian and bike paths through the property. She said this is private property. If the plan goes through, she believes the property would be worth less. She said she's not heard any complaints from the tenants regarding connectivity and requests that her whole lot be exempt from this. She's against paying for someone else's pipe dream.

Russ Little – PO Box 1006 Tualatin, OR 97062

He is one of the property owners in the Rite Aid center. His property currently houses "Woodcraft." He said he bought the property because he'd decided to stay in Tigard and support the community. He's concerned that dividing his property into three pieces would decrease the value of his property.

David Wilson 12375 SW Hall Blvd. Tigard 97223 – Spoke in favor of the Scoffins collector. He said you should actually call it the Hunziker collector because it would be part of Hunziker. He believes it would reduce some of the cross traffic in front of Rite Aid and Woodcrafters.

Owen Snyder 15400 SW Alderbrook Drive, Tigard

Mr. Snyder stated he owns some properties in the Scoffins realignment in area map #4 where it shows the connector being made with Hunziker. He had the following clarification question: *During that realignment, you're abandoning the previous intersection - what is the intended use of the existing street?* Farrelly answered him. "No final decision has been made because we haven't "pulled the trigger" on that street - but a possible idea is that when that property is purchased from the owner of that apartment building – we'd essentially have to purchase the entire property and that abandoned ROW could be consolidated with the remaining property to present a parcel big enough to redevelop. *So there's no other particular usage intended at this time?* Nothing definite has been decided, but a good viable option would be to swap that ROW with that property owner to have a parcel that can be redeveloped.

CLOSED PUBLIC TESTIMONY

President Walsh then opened the meeting up for questions by the commissioners.

One of the commissioners commented that, if it goes through, she would like to see that there will be some sort of help from the City for the owners of businesses to plan for redevelopment. She believes the owners have some legitimate concerns. Cathy Corliss said that all property owners would have to agree on whether the connections through the Rite-Aid block takes place. She thinks there's a way to designate those that are not quite the same as the way we would do in the viaduct.

There were some questions regarding the near term redevelopment problems that could be created. The hope was that flexibility is built in of what could be done. Farrelly noted this is a discretionary process and that there is flexibility for line adjustments. There was a question of CCAC Chair Craghead as to whether he believes there is flexibility built into the plan. Craghead said what the CCAC is looking for is clarity because a lot of developers are not going to want to come in and develop if there's not a transportation plan in place – because they'd not know where those roads would be – and that's a problem – not a benefit. In this case, he can see the property owner's concern and he noted there appears to be no concern about having flexibility.

PUBLIC HEARING CLOSED

DELIBERATIONS

President Walsh asked the commissioners their thoughts on this.

Commissioner Doherty noted that this is not a connectivity plan that has just been thrown together. She mentioned that Chair Craghead had noted the five years of planning and discussions that had gone on. She is confident the City would work with the people who

brought up concerns down the road if, indeed, it gets to the point that the connectivity would affect the apartment building or others. She said “I would support this because it has had a tremendous amount of input. But again... I would want the City to work with people who have issues.”

Commissioner Shavey believes this vision is a pretty strong picture of what can and may very well happen in downtown and thinks the Commission should make this recommendation to Council.

Commissioner Muldoon recommends a change on the Rite-Aid block – simply list the end points and let that connectivity be determined as the redevelopment happens.

Commissioner Anderson believes this is a good plan overall. There are no priorities listed on the streets and, if there were, he believes the two pieces that were talked about tonight would be low priority and probably among the last to be implemented. He believes that certainly the ones on Main Street and connecting some of the alleys are obvious and should be written in stone. He thinks putting end points would be good – let the developer work with the City to determine the street lines.

Commissioner Rogers is generally happy with this but is a bit concerned about the Woodcraft building. He thinks it affects that particular owner on two sides of their building – it seems like we’re picking on one particular landowner.

Commissioner Schmidt would hate to burden any property owner with a condition like that that would affect their current value – much less what it would be 20 or 30 years down the road.

Commissioner Fitzgerald appreciates the 5 years of work getting to this point. She thinks this could energize Tigard and put it on the path to having a really livable downtown community. She has two exceptions: she would like a piece of language to be readjusted a little differently. She would also like Tom McGuire to be a little more specific on how the code language could be addressed. That code language piece would help the Woodcraft property and Mrs. Thompson’s (apartment) property pretty easily without affecting the overall draft.

President Walsh likes the plan overall but has near term concerns. Are we creating a burden for the existing landowners? He hopes there is flexibility and thinks there is. He would like to see a softer line across the Rite Aid area and not having as defined a pathway as now and he also has concerns in that large block where the Thompson property is.

President Walsh said he would reopen the hearing so he can hear from Tom McGuire and get some guidance on how to do that.

PUBLIC HEARING REOPENED

President Walsh asked Tom McGuire “*Is it possible to amend the language and pass this tonight – move it forward? That’s the wish of the group.*”

McGuire said it’s going to be a challenge to have the exact language as an amendment tonight.

President Walsh suggested that they take a recess from this hearing so McGuire and Cathy Corliss can get together and talk about this while the next public hearing takes place. They would then bring it back to the Commissioners – at which time they would reopen the

hearing. McGuire and the Commissioners agreed this was a good idea. President Walsh also decided that they would take a six minute break before the next public hearing.

PUBLIC HEARING CLOSED (to be reopened following the next public hearing.)

SIX MINUTE RECESS

PUBLIC HEARING FOR PROJECTIONS OPENED

PUBLIC HEARING – DCA2012-00001 PROJECTIONS INTO REQUIRED YARDS

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.

QUASI-JUDICIAL HEARING STATEMENTS

President Walsh read the required statements and procedural items from the quasi-judicial hearing guide. There were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: None; No challenges of the jurisdiction of the commission; no conflicts of interest.

STAFF REPORT

Gary Pagenstecher, Associate Planner, presented the staff report. [The staff report is available one week before the hearing.]

STAFF ANALYSIS:

As demonstrated in the application and the findings in the staff report, the proposed amendment complies with the applicable state planning goals, City Comprehensive Plan goals and policies, and the city's implementing ordinances.

The code amendment anticipates narrow lot subdivisions in the R-12 zone while maintaining the detached character of the majority of Tigard's neighborhoods. According to the 2011 BLI there are 30 lots over 10,000 square feet in size totaling 35.46 acres. The West Bull Mt. Community Plan designates approximately 70 gross acres as medium density residential, which includes the R-7, 12, and 25 zones, some portion of which will likely be zoned R-12 under the River Terrace planning process.

The Exceptions to Development Standards chapter already allows projections into required yards. However, the proposed amendment would dramatically expand the potential impact of those projections from minor architectural features to up to 30% of the side elevation. Whereas these impacts may be acceptable to buyers of new homes on narrow lots, the impact to existing residents on adjacent properties may be perceived as more adverse. To limit potential adverse impacts, staff recommends projections be limited to yards interior to the subdivision.

The purpose of the Exceptions to Development Standards is to provide more flexible setback standards designed to allow for the maximum use of land and to allow for a varied building layout pattern while ensuring there will be adequate open space, light, air and distance between buildings to protect public health and safety. The 2011 Oregon Residential Specialty Code requires a minimum fire separation distance of three feet from the property line. The proposed code amendment would limit projections with floor area into required yards to this minimum.

Staff recommends the following amended language (page 6, staff report):

5. In the R-12 Zone, bay windows and ~~pop-outs~~ projections with floor area may project into required interior side and street 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~~ interior side yard is not reduced to less than 3 feet.

APPLICANT TESTIMONY – Ryan O’Brien – 1862 NE Estate Drive, Hillsboro, OR believes R12 is the zone where it’s really needed; however, he said the City of Hillsboro allows it in all zones. It helps the interior of the houses look much better. Also – the elevations of street side corner lots look a lot better with the pop-outs and bay windows.

O’Brien mentioned that Mark Dane was planning on being there to testify on behalf of this, but his wife became ill and he couldn’t make it. He will submit his testimony of support in writing at a later time.

QUESTIONS/COMMENTS

Would this add sales value to these designs? \$10 or \$15 thousand I’d imagine.

President Walsh added that he believed the application package was outstanding and that it was very helpful to the commissioners.

TESTIMONY IN FAVOR

Katie Patterson, 2005 NW 119th, Portland 97029 – represents two different builders, Sage Built Homes and Greenwood Homes. Ms. Patterson stated that Sage Built has an ownership at the Everett Terrace Subdivision which is 14 lots on 96th and Greenburg – right across from the Everett Homes Subdivision of Solera, and that Solera did build with these popouts even though they were not technically approved - and all of those houses were approved by the City of Tigard. She stated that she thinks the standard has already been set and that this is something that aesthetically looked fine. Ms. Patterson is in favor in large part because she believes that what looks to be a very small change (1 foot) on the outside of the house, can make a huge difference with regard to livability on the inside. She stated that areas like dining rooms may have a 6 – 8 foot table that can’t typically fit a smaller room - so the pop outs can make a big difference in that regard. The interior really makes a difference.

TESTIMONY IN OPPOSITION - None **TESTIMONY CLOSED**

MOTION

The following motion was made by Commissioner Muldoon, seconded by Commissioner Shavey.

“I move that the Planning Commission forward a recommendation of approval to the City Council for application DCA2012-00001 and adoption of the findings and conditions of approval contained in the staff report and based on the testimony received tonight.”

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

AYES: Commissioner Anderson; Commissioner Doherty;
Commissioner Fitzgerald; Commissioner Muldoon;
Commissioner Rogers; Commissioner Schmidt; Commissioner Shavey, and President Walsh

NAYS: None.

ABSTAINERS: None.

ABSENT: Commissioner Ryan

PUBLIC HEARING REOPENED AT 9:37pm

Tom McGuire, Sean Farrelly, and Cathy Corliss had been discussing possible solutions to the issues the Commission had wanted them to talk about. Farrelly addressed the Rite-Aid property solution; the solution being a redrawing of the line to be more curved so the property would be affected on one side only.

There was lengthy discussion about the other issues which President Walsh summarized at the end as follows:

- The ADA issue... a no brainer – needs to be addressed as specified by staff.
- Come up with a different concept for the line in front of Rite-Aid and how it finishes off on the far side around the Woodcraft property.
- Staff will draft some language and add it so that it would handle any catastrophic event without creating a need for automatically enacting the “over 60%” threshold.
- Leave the pedestrian/bicycle access alone. Leave as is.

The commissioners agreed and President Walsh said “So now we need a motion.”

At this point, Sean Farrelly reminded the Commission that they would also need to address the things that had come up at the Council workshop that had been outlined in his PowerPoint presentation. Farrelly reminded them of the four suggestions:

- An alley along the park and ride that connects to new street through Public Works (don’t connect to Hall)
- For Tigard/Burnham connection, straighten out. Put into a different classification (desired connection if the viaduct is reconstructed).

- Footnote to allow flexible design standards for the street near Fanno Creek park. Reduced ROW, pervious pavers. (This would have to be fleshed out at Council – the question would be are you, in concept, okay with that suggestion.)
- Curve new street that goes through City Hall and Verizon.

Farrelly said – in concept – if the Commission is comfortable with those suggestions – they would be fleshed out at Council.

None of the Commissioners had issue with those suggestions so they were ready to make a motion.

MOTION

The following motion was made by Commissioner Muldoon, seconded by Commissioner Fitzgerald:

“I move the Planning Commission forward a recommendation of approval to the City Council of application CPA2012-00001 & DCA2012-00002 as amended with four amendments: first, where staff will add catastrophic event language addressing fire and similar issues; second, that the line in the designated property [Woodcraft] be adjusted as projected by staff; third, that the ADA language be addressed as specified by staff; and last, that four adjustments be fleshed out with staff with the Council and that would otherwise be approved as contained in the staff report and based on the testimony provided tonight.”

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

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

President Walsh asked staff to send an email out to the Commission when the language is drafted. This will go to City Council on December 11th.

CLOSED PUBLIC HEARING ON DOWNTOWN CONNECTIVITY PLAN CODE AMENDMENT PROJECT

COMMUNICATIONS

There was a brief report by Vice President Anderson on his meeting with the Tigard Population and Housing Review committee. The first meeting included a consultant who talked about what our housing is today in Tigard and what we need to do and address.

Basically, he said “we’re in pretty good shape with zoning and land. We just need to address maybe some lower income housing. We’ll talk about this at the next meeting.”

Commissioner Muldoon had come up with a presentation that he would like to present to Council regarding business clusters and economic development. He asked the Commission to take a look at it. (He’d distributed it to them earlier.) President Walsh said the Planning Commission would need to take a look at it before Commissioner Muldoon presented it – so they could give feedback to him. Muldoon would eventually like to engage council in a workshop format so they can have discussion on it. President Walsh would like to invite Councilor Woodard, as the Planning Commission’s Council liaison, to come in to talk to the Commission about economic development and then have a discussion with Council – perhaps at the meeting when Greater Portland Inc. (the consultant who had to cancel at the last minute but would reschedule to another date) would be there. President Walsh asked that whoever attends the joint Council workshop the next evening would bring back information for the Planning Commission as to what had transpired.

OTHER BUSINESS

Tom McGuire reminded the commissioners that November would be the annual revisiting of development of Council Goals for next year. He reminded the Commissioners to start thinking about that now. It’s on the agenda for the November 5th meeting. He asked that they think about what they’d like to recommend to Council for their suggestions for Council Goals for 2013 and then talk about it at the next meeting in November.

President Walsh asked Doreen Laughlin if she would be responsible to get a simple matrix out to everybody before the next meeting so they’d have something to think about. He wanted the matrix to list the Council’s goals, the Planning Commission’s suggested goals, and show what the progress is on them. She agreed to do that.

ADJOURNMENT

President Walsh adjourned the meeting at 10:10 p.m.



Doreen Laughlin, Planning Commission Secretary



ATTEST: Acting President Tom Anderson

community. This includes a series of community open houses throughout the process, as well as a citizen advisory committee and technical advisory committee.

In addition to land use, the City Council will need to approve a River Terrace financial plan which will help pay for the construction of required new infrastructure and its operations and maintenance. This may include changes to development charges for parks, storm water management, sanitary sewers, water, and transportation improvements. It will also be important to address whether or not other special assessments will be needed for land use and building permits, as well as utility rates to ultimately recoup the investment the city makes in completing the community plan.

Schedule

General Timeframe - River Terrace Community Plan										
Task	2012		2013				2014			
	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr
Public Involvement/TAC/SWG	+ *		+ *	+ *	+ *	+ *	+ *			
Adopt WBMCP		*								
Goal 5 Natural Resources				*						
Parks Master Plan & SDC Update										
Water Master Plan Update										
Sanitary Sewer Plan Update										
Stormwater Master Plan Update										
Comp Plan/Zoning Maps and Regulations									*	
Transportation System Plan Update								*		
Public Facility Plan Update									*	
Infrastructure Financing Strategy										*
	* Community Meeting		+ Stakeholder Working Group Meeting						* City Council Hearing	
			+ Technical Advisory Committee Meeting						* Planning Commission Hearing	

Project Phases

- ❖ Project Kickoff
 - Council acceptance/adoption of the WBMCP
 - CCI approval of the Public Involvement Plan
 - Get the word out
 - Launch Stakeholder Working Group and Technical Advisory Committee
- ❖ Launch Tasks
 - Assessment and Collaboration
 - Plan Preparation
- ❖ Adoption Process

C I T Y O F T I G A R D

Respect and Care | Do the Right Thing | Get it Done



EXHIBIT B

Downtown Connectivity Plan Code Amendments

CPA 2012-00001

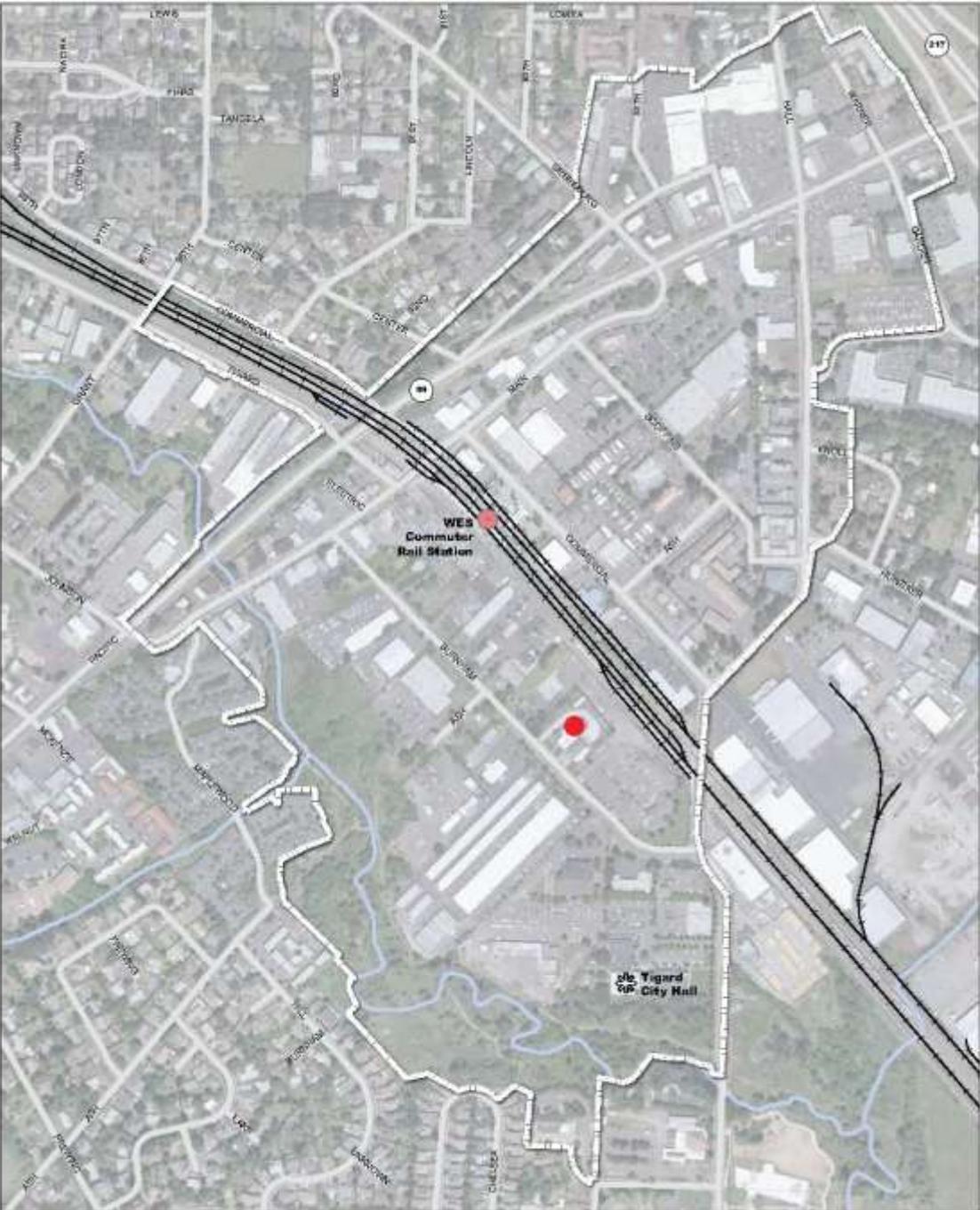
DCA2012-00002

Planning Commission Public Hearing | October 15, 2012

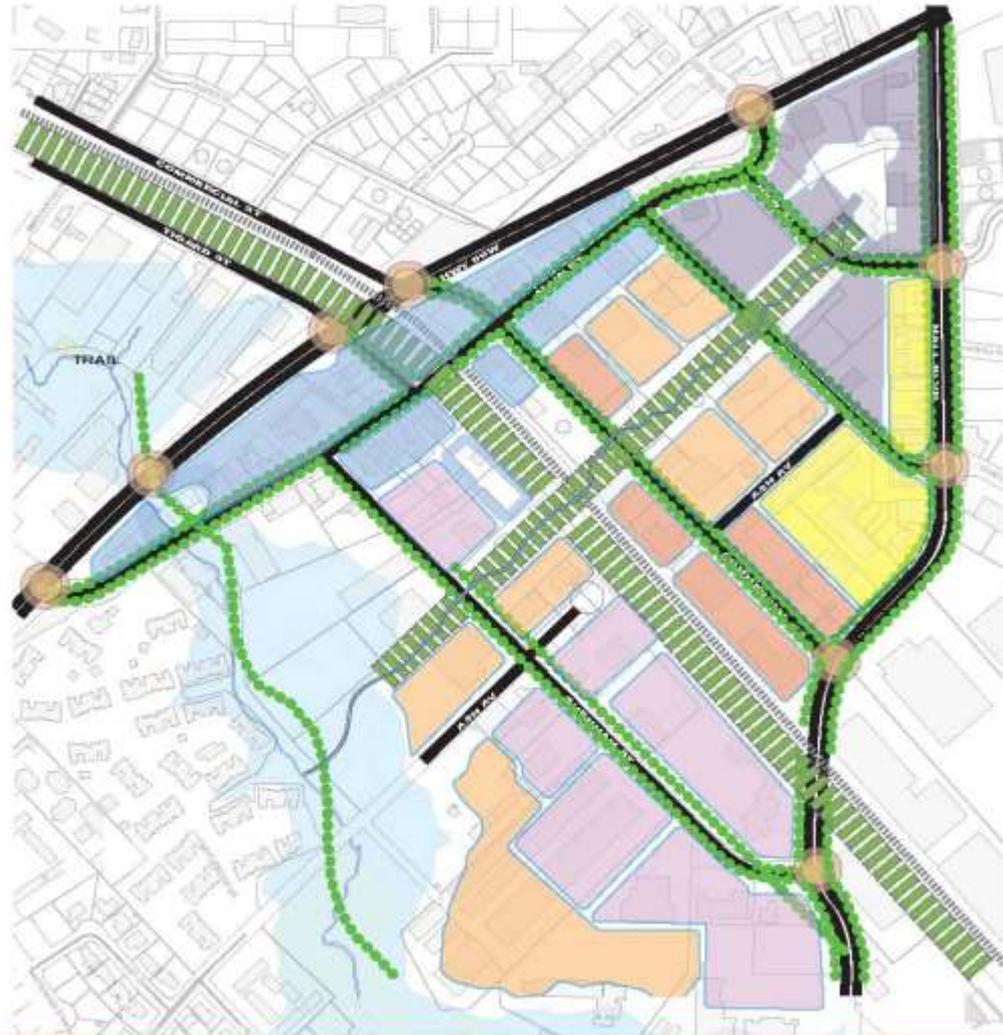
Existing Conditions

Area:
Tigard Downtown Urban
Renewal District (193 acres)

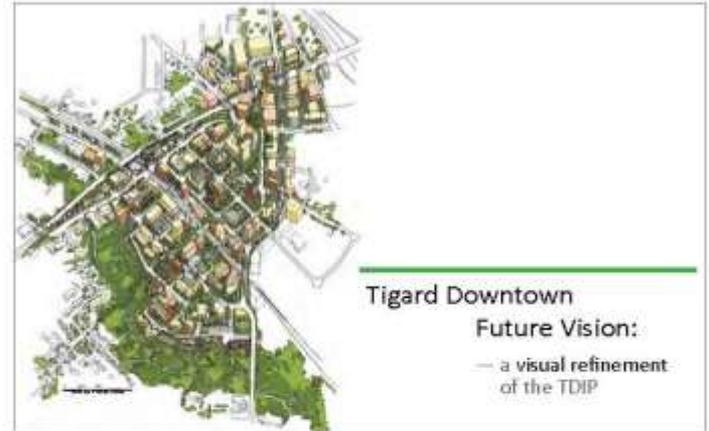
Existing conditions :
Limited connections
and connectivity



Tigard Downtown Improvement Plan



Foundation Documents



Conceptual Connectivity Plan Objectives

- Connectivity: Foster the creation of smaller block structures, consistent with the walkable urban village envisioned by the Tigard Downtown Improvement Plan.
- Circulation: Create efficient routes into and around the Downtown.
- Capacity: Create parallel streets to accommodate the demand created by new Downtown development.

Implementation of the Plan

- Proposed code requirements to implement vision:
 - Recognize that improvements will likely be done incrementally over 50 years or longer as individual properties redevelop
 - Provide as much flexibility as possible while still ensuring that connections get made
- Two elements – new connections and new cross-sections

Proposed Amendments:

CPA 2012-00001

DCA2012-00002

- Transportation System Plan to add background and figures
- TDC 18.370 to add adjustments to the connectivity requirements
- TDC 18.610 to add purpose, applicability and connectivity standards
- TDC 18.810 to add new downtown cross-sections

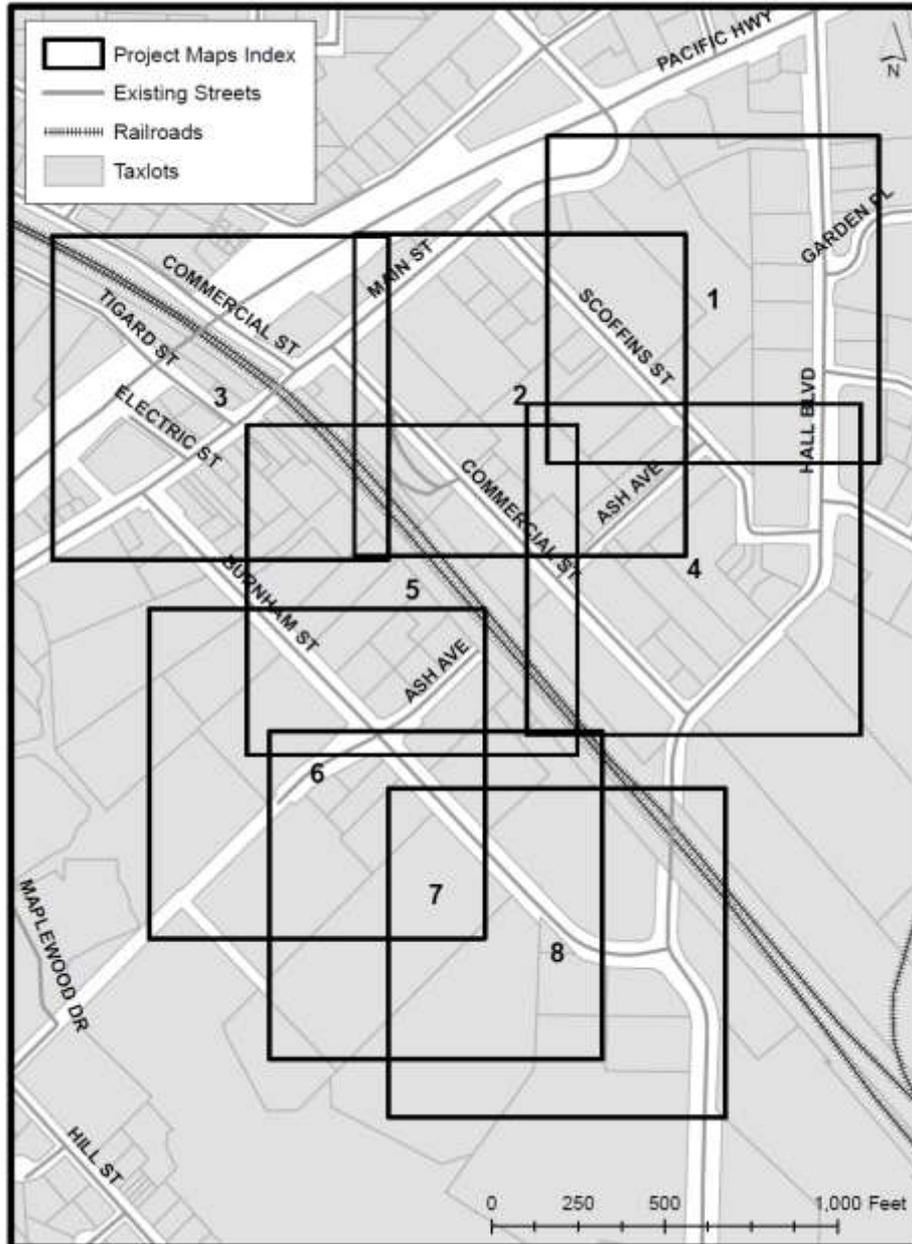
TSP Amendments: Proposed New Streets

Detailed maps showing the future streets are proposed to be added to the TSP so that it is clear where future streets are expected to go and how much right-of-way is needed



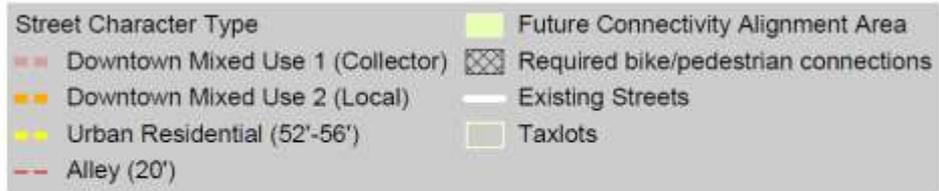
TSP Amendments

Figure 5-14A. Connectivity Projects Index Map



TSP Amendments

Figure 5-14B. Connectivity Projects Detail Sheet: Map 1



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



TSP Amendments

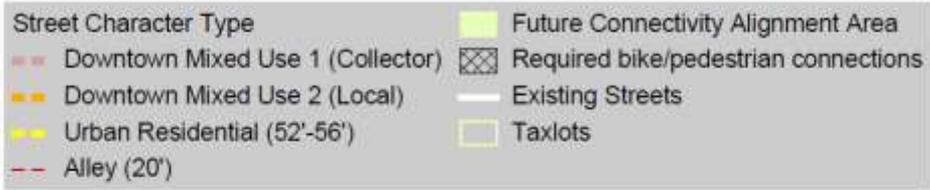
Figure 5-14C. Connectivity Projects Detail Sheet: Map 2



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Figure 5-14D. Connectivity Projects Detail Sheet: Map 3

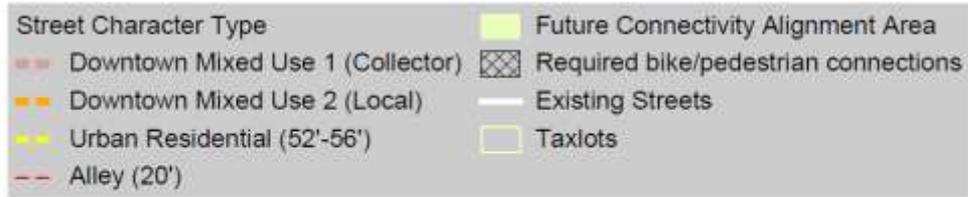


Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



TSP Amendments

Figure 5-14E. Connectivity Projects Detail Sheet: Map 4

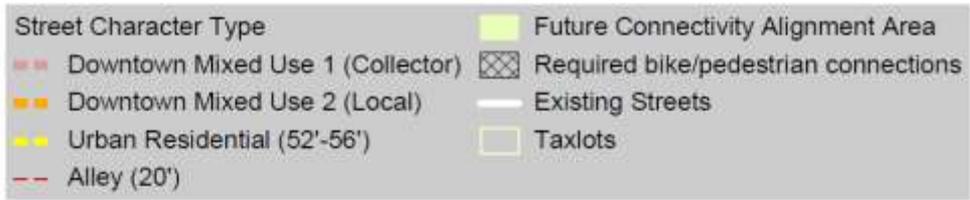


Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



TSP Amendments

Figure 5-14F. Connectivity Projects Detail Sheet: Map 5



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

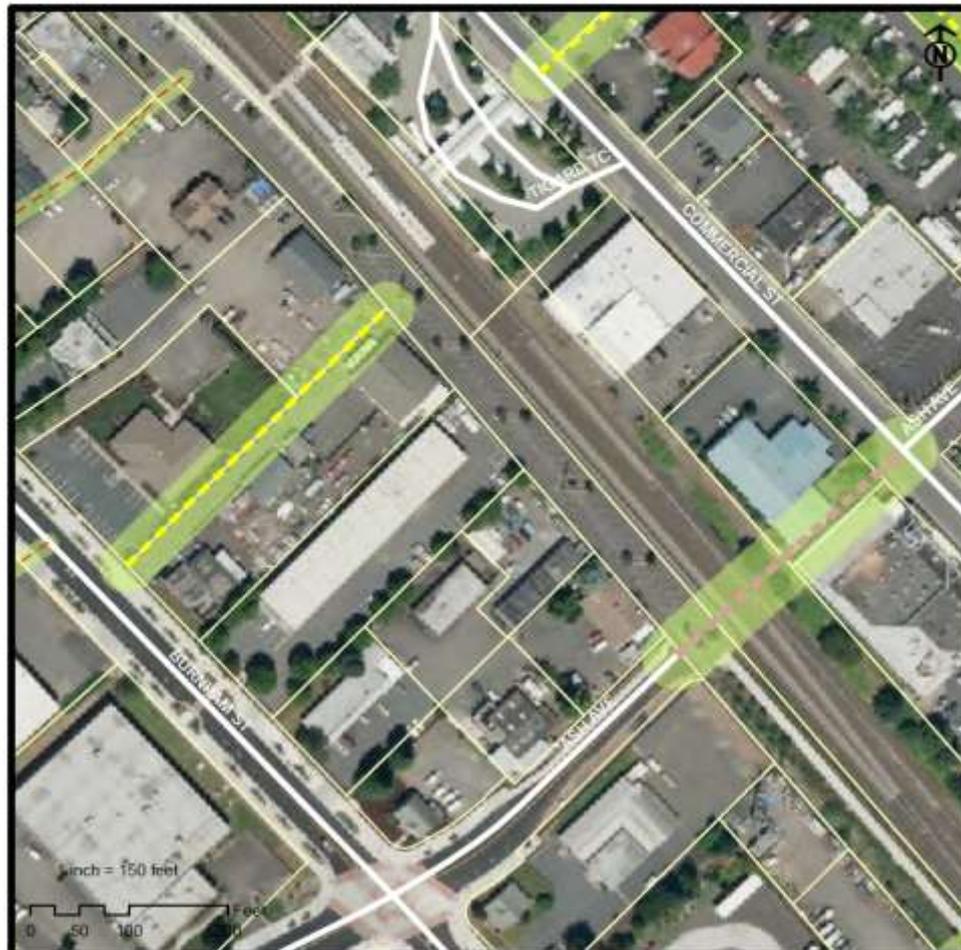
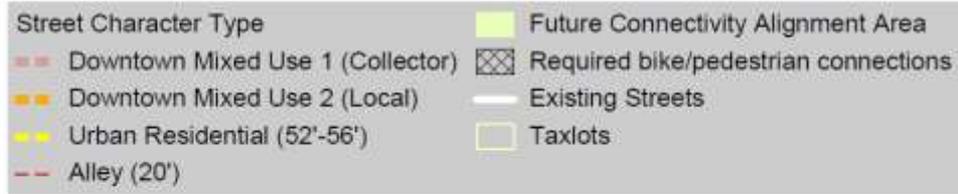


Figure 5-14G. Connectivity Projects Detail Sheet: Map 6

TSP Amendments



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



TSP Amendments

Figure 5-14H. Connectivity Projects Detail Sheet: Map 7

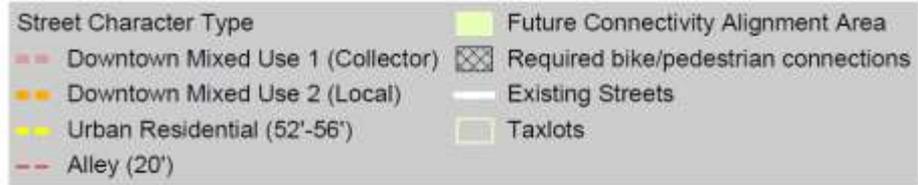
 Downtown Mixed Use 1 (Collector)	 Future Connectivity Alignment Area
 Downtown Mixed Use 2 (Local)	 Required bike/pedestrian connections
 Urban Residential (52'-56')	 Existing Streets
 Alley (20')	 Taxlots

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

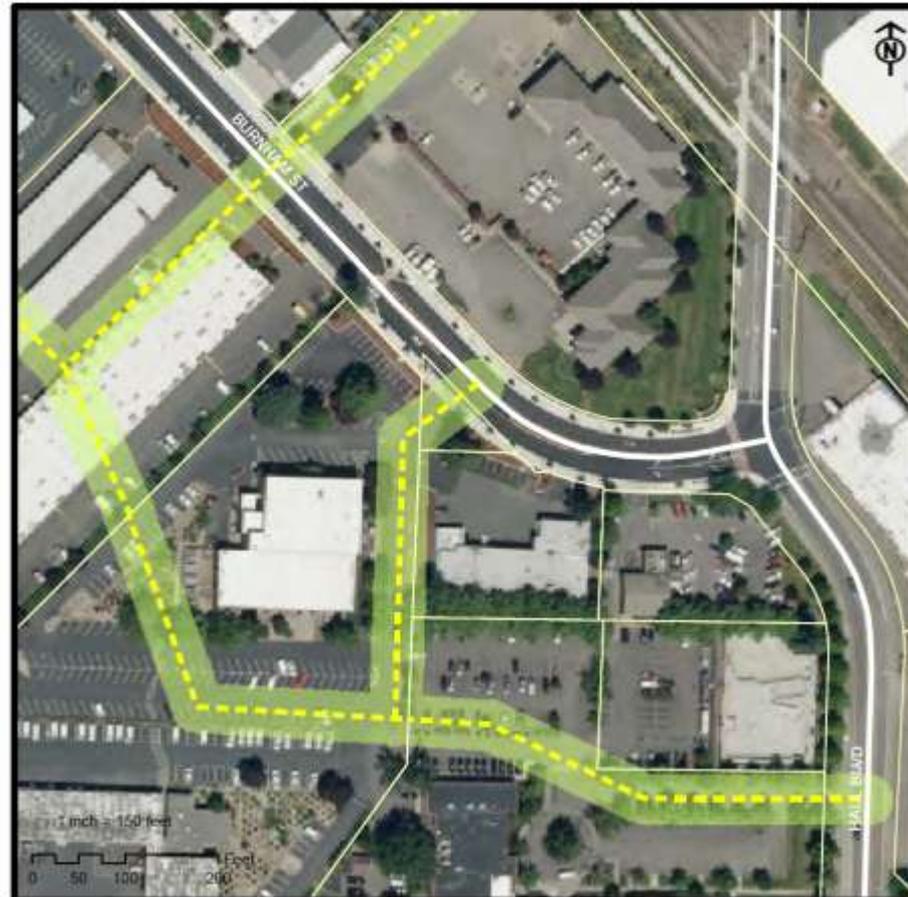


TSP Amendments

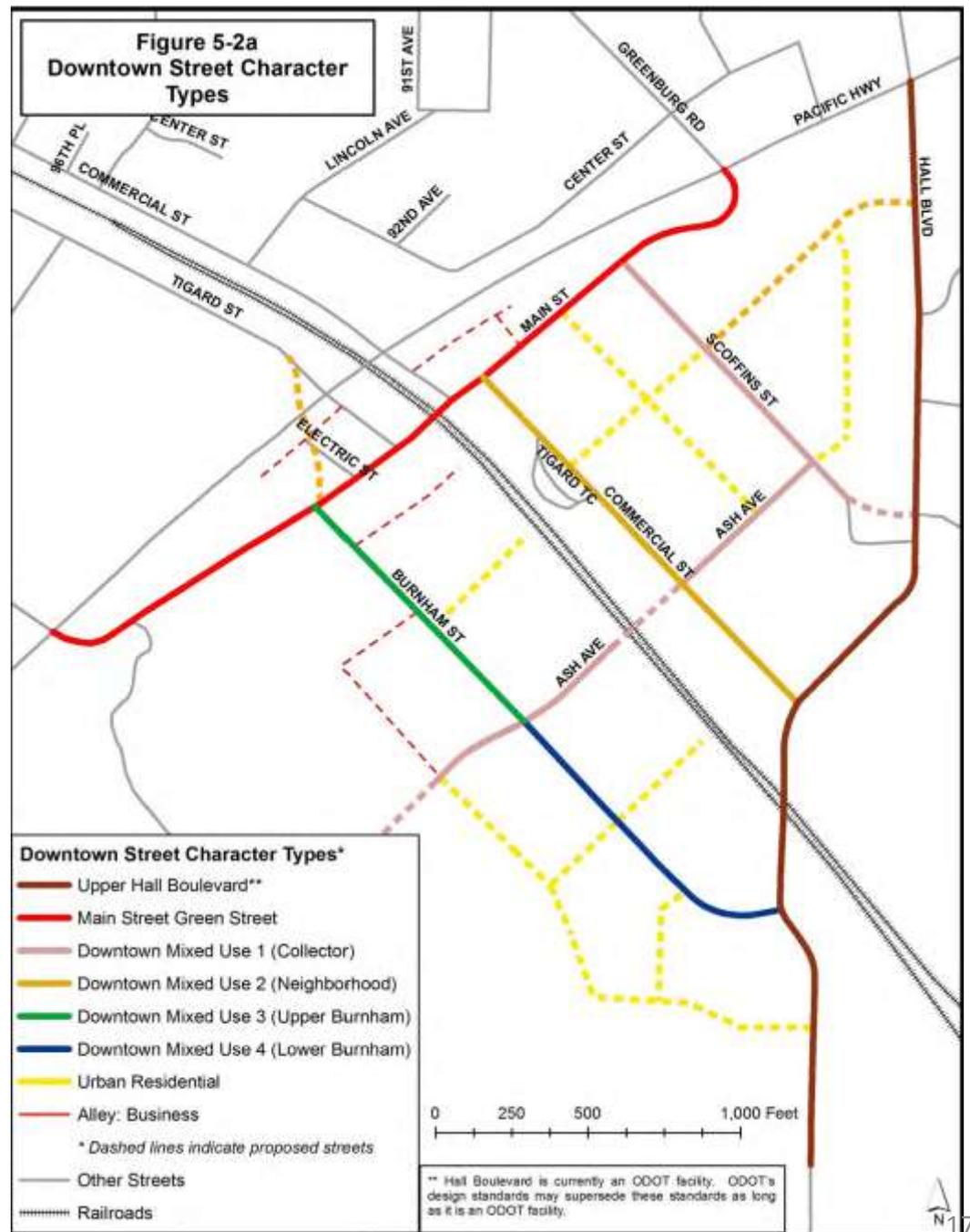
Figure 5-14I. Connectivity Projects Detail Sheet: Map 8



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Proposed Street Character Types



Proposed Amendments to Chapter 18.810 (Street and Utility Improvement Standards)

- Special street character and cross sections with enhanced streetscape design
 - For existing streets as well as future street connections
 - Applied when the city improves a street or when a private developer has to make full- or half-street improvements as a part of their development

Proposed Amendments to Chapter 18.810: New Cross-Sections

Current

- Scoffins Street is a Collector

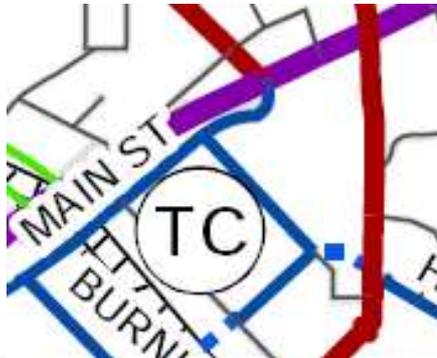
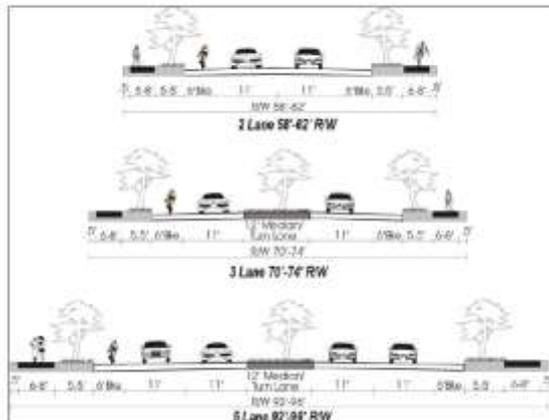
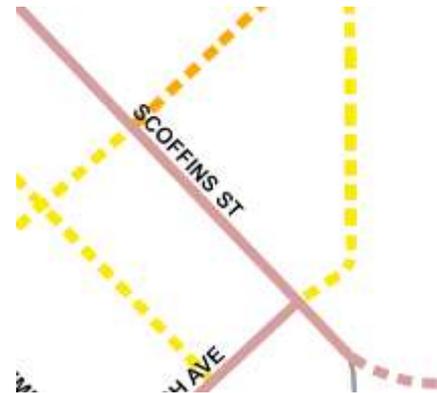


Figure 18.810.2
Collector Sample Cross Sections ⁽¹⁾



Future

- Scoffins Street is with Downtown Mixed Use 1 Character Type



18.810

Street Character



Hall Boulevard - Downtown – Upper

SW Hall Blvd. is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Blvd. Corridor The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

18.810

Street Character



Downtown Mixed Use 1 – Downtown Collector

18.810

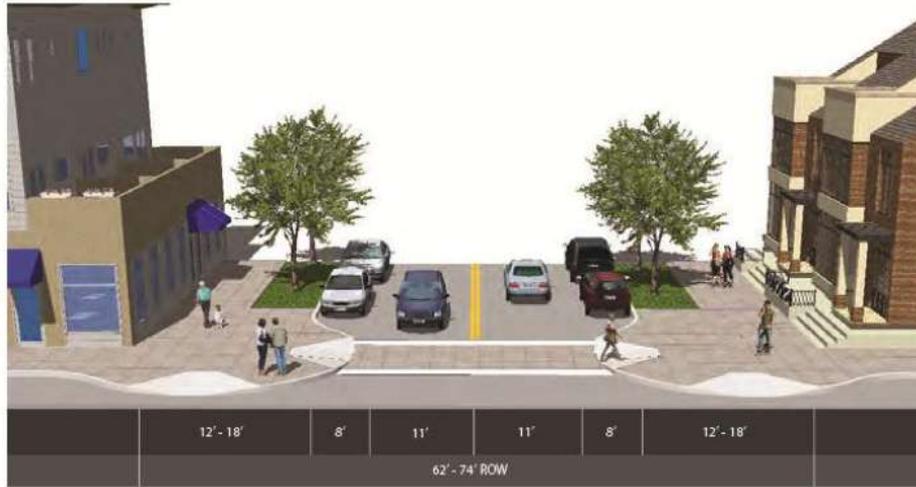
Street Character



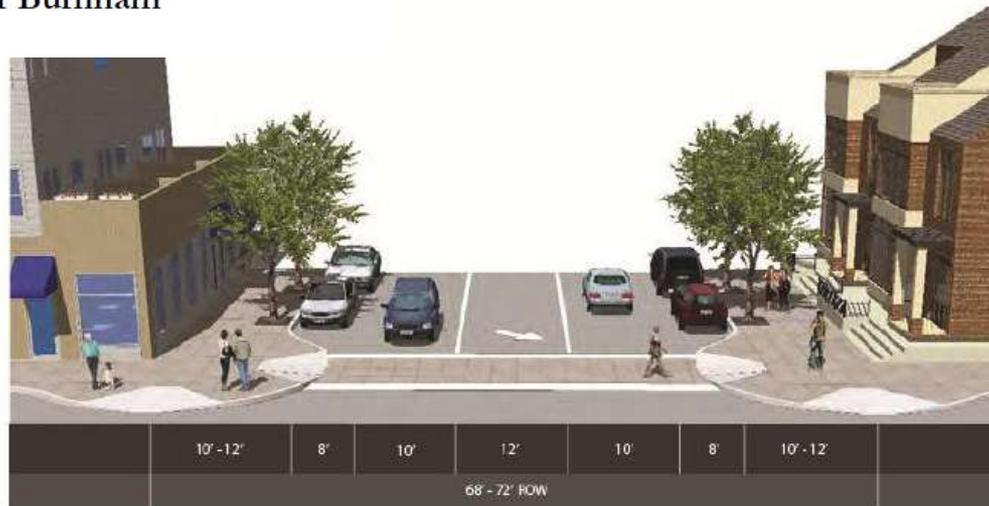
Downtown Mixed Use 2 – Downtown Neighborhood

18.810

Street Character



Downtown Mixed Use 3 – Upper Burnham



Downtown Mixed Use 4 – Lower Burnham

18.810

Street Character



Downtown – Urban Residential



Downtown - Alley

Proposed Amendments to Chapter 18.610 (Tigard Downtown District Development & Design Standards)

- New Section 18.610.025 (Connectivity)
- References TSP connectivity maps
- Establishes three sets of standards:
 - New Development and Major Redevelopment
 - All other projects
 - Pedestrian Pathways

Proposed Amendments to Chapter 18.610

New Development and Major Redevelopment

- Major Redevelopment = valued at more than 60% of its total current value as assessed by the Washington County assessor
- Dedicate the required right-of-way (or dedicate a public easement if approved by City Engineer)
- Construct the required improvements
- Changes to landscaping requirement in Table 18.610.1 to allow applicant to count landscaping that was part of a required street improvement

Proposed Amendments to Chapter 18.610

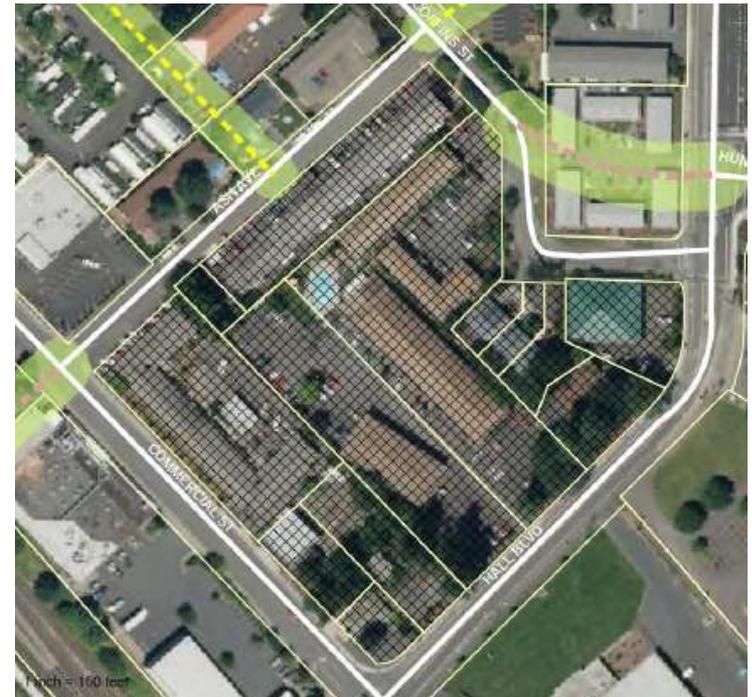
All Other Projects

- Redevelopment = project valued at 60% or less than its total current value as assessed by the Washington County assessor
- Preserve the potential for a future connectivity improvement
 - No new buildings within future alignment
 - Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed
- Sign a non-remonstrance to future Local Improvement District (LID)

Proposed Amendments to Chapter 18.610

Required New Pedestrian Pathway

- For new development and major redevelopment within the area designated for required multi-use pathway
- Provide multi-use pathway on public easements or right-of-ways which ensures connections through the block at least every 330 feet
- Pathways:
 - Direct connection
 - ADA accessible



Proposed Amendments to Chapter 18.370

Adjustments to Connectivity Standards

- Type II procedure
- Criteria:
 - Equally or better meet downtown design principles outlined in the TSP
 - Applying the standards would preclude all reasonable economic use of the site
 - Potential for a future connection is preserved
 - No adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees

Rough Proportionality

18.810.020 General Provisions

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. **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.**

Public Involvement

- Project Website
- CCAC Principles
- Technical Advisory Committee
- Open House
- CCAC review over several meetings
- City Council, Planning Commission, and Tigard Transportation Advisory Committee workshops
- Property owners meetings
- 2nd Open House

Citizen Comments

- Five written comments:
One supportive, two neutral, two opposed
- Eight phone / in person contacts- asked questions about how it would effect them. One made a specific suggestion to delete a proposed connection.

Agency Comments

- TVF&R and TriMet supportive
- ODOT comments response in staff report

Council Workshop Feedback

- Alley along the park and ride that connects to new street through Public Works (don't connect to Hall)
- For Tigard/Burnham connection, straighten out. Put into a different classification (desired connection if the viaduct is reconstructed).
- Footnote to allow flexible design standards for the street near Fanno Creek park. Reduced ROW, pervious pavers.
- Curve new street that goes through City Hall and Verizon.

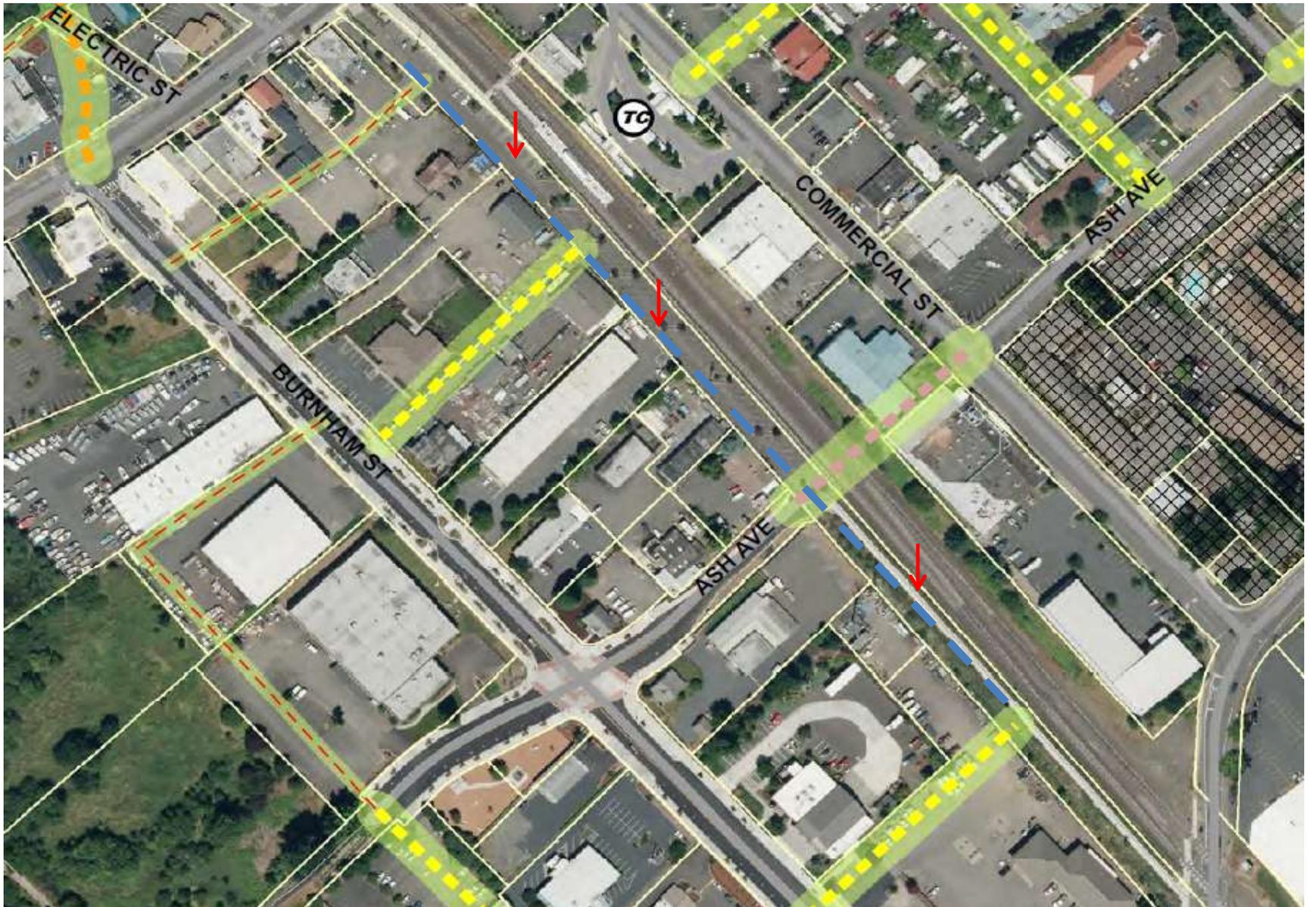
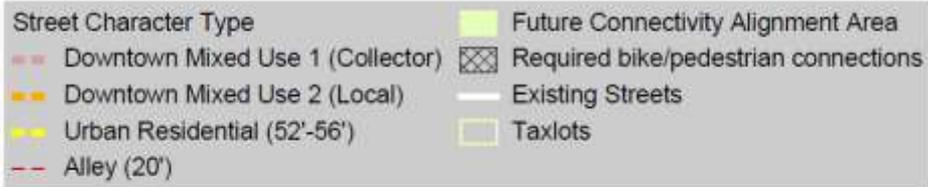


Figure 5-14D. Connectivity Projects Detail Sheet: Map 3



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

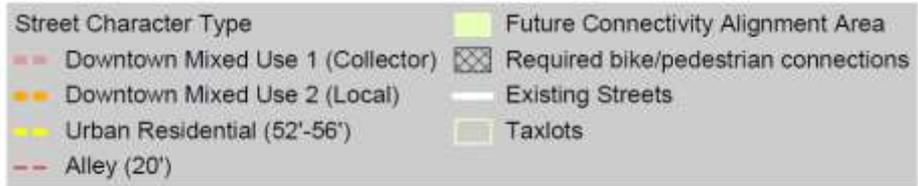




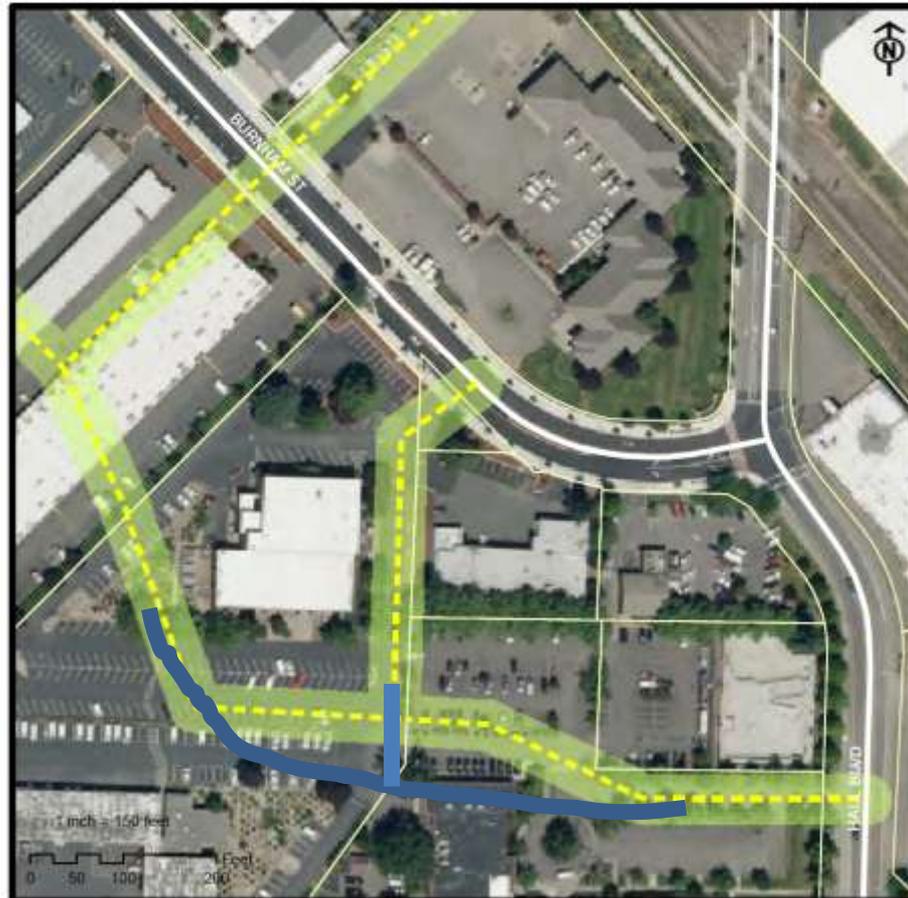
Allow flexible design standards for the street near Fanno Creek park. Reduced ROW, pervious pavers.

TSP Amendments

Figure 5-14I. Connectivity Projects Detail Sheet: Map 8



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Findings:

As found in the staff report, the proposed amendments meet the necessary approval criteria from the:

- Tigard Development Code
- Tigard Comprehensive Plan
- Metro Urban Growth Management Functional Plan
- Metro Regional Transportation Functional Plan
- Oregon Administrative Rules
- Statewide Planning Goals

Staff Recommendation:

Staff recommends Planning Commission recommend approval of the code amendments to Council

C I T Y O F T I G A R D

Respect and Care | Do the Right Thing | Get it Done



Downtown Connectivity Plan Code Amendments

CPA 2012-00001

DCA2012-00002

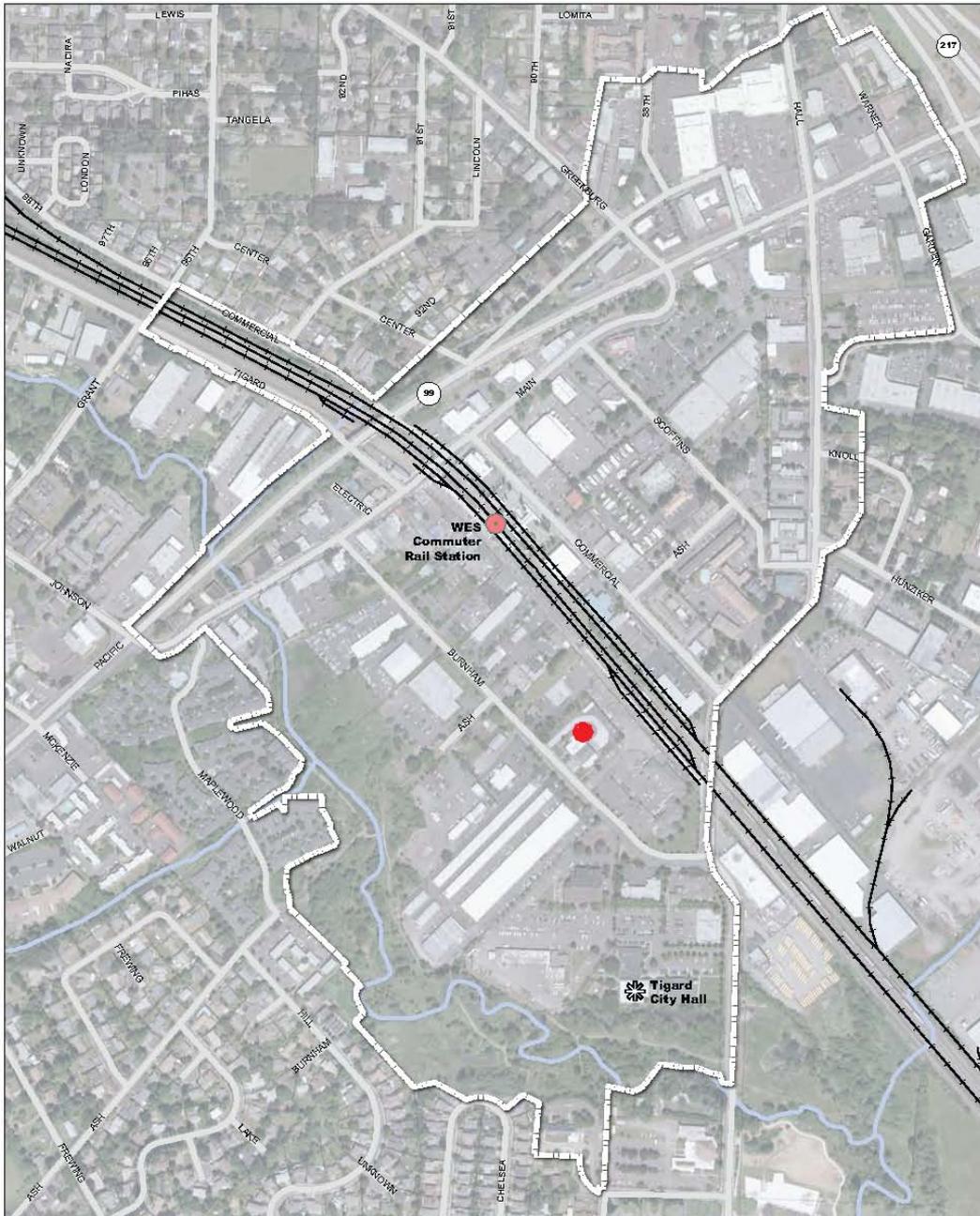
City Council Public Hearing | December 11, 2012

Existing Conditions

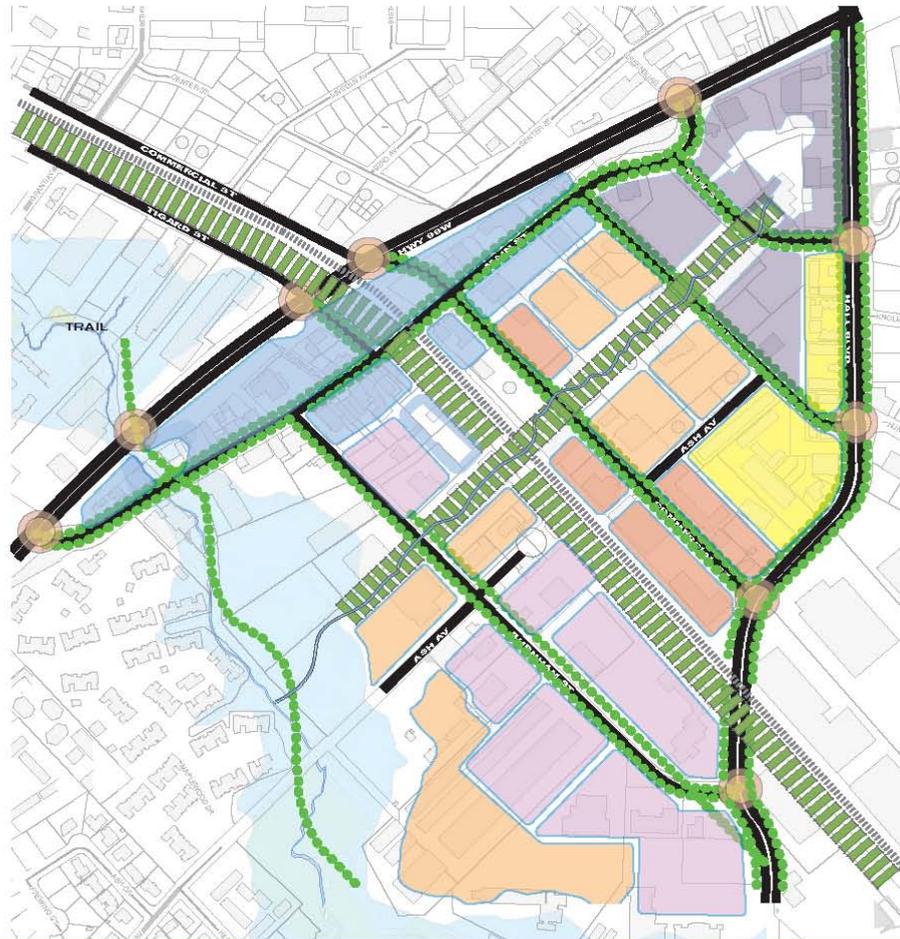
Area:

Tigard Downtown
Urban Renewal District
(193 acres)

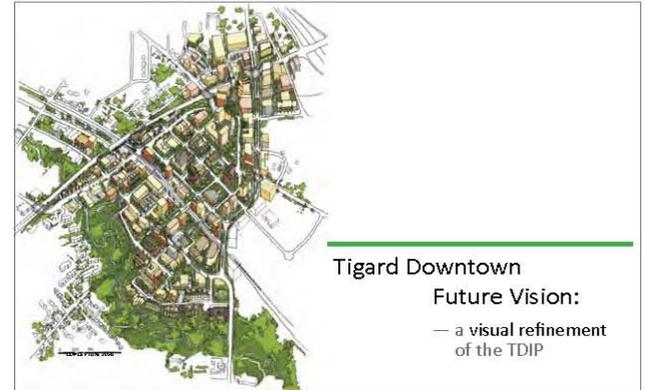
Existing conditions :
Limited connections
and connectivity



Tigard Downtown Improvement Plan



Foundation Documents



Conceptual Connectivity Plan Objectives

- Connectivity: Foster the creation of smaller block structures, consistent with the walkable urban village envisioned by the Tigard Downtown Improvement Plan.
- Circulation: Create efficient routes into and around the Downtown.
- Capacity: Create parallel streets to accommodate the demand created by new Downtown development.

Implementation of the Plan

- Proposed code requirements to implement vision:
 - Recognize that improvements will likely be done incrementally over 50 years or longer as individual properties redevelop
 - Provide as much flexibility as possible while still ensuring that connections get made
- Two elements – new connections and new cross-sections

Proposed Amendments:

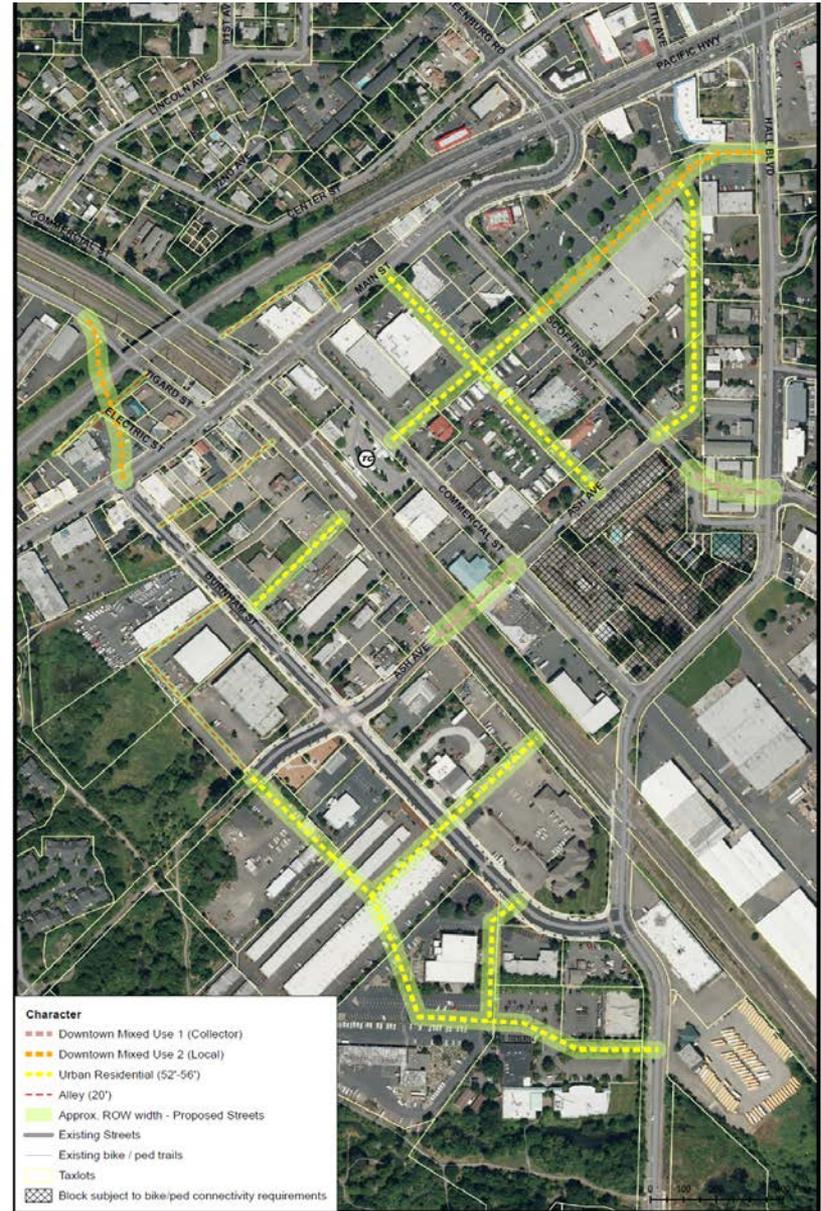
CPA 2012-00001

DCA2012-00002

- Transportation System Plan to add background and figures
- TDC 18.370 to add adjustments to the connectivity requirements
- TDC 18.610 to add purpose, applicability and connectivity standards
- TDC 18.810 to add new downtown cross-sections

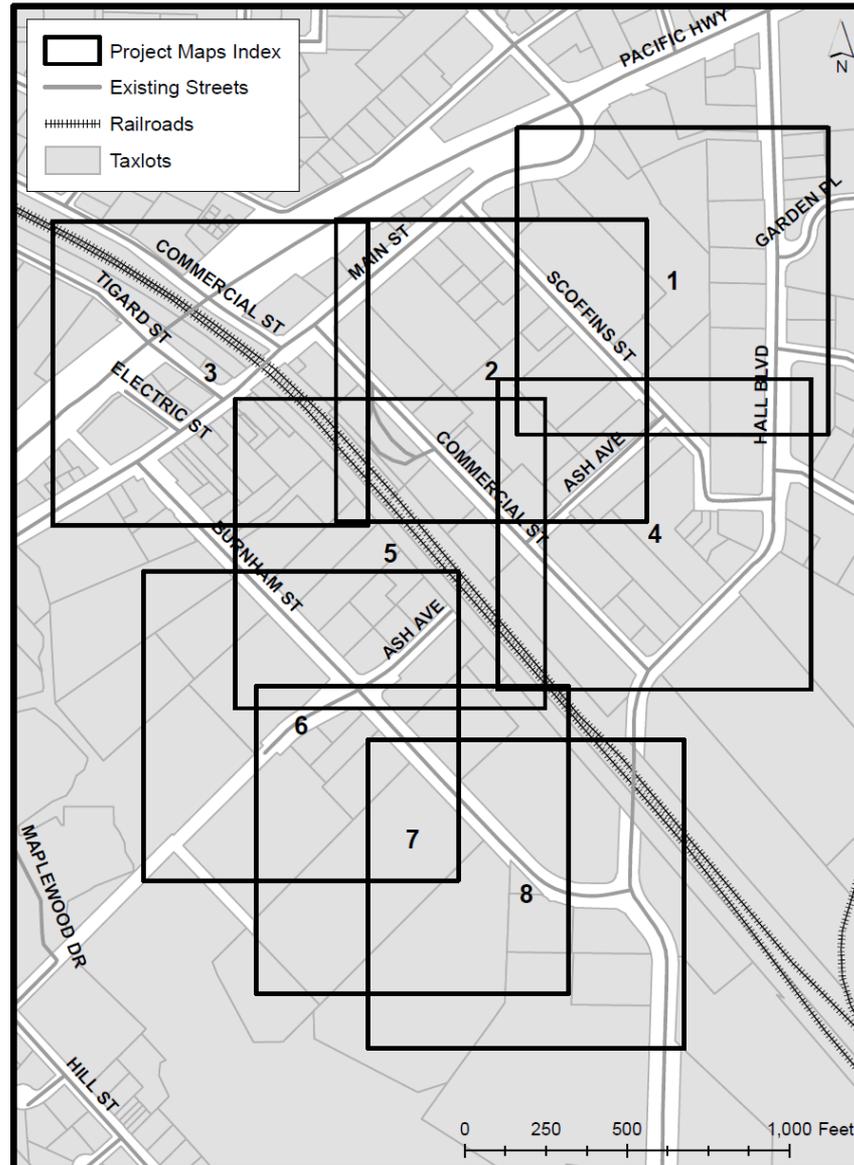
TSP Amendments: Proposed New Streets

Detailed maps showing the future streets are proposed to be added to the TSP so that it is clear where future streets are expected to go and how much right-of-way is needed



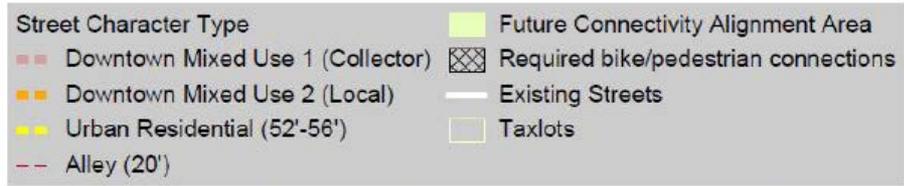
TSP Amendments

Figure 5-14A. Connectivity Projects Index Map

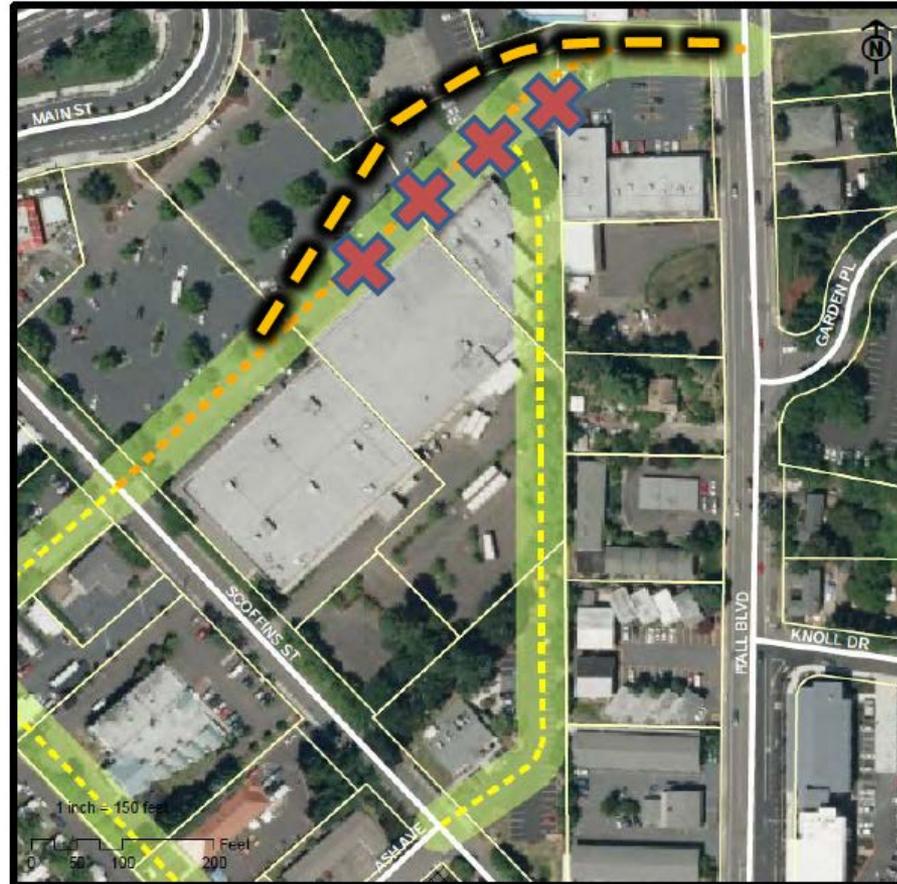


TSP Amendments

Figure 5-14B. Connectivity Projects Detail Sheet: Map 1



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

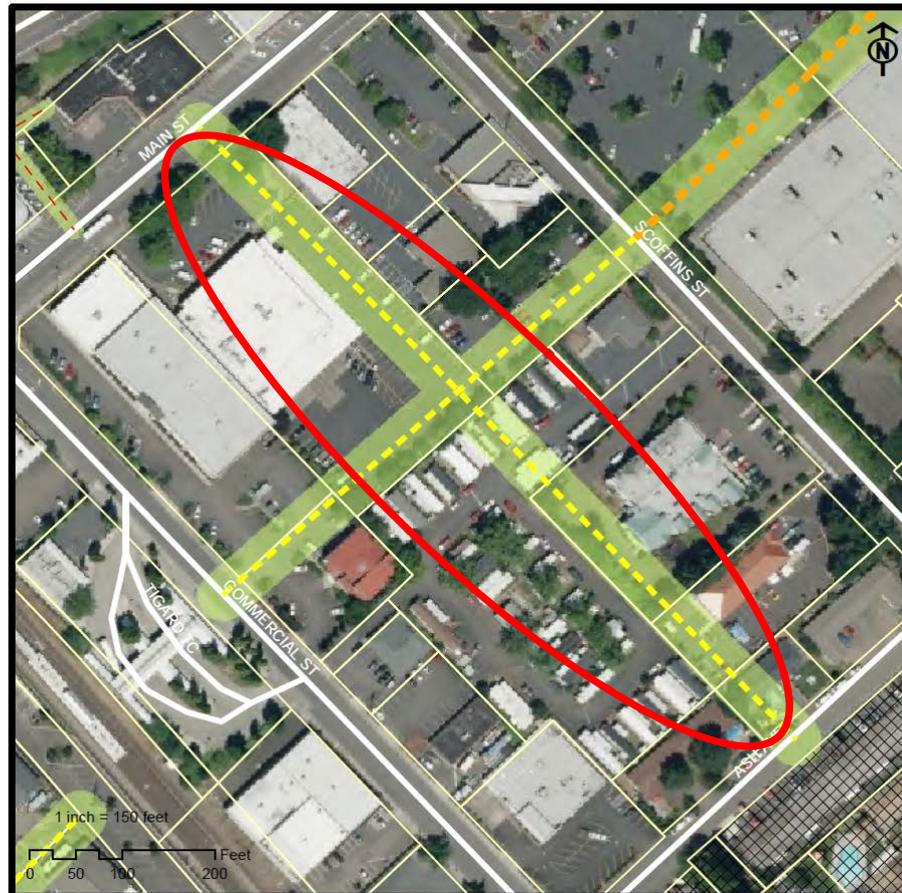


TSP Amendments

Figure 5-14C. Connectivity Projects Detail Sheet: Map 2

Street Character Type	
Downtown Mixed Use 1 (Collector)	Future Connectivity Alignment Area
Downtown Mixed Use 2 (Local)	Required bike/pedestrian connections
Urban Residential (52'-56')	Existing Streets
Alley (20')	Taxlots

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



TSP Amendments

Figure 5-14D. Connectivity Projects Detail Sheet: Map 3

Street Character Type		Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	
 Downtown Mixed Use 2 (Local)	 Existing Streets	
 Urban Residential (52'-56')	 Taxlots	
 Alley (20')		

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

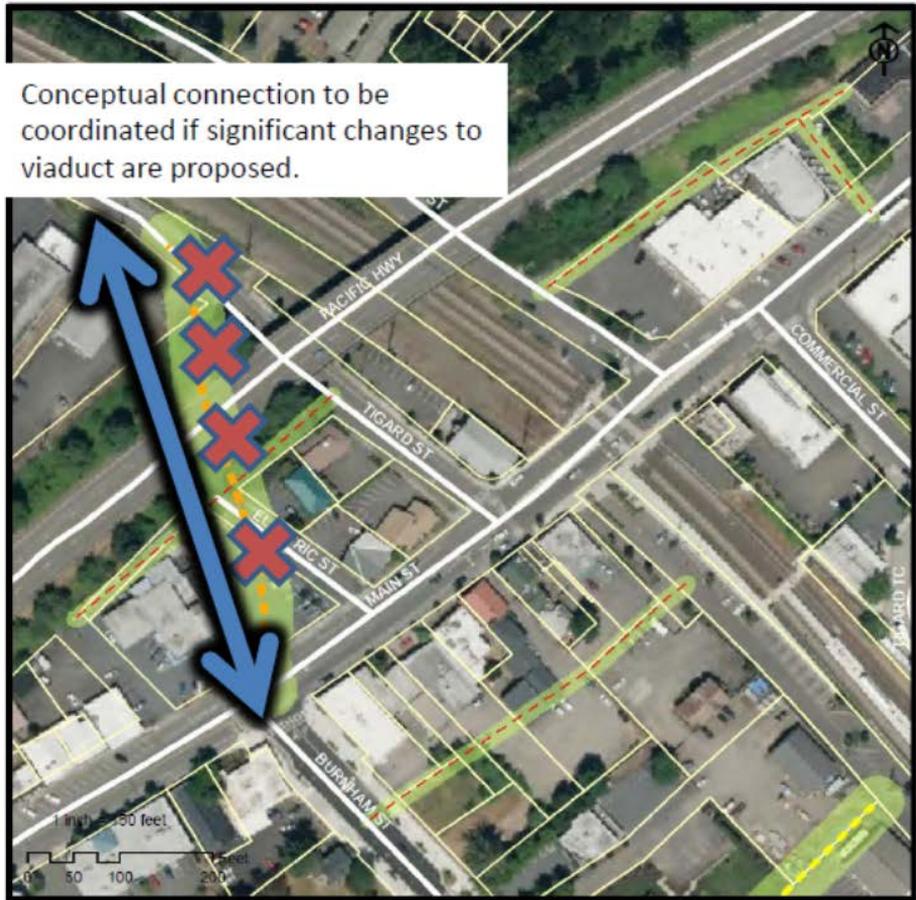
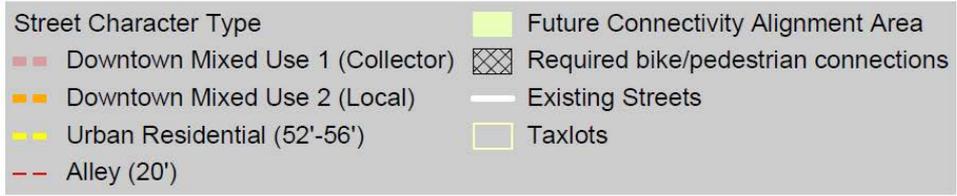


Figure 5-14E. Connectivity Projects Detail Sheet: Map 4

TSP Amendments



Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Figure 5-14F. Connectivity Projects Detail Sheet: Map 5

TSP Amendments

Street Character Type		Future Connectivity Alignment Area
Downtown Mixed Use 1 (Collector)	Required bike/pedestrian connections	
Downtown Mixed Use 2 (Local)	Existing Streets	
Urban Residential (52'-56')	Taxlots	
Alley (20')		



TSP Amendments

Figure 5-14G. Connectivity Projects Detail Sheet: Map 6

Street Character Type	
 Downtown Mixed Use 1 (Collector)	 Future Connectivity Alignment Area
 Downtown Mixed Use 2 (Local)	 Required bike/pedestrian connections
 Urban Residential (52'-56')	 Existing Streets
 Alley (20')	 Taxlots

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



TSP Amendments

Figure 5-14H. Connectivity Projects Detail Sheet: Map 7

Street Character Type		Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	 Existing Streets
 Downtown Mixed Use 2 (Local)	 Taxlots	
 Urban Residential (52'-56')		
 Alley (20')		

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.

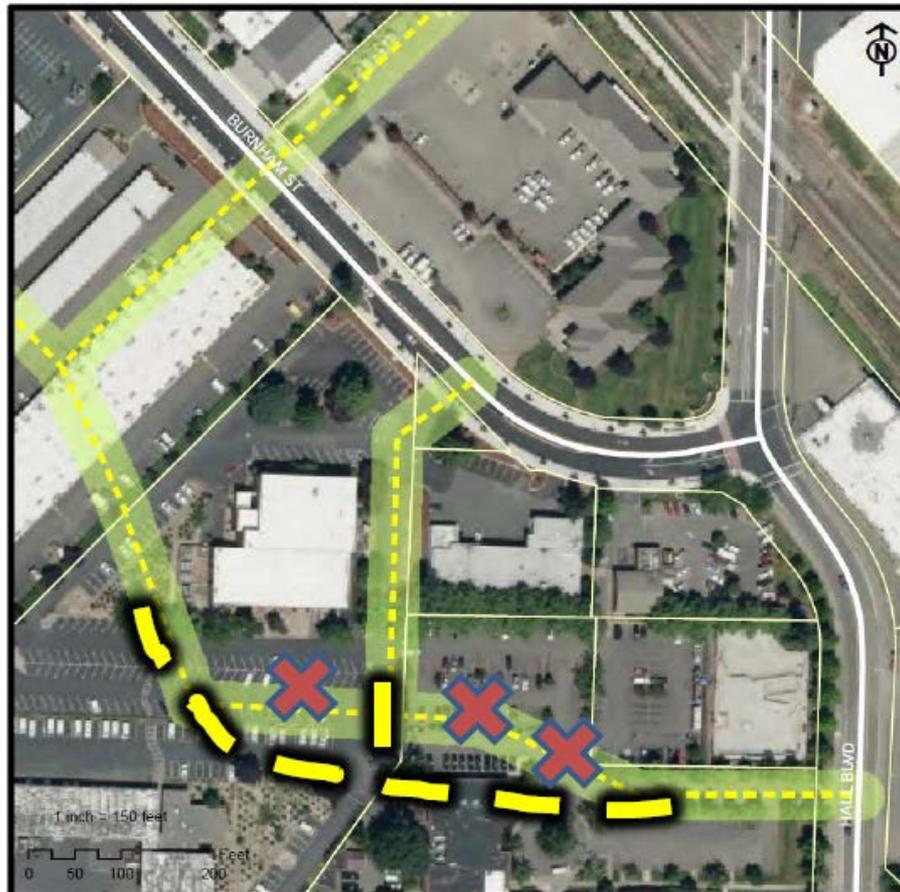


TSP Amendments

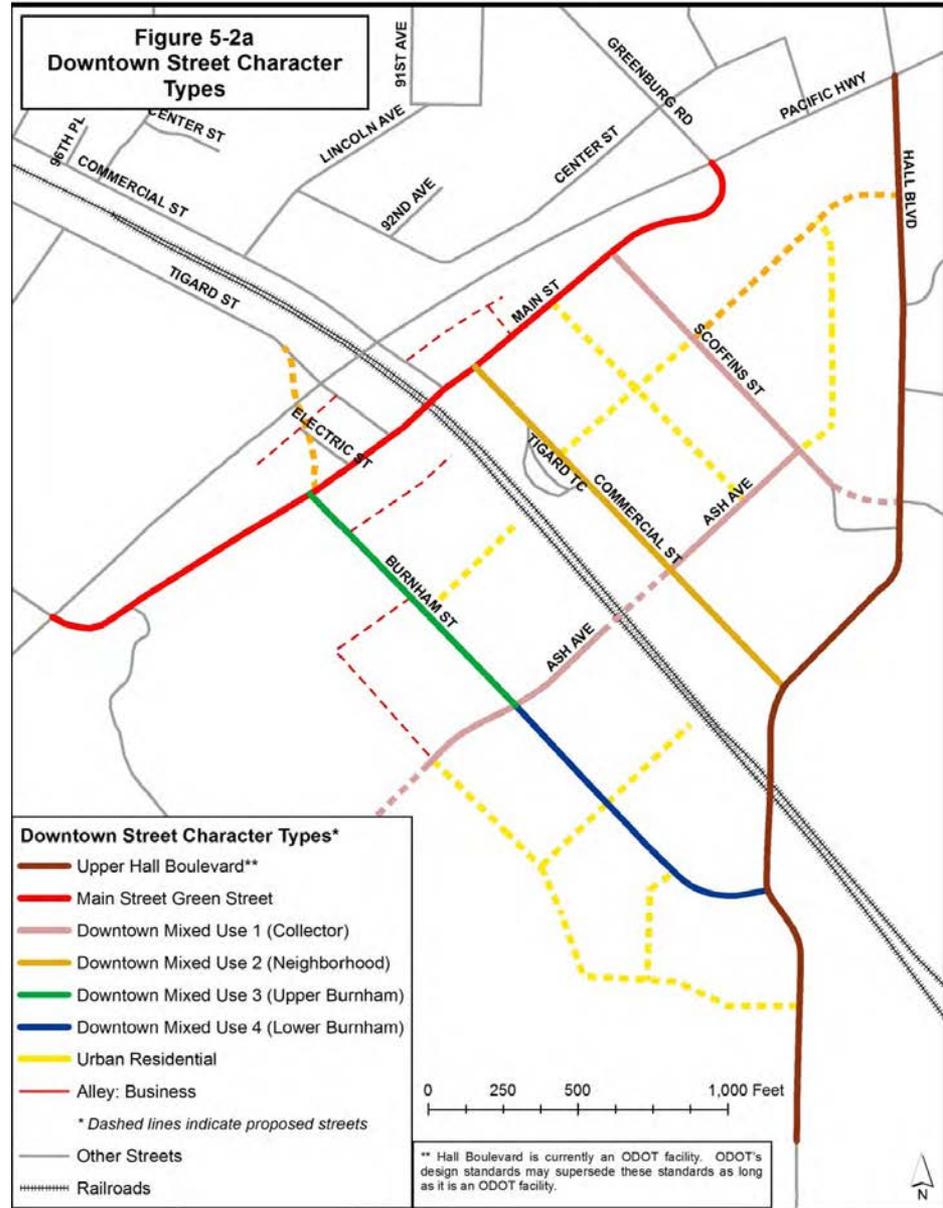
Figure 5-14I. Connectivity Projects Detail Sheet: Map 8

Street Character Type		Future Connectivity Alignment Area
 Downtown Mixed Use 1 (Collector)	 Required bike/pedestrian connections	
 Downtown Mixed Use 2 (Local)	 Existing Streets	
 Urban Residential (52'-56')	 Taxlots	
 Alley (20')		

Note: The width of the Future Connectivity Alignment Area is equal to the upper end of the right-of-way range listed for the street character type.



Proposed Street Character Types



Proposed Amendments to Chapter 18.810 (Street and Utility Improvement Standards)

- Special street character and cross sections with enhanced streetscape design
 - For existing streets as well as future street connections
 - Applied when the city improves a street or when a private developer has to make full- or half-street improvements as a part of their development

Proposed Amendments to Chapter 18.810: New Cross-Sections

Current

- Scoffins Street is a Collector

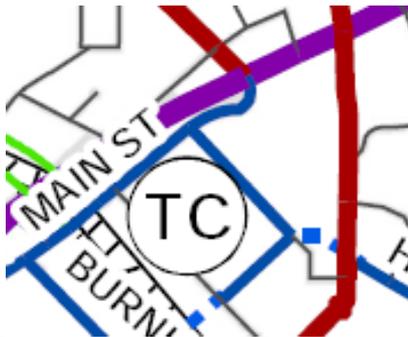
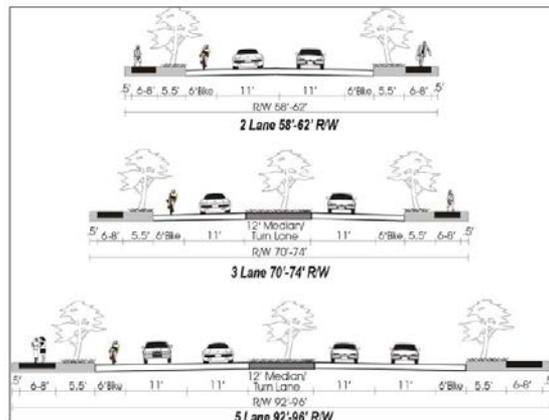
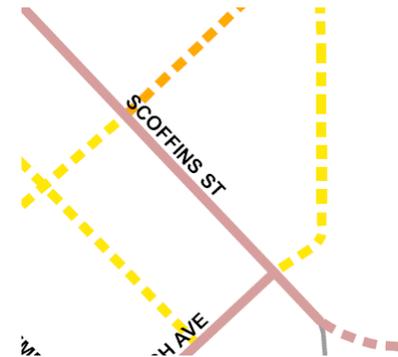


Figure 18.810.2
Collector Sample Cross Sections ⁽¹⁾



Future

- Scoffins Street is with Downtown Mixed Use 1 Character Type



Street Character



Hall Boulevard - Downtown – Upper

SW Hall Blvd. is currently an ODOT facility. The 2035 Tigard Transportation System Plan recommends that a corridor plan be completed for the SW Hall Blvd. Corridor The street character standards for Upper Hall Boulevard shall not be considered final until the corridor plan is complete.

Street Character



Downtown Mixed Use 1 – Downtown Collector

Street Character



Downtown Mixed Use 2 – Downtown Neighborhood

Street Character



Downtown Mixed Use 3 – Upper Burnham



Downtown Mixed Use 4 – Lower Burnham

Street Character



Downtown – Urban Residential



Downtown - Alley

Proposed Amendments to Chapter 18.610 (Tigard Downtown District Development & Design Standards)

- New Section 18.610.025 (Connectivity)
- References TSP connectivity maps
- Establishes three sets of standards:
 - New Development and Major Redevelopment
 - All other projects
 - Pedestrian Pathways

Proposed Amendments to Chapter 18.610

New Development and Major Redevelopment

- Major Redevelopment = valued at more than 60% of its total current value as assessed by the Washington County assessor
- Dedicate the required right-of-way (or dedicate a public easement if approved by City Engineer)
- Construct the required improvements
- Changes to landscaping requirement in Table 18.610.1 to allow applicant to count landscaping that was part of a required street improvement

Proposed Amendments to Chapter 18.610

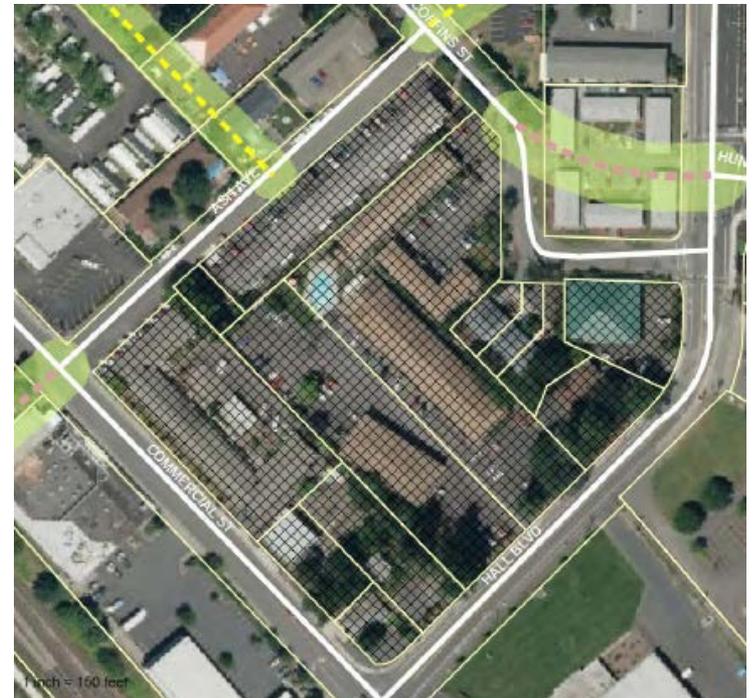
All Other Projects

- Redevelopment = project valued at 60% or less than its total current value as assessed by the Washington County assessor
- Preserve the potential for a future connectivity improvement
 - No new buildings within future alignment
 - Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed
- Sign a non-remonstrance to future Local Improvement District (LID)

Proposed Amendments to Chapter 18.610

Required New Pedestrian Pathway

- For new development and major redevelopment within the area designated for required multi-use pathway
- Provide multi-use pathway on public easements or right-of-ways which ensures connections through the block at least every 330 feet
- Pathways:
 - Direct connection



Proposed Amendments to Chapter 18.370

Adjustments to Connectivity Standards

- Type II procedure
- Criteria:
 - Equally or better meet downtown design principles outlined in the TSP
 - Applying the standards would preclude all reasonable economic use of the site
 - Potential for a future connection is preserved
 - No adverse impact on natural features such as wetlands, bodies of water, significant habitat areas, steep slopes, or existing mature trees

Rough Proportionality

18.810.020 General Provisions

- A. When standards apply. Unless otherwise provided, construction, reconstruction or repair of streets, sidewalks, curbs and other public improvements shall occur in accordance with the standards of this title. No development may occur and no land use application may be approved unless the public facilities related to development comply with the public facility requirements established in this section and adequate public facilities are available. **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.**

Public Involvement

- Project Website
- CCAC Principles
- Technical Advisory Committee
- Open House
- CCAC review over several meetings
- City Council, Planning Commission, and Tigard Transportation Advisory Committee workshops
- Property owners meetings
- 2nd Open House

Citizen Comments

- Five written comments:
One supportive, two neutral, two opposed
- Eight phone / in person contacts- asked questions about how it would effect them. One made a specific suggestion to delete a proposed connection.

Agency Comments

- TVF&R and TriMet supportive
- ODOT comments response in staff report

Planning Commissions Hearing October 15, 2012

- Three citizens testified (one in support, two opposed)
- PC recommended changes in response to hearing and citizen testimony
- Unanimously recommended approval to Council approval

Planning Commission Recommended Changes

- Additional code language that specifies 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.

Planning Commission recommended changes



Allow flexible design standards for the street near Fanno Creek park. Reduced ROW, pervious pavers.

(addressed in 18.370)

Findings:

As found in the staff report, the proposed amendments meet the necessary approval criteria from the:

- Tigard Development Code
- Tigard Comprehensive Plan
- Metro Urban Growth Management Functional Plan
- Metro Regional Transportation Functional Plan
- Oregon Administrative Rules
- Statewide Planning Goals

Staff Recommendation:

Staff recommends that the City Council concur with the Planning Commission and approve the code amendments.

AIS-1116

. A.

Business Meeting

Meeting Date: 12/11/2012

Length (in minutes):

Agenda Title: Proposal by Councilor Wilson to Name the Summer Creek Property as Dirksen Nature Park

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Resolution

Meeting Type: Council Business Meeting - Main

Public Hearing: No

Publication Date:

Information

ISSUE

During the Non-Agenda segment of the December 11, 2012, City Council Meeting Councilor Wilson proposed that the Summer Creek Property be named the "Dirksen Nature Park" in honor of Tigard Mayor Craig Dirksen.

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

Members of the Tigard City Council present adopted Resolution No. 12-52 to name the Summer Creek Property the "Dirksen Nature Park" as proposed by Councilor Wilson. The adopted resolution is attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Resolution No. 12-52

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 12-52

A RESOLUTION NAMING THE SUMMER CREEK PROPERTY AS "DIRKSEN NATURE PARK" IN HONOR OF TIGARD MAYOR CRAIG DIRKSEN

WHEREAS, the City through Resolution No. 99-37 (Exhibit A), established a policy on placing memorials in city park facilities, city-owned property, and for the naming of buildings and park properties; and

WHEREAS, Craig Dirksen has served as the mayor of the City of Tigard since January 2004 and his City of Tigard service will conclude December 31, 2012; and

WHEREAS, Mayor Dirksen has been a very active proponent for the acquisition of city parks and open spaces for Tigard citizens; and

WHEREAS, Mayor Dirksen was a member of the Parks Board from April 1992 – June 1993; and

WHEREAS, the city's park and open space acreage grew from 301 acres to 460 acres, a 53-percent increase, during the time he served on the council and as mayor; and

WHEREAS, Mayor Dirksen supported and advocated for the 2010 park and open space bond measure; and

WHEREAS, the bond measure was successful and has enabled the city to purchase nearly 110 acres of parks and open space since November 2010; and

WHEREAS, the city acquired Summer Creek property, also known as the Fowler property, using the park bond funds and other funding sources; and

WHEREAS, the 48-acre property, bordered by Fowler Middle School, Tiedeman Avenue and Tigard Street, will soon become Tigard's largest nature park and second largest city park; and

WHEREAS, the City Council wishes to honor Mayor Dirksen's contributions to the City of Tigard; and

WHEREAS, the naming of this park would be a fitting tribute to Mayor Dirksen and his efforts to make Tigard "*A Place to Call Home*."

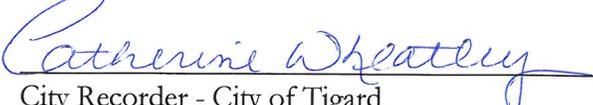
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

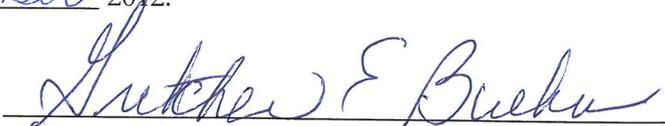
SECTION 1: The Summer Creek property shall be named Dirksen Nature Park in honor of Tigard Mayor Craig Dirksen.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This 11th day of December 2012.

ATTEST:


Catherine Wheatley
City Recorder - City of Tigard


Lutech E. Buehn
Council President - City of Tigard