



City of Tigard
Tigard City Council Meeting/City Center
Development Agency Minutes
September 18, 2012

WORKSHOP/BUSINESS MEETING

A. Call to Order- City Council

Council President Buehner called the meeting to order at 6:31 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 Council President Buehner advised she would give a report at the end of the business meeting.

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

City Manager Wine updated council on the status of the Community Development Director recruitment. The posting for that position closed Friday. Waldron's is assisting the city with the recruitment and at the closing of the posting; they reported there were more than 100 applicants. Work is being done to narrow the selection. In mid- to late-October, there will be an opportunity for council and members of boards and commissions to participate in the interview process. She asked the council, in the near future, to identify two of its members to help with interviews.

Council meeting was recessed and the City Center Development Agency meeting convened.

2. CITY CENTER DEVELOPMENT AGENCY

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

AUTHORIZE THE CCDA EXECUTIVE DIRECTOR TO SIGN A PURCHASE AND SALE AGREEMENT FOR THE MAIN STREET SAXONY-PACIFIC PROPERTY

Redevelopment Project Manager Farrelly presented the staff report:

- CCDA board approval is sought for a resolution to move forward with the purchase and sale agreement with the two Main Street properties known as Saxony-Pacific properties.
- The properties are located fronting Fanno Creek/Main Street, and present the opportunity for providing public space in the downtown and encourage private redevelopment.
- The agreement outlines the due diligence steps that still need to be taken before the purchase is finalized. If unacceptable site conditions are discovered, the agreement can be terminated.
- The owners have expressed a desire to close by January 31, 2013.
- The agreement specifies that the current tenants can remain on their leases for a year; the Agency might want to ask the tenants if they would be interested in staying for more than a year. When the time comes, the Agency will work with the tenants to relocate.
- The purchase price is \$650,000 or the appraised value, whichever is more.
- If environmental remediation is necessary, determination of who will pay what share must be negotiated. Again, if the Agency is not satisfied with the condition of the site, the agreement can be terminated.
- Funds to purchase the property will come primarily from urban renewal funds. Since we are looking at making a portion of the property public space, parks bond funding will also be accessed. Staff is currently seeking private financing from banks.
- Redevelopment Project Manager Farrelly described the site, referring to the map located in the council packet.
- Councilor Wilson asked if environmental issues were discovered, how this would affect the deadline for purchase. He was concerned this might take a longer time to study. Redevelopment Project Manager Farrelly said the consultant is ready to proceed with a Level 2 assessment and anticipates this can be finished no later than early November. Redevelopment Project Manager Farrelly said if this extends beyond the January deadline, there would be a need for further negotiation.

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- In response to a question from Councilor Henderson, Redevelopment Project Manager Farrelly said the property line runs down the middle of Fanno Creek. The warehouse building is supported by piers in the middle of the creek and whether those piers could be reused by the Agency is uncertain. Any future uses will need approvals from Clean Water Services, Army Corps of Engineers and the Department of State Lands. CWS indicated there's a possibility the Agency could retain the piers to build a public viewing deck. Councilor Henderson asked if there were water rights grandfathered with the property. Redevelopment Project Manager Farrelly said this has not been looked into and he will do so.
- In response to a question from Councilor Henderson, Redevelopment Project Manager Farrelly said the property is about half an acre in size.

Motion by Director Woodard, seconded by Director Henderson, to approve CCDA Resolution No. 12-02

CCDA RESOLUTION NO. 12-02 - A RESOLUTION APPROVING THE PURCHASE OF THE SAXONY PACIFIC PROPERTIES (TAX MAP NOS: 2S102AB02000 AND AS102AB02100) AND AUTHORIZING THE EXECUTIVE DIRECTOR OF THE CITY CENTER DEVELOPMENT AGENCY TO TAKE ALL NECESSARY ACTION TO COMPLETE THE PROPERTY PURCHASE ON BEHALF OF THE AGENCY.

The motion passed by a unanimous vote of CCDA board members present:

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

Motion by Director Woodard, seconded by Director Wilson, to adjourn the CCDA meeting. (6:46 p.m.)

The motion passed by a unanimous vote of CCDA board members present:

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

City Council Meeting reconvened.

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6:46 p.m.

3. RECEIVE BRIEFING ON AN INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS RIVER WATER PROVIDERS

Utility Division Manager Goodrich briefed the council:

- The Clackamas River Water Providers (CRWP) is a coalition made up municipal water providers that get their drinking water from the Clackamas River Basin. The purpose of the organization is to collectively fund and coordinate efforts regarding water resource planning, water management and water conservation. Their main objective is to preserve the Clackamas River as a high quality drinking water source and to minimize future treatment costs. Our water partner, Lake Oswego, is a founding member of the CRWP.
- The CRWP was established through an Intergovernmental Agreement created in 2007. This IGA was amendment in 2011.
- Tigard's major water source in 2016 will be the Clackamas River.
- Joining CRWP will enable Tigard to contribute to the stewardship of our future water supply and establish relationships with other CRWP members. Tigard will have a voice on various CRWP issues. Joining CRWP will also demonstrate our commitment to the Lake Oswego – Tigard Water Partnership.
- Current full members of the CRWP are the cities of Lake Oswego and Estacada, North Clackamas County Water Commission, Sunrise Water Authority, South Fork Water Board (Oregon City and West Linn), and the Clackamas River Water (a special district).
- Tigard discussed mutually beneficial options with various CRWP members to address any concerns with Tigard's early membership to their board. Tigard offered to provide up to \$10,000 per year in additional funding for watershed protection and water quality monitoring programs. Lake Oswego currently pays about \$50,000, based on the water they divert.
- If the City Council approves the IGA, Tigard will be an active participant at the table, beginning this year as a non-voting member. Tigard will have full voting rights beginning July 2013.
- Tigard applied for membership in the CRWP on May 16, 2012, with a proposal for early membership. Tigard's application was successful with a majority vote by the members on July 9, 2012. Clackamas River Water voted no and the South Fork Water Board abstained. All other members voted yes on Tigard's request for membership.
- CRWP has provided a signature page for the City of Tigard in the 2011 amended IGA. The city attorney has reviewed the CRWP IGA. Staff recommends that council authorize the mayor to sign the existing CRWP IGA and, if directed this evening, a consent agenda item authorizing this action will come before the City Council in November.
- Councilor Wilson asked if the Clackamas River Water (CRW) say why they voted no. Utility Division Manager Goodrich said they felt Tigard was taking early membership to augment its proposed final order for the 9.1 cfs water rights that are now being adjudicated. Tigard Public Works Director Koellermeier and Water Partnership Manager Komarek went to the CRW board and provided them information why it was important for Tigard to be at the table and to address their concerns regarding the 9.1 cfs.

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- Utility Division Manager Goodrich said the South Fork Water Board abstained because 50 percent of their board is City of West Linn City Council/Mayor.
- Utility Division Manager Goodrich said the request to join received a majority vote. He said he believes that both CRW and South Fork Water Board know that Tigard will be a participant and by 2016, Tigard will be taking water from the Clackamas River Basin – it will be important for Tigard to be part of their group to help them in their mission for watershed protection and water quality.
- In response to a question from Councilor Henderson, Utility Division Manager Goodrich explained that the board is set up similarly to a technical committee. Mr. Goodrich has been attending meetings as an interested party. Either Utility Division Manager Goodrich or Public Works Director Koellermeier will be serving on the board. In response to a comment from Council President Buehner, Utility Division Manager Goodrich agreed that an elected official could be the person to serve on this board; however, currently the members are primarily water managers who are taking direction from their elected boards. One of the reasons why Tigard wants to be a member early, is there could be changes in the near future about how the CRWP manages itself and it will be important for Tigard to have a voice in these changes.
- Councilor Wilson agreed that it is important for Tigard to begin to develop relationships and he supports membership.
- Council President Buehner said she will be going on the board's tour this coming Saturday of the various CRWP facilities.
- In response to a question from Councilor Henderson, Utility Division Manager Goodrich advised that Tigard will become the seventh member of the board. Other entities have joined CRWP, but they are not water providers.
- In response to a question from Councilor Woodard, Utility Division Manager Goodrich explained Tigard currently takes a small amount of water from the Clackamas River. Each member's dues are calculated on a grid formula, so Tigard will be paying about \$700 per year. Some of the membership felt that was not enough money to have a place at the table and have a vote. Since Tigard knew that it would become a full membership in 2016, we felt it was important to be there early as the CRWP goes through changes over the next several years. This was why Tigard offered to pay \$10,000. Utility Division Manager Goodrich said CCSD (a non water provider and member of CRWP) pays about \$10,000 per year and Tigard felt it could match this amount. This money will go specifically toward watershed protection and water quality monitoring. In 2016, when Tigard starts taking its full amount of water, we will be on a grid formula and we will be paying a lot more; i.e., \$50,000. If the council decided not to be a member of the CRWP, in 2016, Lake Oswego would have to pay for the full diversion. Tigard would pay its share to Lake Oswego, which would mean that we would be paying the money without having the representation.
- Tigard met with both individual CRWP members individually and as a group. They had concerns that Tigard was not bringing enough money to the table to be a voting member. There was discussion whether Tigard actually owned any capital infrastructure in the Clackamas River. Tigard was able to prove that we own 50 percent of the Lake Oswego/Tigard Water Partnership assets, which includes the current diversion at the Clackamas River.

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4. DISCUSS A REQUEST TO ALLOW SOCIAL GAMING IN THE CITY OF TIGARD

Staff present: Senior Management Analyst Wyatt; Police Chief Orr, Assistant Police Chief de Sully

Senior Management Analyst Wyatt presented the background on this agenda item.

- He referred to the staff report in the meeting packet that contained background information relating to Tigard and other jurisdictions regarding this topic.
- An informal poll was conducted by police officers who asked businesses what they thought about social gaming and if they would use it if it was allowed.
- He clarified there is no ordinance before the City Council for consideration; rather, staff is seeking direction from the council about how to proceed on this topic.
- Social gaming, for the purposes of this council review, means that all the money wagered returns to the players either in prizes or cash. The “house” does not keep any of the money.
- Currently, social gaming in the City of Tigard is prohibited. Cities can, by ordinance allow social gaming.
- Social gaming differs from charitable gaming. Charitable gaming is administered by the state for use by charities. Money raised for these types of events go to the charity.
- In April, Tigard officials received a letter from the New Kings Buffet and the Portland Poker Players Association requesting consideration to allow social gaming. Proponents of social gaming say it will increase business/restaurant revenue. While the house does not take in money from the gaming activities, additional revenues are realized through the sale of food and beverages. Proponents also say more jobs could be created.
- Senior Management Analyst Wyatt reported on what other cities are doing:
 - This was an issue in Hillsboro (2010/2011). Their situation was that social gaming was already taking place. The Police Department made a concerted effort to work closely with the businesses to allow social gaming on a small scale. Cities can restrict social gaming however they see fit; i.e., age restrictions, sign restrictions, time-period restrictions (i.e., one night a week), etc.
 - The City of Portland allows social gaming. Senior Management Analyst Wyatt reviewed the restrictions imposed by Portland. Portland requires a \$500 annual permit fee.
 - The City of Sandy considered this issue a year ago. The Sandy City Council decided not to allow/address this topic. The Sandy decision was not due to safety concerns, but because the council opined there were other gaming options available.
- Expenses to administer a social gaming program can be recovered through a permit/licensing fee.

Police Chief Orr and Assistant Police Chief de Sully presented information to the City Council:

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- Assistant Chief de Sully researched this issue. Agencies surveyed felt there was little, if any, impact on the crime rate. No problems have been reported.
 - The City of Portland staff indicated there have been no problems; however, they do not enforce social gaming restrictions because they lack the staff to do so.
 - Chief Orr said social gaming is occurring in the City of Tigard in violation of the state law.
 - City Attorney Watts advised a critical aspect of social gaming is that players must stake something of value to be considered gambling. Staff has heard that restaurants engaged in this activity in Tigard are providing a venue for people to play cards. He explained the limitations, which means the players do not pay to play; however, they could win a prize, i.e., a gift certificate. Because there is no ordinance on social gaming, the only way to deal with gaming activities is through responding to a code violation. Another reason to consider an ordinance might be to disallow social gaming and prescribe a higher level of fine.
 - City Attorney Watts said this topic is before the council to raise its awareness. The City of Portland has an ordinance. State law says that municipality can enact an ordinance to allow this activity. It might not occur to someone who owns a business in Portland where social gaming is allowed, cannot offer this same activity in a business they might own in the City of Tigard.
 - Chief Orr said no complaints have been received about social gaming in the City of Tigard; therefore, the department has not investigated businesses to determine whether they are operating an “illegal” social gaming activity.
 - Chief Orr said there is a group that would like to host regional tournaments and follow the law pertaining to social gaming.
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- In response to a question from Councilor Woodard Chief Orr explained the business hosting a social gaming activity cannot charge for anything associated for that activity. Assistant Chief de Sully said a player can win anything of value; however, the house cannot win. The house can make its money by selling food, drinks, etc. Senior Management Analyst Wyatt said the cost to put on a social gaming event is often more than what a business can recoup in food and beverage sales.
 - Chief Orr advised that in talking with other agencies, he learned that many of the businesses that initially offered social gaming stopped because they found it was more trouble than it was worth to their business.

City Manager Wine advised the council that one of the goals of staff for tonight was to give council information on social gaming relating to the request received. Staff would like to have direction from the City Council on this matter. By default, social gaming is activity is not allowed in the city. Do City Council members feel inclined to allow/not allow social gaming and, if to be allowed, how should this activity be regulated.

Councilor Wilson said this is a singular request from one business. City Manager Wine confirmed that the request came from a Tigard business and supported by the Portland Poker Players Association (letter). Councilor Wilson commented that he was uncertain if this is a

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passing trend. Chief Orr said he believes this type of activity has been occurring in other jurisdictions. Staff surveyed 11 establishments in the City of Tigard and 8 indicated indifference to this type of activity and the remaining 3 said they would like to give social gaming activities a trial. There has been no evidence of problems by those jurisdictions that allow social gaming.

Council President Buehner commented that there are many restaurants/bars that offer Oregon Lottery gaming. She questioned if allowing social gaming would negatively impact the state-run programs. Assistant Chief de Sully said that some businesses withdrew offering social gaming because it impacted the state lottery gaming provided in their establishment – this would be a business decision.

City Manager Wine said that she and Mayor Dirksen met with president of the Portland Poker Players Association and he offered to host an event or do a broader outreach to assess whether there was more interest in the City of Tigard for this type of activity.

In response to a question from Councilor Henderson, Assistant Chief de Sully advised state law does not apply to private homes. People can host games in their homes. City Attorney Watts said if private residents were to charge money or have house stakes to play these games, then this would be in violation of state law.

Councilor Woodard does not view this as a high-risk type of activity. To him this appears to be a promotional/marketing tool for businesses. He would support taking a look at a draft ordinance.

Councilor Henderson said he would like to understand what effect this would cause; that is, how much of a benefit would this be to the workforce. Senior Management Analyst Wyatt said in other cities, some restaurants take advantage of the opportunity to host social gaming activities as a way to attract customers. However, it does not appear to be relied upon as the primary way to draw customers to their establishment. It is difficult to assess the impact of allowing social activity; council could place a range of restrictions on this activity – i.e., time, how much of the businesses floor space can be used for this activity, etc. City Attorney Watts said the restaurant can hire a third party to manage the activity.

Councilor Wilson said he does not see how allowing this type of activity would be harmful; however, he did not think the average citizen would benefit. He questioned whether this would be of any value and does not see a reason to change the status quo.

Senior Management Analyst Wyatt said an option that other cities have used is to advise proponents to go through the initiative process to place the matter before the voters.

City Manager Wine asked council members if they would like additional information on this matter to assess community interest.

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Council President Buehner said she would like more information regarding the impact on Oregon Lottery revenues.

Councilor Woodard said he supports business owners and he likes the idea of providing maximum benefit to them. This type of activity does not appear to be harmful to the community. He again noted he would like to see a draft ordinance.

City Manager Wine said she is not hearing a consensus of City Council about entertaining further discussion about whether to allow this activity or, if allowed, how should it be regulated.

Councilor Woodard and Councilor Henderson said they would like to see a draft ordinance. Council President Buehner said she did not want to consider this issue further.

During discussion, City Attorney Watts noted the city could have an ordinance in place making social gaming a violation and set fines greater than what fines are for a general code violation.

Councilor Wilson said he is concerned about the long-term negative effects this could have on the city.

Council President Buehner said she is opposed to gambling. She views social gaming to be of no value to the community.

City Manager Wine said staff was not looking for a decision from the City Council. Council President Buehner said it appears the council is split, 2-2, on this matter. She suggested this matter be tabled until the mayor could weigh-in on this matter.

City Manager Wine suggested, as an option, that staff could prepare a couple of draft ordinances; one ordinance prohibiting social gaming and the other allowing the activity along with a set of regulations.

Council President Buehner would like more information on businesses who reported a negative impact to their state lottery business. Her concern is whether social gaming activity would dilute the profitability of the state lottery, which supports services such as education. Senior Management Analyst Wyatt said staff could check with other cities' experience relative to Council President Buehner's concern.

City Manager Wine reviewed the potential of placing this matter on the ballot, either through citizen initiative or city referendum. A poll/survey of residents on this matter could be conducted. Councilor Wilson said he would have no problem with having this matter going to the voters.

Councilor Woodard commented that he views social gaming as being different from gambling. He conceded the issue is confusing as to whether this is a gambling proposition or

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not. He views it as a business tool and should be available for businesses to determine whether they would like to give it a try. He does not see where it would be a risk for the city.

In response to a question from Council President Buehner, Chief Orr said he would anticipate enforcement of a social gaming ordinance would be complaint driven given current resources.

City Manager Wine said staff will take under advisement the questions raised by the council tonight and return with information relating to current activity, community benefit and effects on current businesses. Staff could also return with two sample ordinances being used by other cities. Councilor Wilson said he was agreeable to staff returning with more information as long as it does not take a lot of effort. Council President Buehner said she would not be interested in reviewing any Portland ordinances because it would not be comparable to the City of Tigard.

In response to Councilor Henderson regarding efforts in Wood Village to promote a casino, City Attorney Watts explained this effort is before Oregon voters through two ballot measures. One of the measures is a constitutional amendment to allow this type of casino. This is quite different from social gaming activities.

Councilor Wilson said that if the city is trying to promote certain businesses over others, we would want to select businesses that fit with demographics.

City Manager Wine said staff will take council comments under advisement and bring this matter forward again to determine the council's opinion on how to proceed on this issue.

5. RECEIVE UPDATE ON THE RIVER TERRACE COMMUNITY PLAN

Senior Planner Wyss presented the staff report using a slide presentation. Mr. Wyss is the project manager for the River Terrace Community Plan process.

- There are nine primary tasks to complete the community plan.
 - Natural Resources Task – update maps. In response to a question from Council President Buehner about Goal 5 work completed, Senior Planner Wyss advised the natural resources estimate was done. Local wetland inventory was completed and is being reviewed by the state with a decision expected in early October. We will use the work that has already been done.

The city adopted a significant habitat map that is available through the Tualatin Basin Partnership. The map needs to be updated to include the River Terrace Community Plan area.

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The significant tree groves map is part of the Urban Forestry Code revision project that is in the council decision-making process.

- Master Plans – there are five such plans that need updating to become part of the public facility plan (Statewide Planning Goal 11):
 - Stormwater
 - Sewer
 - Water
 - Transportation
 - Parks
- Land use and regulations – review is beginning for the current Tigard Comprehensive Plan and zoning designation to determine how they relate to the identified land uses during the Concept Plan process; there is flexibility for such determinations.
- Infrastructure financing strategy – identification of mechanisms to pay for infrastructure improvements when development occurs.
- Reviewed the schedule and timeline. Target for completion of the community plan process is March 2014. The plan will be submitted to the Department of Land Conservation and Development for acknowledgement. In the best-case scenario land use applications could be submitted in the summer of 2014.
- Reviewed the areas affected by this planning process: Areas 63, 64, and Roy Rogers West (urban expansion area).
- Staff anticipates that all of the area will be annexed into the City of Tigard by the time the Community Plan is done. It appears there are enough signatures for the areas to be annexed through a triple-majority process.
- Described the infrastructure planning for the affected area to accommodate future growth. This planning will take coordination with other agencies; i.e., Clean Water Services, the City of Beaverton and Washington County. Planning will not include the location of specific land uses
- Described the public involvement process. The public involvement plan will be submitted for approval to the Planning Commission in October. In addition to the usual written communication methods, staff will reconvene the participants in the West Bull Mountain Planning Process and will also extend invitations to additional individuals who have joined this group.
- The Technical Advisory has been reconvened. They have held their first meeting where there was a great conversation about issues during the previous process and to learn about recent activities for other projects that will impact the River Terrace community planning process; i.e., Beaverton’s concept planning for the South Cooper Mountain area and the update of Clean Water Services’ transport model. The Technical Advisory Committee will only meet a few times during the process; however, subcommittees will be formed to guide all of the tasks described earlier in the presentation.

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- A series of five community meetings is planned. The first one is planned for October to kick-off the project.
- The city has signed an Intergovernmental Agreement (IGA) with Washington County to pass along the CET funds from the county to the city. These funds will be used to complete what was the fifth task of the original IGA signed between Washington County and Metro. These funds will be used to hire consultants for assistance during the process. Metro will release the funds based on the completion of a task; therefore, \$134,000 will be released when the city has completed Task 5, the adoption of the Community Plan. Money could be released if the city demonstrates progress towards completing the Community Plan.
- The Intergovernmental Agreement with Washington County committed 150 hours of the county's planning staff time, 200 hours of transportation modeling, and there has been some preliminary discussion with the Public Works Department about leveraging some utility funds and reimbursing those funds through the collection of potential fees or SDCs (when the developments occur).
- Wyss followed up on questions by council when this was last discussed in May:
 - Possibility of a transfer of density from the River Terrace areas to different areas in the city – Staff met with Metro and Title 11 of the Metro Functional Plan required a density of ten units per acre, so the city is bound to commit ten units per acre to Areas 63 and 64. In the new UGB expansion process a certain number of dwelling units were assigned per area – Roy Rogers West was assigned 479 units. These units can be spread into Areas 63 and 64.
 - Described the mechanism for transferring the density – after the zoning is in place, Title 1 of the Functional Plan has a mechanism to allow a transfer of density from one area to another of the city. This would effectively be down zoning property and this is never a popular decision.
 - City Manager Wine confirmed with Senior Planner Wyss that the 10 units per acre constitutes an average over the developable area (after removing the natural resources constraints, public rights of way and parks). In response to a question from Council President Buehner, Senior Planner Wyss said he believes commercial development was not factored into the concept planning process; this will be reviewed.
 - There was discussion on the complexities of determining density. Senior Planner Wyss referred to the Title 1 process for density transfer. Density transfers occur after the zoning is established. Council President Buehner pointed out that this is not likely to happen because of the down-zoning and Senior Planner Wyss said the way it could happen is if there are property owners who would volunteer to have their property be rezoned so there could be a density transfer.
 - Senior Planner Wyss spoke to why the commercial area was located where it was. Through the process, members of the community indicated they wanted the commercial area to be neighborhood focused,

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not auto oriented. The area would be a community gathering place – walking and biking. The commercial area was placed on the north end to take advantage of the highest density of already-developed Bull Mountain. The pond was incorporated into the commercial community space as a potential park feature.

- City Manager Wine said staff toured the area with Washington County staff and came away with a better understanding about the development of the West Bull Mountain Concept Plan. The concept plan underwent an extensive stakeholder process and the idea came forward for a water feature serving a surrounding commercial area; e.g. Tualatin Commons. Council President Buehner commented that the concept plan was done before the City of Beaverton decided to bring in a portion of the area. The school district is also looking to locate a high school on Scholls Ferry Road and this will change the dynamics of the community. This will require “a second look.”
- Councilor Wilson said his concern about the location of the commercial area is not with the idea of the intent of the neighborhood commercial but pointed out that businesses require drive-by traffic to survive. He cited an example of unsuccessful commercial areas not located near a major street. He offered that the commercial area should be close enough to Roy Rogers Road so it is visible to traffic.
- Senior Planner Wyss referred to the “commercial component memo,” prepared for the West Bull Mountain concept planning process, which goes into extensive detail about the types of businesses that could be expected to survive. The memo specifically mentioned that a grocery store would not be viable (market saturation for auto-oriented business) and was part of the reason the commercial area was scaled down to a five-acre space with 25,000 square feet of building. Council President Buehner reiterated that this was done before the Beaverton activity as she cited above – the dynamics have changed tremendously.
- City Manager Wine said the stakeholder group will be convened to keep continuity with the completed concept planning and to take into account new circumstances.
- Council President Buehner advised that the largest property owner in Area 64 was not allowed to be on the stakeholder committee during the concept plan process. Some of the property owners abutting the area were not allowed to be on the stakeholder committee as well. She said she thinks we need to look seriously at revamping the stakeholder committee and expressed concerns that some participants previously might not have been legitimate stakeholders for this area. Senior Planner Wyss said there are plans to add people to the stakeholder working group.
- Senior Planner Wyss spoke of the Roshak Road to Roy Rogers Road connection. Roshak is designated as a collector and is planned to run through the commercial area. Roy Rogers Road is currently designated in

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the Washington County Transportation System Plan as a two-lane road. The county is going through their TSP planning update and it is anticipated that it would expand to five lanes. The West Bull Mountain Concept Plan intentionally limited access to Roy Rogers Road.

- Councilor Woodard asked Senior Planner Wyss if there is a model, similar to a station community for this area with more detail. Senior Planner Wyss referred to the end of the concept plan report, which contains visuals of what different areas could look like. The basis of the concept plan was to create a complete community. It was envisioned that the neighborhoods would be sufficient to support the commercial and there was additional discussion of some civic use; i.e., a small branch library.
- Council President Buehner asked if the plan anticipates the widening of Roy Rogers Road? She said her concern is that a five-lane road would become a barrier to pedestrians. She asserted that it would become the “default westside bypass.” The plan does not appear to address the realities of the existing transportation. She asked Senior Planner Wyss if he could provide information with regard to what was anticipated for Roy Rogers Road. Councilor Woodard agreed with Council President Buehner’s comments with regard to a five-lane road impeding pedestrians and bicyclists. Senior Planner Wyss said the concept plan shows a pathway running parallel with Roy Rogers Road – as far away from the road as possible.
- Senior Planner Wyss referred to an interim task suggested by Metro to obtain some CET funds in advance. One idea was to adopt a concept plan into Tigard’s Comprehensive Plan as a first step, which would allow release of funds and help pay for some consultant work. This would help confirm the expectations that the concept plan will be implemented after the three-year investment that went into the process. This action would also respond to the Intergovernmental Agreement with Washington County where Tigard agreed it would implement the concept plan – it would be a good, solid starting point for the River Terrace planning process. Adjustments can be made through the public process with stakeholders’ input once again. Changes could be adopted through the final zoning ordinance.
- Senior Planner Wyss said the staff recommendation is to make this the first step to set the expectations that Tigard will implement the concept plan. It would also give Tigard access to some of the CET funds. He asked for City Council direction.
- Councilor Henderson said he was amenable to the staff recommendation and said it was an excellent place to start.
- Councilor Wilson commented that the City of Tigard was not allowed to be very involved in the concept planning process. He recalled that the council voted against the plan. He has talked to some people who were involved and they were unhappy with the plan. He said he would not

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want to start a three-year process again or disregard all of the previous input. He agreed the plan would be a good place to start. He said we would eventually receive the CET funds and this would be more a cash flow issue. City Manager Wine confirmed that staff would like to access a portion of the CET funds immediately and also referred to the agreement between Metro and Washington County whereby the one remaining task in that agreement was the adoption of the community plan. Metro would like to have Tigard adopt the concept plan as a step to show progress. If there is hesitancy by council to adopt the concept plan, the city could convene the stakeholders. What adjustments can be made to the plan, once adopted, are unknown. Councilor Wilson said his question is, “If we adopt this, what are we obligated to?” Senior Planner Wyss said the assumption would be that Tigard is starting from the concept plan and then as additional work progresses, changes would be made as needed. “Drastic changes” are not anticipated. Staff has heard from Washington County and the stakeholders that the community was happy with the process and the outcome. Councilor Wilson restated that he has heard differently from some stakeholders who were quite involved. In addition, the City of Tigard disagreed with parts of the plan. Councilor Wilson said his main concern is that there is too much density in the plan for a quality neighborhood. Council President Buehner added she thought there were insufficient commercial areas planned.

- Councilor Woodard said he has spoken to people who have put a lot of work into the concept plan. He has concerns with other issues that might require some flexibility. He said he was not opposed to adoption of the concept plan, just to get the process moving if the city has the ability to bring the public process back in – specific customers and stakeholders – and to adjust the plan if needed.
- Council President Buehner said she would vote for the concept plan with the following conditions: It cannot be in effect for more than two years – we have to do an updated plan with our own zoning. In addition, Tigard has to have the flexibility to make the changes to reflect that things around this area have changed in the last three years. Our representative, Community Development Director Bunch, voted against the original plan. The additional stakeholders including the largest property owners must be involved. The city has to finish the transportation planning, which was not done properly. Concept planning of the of the portion of the urban reserve that was left out must be done (the area immediately along Scholls Ferry Road to the west of Area 64). Under the new Metro rules, no urban reserve can be considered for Urban Growth Boundary expansion until a concept plan has been done.
- City Manager Wine addressed Council President Buehner advising that some of the elements outlined above were included in the staff presentation. The previous transportation planning included concerns about access management, safety, pedestrian friendliness of Roy Rogers

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Road. The concept plan was meant to get us to a certain point. It is staff's vision that this plan will entail the community planning for the area that Senior Planner Wyss reviewed earlier and also take into account the infrastructure planning for the urban reserves.

- Senior Planner Wyss addressed the timeline. Adopting the concept plan into Tigard's Comprehensive Plan with the temporary comprehensive plan designations would mean there would be no zoning selected at this point – this would be determined through development of the Community Plan. Council President Buehner said she wants to make sure this is on a tight timeline because there has been too much “slippage” already. There are unhappy landowners in the area because this planning has not moved along. She is also concerned about the strictures within the concept plan put into place by Washington County over the objections of the people in the area.
- Councilor Wilson referred to the 200 hours of Washington County transportation staff time Tigard will receive. This is a critical element, particularly for the impacts outside of the area. He said he does not know if the county staff has the ability to perform transportation modeling; that is, will we get the same product that we would get from a consultant? Senior Planner Wyss said it is his understanding is that the County does possess the regional transportation model to forecast the additional demands on Pacific Highway and Scholls Ferry Road. Council President Buehner noted this was one of the flaws of the plan – these forecasts were not included. Now that there will be additional impact with the Beaverton development, she wondered if this would require us to work closely with the Beaverton transportation planners as well. Senior Planner Wyss confirmed we would work closely with Beaverton, Washington County and Clean Water Services.
- Councilor Wilson suggested it might be helpful to have a hearing to move the process along to receive public input. He does not feel that he knows whether or not people are happy with the concept plan. Council President Buehner responded to a comment from Senior Planner Wyss about testimony received during the county process—she said she testified against the plan before the county Planning Commission and Board of Commissioners.
- City Manager Wine confirmed that a hearing could be held to obtain important information as the city launches the remainder of the process. Councilor Wilson said that just because there is a disjoint between the previous process and the city taking it up, there needs to be a comfort level developed before starting. Conversely, he said he understands the urgency of moving forward and the city's financial constraints.
- Council President Buehner said she thinks it might be useful to get someone who was serving on the Washington Planning Commission to discuss what the conversation was at this level – she recalls this was quite

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intense. Some commissioners were angry that they had not been brought into the process earlier and they were asked to approve the plan with no time to study or give feedback.

- Councilor Woodard commented the Community Plan completion date is slated for March 2014. He asked how critical is it to meet that date? Senior Planner Wyss said there is a lot of anticipation by the property owners and the community that this process is going to be concluded as quickly as possible. The March 2014 deadline was self-imposed. Major changes to the concept plan would push the timeline out further.
- In response to Councilor Woodard's concerns about getting the job done well within the timeline constraints, Senior Planner Wyss spoke to the first step of getting the Concept Plan adopted through a public process and placed within the city's Comprehensive Plan, which would preferably be accomplished in two months. This would be followed by the entire process of updating the master plans, mapping natural resources and assigning zoning. If any "tweaks" were made, then a final hearing would be required before the council reaches a final decision. Councilor Woodard said he remains convinced that adoption of the concept plan is a good first step, which would then open the way toward moving through the rest of the process.
- Councilor Henderson said he has heard over and over that the process will be finished in 18 months. He agreed that this is a late start and also acknowledged the added complexities created with new developments from the City of Beaverton. All aspects should be monitored. Senior Planner Wyss said staff met with the Technical Advisory Committee this morning, and Beaverton has several members on this committee. Beaverton expects to begin their process in February 2013, with an aggressive timeline for completion of the concept planning in mid-2014. Given this timeline, Councilor Henderson said it would appear that development would probably not get underway until 2015.
- Council President Buehner said a property owner advised her that "Arbor has already told the residents of the homes that they would need to be out by the 15th and they plan to start razing houses." She asked if staff was aware of this. City Manager Wine referred to the process outlined by Senior Planner Wyss with the convening of both technical and stakeholder working groups. Therefore, communication with residents or individual property owners has not occurred.
- Senior Planner Wyss concluded his presentation by referring to the meeting of this morning with the Technical Advisory Committee. The first community meeting is scheduled for late October. Staff will start the land use analysis, looking at compatibility of our Comprehensive Plan with the West Bull Mountain Concept Plan and zoning options to meet ten units per acre. Some natural resources work is underway. The tree

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grove inventory will be done in October. An ESEE analysis will be completed for both the tree grove and local wetland inventories. Detail scoping is being finalized for each individual master plan updates.

- Council involvement in the process will include adopting the West Bull Mountain Concept Plan. There will be series of public hearings on Goal 5 maps – land use designations, public facility plan and infrastructure financing strategy. Staff will update City Council regularly throughout the process. One or two City Council members are invited to sit on the stakeholder working group and attend community meetings throughout the process.
- Councilor Wilson said he was most concerned about the transition between the low and high density. The medium density is barely adequate for single-family detached homes. He would prefer to have more low and high density and less of the transition zone. However, he would like to receive input from builders and stakeholders. Senior Planner Wyss said this would be part of the process as we progress through the community plan when the analysis is done for applying zoning. There is flexibility because of the zones available and applicable in the concept plan.

Council meeting recessed for a few minutes.

6. DOWNTOWN CONNECTIVITY CODE AMENDMENTS WORKSHOP

Present for presentation: Redevelopment Project Manager Farrelly, Senior Transportation Planner Gray and Consultant Catherine Corliss from the Angelo Planning Group.

Redevelopment Project Manager Farrelly presented the staff report noting the council will receive an update and staff requests feedback from the City Council prior to the Planning Commission hearing scheduled for October 15, 2012. A City Council public hearing is tentatively scheduled for December 11, 2012. He asked the council to keep three questions in mind during the presentation:

- Was anything missed by staff?
- Does the plan meet with the City Council's vision of downtown development?
- Are there any comments City Council members would like staff to take forward to the Planning Commission?

Council President Buehner expressed her concern that no Planning Commissioners were present tonight. Redevelopment Project Manager Farrelly advised staff had a workshop with the Planning Commission in June. City Manager Wine said staff would collect comments from the council tonight to share with the Planning Commissioners.

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Redevelopment Project Manager Farrelly advised the downtown has limited travel connections/connectivity. The Tigard Downtown Improvement Plan found one of the major things holding back development was the lack of pedestrian/bicycle/vehicular circulation. To address this, the city produced (with stakeholder input) the Tigard Conceptual Connectivity Plan. The Plan was developed by a consultant team. The Plan will not be adopted but will be implemented through Development Code and Transportation System Plan amendments. The three objectives of the Plan:

1. Connectivity
2. Circulation
3. Capacity

Redevelopment Project Manager Farrelly continued his review highlighted by presentation slides; a copy of the presentation is contained in the packet materials.

Redevelopment Project Manager Farrelly reviewed a map of the proposed new streets. There has been movement away from the “ideal grid” to incorporate existing infrastructure and not overly-impact any one property to the greatest extent possible. The Plan will mostly be implemented through new development. Focus was given to streets deemed to be the most necessary.

Redevelopment Project Manager Farrelly referred to a map showing proposed street classifications. Most of the streets are residential in character. He described new street character classification; i.e., downtown collector, downtown neighborhood, downtown urban residential, downtown alley.

Ms. Corliss reviewed the preparation of the Plan and then explained the proposed implementation of the Plan. She reviewed proposed code and Transportation System Plan amendments. The improvements will occur incrementally over 50 years or longer as individual properties redevelop, which will require patience to develop roads in this way. Code language was reviewed to provide flexibility for the location of the streets.

Ms. Corliss advised information regarding suggested TSP/CDC amendments is available for review online. New language is being added to the TSP for connectivity improvements so it is clear where future streets are expected to go. Online information is also available with regard to street classifications. Amendments to the Development Code identify the requirements for new development and major/minor redevelopment projects. She reviewed elements of the connectivity improvements (see Page 12 of the presentation).

Ms. Corliss reviewed new cross-sections (see Pages 13 and of the presentation).

Ms. Corliss referred to a list of proposed amendments to the TSP and CDC (Slide 15).

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Redevelopment Project Manager Farrelly reviewed the next steps:

- Planning Commission public hearing – October 15, 2012
- City Council public hearing – December 11, 2012
- Once the TSP and CDC are amended, an urban renewal implementation strategy will be needed.

In response to a question from Council President Buehner, Ms. Corliss said at one point an alley connection was shown on Ash, but no changes are planned for the area. Redevelopment Project Manager Farrelly said the thought was that it would be difficult to get a vehicular connection that close to the rail line and to the Hall intersection. Discussion followed on this connection with Redevelopment Project Manager Farrelly noting the connection was meant to serve any development that occurs at that location.

Councilor Wilson suggested the TriMet parking lot be widened by about 10 feet, which would help the circulation. The way the parking lot is used as a connection should be formalized. Councilor Wilson said if redevelopment occurs, plans should be in place so there is right-of-way access.

Councilor Wilson said he does not like the proposal for the extension of Burnham Street. The proposal compromises some things that the city is hoping to do and would be complicated because it would require Oregon Department of Transportation's concurrence and some tunneling that would be expensive. Redevelopment Project Manager Farrelly said this connection was offered at a 2010 City Council meeting as a connection from Burnham Street to Tigard Street. The connection could be made if a new viaduct is built. Councilor Wilson said a straight-line connection would be better. Senior Transportation Planner Gray suggested that it be noted to preserve a connection potential. Discussion followed on the code amendments that would be put into place regardless of whether a possible connection is likely or hypothetical.

Councilor Wilson commented that the intersection of Tigard/Main Streets is dysfunctional now. If density is added downtown, this intersection will become worse. The connection is important, but said we need something different with regard to how this would be regulated insofar as it is important, but it is aspirational. Ms. Corliss noted the regulations are only being proposed for areas within the downtown. She suggested the connection could be shown as going straight across.

Councilor Woodard referred to a "B Street" concept to create more connectivity in a parallel path and options to consider if parallel is not feasible. He noted Center Street connects to a pocket park and said for little cost a connection could be made to Commercial Street. However, if a new viaduct is built, there is a possibility that you could also go over the railroad track and create another parallel path for a direct connection to Burnham Street. City Manager Wine noted the City Engineer is exploring the Center/Commercial Street connection.

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Redevelopment Project Manager Farrelly agreed that a goal for creating these connections is to get more traffic off of 99W. In response to a comment from Council President Buehner, Redevelopment Project Manager Farrelly advised that the Center Street connection was on the plan previously as a pedestrian connection. Councilor Wilson said he thought it would be better to connect Lincoln Street/95th Avenue to Grant Street underneath the railroad tracks.

Councilor Henderson noted a concern about the alley behind the B&B business. He said there is no parking allowed for the alley. Redevelopment Project Manager Farrelly said this was the previous location identified for the festival street with it anticipated that the Plaza was going to be located at the Stevens Marine site. When that no longer appeared to be a possibility, the need for a full street was reviewed and the thought was that an alley would be sufficient to serve for deliveries for new development on two properties. He agreed there is a need for parking. Council President Buehner noted the area is identified for multi-residential and parking will be needed for residents and park users. Ms. Corliss noted with regard to the question of whether an alley should be located, there was concern over the required right-of-way width for a street. Factors included the amount of traffic expected on the street, the impact to the existing properties and whether the property also had frontage along another street (in this case, these properties also abut Burnham Street).

Redevelopment Project Manager Farrelly referred to areas along Burnham Street and nearby side streets where there is potential for development on both sides but as you go towards B&B Printing, only one side is available for development. Council President Buehner said she thought that if there is to be residential development, the thought was to provide a street connection off Burnham Street. Redevelopment Project Manager Farrelly said this is something that could be looked at with the Planning Commission.

Senior Transportation Planner Gray, said that as a traffic engineer she appreciates a nice grid system, but she sees the potential for alternate connectivity options noting the plan for downtown has come a long way. Because of the layout of the parcels and buildings the proposal appears to be viable. She noted starting out with what “we’d like to see” for good circulation was then reviewed site by site to determine if it was feasible or preclude development.

Councilor Wilson said he has been interested in how streets are being planned in Holland – ambiguous streets that are pedestrian malls where cars can drive on. The area parallel to Burnham, which faces a park, might be a good place to experiment. There might be other sites where the rigid, cross-section does not need to be reserved; rather, use the public right of way in different ways depending on the type of development that occurs. (Note: Redevelopment Project Manager Farrelly said this type of street is called “woonerf.”)

Council President Buehner said her thought was that the city hoped to attract high-end residential development by promoting the attraction of the beautiful park. Requiring the transportation to exit to Burnham, which will get more heavily traveled as redevelopment occurs, would make this less friendly.

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Redevelopment Project Manager Farrelly noted the current connection that goes from Hall through City Hall from Verizon and Ash would take traffic off of Burnham. Such right of way might serve only the site development and the park users. There was additional discussion on streets in Europe where pedestrians and cars share the right of way. Councilor Wilson said the important thing to do is to reserve the right of way and be open to other options than the usual “cross-section standard.” To provide such flexibility, code language ideas and illustrations were discussed with Ms. Corliss.

In response to a comment from Councilor Woodard, Ms. Corliss said the principles of the concept plan with the idealized grid pattern guided the proposed amendments.

Ms. Corliss said if flexibility needs to be included in the proposed amendments, she and staff could come up with a way to mark areas that might be eligible. At this point the Planning Commission hearing has been posted/noticed. The process would be to advise the Planning Commission of the ideas expressed by City Council tonight. As the process progresses, other ideas might also come up, which would all come back to the City Council for its consideration.

Councilor Wilson noted the odd-shaped block created because of the apparent desire to avoid the Police Department building, which is likely to be moved in the future. Redevelopment Project Manager Farrelly said a drive-aisle exists that the Police Department shares with the Frontier business. There was discussion on how this might be realigned in the future.

Redevelopment Project Manager Farrelly advised that a representative from the Burnham Business Park was supportive of the plans for the future of the downtown.

Redevelopment Project Manager Farrelly said he would be happy to remove the Burnham Street/Tigard connection as discussed earlier this evening. Councilor Wilson clarified that, while this is an important connection, it would be expensive and unlikely to happen – plus it should meet Main Street at a right angle to be functional. He said “we ought not to tie up somebody’s property for something that is a long-shot...but somehow keep it on the radar in a plan somewhere that it is an aspirational connection.” Ms. Corliss said that it would make sense to take the connection off the map, since the proposal is for implementation and will guide regulation. If the intent is to avoid asking developers to give up right of way or set back buildings because it is “too aspirational -- in 50 years,” the connection should be removed from the connectivity map, but it could be kept in the TSP, saying “a future connection from Burnham across the viaduct is a desired outcome that should generally follow this alignment.”

7. ECONOMIC DEVELOPMENT DISCUSSION: This agenda item will be rescheduled.
8. NON AGENDA ITEMS: None.
9. COUNCIL LIAISON REPORTS: None.

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10. EXECUTIVE SESSION: Not held.

11. ADJOURNMENT: 10:11 p.m.

Motion by Councilor Henderson, seconded by Councilor Woodard, 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: _____

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