



City of Tigard

Tigard Workshop Meeting - Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: March 20, 2012 - 6:30 p.m.

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

PUBLIC NOTICE:

There is a business meeting item on this agenda; please see Agenda Item No. 4.

Times noted are estimated.

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).

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

Workshop meetings are cablecast on Tualatin Valley Community TV as follows:

Replay Schedule for Tigard City Council Workshop Meetings - Channel 30

- Every Sunday at 11 a.m.
- Every Monday at 6 a.m.
- Every Tuesday* at 2 pm (**Workshop meetings are not aired live. Tuesday broadcasts are a replay of the most recent workshop meeting.*)
- Every Thursday at 12 p.m.
- Every Friday at 3 a.m.

SEE ATTACHED AGENDA



City of Tigard

Tigard Workshop Meeting - Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: March 20, 2012 - 6:30 p.m.

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

6:30 PM

Please Note: Agenda Item No. 4 is a business meeting item.

1. WORKSHOP/BUSINESS MEETING
 - A. Call to Order- City Council
 - B. Roll Call
 - C. Pledge of Allegiance
 - D. Council Communications & Liaison Reports
 - E. Call to Council and Staff for Non-Agenda Items

2. DISCUSS THE MAIN STREET GREEN STREET PROJECT (Staff report will be available Friday, March 16, 2012.)
6:35 p.m. - time is estimated.

3. ANNUAL JOINT MEETING WITH THE PLANNING COMMISSION
6:50 p.m. - time is estimated.

4. APPROVE RIVER TERRACE INTERGOVERNMENTAL AGREEMENT AND ASSIGNMENT AGREEMENT WITH WASHINGTON COUNTY
7:50 p.m. - time is estimated.

5. PRELIMINARY DISCUSSION - OPTIONS FOR FILLING A VACANCY ON THE CITY COUNCIL
8:05 p.m. - time is estimated.

6. COUNCIL LIAISON REPORTS

7. NON AGENDA ITEMS

8. 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.

9. ADJOURNMENT
8:15 p.m. - time is estimated.

AIS-807

Workshop Meeting

Meeting Date: 03/20/2012

Length (in minutes): 15 Minutes

Agenda Title: Main Street/Green Street Project Discussion

Prepared For: Kim McMillan

Submitted By: Greer Gaston, Public Works

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Workshop Mtg.

Information

ISSUE

Staff and the council will discuss the Main Street Green Street project. Staff is seeking council direction on whether to proceed with the project as designed or to place it on hold in order to consider design changes and/or additions to the project scope.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends council discusses the project and provides direction.

KEY FACTS AND INFORMATION SUMMARY

Staff prepared a memo summarizing the history and status of the Main Street Green Street project. The memo also addresses recent issues raised by council. The memo is attached.

OTHER ALTERNATIVES

The council could decide not to hold the discussion and not to provide direction. However, the status of the project would be unclear.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

2012 Long-Term Council Goal to "Continue implementing the Downtown Urban Renewal Plan."

DATES OF PREVIOUS CONSIDERATION

The council:

- Was briefed on an intergovernmental agreement for project right-of-way services at its February 8, 2011, meeting.
- Approved an intergovernmental agreement for project right-of-way services at its February 22, 2011 meeting.
- Provided direction on the project parking layout at its February 15, 2011, meeting.
- Adopted a resolution of necessity to acquire property for the project at its January 24, 2012, meeting.

Fiscal Impact

Cost: \$3.15 million

Budgeted (yes or no): Yes

Where Budgeted (department/program): Gas tax & water funds/grant

Additional Fiscal Notes:

The project is funded through a \$2.5 million, federally-funded grant awarded by Metro and administered by the Oregon Department of Transportation. The city is required to provide \$650,000 in matching funds – \$450,000 will come from the gas tax fund and \$200,000 will come from the water fund. The project is included in the 2011-2016 Capital Improvement Plan.

Attachments

[Memo - Main Street Project Discussion and Direction](#)

[Main Street Parking Agenda Item Summary Excerpt 2-15-11](#)

[Main Street Parking Minutes 2-15-11](#)

[Main Street Construction Survey Results](#)



City of Tigard Memorandum

To: The Honorable Mayor and City Councilors
From: Engineering Manager Kim McMillan
Re: Main Street Green Street Project Discussion and Direction
Date: March 15, 2012

ISSUE

Staff is seeking direction on whether to proceed with the Main Street project as designed or to place the project on hold in order to consider design changes and/or additions to the project scope.

WHERE WE STARTED

As originally envisioned the Main Street project is a green street retrofit creating a more pedestrian-friendly and environmentally-sustainable downtown where redevelopment is encouraged. Total project costs are just over \$3 million. The city was awarded \$2.5 million grant to construct wider sidewalks and other pedestrian and bicycle amenities, green street stormwater treatment facilities, new street lights, street trees and other landscaping features. The grant was awarded by Metro and is administered by the Oregon Department of Transportation (ODOT). A \$650,000 City of Tigard match is budgeted in the current Capital Improvement Plan (CIP).

WHERE WE'VE BEEN

In 2010, before project design was underway, staff and the city's consultant presented the Main Street project to downtown business and property owners. Their greatest concerns about the project revolved around parking and construction.

The city hired a parking consultant to work with staff and downtown business owners on the parking layout. The business owner group endorsed a parking layout consisting of angled and parallel parking. This layout is consistent with the Downtown Streetscape Design Plan adopted by council and received the support of the parking consultant, the City Center Advisory Committee, and, on February 15, 2011, the Tigard City Council. The council concluded its discussion on the parking layout as follows:

Mayor Dirksen said, "It wouldn't be Tigard Main Street without angled parking." Council President Buehner agreed. Councilor Woodard said he also liked angled parking but lamented the lack of space for more street furniture. Councilor Wilson said wide sidewalks are already sprinkled throughout downtown in areas such as Burnham Street. He suggested that if the time comes that there are too many pedestrians to fit on the sidewalks, we may have to reconsider, but for now this is appropriate.

Staff perceived these statements as clear direction to proceed with the angled and parallel parking layout. An excerpt of the agenda item summary and complete minutes of the council's discussion are attached.

WHERE WE ARE NOW

- Project design is 90-percent complete.
- In the future staff will provide council with regular updates on the Main Street project.

- Council recently approved a resolution of necessity for right-of-way acquisition, as required by our intergovernmental agreement with ODOT. The city's right-of-way consultant is poised to begin work as soon as we have the go ahead from ODOT.
- Staff conducted a survey of downtown business and property owners to obtain their input on construction. Survey results are attached. The survey was followed by an open house on March 1, 2012. This was a venue to discuss construction impacts and give owners a second opportunity to provide input on how to minimize those impacts. Staff will develop bid documents based upon this input.
- Staff estimates the project will be out to bid in October 2012. Construction will follow shortly thereafter and should be completed within a year.

RECENT ISSUES RAISED BY COUNCIL

Pedestrian Clear Zone

The project is constrained by the distance between buildings. The travel lanes have been reduced from 12 feet to 11 feet with parallel parking on one side of the street and angled parking on the other. The stormwater planters, part of the green features required to qualify for the grant, have been downsized. The sidewalks vary in width, with about half of the sidewalk being between 6- and 8-foot wide, and the other half being greater than 8 feet in width. In areas where the sidewalks are less than 8 feet, the street trees have been moved into the curb bulb outs, if possible. This compromises the square footage of the water quality treatment area, but in discussions with our consultant and the representative from Metro this is an acceptable trade-off.

Streetscape Design

Street lights have been moved as close to the edge of the sidewalk as possible. There will also be some lateral movement of the lights to accommodate the relocation of street trees.

Stormwater Outfalls & Bridge Rehab/Beautification

There are 3 storm pipes that outfall to Fanno Creek near ABoys. Staff is in the process of confirming that only one pipe is active. Because the Main Street grant documents state we not impact on Fanno Creek, we cannot include work on these outfalls with this project. There have also been requests to rehab and beautify the bridge. The Main Street project scope did not include any bridge work.

The city was advised by Metro that the project is too far along to add stormwater outfall and/or bridge work. Additionally, the stormwater work would need to be reviewed and possibly permitted through various agencies such as Clean Water Services, the Oregon Department of Fish and Wildlife, the Army Corps of Engineers, and the Department of Sensitive Lands. These reviews will likely take between 6 months and a year to complete.

The stormwater outfall project is expected to cost \$455,000, and the bridge rehab and beautification will cost approximately \$1.4 million. These projects have been added to the proposed 2012-2017 CIP.

IMPLICATIONS OF PROJECT CHANGES

HHPR, the firm hired to design and construct the project, estimates changes involving sidewalk widths would necessitate a major redesign. Sidewalks affect nearly every aspect of the project including parking, stormwater planters, and the location of street trees and lighting. HHPR puts the cost to redesign the project between \$125,000 and \$150,000. Staff estimates a redesign would delay the project by at least 5 months.

**Excerpt from 2-15-11
Main Street Parking Options
Agenda Item Summary**

Workshop Meeting

Meeting Date: 02/15/2011

Length (in minutes): 45 Minutes

Agenda Title: Presentation on Main Street Parking Options for the Main Street/Green Street Retrofit Project

Prepared For: Kim McMillan

Item Type:

Meeting Type: Council Workshop Mtg.

Information

ISSUE

The Council is asked to listen to a presentation and provide input on parking options for the Main Street/Green Street Retrofit project. Staff is seeking Council direction to proceed with a parking layout and to develop a parking management strategy.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the Councilors participate in the presentation and direct staff to proceed with the preferred parking layout and to develop a parking management strategy.

KEY FACTS AND INFORMATION SUMMARY

- The Main Street/Green Street Retrofit project, funded by a combination of a Metropolitan Transportation Improvement Program grant and City resources, will rebuild Main Street to incorporate “green street” elements, like stormwater planters, LED street lights, and additional pedestrian amenities.
- Two of the City's consultants, Rick Williams and Gary Alfson, will attend the presentation. Mr. Williams, of Rick Williams Consulting, specializes in parking management and operations. Mr. Alfson is with Harper Houf Peterson Righellis Inc. (HHPR), the firm that's been hired to design and construct the project.
- Parking was identified early on as a major design issue because it will impact all other design elements.
- Parking is critical to the vitality of every business along Main Street and is a major concern to business owners. Public Works and Community Development staff members met with a group of downtown business owners over the last several months to better understand parking issues from their perspective. Staff presented two parking alternatives to the business owners:
 1. All parallel parking
This option offers fewer parking spaces, with 12-foot sidewalks.
 2. **Preferred Option** - Angled and parallel parking
This option is similar to the existing layout and offers more parking spaces, with 8-foot sidewalks in most areas. There are, however, some areas that are currently wider than 8 feet, namely in front of some of the restaurants.

HHPR was able to design green street planters for either alternative. There won't be a reduction in existing sidewalk widths under either option.
- The business owners support option 2. They have clearly said that their customers find angled parking easier to use.
- Our consultant's experience has shown that angled parking is desirable on downtown main streets.
- The City Center Advisory Commission is also considering this issue and will be finalizing their recommendation on February 9. The Commissioners will present their recommendation at this workshop.
- As a next step, a parking management strategy will need to be developed. This strategy will establish policies that result in the most efficient use of parking resources. In short, a parking management strategy will determine the "who, what, when, where and how" of downtown parking, with the ultimate goal being that sufficient parking is available for customers and employees. This strategy will be developed as the design is finalized and will be implemented in phases.

OTHER ALTERNATIVES

The Council could conclude that the proposed parking layouts are not in the community's best interest and could direct staff to continue to develop other parking options.

**Minutes from 2-15-11
Main Street Parking Options
Discussion**

3. PRESENTATION ON MAIN STREET PARKING OPTIONS FOR THE MAIN STREET/GREEN STREET RETROFIT PROJECT

 Engineer McMillan introduced parking consultant Rick Williams and Gary Alfson, Associate Principal at Harper Houf Peterson. She said Redevelopment Project Manager Farrelly also worked with her on this project. She noted that the CCAC voted to support the recommendation that will be presented tonight.

Engineer McMillan said four meetings were held with Main Street business owners. Staff heard that they wanted more involvement, so a Parking Discussion Group was formed. She said a Main Street business representative from Tyler's Automotive was present and she thanked her for her attendance and participation. She said there has been between 10-14 Main Street business owners at each meeting. Two of their main concerns are parking and construction.

Parking options included 1) all parallel parking with improvements and 2) slightly adjusted angle parking. She said the Parking Discussion Group was not in favor of parallel parking. They agreed to sacrifice some spaces if somewhat modified angle parking was kept. She said the main difference between the two options is the sidewalk width. With angle parking, there won't be the 12-foot sidewalks, however some existing businesses already have them, for example, in front of Max' Fanno Creek Brew Pub and Café Allegro. Redevelopment Project Manager Farrelly noted that the Green Street treatment adds three feet onto the existing sidewalks so we are not losing any pedestrian way.

Council President Buehner mentioned that some employees of downtown businesses are parking in front, taking space away from potential customers. Engineer McMillan said Consultant Williams will work with business owners and the City to develop a parking management plan. Engineer McMillan said the City committed to allow the use of two lots on Burnham for parking during construction. Staff also talked with business owners above Burnham and Main about a public/private partnership for parking. She acknowledged Tyler's Automotive and the car wash owners for agreeing to ask their employees to park off-street.

Engineer McMillan presented a PowerPoint on the Main Street Green Street project. A copy of this presentation is in the meeting packet.

She called attention to the angled parking and pedestrian bulb-outs and raised crosswalks. Redevelopment Project Manager Farrelly said pedestrian safety was an important component, mentioned by all stakeholders and these crosswalk features support it.

Council President Buehner asked if TriMet is involved in these plans. She was concerned with busses speeding on Main Street, especially as they near Commercial Street.

TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011

 Consultant Williams spoke about how parking designs support the Main Street project. He presented a PowerPoint on the advantages of a well-designed parking plan. A copy of his presentation is in the meeting packet. He said he concurred with the suggestion of the CCAC and Parking Discussion Group.

Council President Buehner suggested using Tigard Street as an area for additional parallel parking. Engineer McMillan said that hadn't been considered, but they could look at that.

Councilor Wilson asked about back-end angle parking. Consultant Alfson said that makes it safer for pulling out but in Main Street's case the angle is too steep. He said the speed of through traffic will be slowed somewhat by the raised crosswalks and narrow lanes. Consultant Williams agreed that head-in parking is easier and he has found the back-in parking is best for cities that have inclines, such as Seattle.

Council President Buehner asked about the turnaround at the south end of Main Street at Pacific Highway. Engineer McMillan said a discussion regarding a turnaround would need to occur at a later date due to uncertainties regarding right of way and other details. Councilor Wilson said this was a great idea and suggested putting in another at the other end of Main Street.

 Mayor Dirksen said, "It wouldn't be Tigard Main Street without angled parking." Council President Buehner agreed. Councilor Woodard said he also liked angled parking but lamented the lack of space for more street furniture. Councilor Wilson said wide sidewalks are already sprinkled throughout downtown in areas such as Burnham Street. He suggested that if the time comes that there are too many pedestrians to fit on the sidewalks, we may have to reconsider, but for now this is appropriate.

4. BRIEFING ON THE ECONOMIC OPPORTUNITIES ANALYSIS

 Senior Planner Wyss introduced this item and gave an update on the project. He described the Economic Opportunities Analysis (EOA) as a technical exercise, which compares the projected demand for, and existing supply of, employment and industrial lands.

Senior Planner Wyss said the EOA is included as a work task in the statewide periodic review. The City received grant funds from the Department of Land Conservation and Development (DLCD) for consultant help. The City hired Cogan Owens Cogan to assist with the task and work began last June. He discussed the project tasks which have been completed and reviewed by the Planning Commission. He said the Planning Commission acted as the Citizen Advisory Committee on this project. While they were interested in discussing economic development in a broader sense, such as business recruitment and business cluster development, the EOA as required by the periodic review has a very narrow focus and these topics had to be tabled. There will be recommendations in the EOA for follow-up discussions. One of the

TIGARD CITY COUNCIL MINUTES – FEBRUARY 15, 2011

Tigard Main Street Green Street Improvements Construction Survey

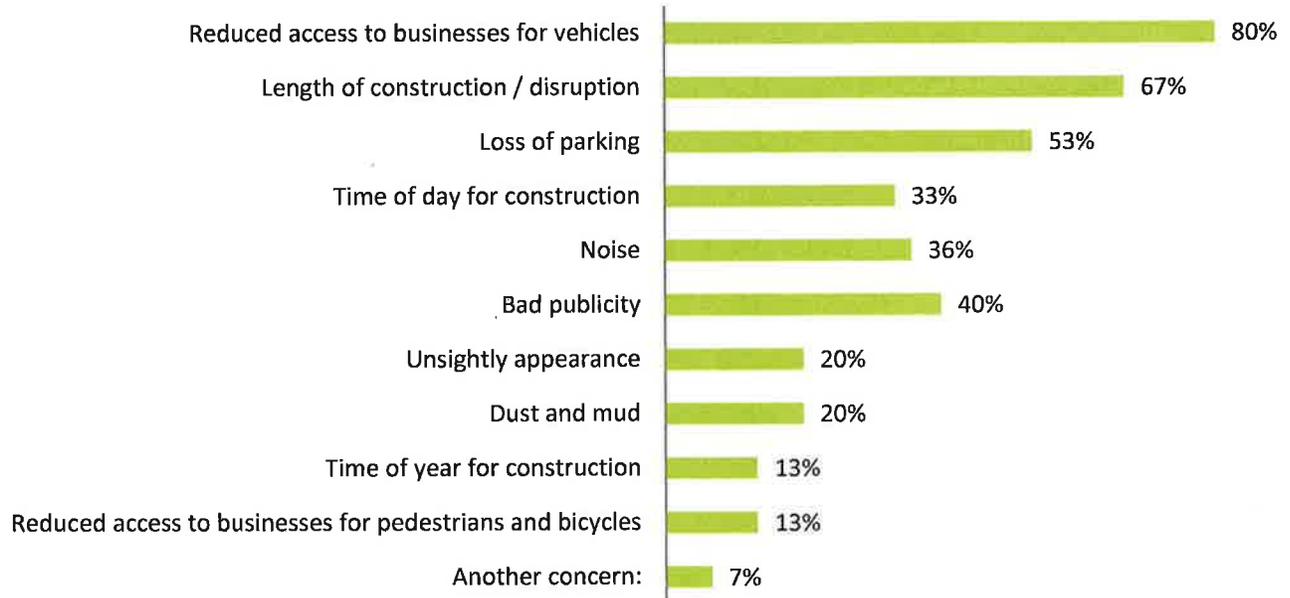
Results (March 7, 2012)

Which best describes your connection to Tigard's Main Street?

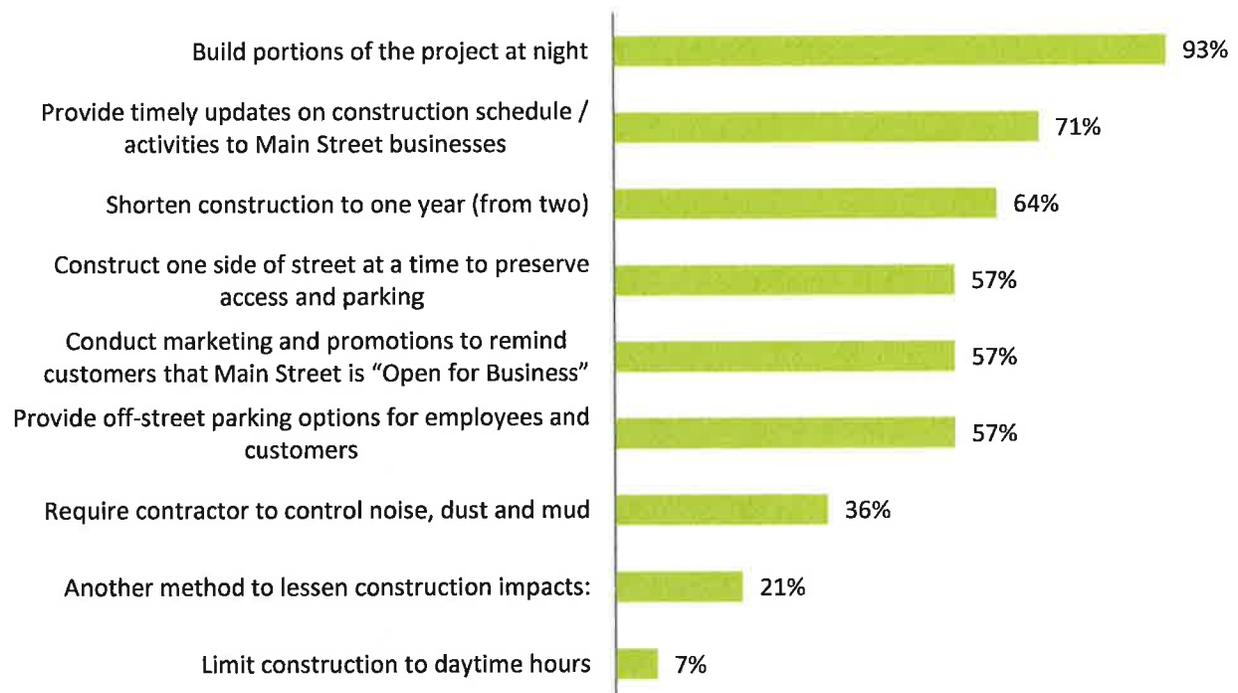
Business operator / employee	67%
Shop / dine on Main Street	20%
Property owner	13%

March, 2012
Downtown Business and Property Owner
Construction Survey Results

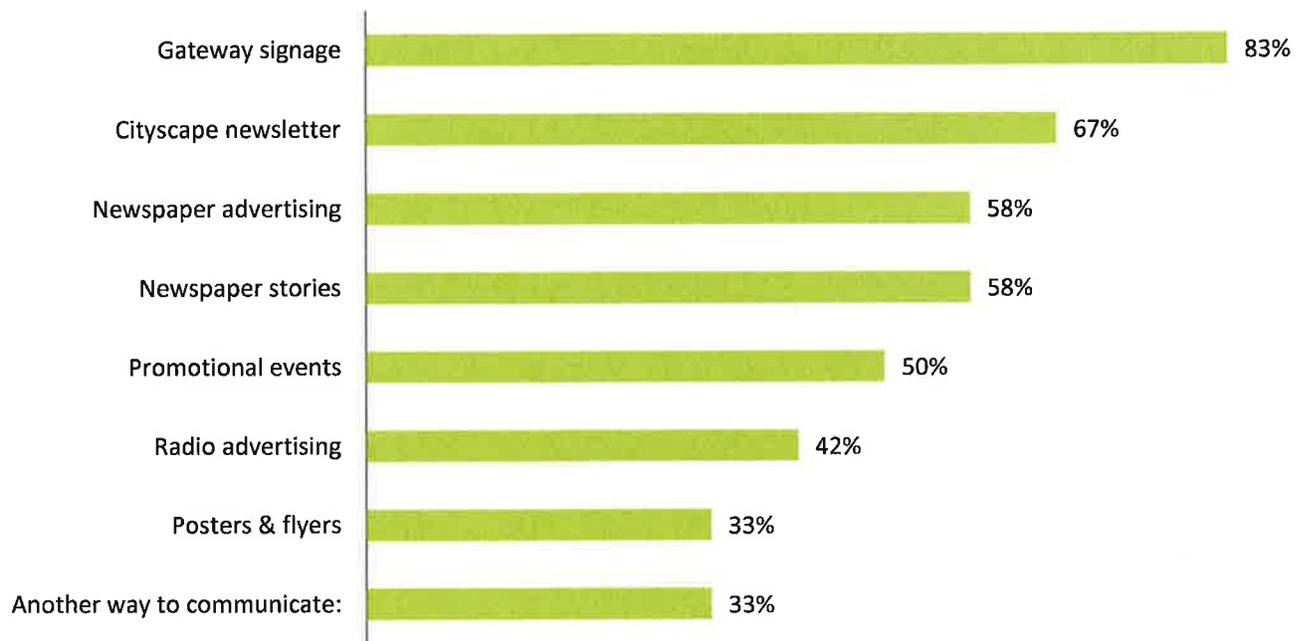
What are your leading concerns about upcoming Main Street construction?



Should Tigard consider any of these ways to lessen construction impacts?



What are the best ways to communicate that Main Street is "Open for Business"?



Comments:

- Let's just get it over with as quickly as possible.
- Work at night. Require contractor to be done when he gives bid! Give incentive to him ONLY if job is done and finished on set date. Do not use same contractor as Burnham. This was not finished on time.
- Don't restrict access beyond absolutely necessary!
- Be sure it is open for business by appearing to be getting it done.
- I will take care of my business. You take care of making my job possible.
- I suspect it a fruitless exercise, but try to impress upon construction workers a "sensitivity" to consumers during construction.
- Quick as possible
- Night work -- incentives for contractor that will finish on time. Communications with businesses from the City.
- Get work done fast and efficiently to reduce impact on businesses.
- Listen to your business owners
- Without us there is no City of Tigard!
- Show every day that it is moving to completion. Don't every let it look like it is stalled once it is started. Appearing to be stalled will cause people to go away forever, not just for a while.
- Keep traffic moving as much as possible and the businesses accessible.
- Do the work at night only. There are very few business open after 10 pm.
- Use direct mail to communicate (postcards)
- Make it quick or cancel the project.
- Bi-monthly or even weekly ads, newsletters and stories that are a constant reminder that we are here, open, and worth the trip to Downtown. 😊
- Be courteous to our customers because they are trying to support our Downtown.

Workshop Meeting**Meeting Date:** 03/20/2012**Length (in minutes):** 60 Minutes**Agenda Title:** Annual Joint Meeting with the Planning Commission**Prepared For:** Susan Hartnett**Submitted By:** Susan Hartnett, Community Development**Item Type:** Joint Meeting-Board or Other Juris.**Meeting Type:** Council Workshop Mtg.**Information****ISSUE**

The Planning Commission will report to Council on activities undertaken last year and will also present its 2012 goals .

STAFF RECOMMENDATION / ACTION REQUEST

Council is requested to receive the Planning Commission's report and provide feedback.

KEY FACTS AND INFORMATION SUMMARY

The Planning Commission will present its annual report and an update on its 2011 and 2012 goals. The commission will also report on its first year as the Committee for Citizen Involvement (CCI) for land use matters. This responsibility was delegated to it by the City Council late in November 2010. The charge includes an annual discussion about the program with council. The commission will also briefly discuss proposed revisions to its bylaws and associated changes to the Tigard Municipal Code (TMC) . This is in preparation for council's consideration of these matters at its March 27, 2012 meeting.

Attachment 1 contains the commission's Annual Report, including the CCI update. Attachment 2 contains Resolution 10-62, which assigns the CCI responsibility for land use matters to the Planning Commission. Attachment 3 contains the 2012 Planning Commission Goals.

An outline of the Planning Commission's proposed presentation and discussion is as follows:

1. Introduction of commissioners and alternates
2. Review of progress on Planning Commission 2011 Goals
3. Discuss revised bylaws and related TMC amendments
4. Review and discuss CCI activities
5. Present and discuss 2012 Planning Commission Goals
6. Other topics council may wish to raise

OTHER ALTERNATIVES

Council has the option to make suggestions or provide direction regarding the Planning Commission's goals and/or priorities for 2012.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

NA

DATES OF PREVIOUS COUNCIL CONSIDERATION

In May 2011, the City Council received the Planning Commission's 2010 Annual Report.

Attachments

[Attachment 1 - Annual Report](#)

[Attachment 2 - Resolution 10-62](#)

[Attachment 3 - 2012 Planning Commission Goals](#)

2011 ANNUAL REPORT ON TIGARD PLANNING COMMISSION GOALS AND COMMITTEE FOR CITIZEN INVOLVEMENT ACTIVITIES

Progress Report on 2011 Planning Commission Goals

- 1) Support achievement of City Council Goal 1- Implement the Comprehensive Plan:
 - a) Complete needed action in a timely manner and provide thoughtful recommendations on planning matters, including:
 - Economic Opportunities Analysis (Commission action 2nd Quarter 2011)
Planning Commission completed its recommendation to Council on April 4, 2011
 - Urban Forestry Code Revisions (Commission action 1st Quarter 2012);
Planning Commission held a first hearing on Feb 6, 2012 and expects to complete their review process on April 16, 2012
 - High Capacity Transit (HCT) Land Use Plan (Commission action 1st Quarter 2012);
Planning Commission will participate in a joint meeting with City Council on May 15, 2012 to hear the consultant's presentation of the final report
 - Regulatory Improvement Initiative (Commission action on second package 3rd Quarter 2011);
Work on this project has been delayed due to resource limitations
 - Downtown Circulation Plan (Commission action 4th Quarter 2011);
Work on this project has been delayed due to resource limitations
 - Greenway Trails Master Plan (Commission action 2nd Quarter 2011); and
Planning Commission completed its recommendation to council on June 20, 2011
 - Periodic Review Housing/Population Projections (Commission action 4th Quarter 2011).
Work on this project was delayed due to resource limitations; it is just getting underway
 - b) Focus on the Tigard Triangle:
 - Undertake a visioning workshop that builds on the Triangle's HCT Land Use Plan station area locations and typologies (3rd Quarter 2011);
On June 6, 2011 Planning Commission held a special workshop to discuss the outcomes of HCT Land Use Plan Design Workshop as they related to the Tigard Triangle and provided additional input and feedback to the project staff and consultant team. On Sept 19, 2011 the Planning Commission made an extensive site visit of the Tigard Triangle, making numerous stops to discuss issues and provide feedback to staff and the project consultants.
 - Provide input on a funding mechanism for transportation infrastructure improvements such as an area specific System Development Charge (4th Quarter 2011); and
Work on this project has been delayed due to resource limitations

- Help define/refine the project scope for a Tigard Triangle Master Plan (2nd Quarter 2012).

This work is still underway and will likely be completed in the 3rd quarter 2012

- 2) Provide timely and legally defensible decisions on assigned land use reviews and appeals (ongoing).

In addition to the items noted above, the Planning Commission took action on the following land use matters:

- *Approved Planned Development Review (PDR 2010-00002) and Minor Land Partition (MLP 2010-00002) for Red Rock Center on Jan 3, 2011*
- *Approved Minor Modification of Planned Development Review for White Oak Village Subdivision (PDR 2011-00001) on March 7, 2011*
- *Recommended City Council approve Comprehensive Plan Amendment (CPA 2011-00001) and Zoning Map Amendment (ZON 2011-00001) on May 16, 2011*
- *Approved Planned Development Review (PDR 2011-00002) for Black Rock Coffee Shop on June 20, 2011*

- 3) Initiate outreach to Planning Commissions in adjoining cities, particularly those with shared interests in High Capacity Transit, economic development and urbanization issues.

- a) By July 1, each Commissioner will begin receiving meeting notices for at least one other city's Planning Commission and will attend at least one meeting per year.

Work on this goal is still underway.

- 4) Enhance the Commission's technical knowledge on topics such as legal issues, infill/redevelopment challenges, demographic trends, sustainability/LEED, builder/developer needs through:

- a) One major presentation/event each year
- b) Three minor presentations/events each year

On Feb 28, 2011, the Planning Commission hosted a presentation on Successful Economic Development. Due to resources limitations, other events have not been scheduled.

In addition to the activities and actions described above, the Planning Commission completed a comprehensive revision of its bylaws on February 6, 2012 to conform them to the Model Bylaws and has forwarded those to the City Council with a recommendation to adopt them. The commission also reviewed Tigard Municipal Code (TMC) chapter 2.08, Planning Commission, to assure consistency between the TMC and the commission's recommended bylaws, and has forwarded suggested revisions to that chapter as well. The revised bylaws and TMC amendments are scheduled to be considered by the City Council on March 27, 2012.

Committee for Citizen Involvement (CCI) Activities

In November 2010, City Council passed Resolution 10-62 which appointed the Planning Commission as the state required Committee for Citizen Involvement (CCI) for land use planning related matters. This charge includes a requirement to meet annually with

City Council to evaluate the effectiveness of this citizen engagement processes. During the 16 month period, November 2010 through February 2012, the Planning Commission has performed the following tasks related to these new responsibilities:

- On November 15, 2010 received training on the purpose of the CCI and responsibilities associated with the assignment
- On February 7, 2011 received a presentation on the Public Involvement for the High Capacity Land Use Plan and provided feedback and suggestion for its implementation

During the remainder of 2012, the Planning Commissioner expects to perform the following functions related to its role as the CCI for land use matters:

- Receive post-project reports on the public involvement plans for the Urban Forestry Code Revisions and High Capacity Transit Land Use Plan
- Receive presentations of the public involvement plans for new long range planning projects that are anticipated to begin in the next several months

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL

RESOLUTION NO. 10- 62

A RESOLUTION AMENDING THE CITY'S CITIZEN INVOLVEMENT STRUCTURE AND APPOINTING THE PLANNING COMMISSION TO SERVE AS THE STATE REQUIRED COMMITTEE FOR CITIZEN INVOLVEMENT.

WHEREAS, citizen involvement and two-way communication with its citizens is a City Comprehensive Plan priority and a current Council Goal; and

WHEREAS, state law requires the City to maintain a citizen involvement program that ensures the opportunity for citizens to be actively involved in the land use process; and

WHEREAS, it is the City of Tigard's intent to meet state requirements for citizen involvement in land use planning and also those of Tigard's Comprehensive Plan; and

WHEREAS, the City of Tigard seeks to ensure the Committee for Citizen Involvement has a meaningful role that can be supported by current staff and other resources; and

WHEREAS, the current Committee for Citizen Involvement's charge goes beyond that of Statewide Planning Goal 1 and a significant amount of Committee time has been dedicated to issues outside of land use, such as the Neighborhood Network Program; and

WHEREAS, the City of Tigard recognizes the importance of continuing efforts to engage citizens in a wide range of issues and projects.

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

SECTION 1: The Tigard Planning Commissions is hereby appointed to serve as the state required Committee for Citizen Involvement for land use planning related matters and, if needed, City staff is directed to amend the Tigard Municipal Code to reflect this change.

SECTION 2: The bylaws and charge statements of other boards, commissions, and committees shall be modified to specifically require citizen involvement as part of their responsibilities.

SECTION 3: The bylaws of the current Committee for Citizen Involvement shall be modified to transform this committee into the Council advisory committee for the Neighborhood Network Program.

SECTION 4: The City Manager is authorized to sign and send a letter (Exhibit A) to the Department of Land Conservation and Development notifying their Communications Officer of these changes.

SECTION 5: The Planning Commission as the Committee for Citizen Involvement will meet annually with City Council to evaluate the effectiveness of this citizen engagement process.

SECTION 6: This resolution is effective immediately upon passage.

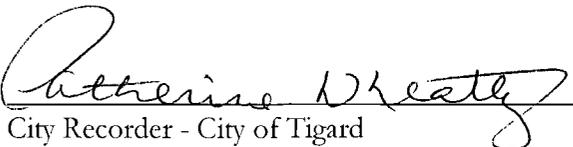
RESOLUTION NO. 10- 62

PASSED: This 23rd day of November 2010.



Mayor - City of Tigard
Council President

ATTEST:



City Recorder - City of Tigard

Exhibit A

Craig Prosser
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223
November 24, 2010

[Name]

[Title]

Oregon Land Conservation and Development Department
635 Capitol St. NE, Suite 150
Salem 97301-2540

Dear [Recipient Name]:

On Nov 23, 2010 in Resolution 10-XX, the Tigard City Council assigned the state required citizen involvement responsibility for land use to the Tigard Planning Commission. This shift from the prior practice of utilizing an independent Committee for Citizen Involvement (CCI) was prompted by several factors, which are described below. It does not signal a diminishment of the City's commitment to meaningful and robust citizen involvement in a broad range of issues and matters, including land use and land use decisions.

For many years Tigard has maintained an independent CCI whose charge has included the state required oversight of citizen involvement in land use and land use decisions. However, their charge has also encompassed many other responsibilities and the specific charge(s) of the committee has transitioned several times over the many years of its existence. Recent budget cuts and the desire to direct limited staff and volunteer resources most effectively toward the full range of citizen involvement oversight needs required that changes be made to the delegation of these responsibilities.

The Tigard Comprehensive Plan in Goal 1 says to, "Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the process." The City currently maintains ten citizen based volunteer committees with ongoing assignments to advise the City Council on matters pertaining to their area of responsibility. These range from the required Library Board and Budget Committee to the Planning Commission, Transportation Advisory Committee, and Parks and Recreation Board.

To better implement the Comprehensive Plan policies 1.1.1 - 1.1.5 the City Council has directed in Resolution 10-XX that all standing committees, boards, and commissions include in their charge citizen involvement appropriate to their main responsibilities and charge. This new assignment will be implemented by amending the bylaws for each committee, board, and commission. The Council also meets annually in open session with each group to review their work program and expects to include a review of their citizen involvement efforts as part of that discussion. Assigning the responsibilities for

citizen involvement oversight for land use and land use decisions to the Planning Commission is clearly consistent with this overall approach.

In Resolution 10-XX the Council also directed that the charge of the existing Committee for Citizen Involvement become more narrowly focused on the City's Neighborhood Network program in order to better support and further develop that effort. The name of the committee will change to reflect this new focus and their charge will also include the responsibility for citizen involvement appropriate to their main responsibilities.

The Tigard Planning Commission's members are selected by an open, well-publicized public process. The City's process for appointing board and committee members includes advertisement in the City's Newsletter and online, interviews by the Mayor's Appointment Advisory Committee, and written notification of appointment.

While these changes are fairly significant, the City Council believes they will strengthen and broaden the City's efforts to provide meaningful and robust opportunities for citizen involvement on the full range of issues affecting Tigard. The Council is confident that the Planning Commission can assume the state required oversight of citizen involvement in land use and land use decisions and that the annual discussion of the Commission's work program provides a reasonable opportunity to consider the effectiveness of their efforts.

Please do not hesitate to contact me at 503-639-4171 if there are any questions or concerns about these changes.

Sincerely,

Craig Prosser
Tigard City Manager

TIGARD PLANNING COMMISSION 2012 GOALS

1) Support achievement of City Council 2012 Goals by:

a) Completing needed action in a timely manner and providing thoughtful recommendations on planning matters, including:

- Urban Forestry Code Revisions (2nd Quarter 2012);
- High Capacity Transit Land Use Plan Implementation actions;
- Regulatory Improvement Initiative and other code amendment efforts;
- Downtown Circulation Plan;
- River Terrace Community Plan;
- Periodic Review Housing/Population Projections; and
- Periodic Review Public Facilities Plan.

b) Continuing to focus on the Tigard Triangle including:

- Help define/refine the project scope for a Tigard Triangle Master Plan (3rd Quarter 2012) that builds on the Triangle's HCT Land Use Plan station area locations and includes work elements to support the city's interests in the Southwest Corridor Plan.
- Provide input on a funding mechanism for transportation infrastructure improvements such as an area specific System Development Charge.

c) Seeking economic development opportunities that continue to improve and protect Tigard's natural and built environment as sustainable assets.

2) Provide timely and legally defensible decisions on assigned land use reviews and appeals (ongoing).

3) Continue to pursue outreach to Planning Commissions in adjoining cities, particularly those with shared interests in High Capacity Transit, economic development and urbanization issues.

4) As resources permit, enhance the commission's technical knowledge on topics such as legal issues, infill/redevelopment challenges, demographic trends, sustainability/LEED, builder/developer needs through:

- a. One major presentation/event each year
- b. Three minor presentations/events each year

Excerpt from 2012 Tigard City Council Goals

1. Take the Next Step on Major Projects
 - a. Implement the Comprehensive Plan through code revisions, including:
 - i. Tree code.
 - ii. Contribute to the SW Corridor Plan by adopting Tigard's land use policies and designations and identifying priorities for high-capacity transit (HCT) station location alternatives by mid-2012.
 1. Determine the economic development opportunities, development plan, city policies and regulations needed to position the Tigard Triangle as an HCT station location.
2. Financial Sustainability

Workshop Meeting

Meeting Date: 03/20/2012

Length (in minutes): 15 Minutes

Agenda Title: Approve River Terrace Intergovernmental Agreement and Assignment Agreement with Washington County

Submitted By: Liz Newton, City Management

Item Type: Motion Requested **Meeting Type:** Council Business Meeting - Main

Information

ISSUE

Consider approval of an Intergovernmental Agreement (IGA) for community planning and an Assignment Agreement of rights and delegation of duties under a construction excise tax (CET) grant with Washington County for the River Terrace area.

STAFF RECOMMENDATION / ACTION REQUEST

Approve both the Assignment Agreement and the IGA for community planning for River Terrace and authorize the city manager to sign both documents.

KEY FACTS AND INFORMATION SUMMARY

In 2002 Metro brought approximately 500 acres of land known as Areas 63 and 64 within the Urban Growth Boundary (UGB). A third component of the West Bull Mountain Concept Plan known as the "Rural Element" was not brought inside the UGB in 2002. In November 2010 Washington County adopted the West Bull Mountain Concept Plan Resolution and Order that established land use strategies for how Area 63 and 64/River Terrace should become a future urban community.

On September 30, 2011 the city annexed Area 64/River Terrace. The area annexed to the city is illustrated on the map attached to the IGA as Exhibit B. The city has also been formally approached by property owners in Area 63 and the Rural Element who are interested in annexing to Tigard.

On October 20, 2011 Metro brought approximately 49 acres known as the Roy Rogers West Area, a portion of the Rural Element, within the UGB.

The Tigard Urban Service Agreement (TUSA) adopted in 2003 designated Tigard as the appropriate provider of services in the Tigard urban service area except as set forth in the TUSA. As the ultimate provider of urban services to the River Terrace Area, the city and county agree that the city should be responsible for developing a community plan for the area. The city agrees to use the county's adopted concept plan as the starting point for the community planning effort.

The attached IGA delegates community planning responsibility from the county to the city, commits the county to financial support of the community planning effort and support of the annexation of Area 63 and Roy Rogers West in to the city. The city agrees to begin annexation of unincorporated islands within its boundaries and assume ownership interest in roads within its jurisdictional boundaries.

In the Assignment Agreement (Exhibit D to the IGA) the county assigns, and the city agrees to accept, responsibility for developing and adopting a community plan for River Terrace, Area 63, Roy Rogers West and the balance of the Rural Element. Further the county assigns, and the city accepts, the right to claim the remaining Metro CET grant money designated for this purpose. The sum is estimated at approximately \$134,000.

OTHER ALTERNATIVES

The council could amend either the IGA or the Assignment Agreement or both.

The council could vote not to approve the IGA including Exhibit D, the Assignment Agreement.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

IGA

IGA Exhibit A

IGA Exhibit B

IGA Exhibit C

Exhibit D Assignment Agreement with Exhibits

IGA Exhibit E

INTERGOVERNMENTAL AGREEMENT
Coordination in Urbanizing Areas
and
Transfer of County Road Ownership

BETWEEN: City of Tigard, an Oregon Municipal Corporation (“City”)

AND: Washington County, a Political Subdivision of the State of Oregon (“County”)

DATED: _____, 2012

RECITALS

A. In 2002, Metro brought the West Bull Mountain Area, consisting of approximately 500 acres of land, within the Urban Growth Boundary (“UGB”).

B. In 2003, City, County, Clean Water Services, and other providers of urban services, entered into an agreement called the Tigard Urban Service Agreement (“TUSA”) that designated City as appropriate provider of services in the Tigard urban service area, except for those services that are to be provided by other agencies as further set forth in the TUSA.

C. On November 23, 2010, County adopted the West Bull Mountain Concept Plan Resolution and Order that established general land use strategies for how the West Bull Mountain Area should become a future urban community. Two areas of the West Bull Mountain Concept Plan are known as Area 63 and Area 64/River Terrace. Metro brought these areas inside the UGB in 2002. A third component of the West Bull Mountain Concept Plan is known as the “Rural Element,” which was not brought inside the UGB in 2002. These premises are illustrated on the map attached to this IGA as **Exhibit A**.

D. On September 30, 2011, the City annexed Area 64/River Terrace. The area annexed to the City of Tigard is illustrated on the map attached to this IGA as **Exhibit B**.

E. On October 20, 2011, Metro brought approximately 49 acres within the UGB, which will be referred to for the purposes of this Agreement as the Roy Rogers West Area. The Roy Rogers West Area is a portion of the Rural Element.

F. The City has also been formally approached by property owners in Area 63 and Roy Rogers West who are interested in annexing to Tigard.

G. Area 63, Area 64/River Terrace, and Roy Rogers West are currently within the UGB. These premises are illustrated on the map attached to this IGA as **Exhibit C**, and shall be referred to collectively as the Community Planning Area.

H. The City will refine the County’s West Bull Mountain Concept Plan and provide a detailed land use, public infrastructure, governance, and financial planning framework for urban development of the concept planned area. The refinement shall be referred to as the Community Plan.

I. City is the expected urban service provider to territory of the West Bull Mountain Area already within the UGB, Roy Rogers West, and the balance of the Rural Element that remains outside of the UGB. It is important to City and County that:

- 1) planning be completed to implement Metro’s decision that River Terrace, Area 63, and Roy Rogers West, become functioning urban areas within the UGB; and
- 2) City and Council cooperate to support future annexation to the City of Area 63 and Roy Rogers West;
- 3) City and County further cooperate with Metro to bring the balance of the Rural Element inside the UGB; and
- 4) Roy Rogers West, Area 63, and River Terrace are included in the Community Plan for land use in the area.

J. City and County find it mutually beneficial to continue finding agreement on rights and obligations in the Tigard Urban Service Area.

K. City and County believe this IGA furthers effective governance, economy of scale, and furthers the policies of Metro Functional Plan Title 11, in that:

- 1) A single jurisdiction—the City of Tigard—will bear responsibility for creating a Community Plan for Area 63, River Terrace, and Roy Rogers West; and
- 2) One effort to produce a Community Plan governing the Community Planning Area may create more clear policy direction for the public; may prevent unnecessarily repetitive land use planning; and may promote quantity discounts for concurrently planning for streets and utility facilities in all three areas involved.

L. City and County find that there needs to be a funding mechanism for construction of roadways and transportation in the Community Planning Area, and both parties find it to be mutually beneficial to work together to develop a financing strategy for the development of a multi-modal transportation system in the Community Planning Area.

M. City and County agree that City ownership of roads within the City furthers effective maintenance, repair, and management of the City and County transportation systems, and provides increased efficiencies for provision of urban services within the City and County.

N. City and County agree that City ownership of roads within the City provides long term clarity and certainty as to the respective obligations of the two governments for street maintenance and repair.

AGREEMENT

NOW, THEREFORE, the parties mutually agree as follows:

Article 1: Land use planning and development

1. Delegation of planning and development authority.

- 1.1 The County agrees to assign and City agrees to accept responsibility to prepare a Community Plan to encompass the Community Planning Area. Such assignment shall occur by execution of separate assignment agreement attached hereto as **Exhibit D**. Upon such assignment, Tigard will be obligated to prepare the Community Plan for River Terrace as a component of the Tigard Comprehensive Plan.
- 1.2 City intends to concurrently plan for the Community Planning Area irrespective of whether Area 63 and Roy Rogers West are annexed by the City and despite the balance of the Rural Element not being included within the UGB in 2011.
- 1.3. Administration of County land use plan and zoning code. County will administer the County land use plan and regulations, with the exception of applications for zone or comprehensive plan changes, in River Terrace and any other territory within the Community Planning Area that may be annexed to City, until the effective date of the ordinance passed by City Council adopting the Community Plan and supporting zoning code for the Community Planning Area.
- 1.4. Development authority. County agrees that, prior to the effective date of all ordinances passed by City Council to adopt the Community Plan and supporting zoning code for the Community Planning Area, it will refer to City any development applications, and will not approve any urban-level development in this territory. The City shall have sole authority to decide applications for zone or comprehensive plan changes as described in section 1.3 above.

2. Binding effect of Community Plan. The parties intend for the Community Plan to be submitted to Metro for that agency’s review under Title 11. The County agrees to accept the Plan and not pursue inconsistent regulations once it is submitted to Metro for this purpose.

3. Financial support for creating the Community Plan. County agrees it will fund a share of the land use planning cost required to produce the Community Plan, in cash equivalent or staff resources and in-kind services such as special analysis and transportation modeling as required by the City in support of the project and mutually agreed upon by City and County. All County resources made available to the City under this Section will continue until the date City Council approves the Community Plan.

4. Continued support for MSTIP work. Through the MSTIP process, County will work with City to identify projects that the City can submit to the Washington County Coordinating Committee to implement the Community Plan and mitigate its impacts on the roadway system.

Article 2: Annexation

5. Area 63 and Roy Rogers West annexation. County supports and consents to City annexation of Area 63 and Roy Rogers West as shown on **Exhibit C** including lands and rights-of-way under County control or ownership.

6. UGB amendments. County and City support future action by Metro to bring the entirety of the Rural Element within the UGB.

7. Timeframe for City consideration of annexations. City agrees to begin annexation of unincorporated islands within its boundaries.

Article 3: Services

8. TUSA updates. County agrees to convene government representatives for the purpose of amending the TUSA to recognize City as the logical provider of urban services to Area 63, River Terrace, and the Rural Element.

9. Providers of urban services. The parties continue to acknowledge their agreement that agencies providing services to the Tigard urban services area consist of those agencies listed in Sections A through G of the TUSA. The parties further agree that County will not create any new special service areas or enhanced service districts within the boundaries of Tigard's urban service area.

10. Prior to urban development of the Community Planning Area, and as part of the plan development, the City will work with the County to develop a financing strategy that assures an adequate level of arterial and collector roads over a 30 year time frame. Development and implementation of this strategy may require the establishment of new or supplemental funding components.

Article 4: Roadways

11. The City agrees to assume the entirety of the County's ownership interest in the portions of the following roads that are within Tigard's jurisdictional boundaries as soon as the parties adopt this Agreement, described as follows and attached hereto as **Exhibit E**.

11.1 The southeastern half of Barrows Road from Scholls Ferry to Springbrook (*item D on map*).

11.2 113th Avenue from Durham Road to the current city limits (*item E on map*).

11.3 Bull Mountain Road from Highway 99W to east of 14025 SW Bull Mountain Road (*item C on map*).

11.4 Friendly Lane from Roy Rogers Road east to its terminus (*item A on map*).

11.5 Roshak Road from Roy Rogers Road east to its terminus (*item B on map*).

12. The City's obligation to take ownership of the above listed roads is contingent on receipt of payment in cash from the County in an amount equal to or greater than the estimated total cost to the City to improve all portions of each of the above mentioned roads that are below Pavement Condition Index ("PCI") 67, to PCI 67.

Article 5: Administration of this Agreement

13. Term. This agreement shall become effective upon full execution of the parties and remain in effect until it is retired or superseded.

14. Amendment. This Agreement may be changed by written agreement of the parties.

15. Dispute resolution. Disputes over the administration or interpretation of this agreement shall be handled under the dispute resolution model provided in Article IX of the Tigard Urban Service Agreement.

CITY OF TIGARD, an Oregon Municipal Corporation

WASHINGTON COUNTY, a Political Subdivision of the State of Oregon

By: _____

By: _____

Name: _____

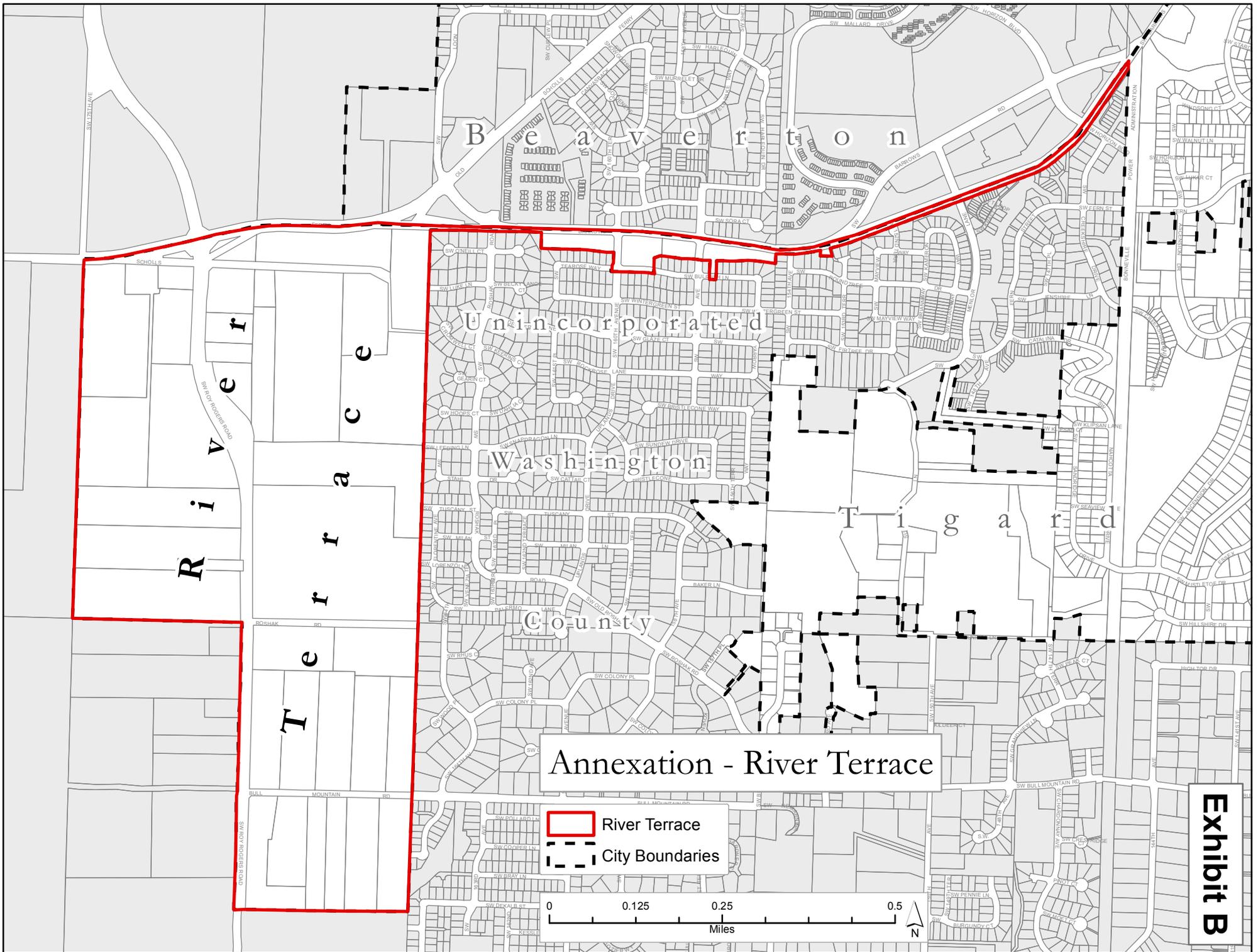
Name: _____

Its: _____

Its: _____

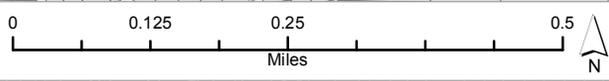
Signature

Signature



Annexation - River Terrace

-  River Terrace
-  City Boundaries



Beaverton

Community Planning Area

S c h o l l s F e r r y R d

River Terrace
(UGB Area 64)

R o y R o g e r s R d

Roy Rogers West

B u l l M t R d

Urban Growth Boundary
Expansion Area 63

West Bull Mt.
Concept Plan
Rural Element

Tigard

B e e f B e n d R d



ASSIGNMENT OF RIGHTS AND DELEGATION OF DUTIES
UNDER CONSTRUCTION EXCISE TAX GRANT
INTERGOVERNMENTAL AGREEMENT

From: Washington County, Oregon
To: City of Tigard, Oregon

WHEREAS, Metro and Washington County (County) have entered into an IGA entitled, *Construction Excise Tax Grant Intergovernmental Agreement* (Agreement), and County and the City of Tigard wish to enter into this Assignment of Rights and Delegations (Assignment) under the Agreement; and

WHEREAS, under the Agreement, Metro grants excise tax funds to Washington County to reimburse the County for the cost of local comprehensive land use planning efforts required for territory that is brought into the Urban Growth Boundary (UGB); and

WHEREAS, Exhibit A to the Agreement grants excise tax funds to Washington County to reimburse the County for land use planning costs incurred in the West Bull Mountain area, which is a territory of approximately 500 acres that Metro brought into the UGB in 2002 with the support of Metro, City of Tigard (City), and Washington County; and

WHEREAS, In 2003, City, County, Clean Water Services, and other providers of urban services, entered into an agreement called the Tigard Urban Service Agreement (“TUSA”) that designated City as appropriate provider of services in the Tigard urban service area, except for those services that are to be provided by other agencies as further set forth in the TUSA; and

WHEREAS, On November 23, 2010, County adopted the West Bull Mountain Concept Plan Resolution and Order (Concept Plan) that established general land use strategies for how the West Bull Mountain Area should become a future urban community. Two areas of the West Bull Mountain Concept Plan are known as Area 63 and Area 64/River Terrace, which were already inside the UGB. A third component of the West Bull Mountain Concept Plan is known as the “Rural Element,” which is not at present inside the UGB except for a subarea of about 50 acres referred to herein as Roy Rogers West, which Metro brought into the UGB on October 11, 2011. These premises are illustrated on the map attached to this Assignment as Exhibit A; and

WHEREAS, There is a need to refine the Concept Plan to provide detailed land use, public infrastructure, governance, and financial planning policies to guide urban development of the concept planned area; and

WHEREAS, For purposes of the Agreement and this Assignment, the refinement of the Concept Plan will be known as the Community Plan. City and County (collectively “Parties”) intend to ask Metro to approve the Community Plan and coordinate approval with the Department of Land Conservation and Development as consistent with the Statewide Planning Goals in the affected territory; and

WHEREAS, under the Agreement, Washington County currently must create the Community Plan for the West Bull Mountain area; and

WHEREAS, a formal assignment is necessary for City to satisfy County’s planning tasks under the Agreement;

NOW, THEREFORE, the Parties agree to the following:

1. Assignment from County to City: County assigns to City, and City accepts, the task to study and adapt the Concept Plan to become a Community Plan for River Terrace, Area 63, Roy Rogers West, and the balance of the Rural Element that satisfies County’s obligation to supply a deliverable Plan under Exhibit A of the Agreement. This assignment is subject to the following conditions subsequent:

- a. County will provide staff resources and services in support of the project as follows:
 - i. Collaborate with City staff to refine the West Bull Mountain Concept Plan into the river Terrace Community Plan. This will involve providing review and comment of refined land use designations, natural resource areas and implementing code standards. It is anticipated the County’s involvement in the land use/natural resource refinement phase shall not involve more than 150 staff hours.
 - ii. Collaborate with City staff to refine the West Bull Mountain Transportation Plan. The transportation element will be limited to 200 hours of County staff time to 1) test the performance of the proposed local street system; 2) propose solutions to any deficiencies in the local street system; 3) identify proportional impacts of River Terrace development on the arterial and collector road system particularly in Tigard and on Highway 99W; 4) work with the City to propose funding mechanisms to address these impacts.
 - iii. Participate on a City Technical Advisory Committee to assist in development of the Community Plan.
 - iv. Provide information to the City pertaining to its citizen engagement effort for the west Bull Mountain Community Plan to assist citizen information and involvement for the Community Plan.

- b. Metro agrees to pay City under this Assignment document; and

- c. County will grant City access to studies, correspondence, professional reports, exhibits, and all other documents that comprise the file of materials developed in connection with County’s creation of the Concept Plan.

2. Assignment of right to grant money: County assigns to City, and City accepts, the right to claim the remaining grant money under the Agreement, which sum is estimated at approximately \$134,000. Metro has acknowledged that the County will assign its rights to this grant money to the City pursuant to this agreement as demonstrated in Attachment “A”.

3. Effect of County nonperformance: County’s failure to supply the document access and in-kind services described in Section 1 does not:

- a. Invalidate City's right to submit Deliverables to Metro and claim the remaining grant money; or
 - b. Create in City a right to claim money damages against County on any legal or equitable theory.
4. Administration of this Assignment document:
- a. This Assignment becomes effective upon execution by both parties and remains in effect until it is cancelled by mutual agreement of the Parties, or the grant money has been fully claimed and received by City.
 - b. This Agreement may be amended by the Parties' written agreement.
5. This Agreement may be terminated, with cause at any time if the City fails to perform any of the other provisions of this Agreement as determined by Metro, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from the County, fails to correct such failures within sixty (60) days or other such period as the County may authorize.
6. Subject to the limitations of liability for public bodies set forth in the Oregon Tort Claims Act, ORS 30.260 to 30.300, and the Oregon Constitution, each party agrees to hold harmless, defend, and indemnify each other, including its officers, agents, and employees, against all claims, demands, actions and suits (including all attorney fees and costs) arising from the indemnitor's performance of this agreement where the loss or claim is attributable to the negligent acts or omissions of that party.
7. Each party shall give the other immediate written notice of any action or suit filed or any claim made against that party that may result in litigation in any way related to this Agreement.
8. Each party agrees to comply with all local, state and federal ordinances, statutes, laws and regulations that are applicable to the services provided under this Agreement.
9. This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefore.
10. Each party is an independent contractor with regard to each other party(s) and agrees that the performing party has no control over the work and the manner in which it is performed. No party is an agent or employee of any other.

Exhibit D

- 11. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.

- 12. This writing is intended both as the final expression of the Agreement between the parties with respect to the included terms and as a complete and exclusive statement of the terms of the Agreement.

CITY OF TIGARD, an Oregon Municipal Corporation

WASHINGTON COUNTY, a Political Subdivision of the State of Oregon

By: _____

By: _____

Name: _____

Name: _____

Its: _____

Its: _____

Signature

Signature

DRAFT

Attachment A
referred to in
Exhibit D

CONSTRUCTION EXCISE TAX GRANT INTERGOVERNMENTAL AGREEMENT Metro – Washington County West Bull Mountain Project

This Construction Excise Tax Grant Intergovernmental Agreement (“CET Grant IGA”) is effective on the last date of signature below, and is by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 (“Metro”), and Washington County (“County”), located at 155 N. First Ave., Hillsboro, OR 97124, collectively referred to as “Parties.”

WHEREAS, Metro has established a Construction Excise Tax (“CET”) which imposes an excise tax throughout the Metro regional jurisdiction to fund local comprehensive planning needs associated with new inclusions into the urban growth boundary (“UGB”) between 2002 and 2005;

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, and the CET collected is remitted to Metro by the local collecting jurisdictions via Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax (“CET Collection IGAs”) entered into separately between Metro and the local collecting jurisdictions;

WHEREAS, in creating the purpose and amount of the CET, Metro worked with local jurisdictions, and received their estimates as to the total dollar amounts needed by the local jurisdictions to fund their local comprehensive planning needs associated with new inclusions into the UGB between 2002 and 2005;

WHEREAS, the CET will expire when the total amount of CET collected by all jurisdictions and remitted to Metro is \$6.3 million dollars, which is estimated to take approximately three years; and

WHEREAS, Metro will distribute 100% of the CET expected to be remitted to Metro as grants to local jurisdictions, based on CET Grant Requests submitted by local jurisdictions that set forth their expected completion of certain milestones associated with Title 11 of Metro Code Chapter 3.07, the Urban Growth Management Functional Plan; and

WHEREAS, as part of the CET process Metro has met with all of the applicable local jurisdictions regarding their local comprehensive planning funding needs associated with new inclusions into the urban growth boundary between 2002 and 2005, and the total estimates recently provided by the local jurisdictions greatly exceed the total estimates upon which the CET was based; and

WHEREAS, the CET Administrative Rules set forth certain eligible expenses for CET Grant consideration, and the rules also provide that if the total Grant Requests from participating local governments exceed the total CET expected revenues, Metro shall first consider awarding funds for eligible direct costs, which will have priority for funding over indirect costs; and

WHEREAS, County has submitted a CET Grant Request to Metro, and the parties wish to set forth the funding amounts, timing, and procedures for receiving reimbursement from the CET fund for County’s planning expenditures.

NOW THEREFORE, the Parties hereto agree as follows:

1. Reimbursement by Metro. Metro shall reimburse County for approved eligible expenses, associated with County’s completion of those planning milestones, in the amounts and at the times, as set forth in Exhibit A attached hereto and incorporated herein. Payments shall be in accordance with the “payment

DRAFT

procedures” set forth below.

2. County Responsibilities. County agrees that it shall take all actions in a timely and diligent manner that are required or necessary to complete and fulfill the milestones set forth in Exhibit A. County also covenants and agrees that it shall use the CET funds it receives under this Agreement only for the work approved to reach the milestones set forth in Exhibit A.

3. Eligible Expenses. As set forth in Metro Code Chapter 7.04 Administrative Rules, the following expenses shall be considered Eligible Expenses for CET Grant consideration, up to a ceiling of the reimbursable amounts set forth in Exhibit A attached hereto: (a) materials directly related to project; (b) consultants’ work on project; (c) County staff support directly related to project; and (d) overhead directly attributable to project.

4. Payment Procedures. Within 30 days after the completion of each milestone as set forth in Exhibit A, County shall submit to Metro a statement describing in reasonable detail the eligible and reimbursable work services performed pursuant to this Agreement. County will furnish Metro with any other statements or reports of expenditures as may be needed to satisfy fiscal requirements. Metro shall reimburse County for the eligible and approved reimbursable work after each milestone is reached, no later than 60 days after the date Metro receives County’s statement. County shall send the statement, and Metro shall send CET payments, to:

Metro
Attention: Ray Valone
600 NE Grand Ave.
Portland OR 997205
(503) 797-1808

Washington County DLUT
Attention: Judy Lynn
Public Services Building, Suite 350, MS 16
155 N. First Ave.
Hillsboro, OR 97124
(503) 846-3718

5. Project Records. County shall maintain all records and documentation relating to the work and tasks involved in the project as set forth in Exhibit A. County shall provide Metro with such reasonable information and documentation as Metro requires for implementation of the CET grant process. County shall establish and maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this Agreement.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they reasonably deem necessary, all County records with respect to all matters covered by this Agreement and Exhibit A, excepting privileged and other such documents that County may claim to be exempt from disclosure under ORS chapter 192. Nothing herein limits Metro’s right to challenge the withholding of any documents as permitted by law. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by County and all of its contractors for three years from the later of the date of completion of the project, or expiration of the Agreement, to facilitate any audits or inspection.

7. Funding From CET Funds. Metro’s funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds. The parties recognize and agree that if the CET is ever held to be unenforceable or is terminated through no act or omission of Metro, that Metro shall not be liable in any way for funding the amounts described in Exhibit A.

DRAFT

Exhibit A

CET Grant IGA Between Metro and Washington County West Bull Mountain Project Milestones, Due Dates, and Reimbursement Rates

Total Requested by County for New Urban Growth Area West Bull Mountain Project: \$670,500

Total Reimbursable Amount:* \$670,500**

<u>Milestone #:</u>	<u>Deliverable</u>	<u>Date Due***</u>	<u>Grant Payment</u>
1.	Execution of CET Grant IGA	x date	\$134,100
2.	Mid-point in Concept Plan development, demonstrating progress toward completion	x date + 210 days	\$134,100
3.	County's Preferred Concept Plan Alternative or Urban Growth Diagram, showing at least those elements set forth in Title 11	x date + 390 days	\$134,100
4.	County's recommended Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for the new urban area; and applicable state laws and regulations	x date + 540 days	\$134,100
5.	County's adoption of Comprehensive Plan or Comp. Plan amendment, addressing Title 11; the applicable conditions of addition in Metro ordinance for the new urban area; and applicable state laws and regulations	x date + 660 days	\$134,100
TOTAL REIMBURSABLE AMOUNT*			\$670,500**

*The Total Reimbursable Amount is a maximum amount that will be reimbursed for Eligible Expenses as set forth in the CET Grant IGA and Metro Code Chapter 7.04 Administrative Rules.

** The CET will fund the project for the full \$670,500 for all eligible expenses. Grant funding is subject to reduction attributed to a reduction in milestone expectations, alternate grants awarded to this project or completion or reduction requests by County.

*** Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If County anticipates that a due date will not be met, it shall inform Metro in writing no later than ten (10) days prior to the due date, and shall provide a revised estimated due date, and Metro and County will mutually revise the milestone due dates set forth in this Agreement.

Exhibit A referenced in Exhibit D

Beaverton

Community Planning Area

S c h o l l s F e r r y R d

River Terrace
(UGB Area 64)

R o y R o g e r s R d

Roy
Rogers
West

B u l l M t R d

Urban Growth Boundary
Expansion Area 63

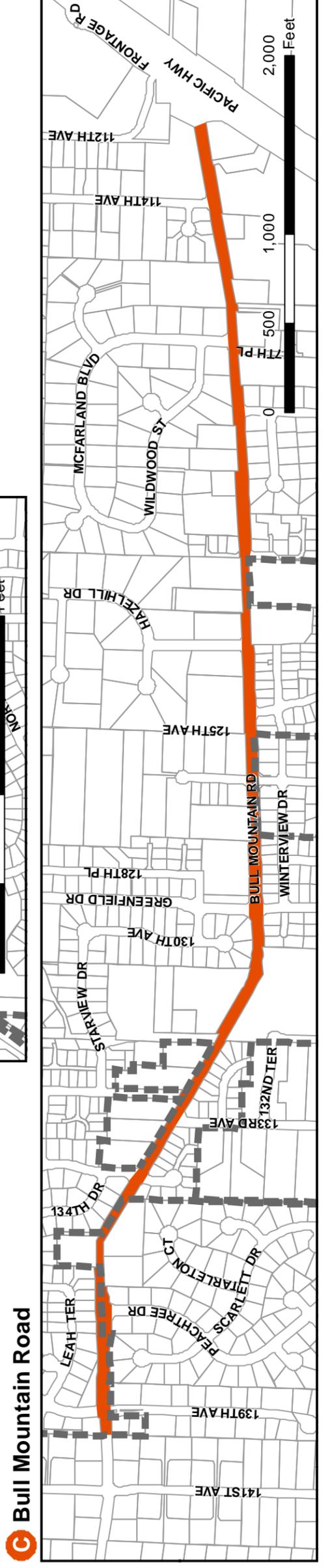
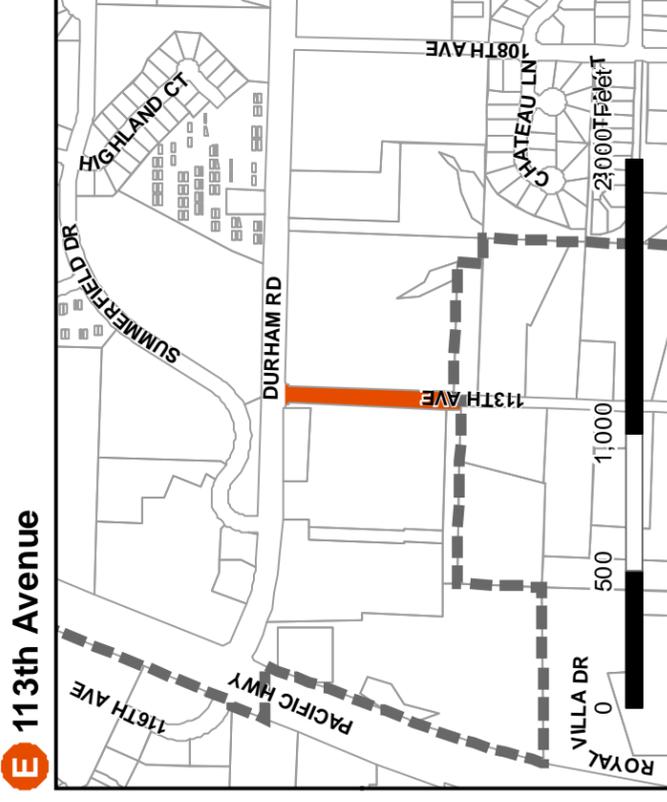
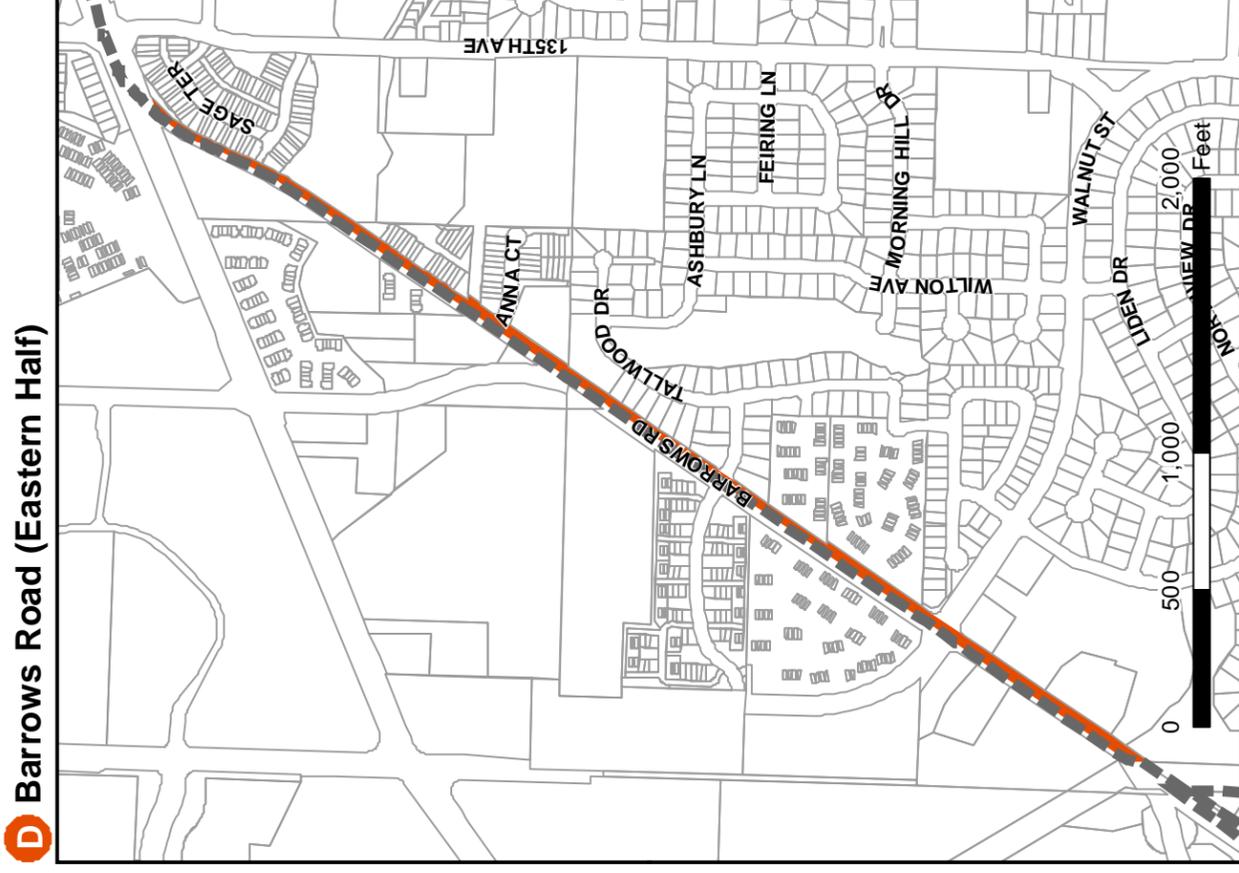
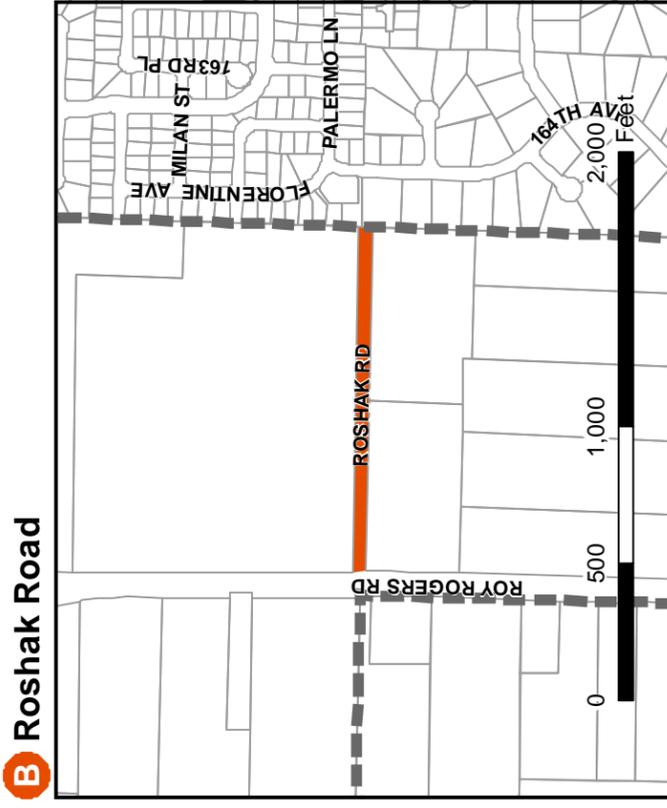
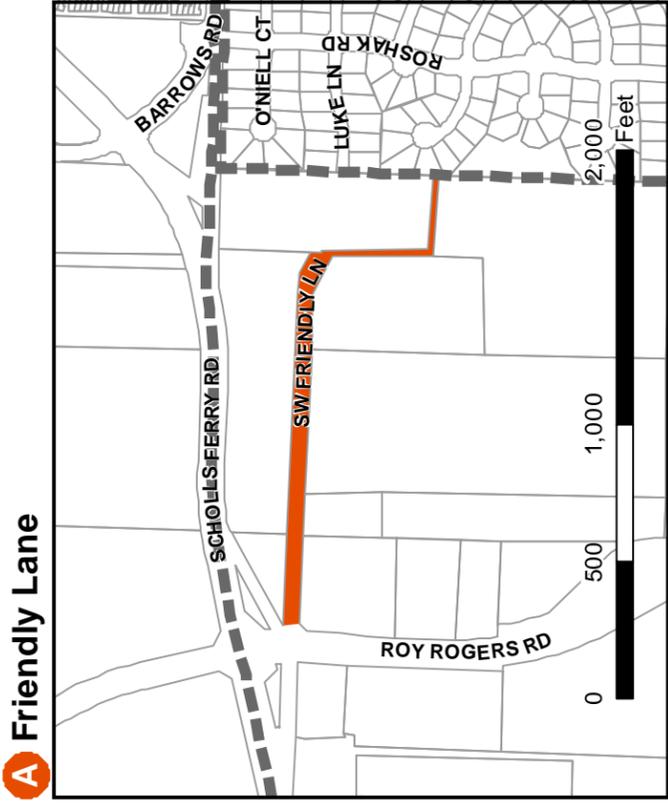
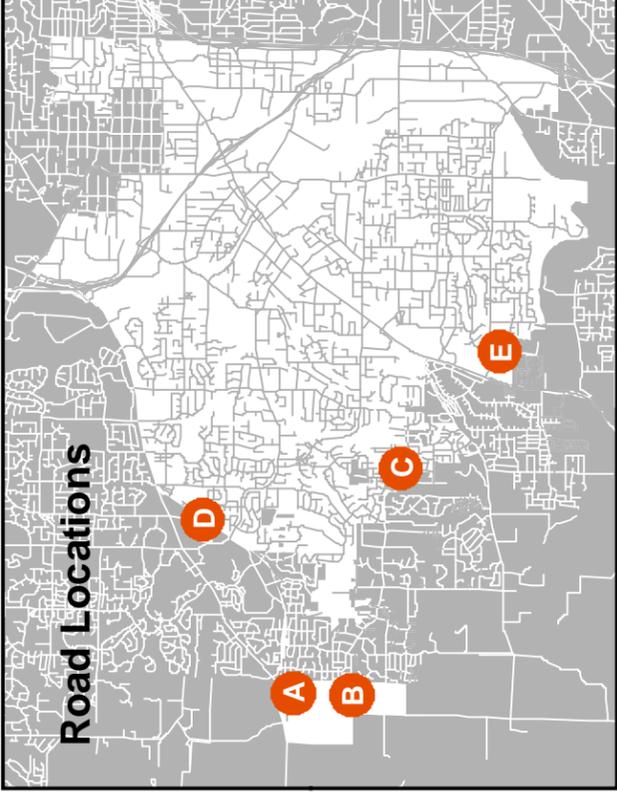
West Bull Mt.
Concept Plan
Rural Element

Tigard

B e e f B e n d R d



Exhibit E Roadways



AIS-862

5.

Workshop Meeting

Meeting Date: 03/20/2012

Length (in minutes): 10 Minutes

Agenda Title: Preliminary Discussion - Options for Filling a Vacancy on the City Council

Prepared For: Marty Wine, City Manager

Submitted By: Cathy Wheatley, Administrative Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council Workshop Mtg.

Information

ISSUE

Staff to introduce topic of options available to the City Council to fill a vacancy should a member of the council resign before the end of his or her term.

STAFF RECOMMENDATION / ACTION REQUEST

No recommendations.

KEY FACTS AND INFORMATION SUMMARY

This is a preliminary discussion to advise council that this topic will be scheduled for a future council meeting.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A
