



City of Tigard

## Tigard Business Meeting – Agenda

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### TIGARD CITY COUNCIL -

**MEETING DATE AND TIME:** May 28, 2013 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

**Note:** Agenda revised 5/22/2013 to add an executive session topic for consultation with legal counsel.

#### PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are *estimated*; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. *Business agenda items can be heard in any order after 7:30 p.m.*

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

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#### VIEW LIVE VIDEO STREAMING ONLINE:

<http://live.tigard-or.gov>

**CABLE VIEWERS:** The regular City Council meeting is shown live on Channel 28 at 7:30 p.m. The meeting will be rebroadcast at the following times on Channel 28:

Thursday	6:00 p.m.	Sunday	11:00 a.m.
Friday	10:00 p.m.	Monday	6:00 a.m.



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

Note: Agenda revised 5/22/2013 to add an executive session topic for consultation with legal counsel.

6:30 PM

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss labor negotiations \*and for consultation with legal counsel about litigation likely to be filed under ORS 192.660(2)(d) and (h). 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.

\*Executive Session topic added on May 22, 2013.

- STUDY SESSION

7:30 PM

1. BUSINESS MEETING

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

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

- A. Consider a Resolution Acknowledging and Commending Megan Risinger for Her Service as Tigard High School Student Envoy to the City of Tigard
- B. Honor the 2013 State Championship Tigard High School Speech and Debate Team
- C. Follow-up to Previous Citizen Communication
- D. Citizen Communication – Sign Up Sheet

3. LEGISLATIVE PUBLIC HEARING: TIGARD GOAL 10 POPULATION AND HOUSING REVIEW - COMPREHENSIVE PLAN AMENDMENT (CPA) 2013-00001 AND DEVELOPMENT CODE AMENDMENT (DCA) 2013-00002  
7:50 - estimated time

REQUEST: To adopt the Population and Housing Review as a component of Tigard Comprehensive Plan Goal 10: Housing; to amend the current Tigard Comprehensive Plan Goal 10: Housing goals, policies, and recommended action measures; to amend Tigard Development Code section 18.360; and to amend the current Tigard Comprehensive Plan Goal 2: Land Use Planning

LOCATION: Citywide.

ZONE: All City Zoning Districts.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters 18.360; Comprehensive Plan Goals 9; Comprehensive Goal 2; and Statewide Planning Goals 1, 2, 10 and 14.

4. ADOPT AN UPDATED 10-YEAR FRANCHISE AGREEMENT WITH PORTLAND GENERAL ELECTRIC  
8:30 p.m. - estimated time

5. LEGISLATIVE PUBLIC HEARING: MASCO DEVELOPMENT CODE AMENDMENT - (DCA) 2012-00003  
8:45 p.m. - estimated time

REQUEST: The amendment would alter Land Use Table 18.530.1 (Industrial Zones) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District.

LOCATION: All properties located within the I-P: Industrial Park Zoning District

ZONES: I-P: Industrial Park Zoning District

COMP PLAN: Light Industrial

APPLICABLE REVIEW CRITERIA: Statewide Planning Goals 1, 2, & 9; Metro Title 4; Comprehensive Plan Policies 2.1.3, 2.1.7, 9.1.2, 9.1.3, & 9.1.7; and Community Development Code Chapters 18.380, 18.390, & 18.530.

6. CONSIDER FEE WAIVER FOR CREATIVE HANDS COOPERATIVE PRESCHOOL  
9:20 p.m. - estimated time

7. COUNCIL LIAISON REPORTS

8. NON AGENDA ITEMS

9. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
  
10. ADJOURNMENT  
9:30 p.m. - estimated time

AIS-1339

2. A.

**Business Meeting**

**Meeting Date:** 05/28/2013

**Length (in minutes):** 5 Minutes

**Agenda Title:** Consider a Resolution Acknowledging and Commending Megan Risinger for Her Service as Tigard High School Student Envoy to the City of Tigard

**Submitted By:** Carol Krager, City Management

**Item Type:** Resolution

**Meeting Type:** Council Business Meeting - Main

**Public Hearing**

**Newspaper Legal Ad Required?:** No

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Shall Council approve a Resolution acknowledging and commending Megan Risinger for her service as the Tigard High School Student Envoy to the City of Tigard.

**STAFF RECOMMENDATION / ACTION REQUEST**

Motion to approve resolution.

**KEY FACTS AND INFORMATION SUMMARY**

Tigard High School Associated Student Body President Megan Risinger has ably performed as Tigard High School Student Envoy to the Tigard City Council by attending Council meetings and reporting on school activities and milestones.

At the end of the school year, council has traditionally considered a resolution acknowledging the envoy for his or her service. This is Megan's last meeting as she will be graduating on June 7, 2013.

**OTHER ALTERNATIVES**

N/A

**COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

N/A

**DATES OF PREVIOUS CONSIDERATION**

N/A

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**Attachments**

Resolution

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 13-**

A RESOLUTION ACKNOWLEDGING AND COMMENDING MEGAN RISINGER FOR HER SERVICE AS THE TIGARD HIGH SCHOOL STUDENT ENVOY TO THE CITY OF TIGARD

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WHEREAS, the Tigard City Council desires to connect with students in schools to improve communications and relationships; and

WHEREAS, City of Tigard elected and appointed officials appreciated the monthly student activity updates from Tigard High School Student Envoy Megan Risinger; and

WHEREAS, the activities coordinated by Tigard High School Associated Student Body President Megan Risinger and her fellow student leaders benefitted students and the Tigard community.

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

SECTION 1: The City of Tigard Council and staff members hereby convey their gratitude to Megan Risinger for her exemplary service as the Tigard High School Student Envoy to the City of Tigard.

SECTION 2: The City of Tigard Council and staff members hereby extend congratulations and wishes for future health and success to Tigard High School Graduate Megan Risinger.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2013.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

AIS-1336

2. B.

**Business Meeting**

**Meeting Date:** 05/28/2013

**Length (in minutes):** 5 Minutes

**Agenda Title:** Honor the 2013 State Championship Tigard High School Speech and Debate Team TEAM

**Submitted By:** Carol Krager, City Management

**Item Type:** Update, Discussion, Direct Staff

Council Business

**Meeting Type:** Mtg - Study Sess.

**Public Hearing**

**Newspaper Legal Ad Required?:** No

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

The City Council will honor the 2013 State Championship Tigard High School Speech and Debate Team and their coaches.

**STAFF RECOMMENDATION / ACTION REQUEST**

Information only.

**KEY FACTS AND INFORMATION SUMMARY**

The Tigard High School Speech and Debate team won the Oregon School Activities (OSAA) 2013 Speech State Championship. This year's contest was held at Western Oregon University on April 18-20. 440 students from 63 schools in Oregon competed.

This is the second time in four years that Tigard has taken the top prize. The team has finished in the top three for the last 4 years: 2010 - 1st, 2011-3rd, 2012-2nd and 2013-1st. Tigard Speech and Debate qualified 22 students to the State Championship, resulting in:

- State Champion (1st place) Dual Interpretation Team - Olivia Cordell and Tristy Retzlaff
- State Champion (1st place) Cross Examination Debate Team - Courtney Bither and Narin Luangrath
- 3 of the top 16 Parliamentary Debate teams in Oregon, including the 3rd place team of Kevin Jiang and Zach Bigej
- 1 of the state's top 16 Lincoln Douglas debators - Paul Altotsky
- 2 semi-finalists in Humorous Interpretation - Kyle Novy Riley and Tristy Retzlaff
- A finalist in Dramatic Interpretation - Kyle Novy Riley
- A finalist in Impromptu Speaking - Max Redman
- Second place finisher in Extemporaneous Speaking - Kevin Jiang

The head coach is Matthew Compton and assistant coach is Amber Manning.

Three students qualified for the National Forensics Tournament, to be held in Alabama this summer - Kyle Novy Riley, Tristy Retzlaff and Olivia Cordell.

**OTHER ALTERNATIVES**

n/a

**COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

n/a

**DATES OF PREVIOUS CONSIDERATION**

n/a

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**Business Meeting**

**Meeting Date:** 05/28/2013

**Length (in minutes):** 45 Minutes

**Agenda Title:** Legislative Public Hearing: Tigard Goal 10 Population and Housing Review

**Submitted By:** Marissa Daniels, Community Development

Ordinance

**Item Type:** Public Hearing - Legislative

**Meeting Type:** Council Business Meeting - Main

**Public Hearing:** Yes

**Publication Date:**

**Information**

**ISSUE**

Public Hearing to consider a Comprehensive Plan Amendment and Development Code Amendment to adopt the Tigard Goal 10 Population and Housing Review.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends Council support the Planning Commission's recommendation to adopt CPA2013-00001 & DCA2013-00002, as set forth in the attached draft ordinance.

**KEY FACTS AND INFORMATION SUMMARY**

**Background**

The Tigard Goal 10 Population and Housing Review analyzed the city's compliance with state and regional policies related to housing. Driven by a combined Citizens Advisory Committee/Technical Advisory Committee, the purpose of this project was to assist the city in meeting community aspirations for growth, as outlined in the comprehensive plan, while complying with state housing goals and requirements. The result of this effort is the Tigard Housing Strategies Report and updates to the city's Comprehensive Plan and Development Code.

Tigard was awarded a Periodic Review grant by the Department of Land Conservation and Development (DLCD) to complete the Tigard Goal 10 Population and Housing Review.

**Ordinance**

Adopting the attached ordinance will:

- Adopt the population and housing review as a component of Tigard’s Comprehensive Plan Goal 10: Housing
- Amend the Tigard Comprehensive Goal 10: Housing to reflect current conditions and trends
- Amend the Tigard Comprehensive Plan Goal 2: Land Use Planning
- Amend Tigard Development Code Section 18.360 to ensure the city’s standards related to housing are clear and objective.

**OTHER ALTERNATIVES**

The Council may approve, approve with modifications, deny or adopt an alternative to an application for the legislative change or remand to the Commission for rehearing and reconsideration.

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

N/A

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

10/16/12

4/16/13

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### **Attachments**

#### Ordinance

Exhibit A: Housing Strategies Report

Exhibit B: Updates to Goal 10

Exhibit C: Updates to Goal 2

Exhibit D: SDR Code Updates

Exhibit E: Staff Report

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 13-**

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2013-00001 AND DCA 2013-00002 TO ADOPT THE POPULATION AND HOUSING REVIEW AS A COMPONENT OF TIGARD COMPREHENSIVE PLAN GOAL 10: HOUSING; TO AMEND TIGARD COMPREHENSIVE PLAN GOAL 10: HOUSING; TO AMEND TIGARD DEVELOPMENT CODE SECTION 18.360; AND TO AMEND TIGARD COMPREHENSIVE PLAN GOAL 2: LAND USE PLANNING

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WHEREAS, Oregon Statewide Planning Goal 10 and Administrative Rule 660 Division 7 requires cities under State Periodic Review to complete a population and housing review; and

WHEREAS, the City of Tigard is under State Periodic Review order; and

WHEREAS, Tigard City Council directed staff to complete a population and housing review to comply with Oregon Statewide Planning Goal 10 and Administrative Rule 660 Division 7; and

WHEREAS, the City of Tigard was awarded grant monies from the Oregon Department of Land Conservation and Development to fund the Tigard Goal 10 Population and Housing Review, which required the inclusion of specific elements; and

WHEREAS, the Tigard Goal 10 Population and Housing Review is consistent with Oregon Statewide Planning Goal 10 and Administrative Rule 660 Division 7; and

WHEREAS, the city has proposed an amendment to the Tigard Comprehensive Plan to update the Goals, Policies, and Recommended Action Measures corresponding to Statewide Planning Goal 10 and Goal 2; and

WHEREAS, the city has proposed an amendment to the Tigard Development Code Section 18.360; and

WHEREAS, the Tigard Planning Commission held a public hearing, which was noticed in accordance with city standards, on April 15, 2013, and recommended approval of the proposed CPA 2013-00001 and DCA 2013-00002 by motion with unanimous support; and

WHEREAS, on May 28, 2013, the Tigard City Council held a public hearing, which was noticed in accordance with city standards, to consider the Commission's recommendation on CPA 2013-00001 and DCA 2013-00002, hear public testimony and apply applicable decision-making criteria; and

WHEREAS, on May 28, 2013, the Tigard City Council adopted CPA 2013-00001 and DCA 2013-00002 pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt CPA 2013-00001 and DCA 2013-00002 was based on the findings and conclusions found in Exhibit "D" and the associated land use record which is incorporated herein by reference and is contained in land use file CPA 2013-00001/DCA 2013-0002.

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

SECTION 1: Tigard City Council adopts the Tigard Goal 10 Population and Housing Review (EXHIBIT "A") as a component of Tigard Comprehensive Plan Goal 10: Housing.

SECTION 2: Tigard Comprehensive Plan is amended to include new text and rescind existing text as shown in Exhibit "B" and Exhibit "C".

SECTION 3: Tigard Development Code is amended to include the new text and rescind existing text as shown in Exhibit "D".

SECTION 4: Tigard City Council adopts the findings and conclusions contained in Exhibit "E" in support of the Council's action and to be the legislative basis for this ordinance.

SECTION 5: This ordinance shall be effective 30 days after its passage by the council, signature by the mayor, and posting by the city recorder.

PASSED: By \_\_\_\_\_ vote of all council members present after being read by number and title only, this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
John L. Cook, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

*Prepared by:*  
**Angelo  
Planning Group**

*in partnership with  
Johnson Reid*

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**February  
2013**

*City of Tigard*

# **Population and Housing Review Housing Strategies Report**



Angelo  
planning group



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# 1. Introduction and Overview

Having affordable, quality housing in safe neighborhoods with access to needed community and other services is essential for all Oregonians. Like other cities in Oregon, the City of Tigard is responsible for helping to ensure that its residents have access to a variety of housing types that meet households and residents of all incomes, ages and specific housing needs. As part of the process of periodically updating its Comprehensive Plan, the City is evaluating the housing needs of its citizens and identifying strategies that the City and others can implement to achieve them. Some of the City's specific housing goals include:

- Go beyond minimum state and regional requirements and develop housing strategies that respond to the opportunities presented by a variety of community assets and opportunities, including potential high capacity transit stations, redevelopment of downtown Tigard, and future development of the recently annexed River Terrace area.
- Create opportunities to meet the aspirations that have been developed during the Metro region's *Making the Greatest Places* process.
- Respond to current and evolving housing market conditions and trends
- Address the needs of an aging population and potential recovery from the recent housing downturn
- Maintain a high level of residential livability
- Support housing affordability, special-needs housing, ownership opportunities, and housing rehabilitation
- Promote innovative, well-designed, and sustainable housing developments

This report summarizes a variety of local housing issues and strategies recommended to address them. It builds on a comprehensive study of the local housing market and future trends and an in-depth review of current local, regional, state and federal housing requirements, goals and initiatives. It was prepared in coordination with an advisory committee of City of Tigard staff, Planning Commissioners and citizens, as well as representatives of Washington County, Metro, the Oregon Department of Land Conservation and Development, the Oregon Homebuilders Association and the Washington County Community Housing Fund. The work has been funded by a grant from the Oregon Department of Land Conservation and Development as part of its Periodic Review grant program.

Section 2 of the Report summarizes key housing conditions and future trends to provide context for the strategies that follow. Section 3 briefly reviews recommendations for updates to the City's Comprehensive Plan which are described in more detail in a companion "Goal 10 Housing Report." Sections 4 through 7 outline additional strategies related to the following types of initiatives:

- Recommended amendments to the City's Development Code
- Future planning for new residential development and redevelopment
- Information sharing with housing developers and other community partners
- Intergovernmental coordination and advocacy
- Administrative and funding tools

Key strategies include:

- Update the Comprehensive Plan to briefly describe existing housing conditions and past and historic trends, as well as to include new or revised housing goals, policies and action items that reflect the results of this planning effort.
- Update the City’s Development Code to include provisions for “cottage clusters” and “live-work” housing units; enhance provisions and standards related to accessory dwelling units and single family attached housing; refine parking requirements for senior and affordable housing developments in existing or future high capacity transit areas; and provide for density or height bonuses to promote affordable housing in selected areas.
- Implement a variety of zoning, design and market-based strategies to promote development of a range of housing types in newly developing or future mixed use areas, including River Terrace, the Tigard Triangle, Washington Square, Downtown and other potential future high capacity transit corridors or centers.
- As part of various planning, development and permitting processes, provide information from other sources to housing developers, home builders, and landlords regarding fair housing goals and requirements, as well as design practices that help ensure accessibility for people with physical or mobility limitations, including older residents.
- Continue to coordinate with and support Washington County, as well as local non-profit groups and other housing developers or providers, particularly those that provide affordable or special needs housing. Assist with siting and permitting efforts and generally support residential development projects that further the City’s housing goals and objectives and meet the City’s planning and zoning requirements.
- City staff should continue to address housing goals and implement housing strategies in a consistent and coordinated manner, with a common understanding of the goals, priorities and approaches identified in this report.
- Continue to provide a certain level of funding to support affordable and special needs housing projects, including maintaining existing programs and considering additional strategies, as resources allow in the future. More specific recommended actions are described in the following section.

Section 8 of the Report summarizes specific recommended strategies in an Action Plan that includes proposed activities, timelines and roles for implementing each one.

## 2. Housing Conditions and Trends

Tigard has a current population of approximately 48,000 people. As of the 2010 Census, it was the fifth largest city by population in the Portland metro area (excluding Vancouver, Washington). It represents 3% of the total population within the three primary metro counties and is the 13th largest city in Oregon.

Between 2000 and 2010, Tigard grew by 6,857 people, or 17%. This is somewhat slower than the Washington County growth of 19% during that period, but greater than the state of Oregon's growth of 12%. Tigard experienced slower percentage growth than the two largest Washington County cities of Hillsboro and Beaverton (31% and 18% respectively). The percentage of families was basically unchanged between 2000 and 2010 at 65% of all households. This is very similar to the Metro area figure of 63.5% family households, and Washington County's 66.8%.

At just over \$59,000 in 2010, Tigard's median household income 11% higher than the Portland/Vancouver metro area median, but was 10% lower than the countywide median. However, the average (mean) income in Tigard of over \$79,000 is actually higher than the countywide average of \$75,821. This indicates that there are a larger proportion of high income households which pull the average higher. The number of households at the lower end of the income spectrum has fallen since 2000, which mostly reflects general wage inflation. 16% of households earn \$25k or less, down from 20% of households in 2000. The poverty rate is higher than average among females (9.9%) and those under 18 years of age (8.7%). This is likely reflective of the heightened poverty rate among young single mothers, which mirrors national trends.

Changing demographic trends that are likely to affect future housing needs in Tigard include the following:

- As a first-tier suburb in the Portland metro area, the City of Tigard will continue to benefit from the general trend of migration to urban areas. The metro area as a whole can expect continued growth, with different suburbs filling different niches in terms of housing affordability, lifestyle amenities, and employment opportunities. Tigard can continue to prioritize bringing some of the benefits of a more urban environment to the city, through the long-term redevelopment of the Downtown area, possible addition of light rail service, and development of additional town center or station areas.
- Over the coming 20 years, the baby boom generation will remain healthier and more independent for longer than their parents, meaning that the transition to retirement communities will be postponed or never undertaken. The youngest in this generation will just be reaching the traditional retirement age in 20 years. A subset of the baby boom generation will be interested in opportunities to live in well-planned and safe mixed-use communities in the future. The demand from older households for multi-family housing opportunities in town centers should be significant enough to be addressed, but should not be overstated. Also, older seniors may prefer or require single-level housing.
- It is generally believed that while a significant percentage of the millennial generation (people born between the 1980s and 2000) claim to prefer the urban core, they truly mean the center of a larger city (in this case central Portland), rather than a suburban environment. However, the eventual impacts of affordability and life-stage decisions are likely to cause some significant share of this generation to

either never move into the urban core, or move back out at some point. Tigard, like many suburban cities, can plan ahead for this generation by creating mixed-use town centers and station centers which will provide some urban amenities. Transit options and opportunities to walk and bike will also be attractive. For all of their differences, good schools and a safe environment will appeal to millennial households just as much as to preceding generations.

- The percentage of immigrants in Tigard has increased somewhat but not dramatically since 2000. The main impact of ethnic minorities and immigrant groups in Tigard and other suburbs will be continuing demand for low-to-moderate cost housing options, and the type of larger housing units already found in most suburbs. As long as the policies and land inventory allow for the production of multi-family units, it will be possible to meet the rental need for immigrants and other populations. Demand for for-sale housing will largely be met by older existing housing units, rather than new housing. It is likely that immigrant households and first-generation American households will provide a key source of demand for suburban boomer housing

A comparison between current housing supply and needs indicates the following:

- In general, there is a need for some less expensive ownership units and rental units. This is not uncommon as the lowest income households struggle to find housing of any type that keeps costs at 30% of gross income.
- Among prospective ownership households, there is a solid supply of mid-priced housing between \$170k and \$240k, as well as upper-mid-priced housing of \$370k to \$550k. This analysis estimates the need for more for-sale housing in between these ranges, and at the upper end of the market.
- There is a general need for rental units at the lower and middle price levels. There are levels of estimated surplus for apartments (\$620 to \$1060 per month), and for single family homes for rent (\$1770 - \$3,530). These bands represent the average rent prices in Tigard, where most units can be expected to congregate.
- Overall, there is a total surplus of 270 ownership units, and a current surplus of rental units of 631. This is an estimate based on a model of general preferences of households in different age and income cohorts to either own or rent.
- There are an estimated 901 units more than the current number of households, reflecting the current estimated vacancy rate of 4.4%.

In considering future housing needs and the projected supply of land available to meet them in Tigard, this study found the following:

- There will be a need for over 6,500 new housing units by 2030, with a stronger emphasis on new ownership units. This total need includes the West Bull Mountain area.
- Of the new units needed, 76% are projected to be ownership units, while 24% are projected to be rental units. This is because analysis of the current supply finds a greater vacancy of rental units (Figure 7). Therefore, to rebalance the supply with the projected future need profile, more new ownership units will be needed than rental units, while the current surplus of rental units needs to be absorbed.



- 
- Of the new units needed, the largest share (53%) is projected to be single family detached homes, due again to the stronger need for new ownership housing. The remainder of units (47%) is projected to be some form of attached housing.
  - Single family attached units are projected to meet nearly 20% of future need.
  - Duplex through four-plex units are projected to represent over 8% of the total need.
  - 18% of all needed units are projected to be multi-family in structures of 5+ attached units.
  - Less than 1% of new needed units are projected to be manufactured home units in manufactured home parks, which meet the needs of some low-income households for both ownership and rental. Manufactured home units in manufactured home parks are projected to make up a small share of future demand. Tigard has two large manufactured home parks, both of which are fully occupied. It is projected here that there will on-going demand for manufactured home units (36 units) in keeping roughly with the current share of mobile home units in the community.
  - The projected preferences for future unit types are based upon historically permitted units since 1980, cross referenced with the profile of currently available buildable lands, and how that will shape future inventory. It is projected that in coming decades a greater share of housing will be attached types, including attached single family.
  - There is an adequate supply of land within Tigard zoned appropriately to meet future housing needs and comply with state and regional housing requirements and goals.

### 3. Recommended Comprehensive Plan Amendments

Tigard is required to update its Comprehensive Plan to reflect an analysis of existing and future housing needs. In doing so, it must comply with a variety of state and regional requirements, some of which will necessitate amendments to the City’s Comprehensive Plan.

**Recommendation CP1: Update the Comprehensive Plan to briefly describe existing housing conditions and past and historic trends, as well as to include new or revised housing goals, policies and action items that reflect the results of the current planning process.**

#### Details and Actions

This Report has been prepared in part to support the process of updating Tigard’s Comprehensive Plan. Statewide Housing Goal 10 states that:

*“Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.”*

To achieve this goal, cities and counties in Oregon are required to plan for future housing needs by undertaking the following efforts.

- Assess current and future housing conditions and needs, including the need for housing of different types and in different price ranges
- Ensure that the City has an adequate supply of land zoned for residential use to meet future land needs
- Adopt Comprehensive Plan policies and Development Code provisions that support future housing needs, meet state and regional requirements and guidelines and address specific local housing goals and objectives

The Housing element of Tigard’s Comprehensive Plan was last updated in 2008. To ensure compliance with state requirements, it will need to be updated to reflect the results of the housing needs analysis recently conducted as part of this planning effort. Amendments are expected to entail the following.

- a. Revised narrative and findings. The existing Comprehensive Plan includes an opening narrative and a “Findings” section that briefly summarizes existing housing and population conditions and previous and projected future trends. It is recommended that this section of the Comprehensive Plan remain relatively brief and focus on the same types of information currently addressed in the Plan. However, specific information related to the following topics should be updated:
  - Economic and demographic conditions and trends
  - Need for housing overall and for specific types of housing units
  - Land and zoning designations associated with housing needs

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b. New or revised goals, policies and action measures. The existing Comprehensive Plan includes a very well-rounded set of goals, policies and action measure intended to help the City meet the future housing needs of its residents. In general, this section of the Comp Plan is already supportive of and consistent with the housing issues and needs evaluated during this planning effort. However, several additional policies and action measures have been identified for inclusion in an updated Comprehensive Plan. They generally relate to the following:

- Explicit restatement of statewide Goal 10
- Support for Fair Housing Act
- References to additional housing types and needs

As noted above, information proposed to be included in the Comprehensive Plan is described in detail in the Goal 10 Housing Report which will be included as an appendix to this document when completed.

## 4. Recommended Code Amendments

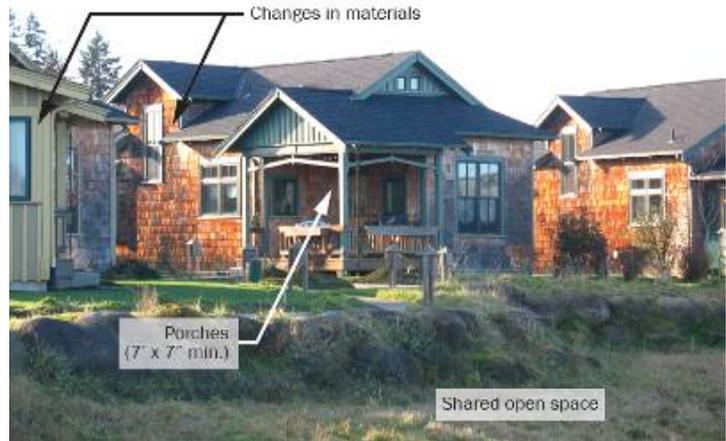
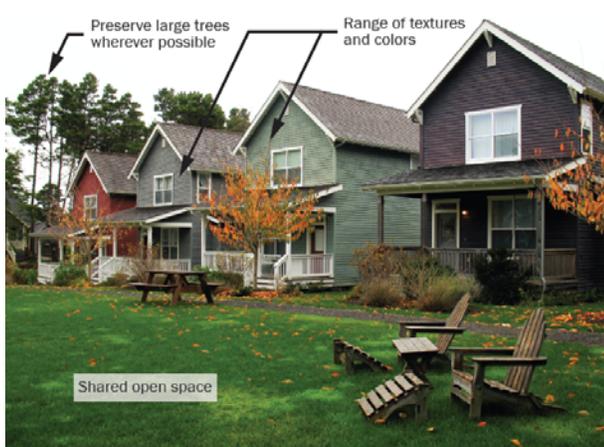
One of the primary ways in which a city can help ensure that residents have access to a variety of housing types at different price ranges is through the preparation and administration of their development code. Development codes or zoning ordinances set the stage for what types of housing can be built in which parts of the community and under what conditions. They also typically govern the design of new housing and how housing relates to other land uses and services. While the City has a limited ability to affect the ultimate cost of housing, standards related to lot sizes, architectural design features, parking and other aspects of housing can affect housing prices.

This report addresses a number of different issues associated with Tigard Community Development Code (TCDC) and recommends a variety of strategies for addressing future housing needs. Strategies are intended to ensure access to a variety of housing types, including emerging or non-traditional housing types, to maintain and improve residential livability, and to promote innovative, well-designed, and sustainable housing and to encourage construction of needed or desired housing types in specific locations.

### ***New Housing Type – Cottage Cluster***

The cottage cluster housing type can be an economical way to provide additional housing choices, including renter or owner occupied housing that meets the needs of people with moderate incomes and/or first-time homebuyers. It also can be constructed on infill sites and designed and built to ensure compatibility with surrounding housing and residential neighborhoods. While this type of housing can be built under existing requirements (e.g., planned development and subdivision or multifamily), new or revised standard that are unique to cottage clusters will make it easier to site and construct them and will expand opportunities for different types of housing Tigard.

**Recommendation CA1: Update the TCDC to add a new code section specific to cottage clusters.**



***Examples of Cottage Clusters***

**Details and Actions:** Cottage housing developments or “cottage clusters” consist of small houses, each usually with less than 1,000 square feet of floor area, oriented around a common open space area and with shared parking, and often with other common amenities. Depending on the cottage cluster development, cottages might be owned fee simple (each on its own lot) or as part of a condominium plat where the land is owned in common but the buildings are individually owned. Typically the open space and parking areas are owned and maintained in common. This housing type may be more likely to be developed in Tigard if the TCDC were amended to address its unique attributes as described in more detail below.

**Typical Standards for Cottage Clusters**

**Purpose.** This section should outline the intent of providing standards for cottage housing development as an alternative housing choice in order to encourage creation of usable common open space in residential communities; promote neighborhood interaction and safety through design; ensure compatibility with surrounding neighborhoods; and provide opportunities for creative infill development.

**Applicability.** This section should explain when and where cottages are allowed.

**Site requirements.** This section should establish the minimum and maximum number of cottages per development, density bonuses, lot coverage, as well as the minimum starting lot size, if any. Setbacks and the relationship of the buildings to public streets and open space need to be addressed in a manner which recognizes that cottage cluster developments may not have interior lot lines.

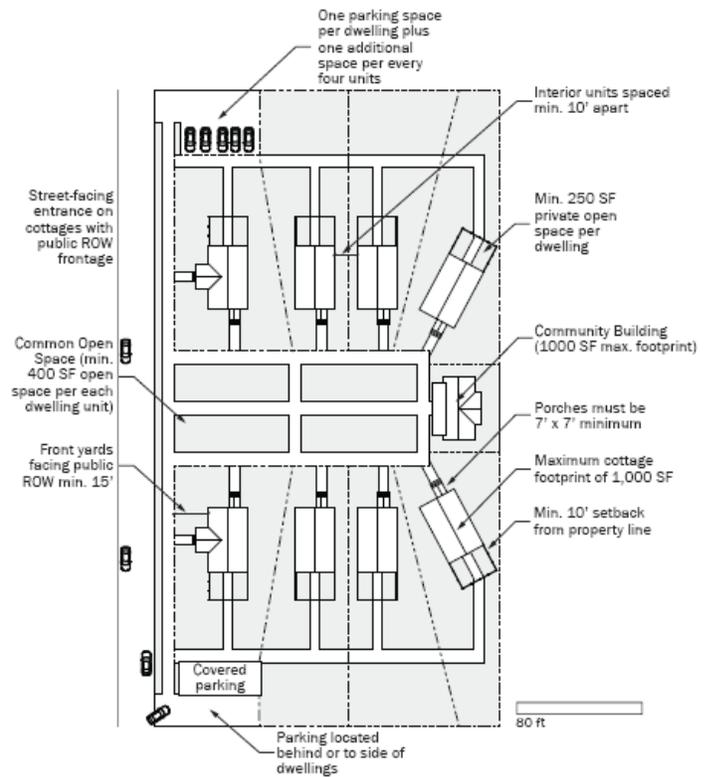
**Building requirements.** This section should establish the maximum size for each cottage (e.g., building footprint and/or square footage, height), whether attached units are permissible, any specific rules about porches, detached garages, or fences, and whether existing dwelling(s) on a site can be retained. Special architectural design requirements may be appropriate here as well (e.g., materials and design details).

**Parking and access.** Because parking within a cottage development may function more like a multifamily development than a single family home (e.g., common parking areas with shared access instead of individual access and driveways), unique standards for parking may be needed. In addition, reduced parking requirements may be appropriate.

**Community buildings and accessory structures.** Guest quarters, storage space, or a carriage unit could be included as part of a community building. Other accessory structures may or may not be shared. This section should establish size standards for shared and individual facilities as well as any special design requirements for compatibility may be needed.

**Private and common open space.** Common open space

**Example - Site requirements for a cottage development**



*is a defining characteristic of a cottage housing development. This section should establish the minimum amount and dimensions of common open space to be provided as well as whether constrained lands (e.g., wetlands) can be included. If any specific landscaping requirements Private open space for each unit may be required as well.*

*Ownership options. The code should allow ownership to be fee simple lots with a homeowner’s association holding common areas, or condominium ownership of the whole development.*

Project advisory committee members supported these recommendations, noting that allowing for a variety of housing options, including cottage cluster housing will meet city, regional and statewide goals of providing for a range of housing types for people with different income levels and housing needs.

### ***New Housing Types – Live/Work Units***

Live/work units (especially live/work apartments or townhouses) are an emerging housing type. They can provide flexibility by combining residential and commercial uses, and can allow residential uses on the ground floor until the market is ready to support retail in these spaces. Live/work development could be considered in Tigard’s commercial districts (C-C, C-G, and C-P), which currently only allow residential uses: 1) conditionally as group or transitional housing (C-G zone); 2) outright as mixed uses with commercial on the second floor or above; or 3) as multi-family housing subject to PD regulations. Live/work could expand the flexibility of residential and commercial uses in these zones, effectively increasing the residential capacity and meeting other housing and land use goals in the City’s mixed-use zones.

**Recommendation CA2: Update the Development Code to add code provisions specific to live/work apartments or townhouses in the C-C, C-G, and C-P zones.**

Details and Actions: Live/work units are dwelling in which a business may be operated on the ground floor. They are similar to a home occupation except that because they are in commercial or mixed use zones, they typically have greater allowances for commercial area, visibility, signage, and access from the primary street. In order to better enable live/work apartments or townhouses, these housing types should be defined and special standards adopted that recognize their unique attributes.

#### ***Typical Standards for Live/Work Units***

##### *Definitions.*

*Live/work Townhome A residential, fee simple townhome unit in which a business may be operated. The commercial or office portion of the building shall be limited to the ground floor and may not exceed 50 percent of the square footage of the entire building, excluding the garage.*

*Live/work Apartment: A primarily residential multi-story, multi-unit building with a maximum of 50 percent of the building ground floor square footage used as commercial or office space. Residential units may be for rent or for sale in condominium or cooperative ownership.*

*Standards. Standards for live/work units typically address primary street frontage, off-street parking, signs, and special standards including noise, storage, public access, and hours of operation. Live/work provisions from other jurisdictions more specifically regulate the*

*commercial uses in live/work units, open space requirements, and conversion to and conversion of live/work units depending on zoning district.*

Project advisory committee members supported these recommendations, noting that allowing for live/work units will help meet goals for residential and mixed use development in a number of neighborhoods where more housing is needed or desired.

***Examples of Live-Work Townhome and Apartment Units***



***Duplex Lot Size Standards***

Duplexes can provide for a mix of housing types and ownerships in otherwise purely single family neighborhoods, including helping meet the needs of people with moderate incomes who want to enter the housing ownership market. The medium-density R-7 zone permits duplexes outright; however, there is no incentive to build them – both detached single family dwellings and duplexes require 5,000 sf per unit. Within the R-4.5 zone duplexes are only allowed conditionally; however, the code provides an incentive for their

construction; a duplex is permitted on a 10,000 sf lot, but two single family detached houses would require 15,000 sf. A comparable incentive in the R-7 zone would mean a minimum lot size of 7,000 to 7,500 sf for duplexes. This change could be made for all lots or only on corner lots. The added benefit of encouraging duplexes on corner lots is that it can help solve the issue of fenced side yards adjacent to the sidewalk.

**Recommendation CA3: Reduce the minimum lot size for duplexes in the R-7 zone from 10,000 sf to 7,500 sf.**

Details and Actions: Amendments to the following code sections would be needed to implement this recommendation:

- Amend Section 18.510.020 (List of Zoning Districts), subsection E (R-7: Medium-Density Residential District) to change the description of the minimum lot sizes for duplexes.
- Amend Table 18.510.2 Development Standards in Residential Zones to change the minimum lot size for duplexes. If the lot size reduction is limited to corner lots, then an additional footnote would need to be added to the table explaining that distinction.
- Duplex lots would need to be designated on the plat in order to ensure compliance with minimum density requirements.



*Example of a duplex on a corner lot*

Project advisory group members generally supported this recommendation. However, they noted that if duplexes were to make up a significant portion of housing in single-family zones, it could affect the overall character and density of existing neighborhoods and that decision-makers should be aware of that issue.

**Single Family Attached Housing Standards**

The Housing and Population Study identifies a growing need for single-family attached housing, with that housing type projected to account for approximately 20 percent of future new housing units, with construction anticipated in medium density residential and mixed use zones. New single-family attached housing is permitted in the R-7 through R-40 residential zones and in the MU-CBD zone. It is also allowed within the R-4.5 zone, but only as part of a planned development. Currently, single-family attached housing is subject to site plan development review (TCDC 18.360.090). The TCDC does include some standards for single-family attached

housing which apply in specific circumstances locations (e.g., TCDC 18.720 which applies in R-4.5 to R-40 zones, when abutting “property zoned for single-family residential development” and TCDC 18.610.030 which applies in Downtown). However, the review process for single-family attached housing needs to consider specific issues related to the creation of narrow lots that are laid out with a particular building design in mind as well as scale and design.

**Recommendation CA4: Adopt single-family attached housing standards as special development standards for use citywide.**

Details and Actions: As noted above, because of the unique nature of single-family attached housing, it would benefit from special development standards intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

***Typical Standards for Attached Single-Family Housing***

*Lot requirements (that apply to the subdivision)*

- a. *Some flexibility in lot width may be appropriate to allow narrower interior lots and wider exterior lots (esp. where necessary to meet special setbacks).*
- b. *The need for alley access to minimize curb cuts*
- c. *Requirements for common areas and shared maintenance of the building*

*Building requirement. Design standards that ensure entry visibility and minimize garage frontages and neighborhood compatibility (esp. in lower density zones facades should include porches, projecting eaves and overhangs, and other traditional architectural elements that provide residential scale and help break up building mass).*

*Concurrent review. The code should require concurrent review of the building design to ensure that the structures to be built on the lots can meet both the lot and building requirements.*

***Residential Infill Requirements or Revisions to PUD Standards***

While the City’s existing PD standards provide flexibility for residential development and work well for larger scale developments, the process may not be appropriate for small scale infill projects. One option would be to amend the PD standards; however, adopting cottage development standards as recommended above could potentially address this issue more effectively. This could help reduce barriers to and provide more options for infill residential development while also generally preserving the character of single-family residential neighborhoods.

**Recommendation CA5: Retain existing PD standards and consider adopting separate cottage housing provisions to address small scale projects**

Details and Actions: See cottage development recommendations above.

### Accessory Dwelling Units

By providing small scale housing in single family neighborhoods, accessory dwelling units provide a unique housing opportunity, particularly for aging residents and smaller households, whose housing needs are highlighted in the analysis for this study. While ADUs are an appropriate housing type for residential areas throughout the city, they can be particularly important in areas with good access to transit and services for aging residents or those who choose not to own a car. The City’s current standards for Accessory Residential [Dwelling] Units (ADUs) may limit the development of ADUs by restricting certain designs, requiring additional parking, and limiting the size of the unit in relation to the primary dwelling. In addition to encouraging ADUs through changes to the TCDC, some jurisdictions reduce or waive System Development Charges (SDCs) for ADUs. While it may be beneficial to encourage ADUs, additional standards that help ensure neighborhood compatibility also may be helpful to avoid opposition from residents in established neighborhoods.

**Recommendation CA6: Amend TCDC 18.710.020 to allow more opportunities for ADUs as well as additional standards to address neighborhood compatibility. In addition, consider waiving or reducing system development charges (SDCs) for ADUs.**



**Example of Accessory Dwelling Unit Site Layout**

Source: Southwest Independence Concept Plan Designing for Density Presentation (September 21, 2011)

Details and Actions: 18.710.020(B) Accessory Residential (Dwelling) Units (ADUs) could be amended as shown below to address the issues described above.

*Preliminary draft amendments to 18.710.020(B) Accessory Residential Units.*

*1. ~~An accessory residential unit may be created within or as an addition to a detached single- family dwelling. For the purposes of this chapter, “addition” means the sharing of a common wall with the primary residence. A garage may not be converted to an accessory residential unit unless it is rebuilt as part of the primary structure; Building materials and façade features of the accessory residential unit shall be similar to the primary unit;~~*

*2. An accessory residential unit may not be larger than exceed 50% of the size of the primary unit, up to a maximum of 800 square feet;*

*3. The number of residents permitted to inhabit the accessory residential unit is regulated by the State Building Code;*

*4. Either the primary or accessory residential unit must be owner-occupied;*

*5. A primary residence in which an accessory residential unit has been created may have only one home occupation;*

*6. ~~In addition to the number of parking spaces required for the primary residence, as established in Chapter 18.765, one parking space shall be provided for the accessory residential unit. This parking space shall be paved and/or covered; Screening or buffering between the accessory residential unit and housing on an adjacent lot may be required to address concerns about privacy;~~*

*7. The front door of the accessory residential unit shall not be located on the front facade of the primary unit unless the door is already existing;*

*8. There shall be compliance with all development standards established in the base zone.*

If the City considers reducing parking requirements for ADUs as shown in the amendments above, it may want to focus those changes in areas with frequent transit services and access to commercial or other services that reduce the need for residents to own a car. This topic in particular will require careful consideration and conversation with decision-makers and other community members given concerns frequently raised about parking issues in residential and mixed use neighborhoods, as noted by project advisory committee members.

Finally, as noted above, the City may want to consider waiving or reducing system development charges associated with ADUs given that they must be developed in combination with an existing primary dwelling that may already have paid an SDC, they typically use fewer resources in comparison to primary dwellings, and they do not represent the development of any new land or neighborhoods. The City of Portland has recently seen a

increase in the development of ADUs and developers and affordable housing advocates attribute this in part to the city’s recent decision to waive SDCs for ADUs there.

### ***Parking Requirements***

Off-street parking requirements and the way in which they are calculated can have an impact on the cost of housing and ability to develop it in certain areas, reducing the cost of housing and allowing for construction of housing that meets the needs of households with lower or moderate incomes. In addition, parking needs can vary in different parts of the community with the potential for less parking needed for certain types of uses and lower parking demand in pedestrian-oriented areas with better access to frequent transit services. Reducing parking requirements for developments that may require less parking can also serve as a potential incentive to encourage desired types of development.

**Recommendation CA7: Consider revising parking standards to allow for the following, either on a citywide basis or in areas with existing or planned future high capacity or other frequent transit service:**

- **On-street parking credits**
- **Reduced or simplified parking space requirements for affordable, senior and/or other housing projects**

#### Details and Actions:

##### *On-street Parking Credits*

Currently, the TCDC explicitly prohibits counting on-street parking as part of required minimum parking (TCDC 18.765.070.D.1).

The Model Code (Section 3.3.300.C) recommends crediting on-street parking if that parking is located on the street adjacent to the development and that the parking is for public use (not restricted to the development’s use) and is not planned or needed for adjacent commercial or retail uses. It is recommended that the City consider adopting a similar provision. This provides a relatively modest parking credit but it can reduce development costs, particularly for developments which incorporate structured or garage parking for housing. The City could consider adopting this provision city-wide but it may be more appropriate to consider this change only in areas with frequent transit service or in mixed use areas with good access to public facilities and services and shopping areas.

##### *Parking Space Requirements for Residential Uses*

City parking standards current vary by residential development type, with higher parking standards for multi-family housing and group housing, with 1.00 spaces required for multi-family housing units of less than 500 square feet in size, 1.75 spaces required for multi-family units with three or more bedrooms, and one space per bedroom required for group living (Table 18.765.2).<sup>1</sup> Scaling back parking requirements, particularly for senior or affordable housing projects, would help reduce development costs for these types of housing and would be in line with standards recommended in Oregon’s Model Development Code. As with the strategy above, it may be more appropriate to consider these changes only in areas with frequent transit service or in mixed use areas

<sup>1</sup> Only one space per multi-family housing unit is required in the MU-CBD zone (Downtown).

with good access to public facilities and services and shopping areas (similar to existing provisions in the Downtown area).

TCDC 18.360.080 (Exceptions to Standards) already provides for an exception or reduction in the amount of off-street parking required in certain situations. However, including some standard reductions in Table 18.765.2 (Minimum and Maximum Required Off-Street Vehicle and Bicycle Parking Requirements), rather than requiring the applicant to request an exception, might serve to encourage senior housing by reducing the inherent risk in discretionary review.

*B. Exceptions to parking requirements. The Director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:*

- 1. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;*
- 2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or*
- 3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.*

C. Exceptions for private or shared

In considering the above recommendations related to parking requirements, it will be important to provide opportunities for community conversation about them. Relaxing or reducing parking requirements often generates concern among residents in affected neighborhoods who expect potential adverse impacts on the supply of parking and the related need to walk or drive longer distances to access their homes or other nearby destinations. Project advisory committee members noted these concerns and suggested that lower parking requirements may be most appropriate in neighborhoods planned or zoned for high capacity transit service or a concentration or nearby services and amenities within easy walking distance where the incidence of car ownership is lower.

### ***Clear and Objective Standards for Needed Housing***

ORS 197.307 states that:

*(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

The development standards in TCDC 18.510.050 that apply within the residential zoning districts appear to be clear and objective. However, all new residential development except for single-family detached units and duplexes is also subject to Site Development Review (SDR). SDR applications are processed as a Type II procedure using the approval criteria contained in TCDC 18.360.090. The SDR approval criteria address the relationship between the built and physical environment, building façade features, private and shared space,

and transit access and amenities. In addition to needed housing, these approval criteria apply to a wide range of development types within the City (e.g., commercial, industrial, etc.) that are not subject to the requirement for clear and objective standards.

**Recommendation CA8: Review the Site Development Review approval criteria contained in TCDC 18.360.090; for those criteria that are not clear and objective, confirm that the issue is sufficiently addressed by other code standards; and, exempt needed housing (or residential development generally) from those criteria that are not clear and objective.**

While most of the SDR approval criteria appear to be clear and objective, some do appear to allow for more discretion. For example, criterion #4 (Buffering, screening and compatibility between adjoining uses) requires buffering between different types of land uses, for example, between single-family and multiple-family residential, and residential and commercial uses. However, what constitutes an “adequate” buffer is determined from considering a list of relatively subjective factors. Similarly, some of the specific language (e.g., subsections (a) and (b)) under criterion #10 (Crime prevention and safety) also may not represent clear and objective standards.

For residential uses, in some cases the existing standards (e.g., setbacks, landscaping and other standards in TDC 18.510, as well as standards for streets and utilities in TDC 18.810) may be sufficient to address the issue without the additional level of discretion provided by the approval criteria. In cases where the existing standards are not sufficient, the criteria could be reworked and relocated to a new section with development standards for attached and multi-family housing (NOTE: new code section could be included in 18.700 Specific Development Standards or in 18.510 Residential Zoning Districts). SDR approval criterion #1 already requires compliance with all of the applicable requirements of this title. Thus, for needed housing, the approval criteria could be simplified to require compliance with the code standards per approval criteria #1 without necessarily having an adverse impact on the quality of development.

Some examples of how this might be implemented are outlined below:

- Criterion #3 (Exterior Elevations) – While this criterion is clear and objective, it is also a design standard for single-family attached and multiple-family structures that might be better relocated to a new section with development standards for attached and multi-family housing (NOTE: new code section could be included in 18.700 Specific Development Standards or in 18.510 Residential Zoning Districts).
- Criterion #4 (Buffering) – As noted previously, this criterion is may be too discretionary to be used for needed housing. A more quantitative buffering standards could be included with the standards for single-family attached and multiple-family structures, identifying depth, planting materials and density/height. There are good examples in other jurisdictions where buffering requirements have been quantified.
- Criterion #5 (Privacy and noise—Multifamily or group living uses) – Similar to Criterion #4, this criterion could be rewritten as a clear and objective standard and relocated to the standards for single-family attached and multiple-family structures.

- Criterion #6 (Private outdoor area—Multifamily use) and Criterion #7 (Shared outdoor recreation areas—Multifamily use) – Similar to Criterion #3, these criteria already function as standards and should be relocated to the standards for single-family attached and multiple-family structures.
- Criterion #8 - This criterion establishes a requirement for developments located adjacent to the 100 year floodplain. As written the criterion is somewhat subjective and potentially ineffectual as it simply requires “consideration” of a greenway dedication suitable for a pedestrian/bicycle pathway. Rewriting this criterion to include a reference to compliance with an adopted pedestrian/bicycle plan would help clarify and strengthen the requirement.
- Criterion #9 and #10 – These criteria address crime prevention. While they provide good guidance for residential and non-residential developments, they are potentially too discretionary for needed housing. They could potentially be rewritten as standards, but it might be more practical to treat them as guidelines for needed housing.
- Criterion #12 (Landscaping) – This criterion contains landscaping standards that might be better located in Section 18.745 (Landscaping and Screening). In addition, Criteria #12.b and c require specific amounts of landscaping (20% for parking areas and 15% over all) which do not reflect differences between residential, commercial, office or industrial uses.

### ***Density or Height Bonuses***

Encouraging the development of affordable housing by offering density and/or height bonuses can work in areas where demand is constrained by zoning requirements. It also can potentially act as an incentive to building specific types of housing needed or desired in specific areas. Residential developers in Tigard appear to find the standard height and density requirements adequate to build their projects. Currently, there seems to be little or no demand for height and/or density bonuses, and in some zones achieving the minimum densities may actually be more of a concern to developers than exceeding the maximums. Project advisory committee members noted that while the current market conditions don’t suggest a significant demand for density or height bonuses, there may be some types of projects that would benefit and changing demographics could lead to further interest in these incentives in the future.

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### **Recommendation CA9: Adopt density and height bonuses as incentives for affordable housing.**

Details and Actions: Height and density bonuses for the provision of affordable housing in market-rate development could be available in residential as well as mixed use zones. The affordable housing units would not have to be limited to state or federally subsidized projects. Private deed restrictions could be used to ensure that rental units remain affordable for a period of time (e.g., 30 years) and renters would have to meet income-qualifications. For affordable units that are for sale, buyers would also need to be income-qualified and appreciation would be limited to so that the unit remains affordable if resold. In terms of code amendments to implement this recommendation, one approach would be to create a new section in 18.700 (Specific Development Standards). Code provisions for affordable housing typically address the following:

- Applicability, which zones or subareas (e.g. areas within x distance of high capacity transit) are the incentives available;

- Definitions, including those defining “affordable housing” and “low- and moderate-income households”;
- The specific type and amount of incentives (bonuses) available;
- Procedures for the review of affordable housing developments;
- A requirement that the developer of housing enter into development agreements that will ensure that the affordable housing, whether for sale or for rent, remains affordable;
- Designation of an officer or body to review and approve applications for developments that include affordable housing; and
- Provisions for enforcement.

NOTE: The City of Tigard will likely need to work closely with the Washington County Department of Housing Services and the Housing Authority to implement these provisions.

Development code provisions in the North Bethany and Hillsboro areas may provide examples for future use by the City as it considers these types of code provisions.

### ***Other Incentives***

As noted above, height and density bonuses may be of somewhat limited benefit in the near-term. However, several of the other recommendations above may encourage a variety of housing types and could be further targeted toward affordable housing. For example, reducing parking requirements for ADUs and allowing them to be detached as well as attached will serve to encourage this housing type. Similarly, reducing the amount of off-street parking required for multi-family would serve to reduce the per unit cost of providing that housing. As noted above, these reductions should be tied to the availability of frequent transit service. In addition, parking reductions could be specifically targeted at affordable housing projects and/or senior apartment projects within transit served areas to provide additional incentives to build these types of housing. Because providing required parking is often a limiting factor when developing multi-family, parking reductions may be needed in order for a development to take advantage of the density bonuses.

**Recommendation CA10: Implement recommended ADU, parking and height and density bonuses suggested above.**

Details and Actions: No additional actions needed – see recommendation above.

## 5. Future Planning for New Residential Development and Redevelopment

Several areas in Tigard represent unique opportunities to meet different type of housing needs for city residents, either because they are relatively undeveloped and represent new growth or expansion area (e.g., River Terrace) or because they have opportunities for more intensive residential or mixed use development given their location, zoning and access to community services and transportation facilities (e.g., the Tigard Triangle, Downtown and Washington Square areas). A number of the recommendations described in Sections 4, 6 and 7 would be appropriate for implementation in these areas and are described in more detail in those sections of this report.

**General Recommendation FP1:** Pursue a variety of strategies to support, encourage or require residential development in these areas that is consistent with city housing goals, other recent or future planning processes and additional strategies described in this Report.

### *River Terrace*

**Recommendation FP2:** Plan and zone land for residential use in this area that balances regional density requirements (an average net density of 10 dwelling units per acre is required) with a community desire to develop neighborhoods that emphasize single-family detached homes.



***West Bull Mountain Concept Plan Preferred Land Use Alternative***

Source: West Bull Mountain Concept Plan, Washington County, October, 2010

### Details and Actions

The City is currently in the process of developing the River Terrace Community Plan for the areas that were most recently brought into Tigard’s portion of the UGB.<sup>2</sup> This includes lands addressed in the West Bull Mountain Concept Plan, including the recent River Terrace annexation (Area 64), as well as urban growth boundary expansion area 63 and the 50-acre Roy Rogers West area. The West Bull Mountain Concept Plan calls for a range of housing types and zoning designations. The River Terrace Community Plan is expected to be generally consistent with the Concept Plan. Zoning in the area will have to meet regional targets for an average density of 10 dwelling units per acre. At the same time, this area is seen as an area that is appropriate for the development of neighborhoods predominantly characterized by single-family homes on individual lots. The City will need to balance these objectives as it moves forward with the Community Plan process. Specific strategies to do this may include:

- Ensure that zoning is in place to allow an appropriate mix of single-family and multi-family development. Traditional single-family neighborhoods in a suburban environment tend to be somewhat segregated from other uses, and cover a larger area. In order to ensure thriving single family residential neighborhoods in this area, multi-family housing should be clustered in limited areas, near any planned commercial uses, and perhaps buffered from single family residential development with medium-density residential such as townhomes.
- Single family lot sizes that average somewhat smaller than those typically found in the Bull Mountain area can help ensure that density targets are met. However, in this locale, lots which are too small (perhaps <4,000 square feet) may face a marketing challenge. A mixture of larger and smaller lots can produce a lower average lot size, while preserving housing choices.
- The River Terrace area currently features large parcels of land which will facilitate master planned development and subdivision-style development. The current ownership pattern is advantageous for more rapid development of the Plan Area as opposed to piecemeal development, and should help avoid the need for public assembly of land.
- Despite the recent housing downturn, homebuilding is returning to the Metro Area, and this area can anticipate interest in large-scale residential development in this area, if not in the next five years, then likely in the next 10 to 15 years.
- Development will be facilitated by an adopted Community Plan, zoning and code changes, which create certainty in the permitting and development process.

### ***Downtown***

**Recommendation FP3: Continue to implement ongoing planning, urban renewal, marketing and other efforts aimed at Downtown redevelopment, as well as implementing applicable development code strategies identified in Section 4 of this report.**

<sup>2</sup> More information about the River Terrace Community Plan is available online: [http://www.tigard-or.gov/city\\_hall/departments/cd/long\\_range\\_planning/river\\_terrace.asp](http://www.tigard-or.gov/city_hall/departments/cd/long_range_planning/river_terrace.asp)



***Tigard Downtown Vision Graphic***

Source: City of Tigard Comprehensive Plan and University of Oregon

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### Details and Actions

The City's long term vision for the Downtown assumes a mix of housing, retail and commercial development with a well-connected, walkable street system and good connections between the Downtown and adjacent neighborhoods. The City continues to work on a number of strategies for implementing this vision, including using urban renewal funds to finance street improvements and support new multi-family housing and to develop a Downtown Connectivity Plan and implementing standards to help ensure improved connectivity in the future. All of these strategies will help achieve land use and housing goals for this and other centers in Tigard.

Zoning for the Downtown is primarily mixed use commercial and residential. As discussed in Section 4 of this report, a number of development code amendments are recommended to enhance the ability to permit future mixed use or higher density residential development in Tigard, particularly on infill parcels. Some of the strategies described in Section 4, including those parking requirement and density or height bonuses may be applicable to the Downtown and would serve as incentives for construction of housing in this and other regional centers and/or areas with existing or potential future access to high capacity transit. Application of funding strategies in this area, including use of fee waivers, urban renewal and tax abatement also would serve as incentives to provide needed housing types in this area. Focusing development in this area which already has available infrastructure and access to services also will reduce infrastructure-related costs of development in this area.

Given the nature of existing conditions there, most future development in Downtown is likely to occur as redevelopment either on individual sites or through consolidation and redevelopment of multiple properties. The pace and character of this development will depend on a variety of market forces, as well as the availability of developable sites within the area. The City can support these efforts through some of the strategies described in Sections 4, 6 and 7 of this report, including:

- Continue to implement the improvements identified in the Downtown Connectivity Plan. This plan calls for improved access among the mix of land uses in the Downtown area, as well as the eventual division of the Downtown's "superblocks." Improving access into the interior of these superblocks will make them more attractive for the type of urban residential development envisioned. Improving east/west multi-modal access through the district will also encourage redevelopment through making the neighborhood more cohesive.
- The City currently has access to a range of development tools, either internally (i.e. Urban Renewal), or through regional partners such as TriMet and Metro, to offer incentives or subsidies for private development. Tigard should continue to seek opportunities to facilitate one or more residential, mixed-use or transit oriented developments which provide an example of density and design sought in the Downtown area. While public participation is limited by available funds and political considerations, the importance of the Downtown and extensive vision which has been developed for the district, make this neighborhood a good candidate for such involvement.
- Implement the code-related strategies described in Section 4 of this report, including those that can serve as an incentive to residential and mixed use development. Monitor current standards for Downtown development and design as identified in the Development Code for any requirements which are hampering residential development, and may need to be amended. Property owners and

developers can often identify obstacles during the planning and permitting phases, which give some indication to the City if any code requirements are having the unintended consequence of hampering development that would otherwise meet the district’s vision. Districts in transition from low-density legacy uses to high-density uses, such as Downtown Tigard, can sometimes limit the types of development which occur in between, as the transition takes place.

- Work with affordable housing developers to target potential developments to sites with good access to transit and other services in this area, consistent with recommendation NR1 (see Section 6).

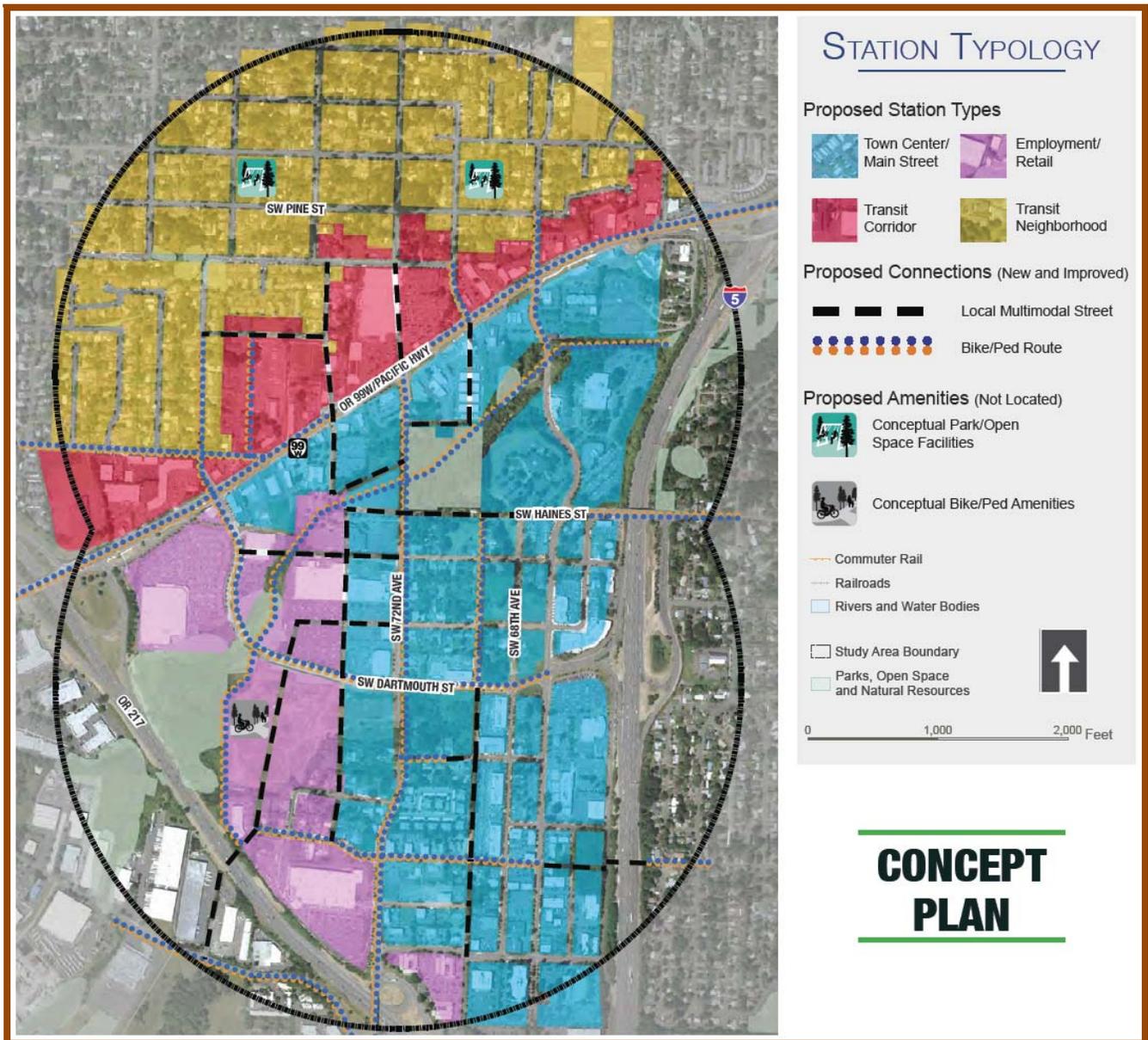
### ***Tigard Triangle***

**Recommendation FP4: If residential development is part of the future vision for the Tigard Triangle, consider adopting zoning designations and standards that ensure that residential development or mixed use development with a residential component will occur in these areas.**

#### Details and Actions

The City has had a long-standing goal of increasing opportunities for residential and mixed use development in the Tigard Triangle. The City recently received a grant from the state’s Transportation and Growth Management (TGM) program to develop a District Plan for the Tigard Triangle. The new plan is expected to address a variety of land use and transportation planning issues, meet housing goals for the Triangle, and build on the recommendations from Tigard’s recently completed High Capacity Transit (HCT) Land Use Planning process. The final report from that effort describes the Concept Plan for the Tigard Triangle as seeking to “blend smaller-scale retail, restaurants and housing to complement the current employment center, especially in the northeast part of the Triangle. Increased housing options would also be allowed northwest of Pacific Highway.”

More specific objectives of the planning effort for the Tigard Triangle include supporting mixed use development in the area; assessing the market for residential uses in the area and any barriers to that type of development; and creating a walkable area that makes efficient use of the transportation system, including addressing the needs of people who have difficulty accessing transportation due to their age, income or disabilities.



**Tigard HCT Plan Concept – Tigard Triangle**

Source: City of Tigard High Capacity Transit Land Use Plan, Final Report, February, 2012

While zoning in the Tigard Triangle currently allows for development of residential uses, little housing has been built in the area. City staff reports that most property owners and developers envision the area as a location for large scale retail, commercial or light industrial activities. It is recommended that if residential use is part of the community vision for the Tigard Triangle, steps should be taken to ensure it is built in the future. To achieve this goal, it is recommend that specific areas be rezoned for residential use or for a mix of uses with a required residential component, rather than recommending that residential uses be a component of each future mixed use development in the entire area. Future residential areas in the Triangle also should allow for commercial uses that complement/support them.

In addition to designating areas specifically for residential uses, the City’s development code should be amended to enhance standards for residential or mixed uses in the area. The current Tigard Triangle standards (TCDC 18.620), which were last amended in 2001, include site design standards, building design standards, entry portals (gateway) standards, and street and accessway standards. More details on these standards are provided in a technical appendix to this report (Task 3 and 5 Policy and Code review).

Updating these standards would provide the City with an opportunity to address future street connections and street designs in greater detail (similar to what has been done in Downtown). The standards could vary setbacks and building design elements based on the street type and land use designation, including for residential uses. In addition, the area covered by the existing Tigard Triangle standards is smaller than the area envisioned in the HCT Land Use Plan. Improving connections to the area north of Highway 99 and/or applying standard to promote or facilitate transit-oriented development in this area would provide the City with an opportunity to create a transit-oriented neighborhood north of the highway as well as to address design standards and both sides of the street.

In addition to these strategies, a number of other recommendations identified in other sections of this report would be appropriate for consideration in the Tigard Triangle, including the following:

- Application of new standards for single-family attached housing and live/work units
- Consideration density and height bonuses and adjustments to parking standards to serve as an incentive to development of higher density, affordable or other needed types of housing in this area
- Use of permit or fee waivers or tax abatement for eligible affordable housing projects
- Focusing development in areas with existing infrastructure and partnering with developers to fund additional needed infrastructure, where appropriate to reduce overall infrastructure-related costs of development

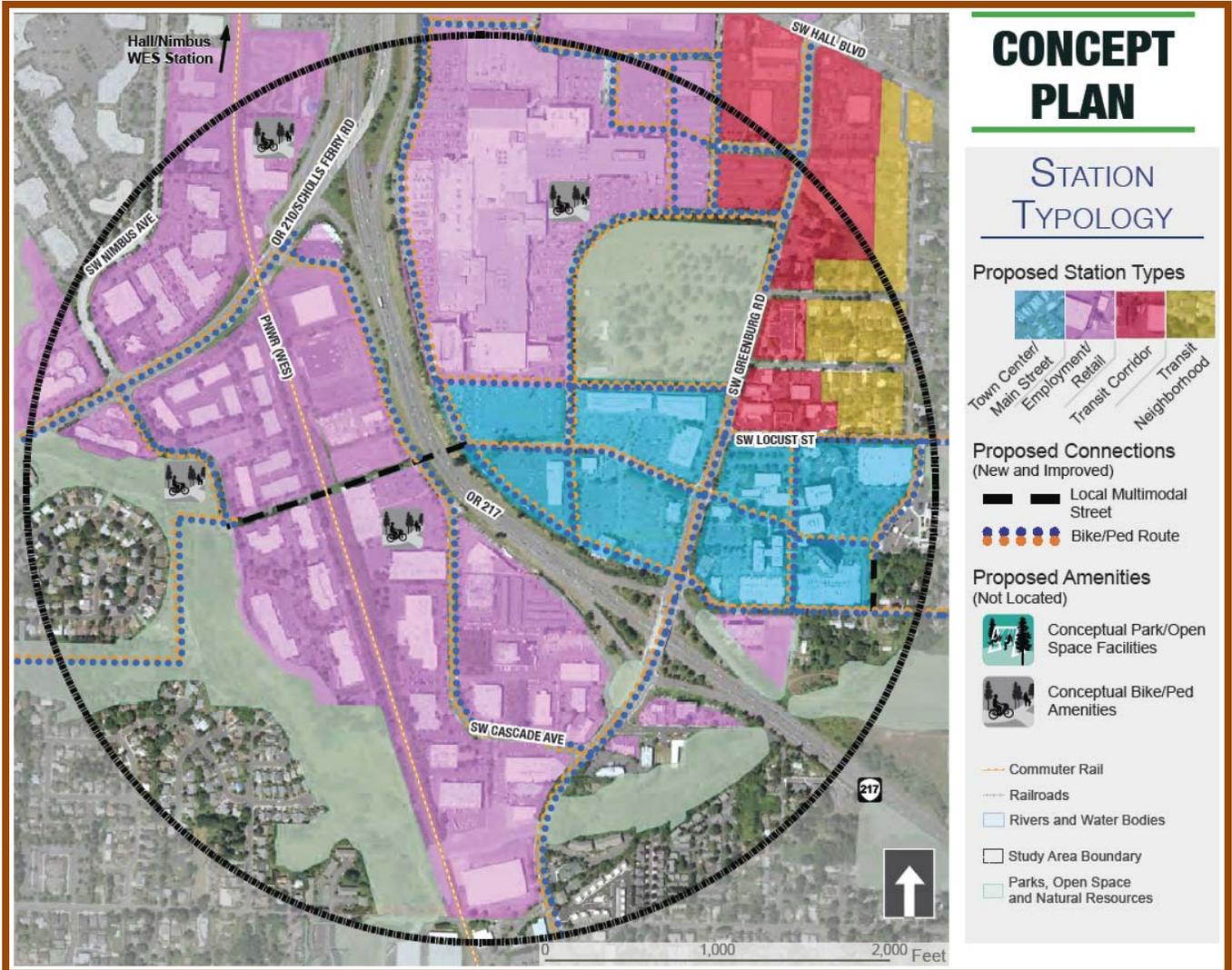
### ***Washington Square***

**Recommendation FP5: Review Washington Square density standards (18.620.030.D, E, and F) for potential modifications to help make design standards more appropriate for residential developments and meet goals for production of housing this area. For portions of the area envisioned for mixed use development, consider implementing development code standards or requirements to ensure that residential development will occur.**

#### Details and Actions

Washington Square is designated as a Regional Center in the Metro 2040 Plan. Given this designation, the Washington Square area represents opportunities for future residential and mixed use development. However, there are fewer properties with significant redevelopment potential in this area in comparison to the Tigard Triangle. The recently completed Tigard High Capacity Transit (HCT) Plan envisions land use changes in the Washington Square area to create more transit-oriented, dense, mixed use development in this area. Portions of the Washington Square area are designated as Town Center/Main Street, Transit Corridor and Transit

Neighborhood areas in the HCT Plan, although a more limited portion of the area is devoted to mixed use or residential development concepts than in the Tigard Triangle. Underlying zoning in these areas is primarily Mixed Use Employment, Mixed Use Residential and Single Family Residential.



**Tigard HCT Plan Concept – Washington Square**

Source: City of Tigard High Capacity Transit Land Use Plan, Final Report, February, 2012

Design standards currently applied in this area include development standards, site design standards, and building design standards for the Washington Square Regional Center. The types of site design and building design standards addressed are similar to those applied in the Tigard Triangle. However, building design standards in the Washington Square area apply to all new buildings within the MUC, MUE, and MUR zones in Washington Square Regional Center, not just to non-residential buildings. The Washington Square standards were adopted in 2002, before the latest update to Metro’s Urban Growth Management Functional Plan (UGMFP).

Similar to the standards applied in the Tigard Triangle, some of the building and site design standards may be more appropriate for non-residential buildings and less appropriate for residential uses, including live/work units and single-family attached housing. The same comments related to these standards in the Tigard Triangle would apply in the Washington Square area. This area also would be appropriate for application of incentives to encourage development of specific types and densities of housing in this area as described elsewhere in this report. In addition, a broader range of housing types could be considered as permitted outright in this area, including single-family attached and multi-family housing, but not including single-family detached housing. Also, similar to the Tigard Triangle, if residential use is part of the community vision for this area as it appears to be, steps should be taken to ensure it is built there in the future using a similar approach as identified for the Triangle.

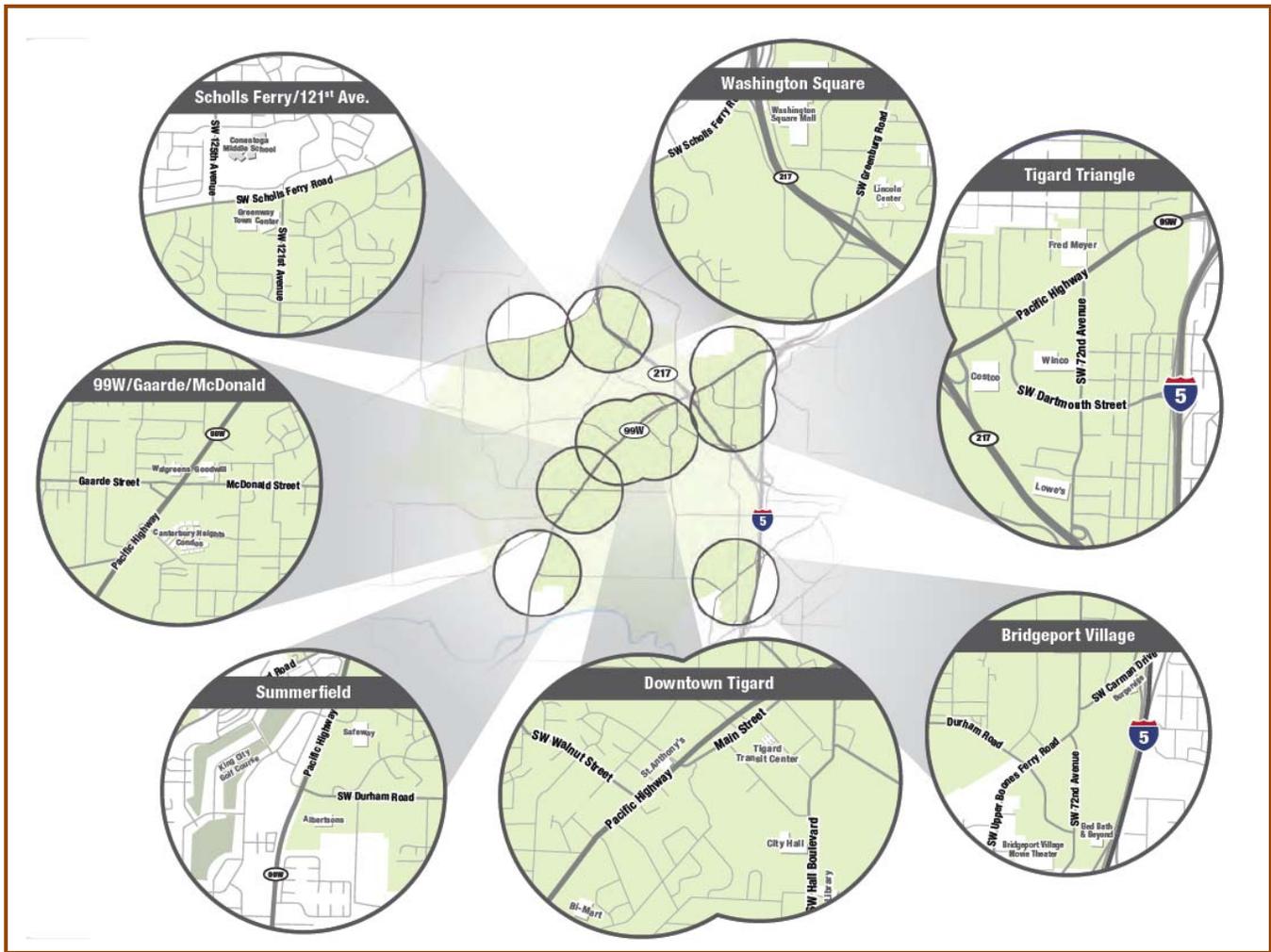
### ***Other Corridors and Centers***

**Recommendation FP6: Implement a variety of strategies related to zoning designations and related development standards, connectivity improvements, marketing and other strategies to promote residential and mixed use development in potential future high-capacity transit areas.**

#### Details and Actions

In the Tigard HCT Report, in addition to the areas described above, several other areas were considered as potential high capacity transit station communities and recommended for transit-oriented development strategies, or identified as opportunity areas for other more limited land use and connectivity changes :

- Scholls Ferry Road (between approximately 120th and 125th Avenues)
- Gaarde McDonald area (centered on OR 99 north and south of Gaarde/McDonald Streets)
- 99W/Durham (centered on OR 99 between approximately Beef Bend and Fischer Roads)
- Upper Bridgeport area (centered on SW 72nd Avenue north and south of Upper Boones Ferry Road/Carman Drive)



**Map of Tigard HCT Planning Areas**

Source: City of Tigard High Capacity Transit Land Use Plan, Final Report, February, 2012

HCT recommendations for these areas vary, from relatively minimal changes in land use or intensity in the Scholls Ferry /121<sup>st</sup> Avenue and Upper Bridgeport areas, to creation of new mixed use areas in 99W/Durham and Pacific Hwy/Gaarde-McDonald. Specific strategies and tools to support development of housing in these areas would be similar to some of those identified for the Tigard Triangle, Washington Square and Downtown, and could include the following:

- Adopt Comprehensive Plan or Zone Changes in portions of the 99W/Durham and Pacific Highway/Gaarde-McDonald areas to enable development of mixed use centers, including residential uses
- Apply standards for single-family attached and live/work housing units in proposed mixed use portions of the 99W/Durham and Pacific Highway/Gaarde-McDonald areas, consistent with recommendations described in Section 4 of this report

- 
- Implement updated parking standards and requirements described in Section 4 in areas identified as transit corridors and main street/town center portions of these areas, in part to serve as an incentive for residential and mixed use development in these areas
  - Implement recommendations related to accessory dwelling units, infill development standards and cottage clusters in portions of these areas designated as transit neighborhoods and encourage development of these housing types in those areas
  - Work with affordable housing developers to identify opportunities to develop housing in close proximity to transit and other services and reduce infrastructure costs, consistent with recommendations in Section 6 of this report
  - Use permit or fee waivers or tax abatement for eligible affordable housing projects as described in Section 7 of this report
  - Take advantage of existing infrastructure in these areas to reduce infrastructure-related costs of development

## 6. Additional Non-Regulatory Strategies

The City of Tigard can best meet some housing goals by providing information to other parties as part of planning and development processes. In the areas of complying with the Fair Housing Act and the design of accessible housing features, the City either does not have regulatory authority to directly address these issues or doing so would create potential consistency issues with state or federal requirements. However, by providing information, particularly readily available handbooks and guidelines prepared by other entities, the City can further these housing goals.

Similar to Fair Housing practices and accessibility design, decisions about where and how to build and finance housing are made primarily by other entities. Either private or non-profit developers or public agencies such as Washington County directly fund and/or manage housing for people with low incomes or special needs. In addition to its general role in planning for and permitting residential uses, the City also can help advocate for or support specific projects that further the City’s housing goals. In doing so, the City can provide information to prospective developers about strategies described elsewhere in this report that help serve as incentives to building needed housing in regional centers, high capacity transit corridors and other areas that provide residents with access to transportation and access to services. In some cases, this also will include areas where the cost of infrastructure is relatively lower, potentially reducing the overall cost of development.

More specific recommended approaches and actions are described below for several sub-topics.

### ***Fair Housing Requirements***

**Recommendation NR1: The City should support the objectives of the Fair Housing Act by providing information to other parties about actions or strategies that will be consistent with the Act and help achieve its goals.**

#### Details and Actions

Based on a recent review of fair housing impediments commissioned by Washington County, several specific strategies are recommended towards this end:

- Provide affordable housing developers with information about areas or potential sites that will help link residents with access to transportation, employment, needed goods and services, quality education and personal enrichment opportunities. These would include sites with high quality schools, access to public transit, walkable neighborhoods, grocery stores, other shopping opportunities and amenities. Washington County has prepared a set of “Opportunity maps” that were included in the Consolidated Plan, showing proximity to transit, health care facilities, public services, parks and trails, grocery stores and farmers markets, and high test scores in schools by Census block groups throughout Washington County. City of Tigard staff can use these maps to meet these objectives. They also can highlight areas of the City being planned for future high capacity transit that currently or are planned to include some of these amenities in the future.

- Help affordable housing advocates and developers identify vacant or redevelopable properties that would be suitable for affordable or special needs in terms of their size, zoning, proximity to services or other factors.
- As the City adopts code amendments recommended in this Report to facilitate development of a variety of housing types, provide information about these new provisions to affordable housing advocates and developers.
- Coordinate with the cities of Beaverton and Hillsboro as they develop a Green Construction Resource Directory for affordable housing providers throughout the county; use this resource in identifying and working with affordable housing providers in the future.

### ***Design Practices to Ensure Accessibility***

**Recommendation NR2: The City should provide information to developers about design practices that will help ensure that new housing units are accessible to people with physical or mobility disabilities, including aging residents.**

#### Details and Actions

An increasing percentage of the population is aging. As the baby boom generation ages, communities will continue to see a need for housing that meets the needs of people with physical and mobility limitations. Designing accessible features into housing of all types will be increasingly important.

As described above, the Oregon Building Code and the Americans with Disabilities Act both require that accessible features be incorporated in certain types of housing. For example, the Oregon Structural Specialty Code (OSSC) for multi-unit residential buildings includes a comprehensive set of accessibility requirements. However, compliance with the OSSC does not assure compliance with all accessibility laws because the OSSC includes only those standards that are required by Oregon law and does not incorporate all federal and Oregon accessibility standards.

To help organizations comply with the accessibility provisions of the Fair Housing Act and to generally promote the construction of accessible housing, the Department of Housing and Urban Development (HUD) established a set of Fair Housing Accessibility Guidelines (FHAG) that “provide builders and developers with technical guidance on how to comply with the accessibility requirements of the Fair Housing Amendments Act of 1988.”<sup>3</sup> Use of these guidelines can support accessibility and also act as a “safe harbor” in meeting Fair Housing Act requirements.<sup>4</sup>

It is recommended that the City do the following to promote the design of accessible homes and compliance with Fair Housing Act requirements:

<sup>3</sup> Fair Housing Accessibility Guidelines

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/disabilities/fhfhag](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/fhfhag)

<sup>4</sup> Fair Housing Council of Oregon Accessible Design and Construction Handbook, Fair Housing Council of Oregon and Community Development Law Center (June 2010), <http://fhco.org/pdfs/DCHandbook062010.pdf>

- Make builders aware of Fair Housing Act requirements related to accessibility for applicable developments (i.e., residential building with four or more units). Tables presenting federal and state accessibility standards in the 2010 Fair Housing Council of Oregon Accessible Design and Construction Handbook also could be provided.
- Provide information about the Fair Housing Accessibility Guidelines to all builders and developers and encourage them to follow the guidelines in building new housing and particularly for residential development targeted to people with physical or mobility limitations. Specific features that promote accessibility and address the needs of people with other disabilities can include but are not limited to the following:
  - ✓ A bedroom, kitchen, living room, and full bathroom on one level of the home
  - ✓ Smooth walls and surfaces to reduce the accumulation of potential sources of infection for people with lower immunity, and rounded edges of walls, doors, windows, and furniture to reduce potential injuries
  - ✓ Use of sound absorbing materials in the rooms to make it easier to hear
  - ✓ Walk-in showers with height adjustable handheld showerheads
  - ✓ Walk-in bedroom closets with storage at differing heights
  - ✓ Rocker light switches instead of more common flip switches
  - ✓ Lever-style door handles and faucets.<sup>5</sup>

Advisory Committee members note it is particularly important to provide this type of information to developers who are returning to the housing market and/or have not traditionally consider accessibility in the design of their residential homes or developments.

### ***Additional Information for Private Developers***

**Recommendation NR3: In addition to providing information about accessible design features, the City should provide information to developers that will generally help them understand the City’s land use permitting process and give them a sense of clarity and certainty about city requirements.**

#### Details and Actions

Private market developers appreciate clarity and certainty in the design and permitting process. Certainty helps the developer save time, make decisions to proceed, and avoid costly surprises further along in the process. In some cases, a developer will even prefer the certainty of a clear process even if it has greater requirements and fees, over a complex and unclear process with nominally lower requirements and fees. This means that City

<sup>5</sup> These design ideas are drawn from the websites of non-profit organizations dedicated to issues faced by seniors and people with disabilities.

<http://www.oldagesolutions.org/Environment/DnE.aspx>,

[http://www.ageinplace.org/practical\\_advice/making\\_your\\_home\\_senior\\_friendly.aspx](http://www.ageinplace.org/practical_advice/making_your_home_senior_friendly.aspx)

<http://www.aarp.org/home-garden/livable-communities/info-07-2011/what-is-universal-design.html>

development code, design review process, permitting process, fees etc. should be as easy to understand and navigate for the developer as possible. The City can do this in multiple ways:

- Ensure that primary documents such as the Development Code and design guidelines are easy to use for a person moderately informed in the design or development process;
- Provide knowledgeable staff to answer questions regarding the entire process from planning to permitting;
- Create additional materials such as one page handouts that summarizes relevant code and process information, even if it is already available in longer documents;
- Provide information about code provisions and other strategies described elsewhere in this report that can serve as incentives to develop housing in regional centers and high capacity transit corridors;
- Assign a single contact person to facilitate the development process in the case of projects the City deems particularly important, such as a large-scale development, prominent site location, or catalyst project;
- Provide as much of this information in advance as possible. Try to provide estimates of time, requirements and fees to the extent practicable, while emphasizing that these are all preliminary estimates that may change. Avoid processes which require developers to commit extensive time and money before key requirements or public processes become apparent.

### ***Continued Support for Local and Regional Affordable Housing Efforts***

**Recommendation NR4: The City should continue to participate in and support County and regional efforts to meet current and future housing needs, particularly those targeted to affordable and special needs housing.**

#### Details and Actions

A number of regional processes and programs are aimed at addressing housing needs in the Portland Metropolitan area and Washington County. The City of Tigard is a community partner in these efforts and should continue to participate in and support them. Washington County is the primary recipient of federal funding associated with housing. Through its *Consolidated Plan for Community Development and Housing* and annual Action Plans, it manages and allocates federal funds to meet a variety of housing and community development needs. It also manages construction and operation of publicly assisted housing developments and administers Section 8 vouchers through the County’s Department of Housing Services. Other County-wide efforts targeted to affordable and special needs housing include activities undertaken by the Vision Action Network and the Community Housing Trust Fund in Washington County.

At the regional level, Metro helps guide local housing efforts through requirements and guidelines in its *Urban Growth Management Functional Plan* related to zoning for a mix and density of housing to support a variety of housing needs. Other regional housing efforts have included preparation of a *Regional Affordable Housing Strategy* in 2000 and updated recommendations from the Housing Choice Task Force adopted by the Metro



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Council in 2006.<sup>6</sup> Those recommendations included establishing regional and local targets for production of affordable housing and continuing to coordinate with Metro on other regional and local affordable housing strategies.

The City should continue to participate in and support the activities recommended by these organizations and planning processes. A number of strategies identified in other sections of this report will further those actions, including development code strategies related to parking, location of housing in areas with good transit services and other amenities, as well as planning and zoning for a full range of housing types, including in existing residential and mixed use neighborhoods, as well as newly developing areas such as urban growth boundary expansion areas.

It also would be helpful for the City to prepare informational materials that summarize how the city's policies and codes support the development of affordable housing and use these materials in future communications with developers, decision-makers and citizens. This could be done in the form of annual Affordable Housing Program update, similar to a report which the City prepared in 2002, but a more concise version of that document ([http://www.tigard-or.gov/city\\_hall/departments/cd/docs/affordable\\_housing\\_report.pdf](http://www.tigard-or.gov/city_hall/departments/cd/docs/affordable_housing_report.pdf)).

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<sup>6</sup> Metro Housing Choice Task Force  
<http://www.oregonmetro.gov/index.cfm/go/by.web/id=269>

## 7. Administrative and Funding Strategies

Implementing a number of the strategies described in this report will require a commitment of staff resources. In addition, the City has historically supported affordable and special needs housing projects through fee waivers and tax abatements. Those efforts are very helpful in providing needed financial support for such projects and leveraging resources provided by other entities.

**Recommendation AF1: City staff should continue to address housing goals and implement housing strategies in a consistent and coordinated manner, with a common understanding of the goals, priorities and approaches identified in this report. The City also should continue to provide a certain level of funding to support affordable and special needs housing projects, including maintaining existing programs and considering additional strategies, as resources allow in the future. More specific recommended actions are described in the following section.**

### Details and Actions

Following is a summary of specific recommended strategies related to staffing and financing.

### ***Staffing***

Tigard has a relatively small but dedicated planning staff tasked with addressing a wide variety of long range and current land use and other planning issues. Most staff, particularly those assigned to long range planning work on multiple planning initiatives concurrently. The City does not currently have a single staff person dedicated to addressing long range or current housing issues. Instead, multiple staff people address residential planning and development issues through a range of activities, including reviewing residential development applications, incorporating planning for housing in specific or sub-area planning processes, administering and updating the City's Development Code, coordinating with regional and county efforts related to housing policy and development.

We recommend that all staff continue to address housing needs in a consistent and coordinated manner, with some activities assigned to a specific staff person. This will provide for a good balance of flexibility and accountability needed to meet the City's housing needs and goals. Specific recommended approaches and activities include the following:

- Require all planning staff to review this document and regularly refer to the strategies it includes, particularly the summary table included in Section 8.
- Identify one staff person who will be responsible for coordinating with other staff to review and refine the list of strategies in this report on an annual basis. That process would not require updating the report in its entirety but should entail updating the table in Section 8 to address any emerging housing issues, needs or tools not previously identified. That process also should include an assessment of the City's progress in implementing recommended housing strategies. The staff person assigned to this task also could be a designated liaison for coordinating with Washington County, Metro and other local, regional or state partnerships to address housing goals and needs. It will be important for this staff

person and possibly others to have a good working knowledge of affordable housing development issues and practices, including information about available financing tools, property acquisition and development practices and necessary partnerships between affordable housing developers, lenders and builders, among other topics.

- Create a set of checklists of activities related to different types of planning efforts. The checklists should reference associated strategies identified in this report or annual updates. Project managers should review the checklists at the outset of any given planning project and continue to use them as they move forward to address project-specific housing issues.
- Establish a plan for adopting the various Development Code recommendations identified in this report, along with a strategy to fund that work. The City should explore state grant or other funding sources that could be used to supplement available local resources. Section 8 of this report includes information that could be incorporated in such a plan.
- Account for staffing needs associated with implementing housing strategies in annual budgeting and work planning activities. This would entail regularly estimating the amount of time needed to implement these strategies, prioritizing this work in relation to other duties, and ensuring that adequate time and resources are available to meet these goals within the City’s overall resource limits.
- Brief Planning Commission and Council members about these housing goals and strategies on a regular basis, either as part of an annual or semi-annual event or as part of orientation and training for new members.

### ***Statutory Authority and Federal Funding***

Tigard is projected to have over 50,000 residents within the next few years. This will make the City eligible to directly receive federal housing and community development funding through the Community Development Block Grant (CDBG) administered by the U.S. Department of Housing and Urban Development (HUD). Currently, Tigard receives such funding indirectly through Washington County which is the designated entitlement agenda for HUD funding for all jurisdictions within the County, except Beaverton. The HOME and ESG (Emergency Solutions Grant) programs administered by HUD do not have the same population-related eligibility thresholds and would not be affected in the same way. While the City of Hillsboro (which also is eligible to be an entitlement jurisdiction) has chosen to continue to have such activities funded through Washington County’s program, the City of Beaverton has elected to administer its own set of federally funded housing and community development programs.

Tigard will soon have the ability and responsibility for choosing which of these two paths to take. In considering which approach to take, the City should consider the following factors among others:

- **Increased flexibility.** Being an entitlement agency allows a local jurisdiction to implement and tailor programs more specific to local housing goals and priorities to some degree. For example, Beaverton administers a number of housing rehabilitation and loan programs using its HUD funding. Tigard currently has more limited ability to implement such programs for Tigard residents as part of the Washington County consortium. At the same time, if Tigard reaches the threshold for becoming an

entitlement agency but elects to remain part of the Washington County Consortium, it can work with the County to determine which types of programs and activities will be implemented in Tigard through a joint CDBG block grant agreement.

- **Specific needs.** Smaller jurisdictions typically become entitlement entities to meet specific needs that are not currently being met by the consortium of which they have been a member. In weighing the costs and benefits of becoming an entitlement jurisdiction, the City of Tigard will want to ask whether there are additional needs within the city that it can meet with CDBG funds on its own and are not currently being provided by Washington County. The value of meeting these unmet demands will need to outweigh the administrative and other costs associated with becoming an entitlement community.
- **Administrative cost.** Administering HUD funding entails more work by city staff than participating in the County consortium. It would require use of a dedicated staff person to lead the city's efforts to coordinate with HUD and help develop and administer specific programs or strategies. This in turn would require more in-depth knowledge of federal programs and practices, internal and external coordination with HUD staff and other community partners, program development and other activities. City of Beaverton staff notes that meeting federal grant requirements takes a significant amount of time and to some degree requirements (and time commitments) are the same, no matter the size of the jurisdiction. In addition, the city likely would incur relatively significant legal costs associated with CDBG grant administration. Cities that currently operate their own CDBG programs within the Portland Metro area (Beaverton and Gresham) reportedly need to subsidize their programs with general fund revenues because the costs to administer the programs exceed the HUD revenues available to operate them (which are capped at a maximum of 20% of total local CDBG funds).
- **Decision-making complexity.** In addition to added responsibilities for staff, directly accepting and using HUD funds would increase responsibilities for the City Council and possibly other city boards or commissions, including during budget review and approval processes and/or associated with financing specific programs or facilities.
- **Complexity for local non-profit groups.** Because CDBG funds cannot serve or provide funding to serve people in other entitlement communities, the application process can be complex for non-profit groups who serve more than one entitlement community. For example, currently local non-profit groups must apply separately for funds to serve Beaverton and Washington County. Non-profit groups would face a similar situation in Tigard if the city were to become an entitlement agency. In addition, those groups would not be able to use funds provided by Washington County to provide services within Tigard but could only provide services in Tigard using grant money provided by the City of Tigard.
- **Funding thresholds and available resources.** Funding thresholds for specific programs funded by HUD as part of the CDBG program vary by the size of entitlement communities. In many cases, the maximum amount of money available for projects in Tigard would be lower than for the County as a whole. This could limit the size of HUD-funded projects that would be undertaken in Tigard to some degree. In addition, it should be noted that resources for entitlement communities have decreased over the last 20 years. City of Beaverton staff notes that small entitlement jurisdictions (close to 50,000 population) currently receive about \$200,000 per year, compared to over \$400,000 received by Beaverton when it

initially became an entitlement community. They question whether this current level of resources, coupled with associated administrative responsibilities and costs, would lead to a cost-effective decision to become an entitlement jurisdiction for a city the size of Tigard.

This report does not include an ultimate recommendation as to whether Tigard should become a CDBG entitlement agency. In the long term, the City should consider the factors described above and other relevant criteria in making this decision. However, in the short term, it is recommended that the City remain part of the Washington County consortium (even after passing the 50,000 residents population threshold) and obtain experience with the administration of HUD funds through a joint operating agreement relationship with Washington County. During that time, the City may wish to establish a more formal evaluation and decision-making framework for determining whether to become a separate entitlement community.

### ***Financing Tools***

One of the primary obstacles to achieving housing goals, particularly those for development of affordable housing is a lack of funding at all levels of government, coupled with the inability of the private sector to meet certain types of housing needs without public subsidy. The City of Tigard already implements several financing programs to assist with the development of affordable housing, including:

- Use of urban renewal funding to construct public improvements that act as incentives for private sector residential development and to augment the costs of selected residential development projects.
- In partnership with the Tigard/Tualatin School District, and Tualatin Valley Fire & Rescue, provides tax exemptions for low-income housing owned by non-profit corporations. Exemptions, first adopted in 1996, must be renewed each year and have been granted to a total of five projects developed by Community Partners for Affordable Housing. Currently, the City only offers these exemptions to non-profit organizations. However, the City could consider providing the exemptions for affordable housing developments built by private sector developers if they meet all the same program eligibility and other requirements, including guarantees to maintain the long-term affordability of the units.
- Implementation of an Affordable Housing Fee Assistance program to waive or reduce fees for qualifying affordable housing developments. As part of this program the City provides a fee waiver of up to \$500 per unit up to a total budgeted amount of \$10,000 per year for project that meet eligibility requirements, including affordability standards.

In addition to these strategies, the City could consider a variety of other funding tools, including the following:

- Low interest loans, grants
- Downpayment assistance
- Leveraging private and non-profit resources
- Expansion of the fee assistance program or implementation of a separate program to waive or defer payment of system development charges for affordable housing projects

As noted above, the City has implemented some of these strategies for affordable housing projects, including tax exemptions and fee waivers. Several of these tools also are identified as recommended actions for local

jurisdictions in Washington County’s Consolidated Plan, although there are some obstacles to their implementation. For example, some of the system development charges (SDCs) assessed to new development in Tigard are not paid directly to the City but rather to special service districts that provide services in Tigard, including the Tualatin Valley Fire and Rescue District and Clean Water Services. Currently, the only SDCs that the City collects pertain to water service, storm water treatment and sanitary sewer treatment. Tigard can choose to waive or pay its own SDCs for affordable housing projects. However, to cover other SDCs, the City must either convince other service providers to waive their own charges or pay the SDCs of those other providers. The current economic climate makes either of these tasks more challenging, particularly if the City chooses to cover other agencies’ SDCs. Further work on this issue should be conducted as part of a coordinated process with Washington County and other local jurisdictions and service providers, as recommended by the County in its current *Consolidated Plan for Community Development and Housing*.

If the City becomes a federal entitlement jurisdiction, it also would implement additional financing programs, including low interest loans and grants and downpayment assistance. In doing so, the City could focus those programs on the following activities:

- Target financing programs such as low interest loans, grants, downpayment assistance, and tax credits or abatements to areas with high housing cost burdens; provide specific outreach about these programs to people in these neighborhoods.
- Provide information about and encourage residents to take advantage of state and other programs described in Appendix C.

As noted in Section 6 of this report, the City also should continue to work closely with local non-profits, developers and others to leverage private resources to help meet a variety of housing needs, including through the following efforts, some of which are described in more detail in other sections of this report:

- Partner with area non-profit development organizations to capitalize on their capacity to raise public and private subsidies and structure financing near the break-even point that will ultimately benefit low income households.
- Support the efforts of community housing development organizations and other non-profit housing providers to identify opportunity sites, assist with the development permitting process and provide information about local and state financing programs.
- Encourage other developers to incorporate housing affordable to low and moderate income residents in their proposed developments, similar to development code provisions in Beaverton and Milwaukie.
- Encourage large employers to consider implementing employer assisted housing programs.

## 8. Implementation Plan

Following is a summary of the recommendations in this report, including information about the relative level of effort to move forward with each recommended strategy, the approximate amount of time needed to complete each activity, and other factors relevant to implementation. Many of the individual recommendations below could be completed concurrently and/or in combination with other actions. This summary is intended to help City staff in their annual work planning, as well as to inform discussions with the City Council and Planning Commission regarding relative priorities for housing planning and development activities.

<b>Strategy</b>	<b>Level of Effort</b>	<b>Time to Complete</b>	<b>Relative Impact</b>	<b>Notes</b>
C1. Update Comprehensive Plan narrative, goals, policies and action items.	Low	3-6 months	Medium	This will be accomplished as part of the current planning effort.
CA1/CA5. Adopt new code provisions for cottage clusters.	Medium	6-12 months	Medium	This will require preparation of a new code section, with review by staff, the Planning Commission, Council and possibly other stakeholders or community members. The amount of time to complete this effort will depend in large part on the scope of the proposal and the level of public involvement.
CA2. Adopt new code provisions for live/work units.	Medium	6-12 months	Low	Same comments as for CA1.
CA3. Reduce the minimum lot size for duplexes in the R-7 zone	Low (- Medium)	2-3 months	Low	This represents a fairly minor code amendment, especially if limited to duplexes on corner lots; however, even relatively minor changes to residential density can become controversial. Early communication with affected neighborhoods will determine the amount of public outreach needed.
CA4. Adopt single-family attached housing standards for use city-wide.	Medium	6-12 months	Medium	Same comments as for CA1 and CA2.

<i>Strategy</i>	<i>Level of Effort</i>	<i>Time to Complete</i>	<i>Relative Impact</i>	<i>Notes</i>
CA6. Update standards for accessory dwelling units.	Low(- Medium)	3-6 months	Medium	This entails relatively minor amendments to existing code provisions; however, selected potential revisions (e.g., reduced parking requirements) could be controversial; depending on the scope of the proposed revisions, a public review process may be needed.
CA7. Consider revising parking standards to provide flexibility and incentives.	Medium		Medium	While, the potential code revisions would be relatively straightforward and would take a limited amount of time to prepare, these changes likely will require a public review process and could be controversial.
CA8. Amend standards for residential uses to ensure that standards for needed housing are clear and objective.	Medium	6-12 months	Low	Same comments as for CA3.
CA9. Adopt density and height bonuses as incentives for affordable housing.	Low	3-6 months	Low	Same comments as for CA1 and CA2.
FP 2. Plan and zone land in River Terrace for residential use in this area that balances local and regional housing and land use goals and requirements.	Low- Medium	12-18 months and ongoing	High	It is assumed that this strategy will be implemented as part of the River Terrace planning process that is currently underway; as a result, it should not require additional resources or time beyond what will be needed to conduct that larger planning process. Ongoing efforts will be needed to implement some associated development strategies.

<b>Strategy</b>	<b>Level of Effort</b>	<b>Time to Complete</b>	<b>Relative Impact</b>	<b>Notes</b>
FP3. Continue to implement ongoing planning, urban renewal, marketing and other efforts aimed at Downtown housing development and redevelopment.	Low-Medium	Ongoing	High	This strategy is generally consistent with and would primarily be undertaken with ongoing or other planned efforts associated with downtown planning and redevelopment. Some specific recommendations may require additional staff time or other resources.
FP4. Consider adopting zoning designations and standards and other strategies for the Tigard Triangle to help ensure that residential development or mixed use development occurs in this area.	Low-Medium	18-24 months and ongoing	High	It is assumed that this strategy will be implemented as part of the proposed Tigard Triangle planning process that is expected to commence in 2013; as a result, it should not require additional resources or time beyond what will be needed to conduct that larger planning process. Ongoing efforts will be needed to implement some associated development strategies.
FP5. Update residential design standards and implement other strategies in Washington Square to meet goals for production of housing this area.	Medium	6-12 months and ongoing	Medium	This will require updating an existing section of the city's code and will require a public process. No area-specific public process is currently planning for Washington Square so a separate effort will be required but could be undertaken in concert with other development code updates. Additional ongoing implementation of other development strategies also will be needed.
FP6. Implement a variety of strategies in potential future high-capacity transit corridors and centers to promote residential and mixed use development.	Medium	6-12 months and ongoing	Medium	This includes implementation of related potential code amendments (strategies CA1-8), as well as other potential ongoing planning and development strategies.



<b>Strategy</b>	<b>Level of Effort</b>	<b>Time to Complete</b>	<b>Relative Impact</b>	<b>Notes</b>
NR1. Provide information to other parties about actions or strategies that will achieve the goals of the Fair Housing Act.	Low	3-6 months and ongoing	Medium	This would involve outreach to stakeholders regarding the outcome of this planning process along with regular follow-up contact regarding implementation of the other strategies described here; staff could prepare an initial set of informational materials or use reports from this process to provide needed information.
NR2. Provide information to developers about design practices that will help ensure that new housing units are accessible to people with physical or mobility disabilities.	Low	1-3 months and ongoing	Medium	This would involve ongoing outreach to developers using existing readily available materials that staff could obtain with relatively minimal effort.
NR3. Provide information to developers to help them understand the City's land use permitting process and provide clarity and certainty about city requirements.	Medium	6-9 months and ongoing	Medium	This would involve outreach to developers regarding current and future planning processes and strategies identified during this process. It also would require preparation of new informational materials.
NR4. Continue to participate in and support County and regional efforts to meet current and future affordable, special needs and other housing goals.	Low-Medium	Ongoing	Medium	This entails a continuation of participation in and coordination with County and regional housing planning processes. To the extent new regional requirements are adopted or new County programs are enacted, it could require an increased level of effort.

<b>Strategy</b>	<b>Level of Effort</b>	<b>Time to Complete</b>	<b>Relative Impact</b>	<b>Notes</b>
AF 1. Continue to use staff resources to address housing goals and implement housing strategies in a consistent and coordinated manner and continue to provide funding to support affordable and special needs housing projects.	Medium-High	See below	See below	See below
a. Implement the recommendations in this plan in a proactive and coordinated manner.	Medium	Variable and ongoing	High	See above for more information about specific strategies; additional work will be needed to institutionalize implementation of strategies as part of the city's annual and ongoing work planning efforts.
b. Establish a framework for determining whether to become a federal funding entitlement jurisdiction.	Low-High	3-6 months or more	Medium	Establishing a framework for determining whether or not to become an entitlement agency represents a relatively modest level of effort. Evaluating and discussion the options with city decision-makers would be a medium amount of work. If the city chooses to become an entitlement jurisdiction, resulting responsibilities will be relatively significant and ongoing.
c. Continue to implement current affordable housing funding strategies; consider establishing and undertaking an expanded set of strategies.	Medium-High	6-9 months and ongoing	High	Consideration of additional strategies identified in this report represents a relatively modest level of effort. Implementation of some strategies could result in added financial costs or contributions to help offset the costs of affordable housing development.



## Memorandum

**DATE:** January 23, 2013

**TO:** Marissa Daniels, *City of Tigard*

**FROM:** Matt Hastie, *Angelo Planning Group*

**SUBJECT:** City of Tigard Population and Housing Review

Tasks 6: Housing Report – Preliminary Draft

This report includes proposed language for inclusion in an updated (Goal 10) Housing element of Tigard’s Comprehensive Plan. This element of the City’s Comprehensive Plan was updated relatively recently (2008) and much of the language in this section of the Plan remains relevant, including the majority of the Plan’s goals, policies and recommended action measures. However, a number of changes to the Plan are proposed, consistent with the results of the Housing and Population Study and recommendations and information found in reports prepared for Tasks 1-5 of this planning process. The remainder of this document contains proposed updated Comprehensive Plan language. Proposed revisions to existing Plan language are shown in underline and ~~striketrough~~ format; the “Findings” section is recommended to be replaced in its entirety with the text provided in this document.

### Narrative

#### GOAL 10: Housing

*“To provide for the housing needs of citizens of the state.”*

Some of the factors that local governments can influence are the supply of available residential land; the availability of public services; development regulations (density and design), and support for low and moderate income housing through funding or incentives. The City also can assist in providing information to non-profit and private developers about housing opportunity sites, state and federal funding opportunities and design and development practices that promote construction of accessible, sustainable, attractive and affordable housing.

In the Portland metropolitan region, only land included in the Metro Urban Growth Boundary (UGB), an invisible line that separates resource land from presently developable areas ~~rural areas from suburban~~, can be developed at residential densities requiring urban services. At the local level, each ~~state and regional jurisdiction~~ county and city must inventory its buildable land, which is defined as vacant and re-developable land suitable for residential use, to determine housing capacity. Tigard maintains a buildable lands inventory (BLI) that tracks available residential land. Two state and Metro requirements help determine housing capacities on buildable land within the Portland Metropolitan Area – the state Metropolitan Housing Rule and Title 1 of Metro’s Urban Growth Management Functional Plan (Functional Plan). Both focus on increasing a local jurisdictions’ housing capacity in order to make efficient use of land and urban services ~~use land~~ within the UGB efficiently.



The Metropolitan Housing Rule (OAR 660-007/Division 7) established regional residential density and mix standards for communities within the Metro UGB. It sets minimum residential density standards for new construction by jurisdiction. Tigard must provide for an overall density the opportunity to build new housing at an overall average density of 10 or more dwelling units per net buildable acre, as well as designate sufficient buildable land to provide the opportunity for at least 50% of new residential units to be attached housing (either single-family attached or multiple-family units.)

### ***Urban Growth Management Functional Plan***

Metro implements Goal 10 through Title 1 of the Metro Urban Growth Management Functional Plan (Functional Plan). To meet Title 1, each jurisdiction ~~was~~ is required to determine its housing capacity and adopt minimum density requirements. Tigard adopted an 80% of minimum density requirement for development in 1998. This ~~which~~ means that a development must build 80% of the maximum units allowed by the applicable zoning designation. ~~The City has committed to providing the development opportunity for an additional 6,308 dwelling units between 1998—2017. This number shows Tigard’s zoned capacity for additional dwelling units. It is an estimate based on the minimum number of dwelling units allowed in each residential zoning district, assuming minimum density requirements.~~ In addition to complying with the Functional Plan, the City’s Development Code identifies the types and densities of housing allowed in all of Tigard’s residential and mixed use zoning districts.

The City of Tigard maintains an up-to-date buildable lands inventory and a permit tracking system for development, ~~as well as complying with Metro’s Functional Plan~~. The City also is responsible for monitoring residential development. All of these tools aid the City in monitoring its progress toward the above goals, and determining if the opportunity remains for current and future residents to have diverse housing choices.

### ***Tigard’s Geographic Limits to Growth***

As noted above, the UGB established and maintained by Metro, in coordination with Tigard and other local jurisdictions establishes a geographical limit to future growth. It is required to include an adequate supply of land to meet the region’s 20-year land needs associated with housing, employment and other needed land uses.

~~There are also two areas of buildable that have not yet been zoned. In the last several years, Washington County has urbanized significant areas of unincorporated land to the south and west of Tigard. It and service districts provide the minimum required facilities and services. The county’s actions, combined with state annexation law, make it is improbable that most of these developed lands will annex to Tigard.~~ The UGB was expanded in 2002 to include land referred to as Area 63 and Area 64. In 2012, the UGB was expanded again to include an additional 50 acres (Roy Rogers West) to connect Areas 63 and 64. All of these areas were included in the West Bull Mountain Concept Plan (WBMCP) and have since been annexed into the City of Tigard and are known as River Terrace. This area, as well as other buildable and/or redevelopable properties in existing City neighborhoods, represent the supply of land for future residential growth. Urban reserves also represent long-term future growth areas. Urbanized unincorporated land forms a barrier between Tigard and unincorporated urban growth areas designated by Metro. Thus, Tigard is unlikely to expand its City boundaries in the future. The lack of vacant residential land will require Tigard to meet its housing capacity commitment within its current, mostly built-out, City limits. Future development in these areas will require a combination of additional

planning and development in new growth areas, coupled with infill development and redevelopment in existing areas such as This will require actions to increase residential density within the appropriate areas such as major transportation corridors, designated Regional and Town Centers and other mixed use areas. Thus, much new residential development will occur through urban infill and redevelopment.

### **Capacity for Future Housing Development**

A city analysis of housing needs and capacity conducted in 2012 found the capacity to build approximately 7,000 new housing units on buildable lands zoned for residential development within the City's UGB, compared to an estimated need for just over 6,500 new units during the next 20 years. The analysis also found that the City's zoning allows for the opportunity for more than 50% of new housing to be constructed as single-family attached or multi-family housing, consistent with the Metropolitan Housing Rule. There is additional capacity for housing to be constructed in the City's mixed use (commercial/residential) zones such as the Tigard Triangle, Washington Square and Downtown areas. This is over and above the capacity for 7,000 units estimated in the analysis.

### **Affordable Housing/ Special Needs Housing**

Metro also addresses affordable housing in Title 7 of its Functional Plan. Title 7 includes voluntary affordable housing production goals and other affordable housing strategies. Tigard has undertaken a variety of voluntary actions to support and enhance opportunities for affordable housing, including offsetting City fees and charges for affordable housing, and a tax exemption for low income housing developed by nonprofit groups. Among the organizations involved in low income housing, special needs housing, and emergency housing, are Community Partners for Affordable Housing, Tualatin Valley Housing Partners, Luke-Dorf, and the Good Neighbor Center and others. Tigard is also part of the Washington County Housing Consortium that utilizes HOME and CDBG funds to provide housing opportunities. This Plan includes a variety of policies to further the development of affordable and special needs housing in Tigard. The City's Development Code also includes provisions that can act as incentives and/or create opportunities to help meet these housing needs.

## **Key Findings:**

The following findings are based on a population and housing needs assessment prepared for the city in 2013. Data included in the findings is based on a combination of Census data from 2010 and other data sources from 2012, except where noted. [Note: The following findings replace findings currently contained in the Housing element of the Comprehensive Plan.]

### **Current (2010/2012) Population Trends**

- The 2013 Housing Strategies Report and supporting memos and analyses provide the basis for the findings and recommendations in this element of the Comprehensive Plan. That document has been adopted as an ancillary document of this Comprehensive Plan.
- As of the 2010 Census, Tigard was the fifth largest city by population in the Portland metro area (excluding Vancouver, Washington). It represents 3% of the total population within the three primary metro counties. Tigard is the 13<sup>th</sup> largest city in Oregon.

- Tigard grew by 6,857 people between 2000 and 2010, or 17%. This is somewhat slower than growth in Washington County of 19% during that period, but greater than growth in the state of Oregon of 12%. Tigard experienced growth at a slower percentage than the two largest Washington County cities of Hillsboro and Beaverton (31% and 18% respectively) during this timeframe.
- Tigard was home to over 48,000 people and 19,000 households in 2010. Families represent 65% of all households. This is very similar to the Metro area figure of 63.5% family households, and Washington County's 66.8%.
- Tigard's average household size in 2010 was 2.49 persons, which is slightly smaller than Washington County and the Metro area's averages of 2.6 and 2.52 respectively.
- Tigard's median household income was over \$59,000 in 2010. This is 11% higher than the Portland/Vancouver metro area median (\$53,078). However, it is 10% lower than the countywide median of \$66,500.
- Median income grew 15% between 2000 and 2010, while growing over 27% in Washington County.
- An estimated 8% of the population in Tigard lives under the poverty level. (American Community Survey, 2006-2010, five-year average) The poverty rate for Tigard households is higher than average among females (9.9%) and those under 18 years of age (8.7%), similar to national trends.

#### Current (2010/2012) Housing Trends and Needs

- An estimated 60% of housing units are ownership units, while an estimated 40% of housing units are rental units. This is a similar ratio of ownership units compared to the general Portland/Vancouver Metro Area (62% ownership rate), and the state.
- Over 95% of ownership units are single family homes (detached or attached), while nearly 60% of rental units are in structures of 5 units or more.
- In general, there is a need for some less expensive ownership units and rental units. This is not uncommon as the lowest income households struggle to find housing of any type that keeps costs at 30% of gross income.
- Among prospective ownership households, there is a solid supply of mid-priced housing between \$170k and \$240k, as well as upper-mid-priced housing of \$370k to \$550k. This analysis estimates the need for more for-sale housing in between these ranges, and at the upper end of the market.
- There is a general need for rental units at the lower and middle price levels. There are levels of estimated surplus for apartments (\$620 to \$1060 per month), and for single family homes for rent (\$1770 - \$3,530). These ranges represent the average rent prices in Tigard, typical of the majority of housing units in Tigard.
- Overall, there is a total surplus of 270 ownership units, and a current surplus of rental units of 631. This is an estimate based on a model of general preferences of households in different age and income cohorts to either own or rent.
- There are an estimated 901 units more than the current number of households, reflecting the current estimated vacancy rate of 4.4%.

#### Future Housing Demand and Land Supply

- There is a need for over 6,500 new housing units by 2030, with a stronger emphasis on new ownership units.

- Of the new units needed, 76% are projected to be ownership units, while 24% are projected to be rental units.
- Of the new units needed, the largest share (53%) is projected to be single family detached homes, due to a stronger projected need for new ownership housing. The remainder of units (47%) is projected to be some form of attached housing.
- It is projected that in coming decades a greater share of housing will be attached types, including attached single family. Single family attached units are projected to meet nearly 20% of future need.
- Duplex through four-plex units are projected to represent over 8% of the total need, while 18% of all needed units are projected to be multi-family in structures of 5+ attached units.
- Under 1% of new needed units are projected to be manufactured home units in manufactured home parks, which meet the needs of some low-income households for both ownership and rental.
- There is the capacity (as of 2012) to build approximately 7,000 new housing units on buildable lands zoned for residential development (residential and “mixed use residential” zones) within the City’s UGB.
- The supply of buildable land zoned for residential use in Tigard provides the opportunity to develop more than 50% of new housing as single-family attached or multi-family units, consistent with the Metropolitan Housing Rule.
- There is the capacity to build several thousand additional housing units on land zoned as “mixed use employment” and “mixed use commercial” in the Downtown, Washington Square and Tigard Triangle areas.
- City zoning provides the opportunity to construct housing at an average overall density of 10 units per net developable acre, consistent with requirements of the Metropolitan Housing Rule.
- The City’s Comprehensive Plan policies and Development Code provide for the opportunity to meet a full range of housing choices and needs. However, a number of action measures are recommended in this Plan to enhance those opportunities.

## Goals, Policies and Recommended Action Measures:

### **Goal:**

10.1 Provide opportunities for a variety of housing types at a range of price levels to meet the diverse housing needs of current and future City residents.

### **Policies:**

1. The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences, and financial capabilities of Tigard’s present and future residents.
2. The City’s land use program shall be consistent with applicable state and federal laws.
3. The City shall support housing affordability, special-needs housing, ownership opportunities, and housing rehabilitation through programs administered by the state, Washington County, nonprofit agencies, and Metro.



4. The City shall adopt and maintain land use regulations that provide opportunities to develop housing for persons with special needs. The scale, design, intensity, and operation of these housing types shall be compatible with other land uses and located in proximity to supporting community services and activities.

5. The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future.

6. The City shall allow accessory dwelling units in appropriate residential districts, but shall require that they are compatible and blend into the overall residential environment.

7. The City shall comply with state and federal housing laws, including the Fair Housing Act, as well as ~~and~~ applicable implementing administrative rules and regulations.

8. The City shall implement findings and recommendations from the 2013 Tigard Housing Strategies Report as incorporated in the Recommended Action Measures described in this Plan and further detailed in the Housing Strategies Report.

### **Recommended Action Measures:**

i. Update the City's Buildable Land Inventory regularly to monitor the rate of development and the availability of residential land.

ii. Monitor regional and local housing trends and periodically review and update the City's land use policies and regulations accordingly to provide the range of housing development opportunities needed by Tigard's residents.

iii. Allow manufactured homes on individual lots subject to standards to ensure their compatibility with single-family residential housing types.

iv. Allow opportunities for accessory dwelling units in regional centers, town centers, and corridors per Metro requirements, as well as in other residential areas of the City.

v. Increase opportunities for higher density mixed use development in the Downtown Urban Renewal District, Washington Square Regional Center, Tigard Triangle, and designated Corridors to enable residential uses to be located in close proximity to retail, employment, and public facilities, such as transit and parks.

vi. Provide incentives to encourage the development of a range of housing choices, including affordable housing units at transit-supportive densities near existing and planned transit routes, and/or in proximity to major activity centers such as employment, commercial areas, schools, and recreation areas.

vii. Lower development costs for affordable housing by subsidizing City fees and charges, giving higher priority to housing projects close to major activity centers and transit services and/or providing additional incentives to their development.



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- viii. Communicate the availability of local, state, and federal affordable housing incentives and subsidies to those involved in the housing industry.
- ix. Participate with other Portland Metropolitan area jurisdictions and agencies to address both local and regional affordable and workforce housing needs.
- x. Develop and implement strategies to encourage affordable housing in the City's regional (Washington Square) and town centers (Downtown) and other areas designated for mixed use and high residential densities.
- xi. Coordinate with the Washington County Housing Authority, private non-profit housing corporations, H.U.D. and other federal, state, and regional agencies for the provision of subsidized housing programs in Tigard.
- xii. Increase Tigard's diversity of housing types through financial incentives and regulatory tools such as density transfer and planned development standards; transit, and vertical oriented housing tax credits; reduced parking requirements; height and density bonuses; voluntary inclusionary zoning, etc.
- xiii. Work with Metro and Washington County to determine the City's projected regional share of affordable, workforce, and special needs housing and to develop and implement strategies to accommodate projected local and regional needs.
- xiv. Work with the Washington County Housing Authority, and non-profit corporations to encourage preservation or replacement of affordable and special use housing when:
- A. redevelopment occurs in older areas of the City;
  - B. single family dwellings are upgraded for sale or higher rent; or
  - C. apartments are converted to condominiums or to rentals that are more expensive.
- xv. Encourage the development of affordable housing when opportunities arise to redevelop public property and private institutional lands.
- xvi. Provide opportunities for affordable home ownership by:
- A. Adapting the City's land use program to allow for the development of a variety of residential building types and ownership arrangements;
  - B. Supporting the activities of non-profit housing providers such as Habitat for Humanity, ~~and~~ community land trusts and others; and
  - C. Supporting the efforts of Washington County Housing Authority, ~~and~~ the Community Housing Fund, and developers of affordable housing to utilize a variety of public and private subsidies and incentives.
- xvii. Support housing types, such as shared housing, accessory dwelling units, smaller homes, cottage clusters, adult foster homes, and other assisted living arrangements that allow the elderly to remain in their community as their needs change.

xviii. Support development of affordable rental housing through partnerships with the Community Housing Fund and other affordable housing providers.

xix. Propose adopting updates to the City's development code to enhance opportunities to develop accessory dwelling units, live/work housing units, cottage clusters, single-family attached housing and duplexes, consistent with the City's 2012 Housing Strategies Report.

xx. Develop and apply standards for single-family attached housing in all zoning districts where it is allowed.

**Goal:**

10.2 Maintain a high level of residential livability.

**Policies:**

1. The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.
2. The City shall seek to provide multi-modal transportation access from residential neighborhoods to transit stops, commercial services, employment, and other activity centers.
3. The City shall commit to improving and maintaining the quality of community life public safety, education, transportation, community design; a strong economy, parks and recreation, etc.) as the basis for sustaining a high-quality residential environment.
4. The City shall protect the habitability and quality of its housing stock through code inspection services and enforcement.
5. The City shall encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.
6. The City shall promote innovative and well-designed housing development through application of planned developments and community design standards for multi-family housing.
7. The City shall ensure that residential densities are appropriately related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.
8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:
  - A. orderly transitions from one residential density to another;
  - B. protection of existing vegetation, natural resources and provision of open space areas; and
  - C. installation of landscaping and effective buffering and screening.

9. The City shall require infill development to be designed to address compatibility with existing neighborhoods.

10. The City shall regulate home-based businesses (occupations) to prevent adverse impacts on residential areas.

### **Recommended Action Measures:**

- i. Encourage future housing development on designated buildable lands in areas where public facilities and services can be most readily provided.
- ii. Develop infill design and/or cottage cluster housing standards to ensure that new housing constructed within existing residential neighborhoods complements and is compatible with existing development.
- iii. Engage Tigard's citizens in public policy decisions, programs, and projects to improve neighborhood quality of life such as improving public safety; providing high quality public services; enhancing mobility and easy access to activity centers; improving community design; providing parks and open space; and promoting a green environment.
- iv. Promote Planned Development, density transfer, site and building design standards, and other regulations to protect natural areas preserve open spaces and enhance Tigard's residential environment.
- v. Develop standards to enhance livability for those living in housing adjacent to major streets such as appropriate setbacks, buffering and screening, noise mitigation, building orientation, landscaping, etc.
- vi. Update and maintain the City's land use regulations, engineering standards, and building codes to be consistent with federal and state requirements and responsive to current conditions and anticipated development trends.
- vii. Promote the maintenance of habitable housing in Tigard through Housing Inspection and Enhanced Housing Safety programs. Contribute to an Emergency Housing Fund to assist those who lose housing due to safety/habitability problems.
- viii. Encourage those who must make habitability and safety improvements to their homes to access low interest loan and grant programs offered by the Washington County Housing Rehabilitation Program.
- ix. Promote the habitability and quality of existing housing stock through means such as effective code enforcement and code violation follow-through, habitability standards, and rental licensing and inspection.
- x. Develop regulations, standards, educational tools, and incentives to induce property owners to maintain residential property to prevent blight and promote safe and healthy living environments.
- xi. Develop regulations and incentives to induce property owners to rehabilitate or redevelop deteriorated and marginally habitable residential properties.
- xii. Develop and enforce codes and regulations to abate public health and safety problems associated with residential properties being used for unlawful purposes.



- 
- xiii. Establish and maintain standards to regulate non-residential accessory structures to protect the character and quality of existing neighborhoods.
  - xiv. Provide incentives and technical assistance to make resource efficient (green) technologies and materials part of new development and the remodeling or retrofitting of existing development. Opportunities include energy conservation, water re-use, water quality enhancements, green building materials, solar heating/cooling, and drought tolerant landscaping etc.
  - xv. Adopt clear and objective approval standards, criteria, conditions, and review processes for needed housing per state requirements.
  - xvi. Develop partnerships with neighboring jurisdictions on multijurisdictional code enforcement issues.
  - xvii. Provide information about accessible design practices to housing developers to help ensure that new housing is accessible to people with physical and mobility limitations, including aging residents.
  - xviii. Provide informational materials and other technical assistance to housing developers to ensure that residential development procedures and processes are as easy to understand and navigate as possible.
  - xix. Provide opportunities for city planning staff to obtain training and knowledge of housing development issues to ensure they can continue to effectively implement housing goals, policies and action measures.
  - xx. Encourage all residential developers to incorporate housing affordable to low and moderate income residents in their proposed developments.
  - xxi. Encourage large employers to consider implementing employer assisted housing programs.



CPA2013-00001

Tigard Periodic Review Task 6: Population Forecast and Coordination with Metro

Oregon land use law (ORS 195.036; 195.025) requires Metro to coordinate its regional population forecasts with local governments inside the UGB for use in updating their comprehensive plans, land use regulations and related policies. Metro goes through a highly technical analysis process to produce twenty-year population and employment forecasts for the entire Portland Metropolitan Area based upon expected land supply and demand. Using land use and transportation modeling to match demand with supply, the forecast is then distributed among each of the local jurisdictions in the region. The Oregon Department of Land Conservation and Development requires consistency by the local jurisdiction when applying population and employment forecasts in all subsequent planning work.

Proposed Amendment to Tigard Comprehensive Plan Goal 2: Land Use Planning

Goal 2.1        Maintain an up-to-date Comprehensive Plan, implementing regulations and action plan as the legislative foundation of Tigard's land use planning program.

Policies:        1 through 24 (no changes)

25. The City shall use the most recently adopted Metro population and employment forecast, as allocated to Tigard, for planning purposes.

**Tigard Population and Housing Review  
Development Code Amendments  
Staff Recommendation  
DCA 2013-00002**

**Project Summary**

To ensure the city is in compliance with state regulations which require, “clear and objective standards, conditions and procedures regulating the development of needed housing” changes to the Site Development Review (SDR) approval criteria are being proposed. These approval criteria apply to a wide range of development types within the City (e.g., commercial, industrial, etc.), including housing. While most of the SDR approval criteria appear to be clear and objective, some do appear to allow for more discretion. This code update clarifies that housing is exempt from meeting these more discretionary criteria.

**Background**

Tigard has been awarded a Periodic Review grant by the Department of Land Conservation and Development (DLCD) to complete a Goal 10 Population and Housing Review. Every five to seven years, cities and counties are required to evaluate their comprehensive plans and land use regulations through a process called "Periodic Review" (ORS 197.628-644 and OAR 660, Division 25). This process ensures Tigard's Comprehensive Plan and land use regulations are consistent with Oregon law and continue to provide for the growth management and development needs of the community. The project looked at population projections and demographic trends along with the amount and location of available land. The end result is a list of potential strategies to meet the city's future demand for housing that implement the city's aspirations and state requirements.

**Development Code Amendments - How to Read This Section**

This section is organized by Development Code chapter number. Odd-numbered pages show the existing language with proposed amendments. Text that is proposed to be added to the code is shown with double underlines. Text that is proposed to be deleted is shown with ~~strikethrough~~.

Even-numbered pages contain commentary on the amendments, which establish, in part, the legislative intent in adopting these amendments.

Chapter 18.360 SITE DEVELOPMENT REVIEW

Clear and Objective Standards for Needed Housing

ORS 197.307 states that:

*(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land described in subsection (3) of this section. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.*

The development standards in 18.510.050 that apply within the residential zoning districts appear to be clear and objective. However, all new residential development except for single-family detached units and duplexes is also subject to Site Development Review (SDR). SDR applications are processed as a Type II procedure using the approval criteria contained in TCDC 18.360.090. The SDR approval criteria address the relationship between the built and physical environment, building façade features, private and shared space, and transit access and amenities. In addition to needed housing, these approval criteria apply to a wide range of development types within the City (e.g., commercial, industrial, etc.) that are not subject to the requirement for clear and objective standards.

This purpose of this code update is to implement the recommendation in the Tigard Housing Strategies Report to:

*Recommendation CA8: Review the Site Development Review approval criteria contained in TCDC 18.360.090; for those criteria that are not clear and objective, confirm that the issue is sufficiently addressed by other code standards; and, exempt needed housing (or residential development generally) from those criteria that are not clear and objective.*

18.360.010 through 18.360.080

No changes are proposed to the following sections:

- 18.360.010 Purpose
- 18.360.020 Applicability of Provisions
- 18.360.030 Approval Process
- 18.360.040 Bonding and Assurances
- 18.360.050 Major Modification(s) to Approved Plans or Existing Development
- 18.360.060 Minor Modification(s) to Approved Plans or Existing Development
- 18.360.070 Submission Requirements
- 18.360.080 Exceptions to Standards

**Chapter 18.360  
SITE DEVELOPMENT REVIEW**

**Sections:**

- 18.360.010 Purpose**
- 18.360.020 Applicability of Provisions**
- 18.360.030 Approval Process**
- 18.360.040 Bonding and Assurances**
- 18.360.050 Major Modification(s) to Approved Plans or Existing Development**
- 18.360.060 Minor Modification(s) to Approved Plans or Existing Development**
- 18.360.070 Submission Requirements**
- 18.360.080 Exceptions to Standards**
- 18.360.090 Approval Criteria**

**18.360.010 through 18.360.080**

[No change.]

18.360.090 Approval Criteria

While most of the SDR approval criteria appear to be clear and objective, some do appear to allow for more discretion. For residential uses, in some cases the existing standards (e.g., setbacks, landscaping and other standards in TDC 18.510, as well as standards for streets and utilities in TDC 18.810) may be sufficient to address the issue without the additional level of discretion provided by the approval criteria.

Because all new residential development except for single-family detached units and duplexes are also subject to the Site Development Review (SDR) requirements, the following amendments to section 18.360.090 are being proposed to ensure the city is in compliance with ORS 197.307.

1. [No change.]
2. Relationship to the natural and physical environment

This criterion may be too discretionary to be used for needed housing. There are other areas of the city's Development Code which provide more quantitative development standards addressing similar issues. For example, 18.510.050 which applies within residential zoning districts, is more clear and objective requiring minimum lot sizes, setbacks, landscaping, etc.

To ensure the city is in compliance with ORS requirements for clear and objective standards related to needed housing, text has been added to clarify that only nonresidential development must meet Criterion #2.

3. [No change.]

**18.360.090 Approval Criteria**

- A. Approval criteria. The Director shall make a finding with respect to each of the following criteria when approving, approving with conditions, or denying an application:
1. Compliance with all of the applicable requirements of this title including Chapter 18.810, Street and Utility Standards;
  2. Relationship to the natural and physical environment – Non-residential development:
    - a. Buildings shall be:
      - (1) Located to preserve existing trees, topography and natural drainage where possible based upon existing site conditions;
      - (2) Located in areas not subject to ground slumping or sliding;
      - (3) Located to provide adequate distance between adjoining buildings for adequate light, air circulation, and fire-fighting; and
      - (4) Oriented with consideration for sun and wind.
    - b. Innovative methods and techniques to reduce impacts to site hydrology and fish and wildlife habitat shall be considered based on surface water drainage patterns, identified per Section 18.810.100.A.3. and the City of Tigard “Significant Habitat Areas Map.” Methods and techniques for consideration may include, but are not limited to the following:
      - (1) Water quality facilities (for infiltration, retention, detention and/or treatment);
      - (2) Pervious pavement;
      - (3) Soil amendment;
      - (4) Roof runoff controls;
      - (5) Fencing to guide animals toward safe passageways;
      - (6) Re-directed outdoor lighting to reduce spill-off into habitat areas;
      - (7) Preservation of existing vegetative and canopy cover.
  3. Exterior elevations:
    - a. Along the vertical face of single-family attached and multiple-family structures, offsets shall occur at a minimum of every 30 feet by providing any two of the following:
      - (1) Recesses, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet;
      - (2) Extensions, e.g., decks, patios, entrances, floor area, of a minimum depth of eight feet, a maximum length of an overhang shall be 25 feet; and

18.360.090 Approval Criteria, ctd.

4. Buffering, screening and compatibility between adjoining uses

As noted previously, this criterion is may be too discretionary to be used for needed housing. Criterion #4 requires buffering between different types of land uses, for example, between single-family and multiple-family residential, and residential and commercial uses. However, what constitutes an “adequate” buffer is determined from considering a list of relatively subjective factors.

To ensure the city is in compliance with ORS requirements for clear and objective standards related to needed housing, text has been added to clarify that only nonresidential development must meet Criterion #4.

5. Privacy and noise—Multifamily or group living uses

This criterion is may be too discretionary to be used for needed housing. To ensure the city is in compliance with ORS requirements for clear and objective standards related to needed housing, and because the criterion relates only to residential uses (multifamily or group living uses), Criterion #5 is proposed for deletion.

(3) Offsets or breaks in roof elevations of three or more feet in height.

4. Buffering, screening and compatibility between adjoining uses – Non-residential development:

a. Non-residential development shall provide buffering ~~Buffering shall be provided between different types of land uses, for example, between single family and multiple-family residential, commercial and industrial uses, and residential and commercial uses, and the following factors shall be considered in determining the adequacy of the type and extent of the buffer:~~

- (1) The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier;
- (2) The size of the buffer required to achieve the purpose in terms of width and height;
- (3) The direction(s) from which buffering is needed;
- (4) The required density of the buffering; and
- (5) Whether the viewer is stationary or mobile.

b. On site screening from view from adjoining properties of such things as service areas, storage areas, parking lots, and mechanical devices on roof tops, i.e., air cooling and heating systems, shall be provided and the following factors will be considered in determining the adequacy of the type and extent of the screening:

- (1) What needs to be screened;
- (2) The direction from which it is needed;
- (3) How dense the screen needs to be;
- (4) Whether the viewer is stationary or mobile; and
- (5) Whether the screening needs to be year around.

5. Privacy and noise—Multifamily or group living uses: [deleted by Ord. 13-XX]

~~a. Structures which include residential dwelling units shall provide private outdoor areas for each ground floor unit which is screened from view by adjoining units as provided in Subsection A.6.a below;~~

~~b. The buildings shall be oriented in a manner which protects private spaces on adjoining properties from view and noise;~~

~~c. On site uses which create noise, light, or glare shall be buffered from adjoining residential uses; and~~

~~d. Buffers shall be placed on the site as necessary to mitigate noise, light or glare from off-site sources.~~

Commentary

6. [No change.]
7. [No change.]
8. Consideration of the dedication of sufficient open land area

This criterion establishes a requirement for developments located adjacent to the 100 year floodplain. As written the criterion is somewhat subjective and potentially ineffectual as it simply requires “consideration” of a greenway dedication suitable for a pedestrian/bicycle pathway.

To ensure the city is in compliance with ORS requirements for clear and objective standards related to needed housing, text has been added to clarify that only nonresidential development must meet Criterion #8.

6. Private outdoor area—Multifamily use:

- a. Private open space such as a patio or balcony shall be provided and shall be designed for the exclusive use of individual units and shall be at least 48 square feet in size with a minimum width dimension of four feet; and
  - (1) Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit; and
  - (2) Required open space may include roofed or enclosed structures such as a recreation center or covered picnic area.
- b. Wherever possible, private outdoor open spaces should be oriented toward the sun; and
- c. Private outdoor spaces shall be screened or designed to provide privacy for the users of the space.

7. Shared outdoor recreation areas—Multifamily use:

- a. In addition to the requirements of Subsections A.5 and 6 above, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:
  - (1) Studio up to and including two-bedroom units, 200 square feet per unit; and
  - (2) Three or more bedroom units, 300 square feet per unit.
- b. The required recreation space may be provided as follows:
  - (1) It may be all outdoor space; or
  - (2) It may be part outdoor space and part indoor space; for example, an outdoor tennis court, and indoor recreation room; or
  - (3) It may be all public or common space; or
  - (4) It may be part common space and part private; for example, it could be an outdoor tennis court, indoor recreation room and balconies on each unit; and
  - (5) Where balconies are added to units, the balconies shall not be less than 48 square feet.
- c. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety;

8. Where landfill and/or development for a non-residential use is allowed within and adjacent to the 100-year floodplain, the City shall require consideration of the dedication of sufficient open land area for greenway adjoining and within the floodplain. This area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/ bicycle plan.

9. Demarcation of public, semi-public and private spaces for crime prevention

While criterion#9 and #10 addressing crime prevention provide good guidance for residential and non-residential developments, they are potentially too discretionary for needed housing.

To ensure the city is in compliance with ORS requirements for clear and objective standards related to needed housing, text has been added to clarify that only nonresidential development must meet Criterion #9.

10. Crime prevention and safety

While criterion#9 and #10 addressing crime prevention provide good guidance for residential and non-residential developments, they are potentially too discretionary for needed housing.

To ensure the city is in compliance with ORS requirements for clear and objective standards related to needed housing, text has been added to clarify that only nonresidential development must meet Criterion #10.

11. [No change.]

9. Demarcation of public, semi-public and private spaces for crime prevention – Non-residential development:

- a. The structures and site improvements shall be designed so that public areas such as streets or public gathering places, semi-public areas and private outdoor areas are clearly defined to establish persons having a right to be in the space, to provide for crime prevention and to establish maintenance responsibility; and
- b. These areas may be defined by, but not limited to:
  - (1) A deck, patio, low wall, hedge, or draping vine;
  - (2) A trellis or arbor;
  - (3) A change in elevation or grade;
  - (4) A change in the texture of the path material;
  - (5) Sign; or
  - (6) Landscaping.

10. Crime prevention and safety– Non-residential development:

- a. Windows shall be located so that areas vulnerable to crime can be surveyed by the occupants;
- b. Interior ~~laundry and~~ service areas shall be located in a way that they can be observed by others;
- c. Mailboxes shall be located in lighted areas having vehicular or pedestrian traffic;
- d. The exterior lighting levels shall be selected and the angles shall be oriented towards areas vulnerable to crime; and
- e. Light fixtures shall be provided in areas having heavy pedestrian or vehicular traffic and in potentially dangerous areas such as parking lots, stairs, ramps and abrupt grade changes. Fixtures shall be placed at a height so that light patterns overlap at a height of seven feet which is sufficient to illuminate a person.

11. Public transit:

- a. Provisions within the plan shall be included for providing for transit if the development proposal is adjacent to or within 500 feet of existing or proposed transit route;
- b. The requirements for transit facilities shall be based on:
  - (1) The location of other transit facilities in the area; and
  - (2) The size and type of the proposal.

Commentary

12. [No change.]

13. [No change.]

14. [No change.]

15. [No change.]

- c. The following facilities may be required after City and Tri-Met review:
  - (1) Bus stop shelters;
  - (2) Turnouts for buses; and
  - (3) Connecting paths to the shelters.
- 12. Landscaping:
  - a. All landscaping shall be designed in accordance with the requirements set forth in Chapter 18.745 and 18.790;
  - b. In addition to the open space and recreation area requirements of Subsections A.5 and 6 above, a minimum of 20% of the gross area including parking, loading and service areas shall be landscaped; and
  - c. A minimum of 15% of the gross site area shall be landscaped.
- 13. Drainage: All drainage plans shall be designed in accordance with the criteria in the adopted 1981 master drainage plan;
- 14. Provision for the disabled: All facilities for the disabled shall be designed in accordance with the requirements set forth in ORS Chapter 447; and
- 16. All of the provisions and regulations of the underlying zone shall apply unless modified by other sections or this title, e.g., Planned Developments, Chapter 18.350; or a variance or adjustment granted under Chapter 18.370. (Ord. 06-20, Ord. 02-33) ■

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

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**FILE NAME:** TIGARD GOAL 10 POPULATION AND HOUSING REVIEW

**FILE NO.:** Comprehensive Plan Amendment (CPA) 2013-00001,  
Development Code Amendment (DCA) 2013-00002

**PROPOSAL:** To adopt the Population and Housing Review as a component of Tigard Comprehensive Plan Goal 10: Housing; to amend the current Tigard Comprehensive Plan Goal 10: Housing goals, policies, and recommended action measures; to amend Tigard Development Code section 18.360; and to amend the current Tigard Comprehensive Plan Goal 2: Land Use Planning.

**APPLICANT:** City of Tigard  
13125 SW Hall Boulevard  
Tigard, OR 97223

**OWNER:** N/A

**LOCATION:** Citywide

**ZONING**

**DESIGNATION:** All City zoning districts

**COMP PLAN:** All City comprehensive plan designations

**APPLICABLE REVIEW CRITERIA:**

Community Development Code Chapters 18.380.020 and 18.390.060.G; Comprehensive Plan Goals 9; Comprehensive Goal 2; and Statewide Planning Goals 1, 2, 10 and 14.

**SECTION II. STAFF RECOMMENDATION**

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Staff recommends that the Planning Commission recommend approval of the Goal 10 Population and Housing Review to the Tigard City Council as determined through the public hearing process.

## SECTION III. BACKGROUND INFORMATION

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### **Project History**

The City of Tigard is in State Periodic Review. One of the required Periodic Review work tasks is to conduct a population and housing review. The City received grant funds from the Oregon Department of Land Conservation and Development for technical consultant assistance to complete this task.

The *Tigard 2013 Housing Strategies Report (Housing Strategies Report)* was developed in compliance with OAR 660 Division 10 (Statewide Planning Goal 10: Housing) and is a technical study that compares projected demand for land for housing to the existing supply of such land. The purpose of the Housing Strategies Report is to assist the city in meeting community aspirations for growth, as outlined in the comprehensive plan, while complying with state housing goals and requirements. The project looks at population projections and demographic trends along with the amount and location of available land. The end result is a list of potential strategies to meet the city's future demand for housing that implement the city's aspirations and state requirements. The project also provides a qualitative analysis of trends and market preferences in regards to an aging population and potential recovery from the recent housing downturn. Strategies that respond to the opportunities presented by potential high capacity transit, redevelopment of downtown Tigard, and the future development of the recently annexed River Terrace are included.

The city convened a combined Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) for the project. This committee reviewed each task during the process to complete the *Housing Strategies Report*. The six tasks reviewed by the committee included:

1. Data Review and Report
2. Metropolitan Housing Rule Review and compliance with OAR 660-07-0000
3. Policy Evaluation and Report
4. Development Code Evaluation and Report
5. Housing Strategies Report
6. Draft Goal 10 Population and Housing Report

The tasks include examining future population projections and demographic trends to assess Tigard's housing development potential, projecting household growth and determining short- and long term demand for residential land. This demand is compared to an inventory of suitable residential land (supply) to assess the sufficiency of immediate and longer-term (20-year) supply of residential land in the City's Urban Planning Area (UPA).

The project meets the state requirements for a Goal 10 population and housing analysis and acts as a resource for staff, decision makers, and the public. One important task in the development of the *Housing Strategies Report* was to consider land use planning efforts underway or already completed and the City's expectations for redevelopment of its centers and corridors. This allowed the process to build upon previously adopted plans to ensure consistency and continuity.

### **Proposal Description**

#### Housing Strategies Report

The *Housing Strategies Report* serves as a component of the *Tigard Comprehensive Plan* Goal 10. It identifies the amount of needed residential land for the next 20 years and strategies to implement the city's vision related to housing. It builds on a comprehensive study of the local housing market

and future trends and an in-depth review of current local, regional, state and federal housing requirements, goals and initiatives. The strategies in the report will help to guide future decisions.

### Updates to the Comprehensive Plan

#### *Goal 10: Housing*

As part of the process, existing Goal 10 language, which was revised and adopted in 2008, is proposed for updating. Much of the language remains relevant, including the majority of the Plan's goals, policies and recommended action measures, however, a number of changes to the Plan are proposed. In general, the narrative portion of the chapter has been updated to reflect current conditions such as the annexation of the River Terrace area to the city. The Key Findings section of the chapter is proposed to be replaced with data from the population and housing needs assessment prepared for the city as part of this project. Several relatively small updates to the Goals, Policies and Action Measures are proposed.

#### *Goal 2: Land Use Planning*

Tigard Periodic Review Task 6 was a Population Forecast and Coordination with Metro. Oregon land use law (ORS 195.036; 195.025) requires Metro to coordinate its regional population forecasts with local governments inside the UGB for use in updating their comprehensive plans, land use regulations and related policies. One additional policy in Chapter 2 is proposed for adoption.

### Updates to the Development Code

To ensure the city is in compliance with state regulations which require, "clear and objective standards, conditions and procedures regulating the development of needed housing" changes to the Site Development Review (SDR) approval criteria are being proposed. These approval criteria apply to a wide range of development types within the City (e.g., commercial, industrial, etc.), including housing. While most of the SDR approval criteria appear to be clear and objective, some do appear to allow for more discretion. This code update clarifies that housing is exempt from meeting these more discretionary criteria.

The Housing Strategies Report recommends additional Development Code amendments to further the city's vision for future housing. These amendments are included as part of an Action Plan and will be addressed as part of CD's future work program.

### **Summary**

The primary intent of the amendment is to ensure the City's Comprehensive Plan remains a viable tool for decision-makers. By adopting the amendment, the City will ensure it is in compliance with applicable laws, rules, regulations, plans, and programs. As importantly, the update will also ensure that Goal 10 of the Comprehensive Plan reflects current community conditions and values.

## **SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS**

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### APPLICABLE PROVISIONS OF THE TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

**Chapter 18.380: Zoning Map and Text Amendments**      **Chapter 18.380.020 Legislative Amendments to the Title and Map**  
**A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.309.060G**

**FINDING:**      The proposed will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

**CONCLUSION:**      Based on the above findings, this provision is met.

**Chapter 18.390: Decision-Making Procedures**      **Chapter 18.390.020. Description of Decision-Making Procedures**  
**B.4. Type IV Procedure. Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy. Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.**

**FINDING:**      The amendment to the Tigard Comprehensive Plan establishes policies to be applied generally throughout the City of Tigard. Therefore it will be reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendment will initially be considered by the Planning Commission with City Council making the final decision.

**CONCLUSION:**      Based on the above findings, this provision is met.

**Chapter 18.390: Decision-Making Procedures**      **Chapter 18.390.060.G. Decision-making considerations. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:**

- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**
- 2. Any federal or state statutes or regulations found applicable;**
- 3. Any applicable Metro regulations;**
- 4. Any applicable comprehensive plan policies; and**
- 5. Any applicable provisions of the City’s implementing ordinances.**

**FINDING:**      Findings and conclusions are provided below for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based.

**CONCLUSION:**      Based on the findings above and below, this provision is met.

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197

**Goal 1: Citizen Involvement**      **This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.**

FINDING:                      This goal was met through an extensive public involvement process. Information was distributed throughout the process via the City's website, Cityscape articles, and a series of four public meetings with the combined Technical Advisory Committee and Citizens Advisory Committee. Outreach methods also included updates to City boards and commissions.

As part of the Comprehensive Plan Amendment process, public notice of the Planning Commission and City Council public hearings was sent to the interested parties list and published in the March 21, 2013 issue of The Times (in accordance with Tigard Development Code Chapter 18.390). The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City's webpage where the entire draft of the text changes could be viewed.

CONCLUSION:                Based on the above findings, Statewide Planning Goal 1 is met.

**Goal 2: Land Use Planning**      **This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.**

FINDING:                      The amendment to the Tigard Comprehensive Plan is being undertaken to update the City's acknowledged Comprehensive Plan in a manner consistent with current conditions and citizen values. The amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City's implementing ordinances, be addressed as part of the decision-making process. The amendment is included as a periodic review work program task. The City of Tigard was notified of commencement of periodic review in May 2008 and had its work program approved in April 2010. All noticing requirements have been met. All applicable review criteria have been addressed within this staff report.

CONCLUSION:                Based on the above findings, Statewide Planning Goal 2 is met.

**Goal 5: Natural Resources**      **This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites.**

FINDING:                      The City is currently in compliance with the State's Goal 5 program and Metro's Title 13: Nature in Neighborhoods program, which implements Goal 5. The amendment does not alter the City's acknowledged Goal 5 inventories or land use programs. No changes will occur to current natural resource protections.

CONCLUSION: Based on the above findings, Statewide Planning Goal 5 is met.

**Goal 6: Air, Water, and Land Resources Quality**      **This goal requires the inventory and protection of natural resources, open spaces, historic areas and sites.**

FINDING: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 6. The amendment does not alter the City's acknowledged land use programs regarding water quality and flood management protections.

CONCLUSION: Based on the above findings, Statewide Planning Goal 6 is met.

**Goal 7: Areas Subject to Natural Hazards**      **To protect people and property from natural hazards.**

FINDING: The City is currently in compliance with Metro's Title 3: Water Quality and Flood Management program, which implements Goal 7. The amendment does not alter the City's acknowledged land use programs regarding water quality and flood management protections. The City is currently a participant in the National Flood Insurance Program administered by the Federal Emergency Management Agency. The amendment does not alter the City's participation.

CONCLUSION: Based on the above findings, Statewide Planning Goal 7 is met.

**Goal 8: Recreational Needs**      **This goal requires the satisfaction of the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

FINDING: The City is currently in compliance with Statewide Planning Goal 8. The amendment does not alter the City's acknowledged Goal 8 policies or land use programs.

CONCLUSION: Based on the above findings, Statewide Planning Goal 8 is met.

**Goal 9: Economic Development**      **To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

FINDING: The City is currently in compliance with Goal 9 and Metro's Title 4: Industrial and Other Employment Areas through its acknowledged Comprehensive Plan. The amendment does not alter the City's acknowledged Goal 9 policies or land use programs.

CONCLUSION: Based on the above findings, Statewide Planning Goal 9 is met.

**Goal 10: Housing**                      **To provide adequate housing for the needs of the community, region and state.**

**FINDING:**                      This amendment is required as part of State Periodic Review and OAR 660, Division 7. The amendment adopts the Goal 10 Housing and Population Review, which was completed following the rules outlined in Division 7 and compares projected demand to current supply of buildable lands to ensure the city’s policies and implementing actions are sufficient to meet the needed 20-year supply. The Housing strategies report shows in more detail that the city will provide adequate housing to meet the needs of the Tigard community. Updates to the narrative and key findings sections of the city’s Comprehensive Plan chapter 10 (CPA 2013-00001) are to reflect this updated analysis.

The Department of Land Conservation and Development, who administers Division 7, was consulted through the process and were requested to submit comments. Any comments can be found in the Outside Agency Comments section. The adoption of the Tigard Population and Housing Review and the amendment to the Tigard Comprehensive Plan maintains the city’s compliance with Goal 10.

**CONCLUSION:**                      Based on the above findings, Statewide Planning Goal 10 is met.

**Goal 11: Public Facilities and Services**                      **To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.**

**FINDING:**                      The City is currently in compliance with Goal 11 through its acknowledged Comprehensive Plan. This includes an adopted Public Facility Plan as required by Oregon Revised Statute 197.712 and Oregon Administrative Rule 660-011. The amendment does not alter the City’s acknowledged Goal 11 policies or plans.

**CONCLUSION:**                      Based on the above findings, Statewide Planning Goal 11 is met.

**Goal 12: Transportation**                      **To provide and encourage a safe, convenient, and economic transportation system.**

**FINDING:**                      The City is currently in compliance with Goal 12 and Metro’s Regional Transportation Plan through its acknowledged Comprehensive Plan and Transportation System Plan as required by Oregon Administrative Rule 660-012 (Transportation Planning Rule). The amendment adopts the Tigard Housing Strategies Report and does not alter Goal 12 plans or policies. .

**CONCLUSION:**                      Based on the above findings, Statewide Planning Goal 12 is met.

**Goal 13: Energy Conservation**      **Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.**

**FINDING:**      The City is currently in compliance with Goal 13 through its acknowledged Comprehensive Plan. The adoption of the Tigard Housing Strategies Report does not alter the City’s compliance with Goal 13.

**CONCLUSION:**      Based on the above findings, Statewide Planning Goal 13 is met.

**Goal 14: Urbanization**      **Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.**

**FINDING:**      The City is currently in compliance with Goal 14 and Metro’s Title 11: Planning for New Urban Areas through its acknowledged Comprehensive Plan and land use regulations. The City also has a signed Urban Planning Area Agreement and Urban Services Agreement as required by ORS 195.065 and ORS 197. This amendment is required as part of State Periodic Review and OAR 660, Division 7. The amendment adopts the Tigard Housing Strategies Report, which was completed following the rules outlined in Division 7 and compares projected demand to current supply of vacant residential land to ensure the City’s policies and implementing actions are sufficient to preserve the needed 20-year supply of this vacant land. The amendment is consistent with this goal.

**CONCLUSION:**      Based on the above findings, Statewide Planning Goal 14 is met.

**APPLICABLE FEDERAL OR STATE STATUTES OR REGULATIONS**

**Fair Housing Act**      **The Fair Housing Act is a federal law first passed in 1968 requiring jurisdictions to take affirmative actions to ensure fair treatment of “protected classes.”**

**FINDING:**      The Fair Housing Act means that housing and housing finance tools cannot be denied to any person based on gender, race, color, religion, national origin, familial status, or disability. The state of Oregon augments the protected class status to add additional protected classes.

The Tigard Population and Housing Review Task 3 and 4 Report details the city’s compliance with the Fair Housing Act. One additional policy is recommended in the proposed Comprehensive Plan Goal 10 update to address the Fair Housing Act. Additional voluntary strategies are recommended in the Housing Strategies Report to address Fair Housing.

**CONCLUSION:**      Based on the above findings, adoption of the proposed Comprehensive Plan amendment (CPA 2013-00001) and the Tigard Housing Strategies Report will ensure the city is in compliance with the Fair Housing Act.

**OAR 660,  
Division 7:  
Metropolitan  
Housing Rule**

**The purpose of this rule is to assure opportunity for the provision of adequate numbers of needed housing units and the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary, to provide greater certainty in the development process and so to reduce housing costs.**

**FINDING:**

The Land Conservation and Development Commission adopted Oregon Administrative Rule 660, Division 7 to implement Statewide Planning Goal 10. The City of Tigard is currently in State Periodic Review, which requires the review and amendment of comprehensive plans and land use regulations. The City was required to complete a Population and Housing Review (Goal 10) as part of its periodic review work program to ensure compliance with this rule.

The Tigard Task 1 and 2 Report of the Population and Housing Review addresses compliance with the Metropolitan Housing Rule. Key sections of the rule require local jurisdictions to provide a variety of housing types (Section 30), and to meet overall target densities to ensure that land is used efficiently (Section 35).

This detailed analysis of each section in Division 7 shows that Tigard is meeting Rule requirements in all but one category. The proposed development code amendment (DCA 2013-00002) will ensure that the city is in compliance with Section 15 requiring clear and objective approval standards.

**CONCLUSION:**

Based on the above findings, adoption of DCA 2013-00002 will ensure the city is in compliance with the Metropolitan Housing Rule.

**ORS 197.295-  
197.314**

**Needed Housing in Urban Growth Areas**

**FINDING:**

ORS 197.296 establishes requirements for conducting buildable lands inventories (BLIs) and needs analysis related to housing during periodic review. The Tigard Population and Housing Review conducted an analysis in accordance with ORS 197.296 to ensure that the Comprehensive Plan provides sufficient lands within the urban growth boundary to accommodate estimated housing needs for 20 years.

The Tigard Task 3 and 4 Report of the Population and Housing Review addresses Tigard Development Code compliance with other statutes: ORS 197.303, 197.307, 197.309, and 197.312. Again, adoption of the proposed development code amendment (DCA 2013-00002) will ensure that the city is in compliance with state statutes, particularly regarding clear and objective standards (ORS 197.307).

Please note that ORS 197.299, 197.301, and 197.302 apply to Metro and were not reviewed as part of the Tigard Population and Housing Review.

CONCLUSION: Based on the above findings, adoption of the Comprehensive Plan amendment (CPA 2013-00001) and Tigard Development Code Amendment (DCA 2013-00002) will ensure the city is in compliance with ORS 197.295-197.314.

## APPLICABLE METRO REGULATIONS

### Urban Growth Management Functional Plan

**Title 1 Housing Capacity - The Regional Framework Plan calls for a compact urban form and a “fair-share” approach to meeting regional housing needs. It is the purpose of Title 1 to accomplish these policies by requiring each city and county to maintain or increase its housing capacity.**

FINDING: Title 1 facilitates the efficient use of land within the Urban Growth Boundary (UGB). The Title requires cities and counties to determine their capacity for housing and adopt minimum density requirements. Title 1 also requires cities and counties to report changes in capacity annually to Metro.

Metro staff has confirmed that the City of Tigard is in compliance with Title 1. The development of the Tigard Goal 10 Population and Housing Review involved discussions with Metro staff and Oregon Department of Land Conservation and Development staff. They were provided the opportunity to review and comment on all work leading up to the documents proposed for adoption. The purpose of the collaboration was to ensure consistency and compliance with state and regional requirements.

This amendment (CPA2013-00001) adopts the Tigard Goal 10 Population and Housing Review, which was completed following the rules outlined in OAR 660, Division 7. The amendment sets policy related to a 20-year supply of land and does not affect compliance with Title 1.

CONCLUSION: Based on the above findings, Metro’s Urban Growth Management Functional Plan Title 1 is met.

**Title 7 Housing Choice - The Regional Framework Plan calls for establishment of voluntary affordable housing production goals to be adopted by local governments.**

FINDING: The intent of Title 7 is to provide a choice of housing types, reduce barriers to sufficient and affordable housing for all income levels in the region, create housing opportunities commensurate with the wage rates of jobs available across the region, initiate a process for addressing current and future needs for affordable housing, and to reduce concentrations of poverty. In addition to affordable housing production goals Title 7 contains other affordable housing strategies.

Metro staff has confirmed that the City of Tigard is in compliance with Title

7. The development of the Tigard Goal 10 Population and Housing Review involved discussions with Metro staff and Oregon Department of Land Conservation and Development staff. They were provided the opportunity to review and comment on all work leading up to the documents proposed for adoption. The purpose of the collaboration was to ensure consistency and compliance with state and regional requirements.

This amendment (CPA2013-00001) adopts the Tigard Goal 10 Population and Housing Review, which was completed following the rules outlined in OAR 660, Division 7. The amendment sets policy related to a 20-year supply of land and strengthens the city's commitment to providing affordable housing. Comprehensive Plan Goal 10.1 is proposed to read, "Provide opportunities for a variety of housing types at a range of price levels to meet the diverse housing needs of current and future city residents." Action measures and strategies are proposed for addition to the Comprehensive Plan and Housing Strategies Report respectively to address affordable housing.

CONCLUSION: Based on the above findings, Metro's Urban Growth Management Functional Plan Title 7 is met.

## APPLICABLE COMPREHENSIVE PLAN POLICIES

### **Chapter 1: Citizen Involvement**

*Goal 1.1 Provide citizens, affected agencies, and other jurisdictions the opportunity to participate in all phases of the planning process.*

**Policy 2 The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.**

FINDING: The proposal has complied with all notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code. This staff report was also available seven days in advance of the hearing pursuant to Chapter 18.390.070.E.b of the Tigard Community Development Code.

Information was distributed throughout the process according to a public involvement plan, including via Cityscape articles and public meetings with a combined TAC/CAC acting as the advisory committee. Involvement opportunities included a series of four public meetings held by the advisory committee and submitting written or oral comments at the meetings. Outreach methods also included updates to City boards and commissions.

As part of the Comprehensive Plan Amendment process, public notice of the Planning Commission and City Council public hearings was sent to the interested party list and published in the March 21, 2013 issue of The Times. The notice invited public input and included the phone number of a contact person. The notice also included the address of the City's webpage

where the entire draft of the proposed amendment could be viewed.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 1.1 Policy 2 is met.

**Policy 3**                    **The City shall establish special citizen advisory boards and committees to provide input to the City Council, Planning Commission, and City staff.**

FINDING: City staff convened a combined TAC/CAC to act as an advisory committee for the Goal 10 Population and Housing Review. The advisory committee helped guide the completion of the project by reviewing work products and providing advice and feedback to ensure the community's needs and aspirations were being captured in the update. The committee met four times in public settings from July 2012 to February 2013.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 1.1 Policy 3 is met.

**Policy 5**                    **The opportunities for citizen involvement provided by the City shall be appropriate to the scale of the planning effort and shall involve a broad cross-section of the community.**

FINDING: As outlined above, the community was given multiple venues to get information and get involved. This included a number of articles in the Cityscape newsletter that is delivered to every household in Tigard. Staff also made a good faith effort to ensure a diversity of representation on the advisory committee and the opportunity for citizen input at the advisory committee meetings.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 1.1 Policy 5 is met.

*Goal 1.2 Ensure all citizens have access to:*

- A. opportunities to communicate directly to the City; and*
- B. information on issues in an understandable form.*

**Policy 1**                    **The City shall ensure pertinent information is readily accessible to the community and presented in such a manner that even technical information is easy to understand.**

FINDING: Information regarding the topics included in Goal 10 Population and Housing Review was available in multiple locations in an understandable format for the duration of the process. This included paper and electronic copies that were available in the permit center and also on the website.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 1.2 Policy 1 is met.

**Policy 2**                    **The City shall utilize such communication methods as mailings, posters, newsletters, the internet, and any other available media to promote citizen involvement and continue to evaluate the effectiveness of methods used.**

FINDING:                    Information was distributed throughout the process via the City’s website, Cityscape articles, and a series of four public meetings held by the advisory committee. Outreach methods also included updates to City boards and commissions.

CONCLUSION:              Based on the above findings, Tigard Comprehensive Plan Goal 1.2 Policy 2 is met.

**Policy 5**                    **The City shall seek citizen participation and input through collaboration with community organizations, interest groups, and individuals in addition to City sponsored boards and committees.**

FINDING:                    Outreach methods included updates to City boards and commissions. Representation on the advisory committee included both city sponsored committees, like the Planning Commission, and outside organizations like the Home Builders Association of Metropolitan Portland.

CONCLUSION:              Based on the above findings, Tigard Comprehensive Plan Goal 1.2 Policy 5 is met.

**Chapter 2: Land Use Planning**

*Goal 2.1 Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative basis of Tigard’s land use planning program.*

**Policy 1**                    **The City’s land use program shall establish a clear policy direction, comply with state and regional requirements, and serve its citizens’ own interests.**

FINDING:                    The amendment refines the general policy direction related to Tigard Comprehensive Plan Goal 10: Housing for the community. The policy statements are clear and serve the interests of the citizens. The development of the Tigard Housing Strategies Report was required as a component of State Periodic Review and complies with Oregon Administrative Rule 660, Division 7.

CONCLUSION:              Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policy 1 is met.

**Policy 2**                    **The City’s land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.**

FINDING:                    The amendment refines the general policy direction related to Tigard Comprehensive Plan Goal 10: Housing. The Tigard Goal 10 Population and

Housing Review compares projected demand to current supply of vacant buildable land to ensure the City's policies and implementing actions are sufficient to preserve the needed 20-year supply of these lands. The development of the Goal 10 Population and Housing Review used current Tigard Comprehensive Plan policies and land use designations as part of the analysis of future buildable land needs as required by state law.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policy 2 is met.

**Policy 3**                    **The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.**

FINDING:                    The City sent out request for comments on the proposed amendment to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments of this Staff Report. Additionally, Metro, the Department of Land Conservation and Development, and Washington County staff provided input throughout the development of the Tigard Goal 10 Population and Housing Review as members of the Technical Advisory Committee.

CONCLUSION:                Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policy 3 is met.

**Policy 5**                    **The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.**

FINDING:                    The Goal 10 Population and Housing Review identified and acknowledged the City's desire for development, and the potential for redevelopment, of these areas. Assumptions made about redevelopment and refill potential were based on City policy and Metro guidance to determine the amount of buildable land needed for the next 20-years.

CONCLUSION:                Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policy 5 is met.

**Policy 20**                    **The City shall periodically review and if necessary update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.**

FINDING:                    The amendment is an update to Goals 2 and 10 of the Tigard Comprehensive Plan as required by State Periodic Review. The amendment adopts the Goal 10 Population and Housing Review, which used the most reliable, up-to-date information to determine the 20-year buildable land needs. The Goal 10 Population and Housing Review ensures compliance

with Oregon Administrative Rule 660-007, which governs the efficient use of land within the Metropolitan Portland (Metro) urban growth boundary. Findings of conformance to applicable state and regional requirements can be found in Section V of this Staff Report.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policy 20 is met.

## **Chapter 5: Natural Resources and Historic Areas**

*Goal 5.1 Protect natural resources and the environmental and ecological functions they provide and, to the extent feasible, restore natural resources to create naturally functioning systems and high levels of biodiversity.*

FINDING: As discussed in the findings made for Statewide Planning Goal 5, the amendment does not alter the City's acknowledged Goal 5 inventories or land use programs. No changes will occur to current Natural Resource protections as the result of adopting the Tigard Goal 10 Population and Housing Review. This amendment does not conflict with goals and policies of this chapter of the Tigard Comprehensive Plan.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 5.1 is met.

## **Chapter 6: Environmental Quality**

*Goal 6.1 Reduce air pollution and improve air quality in the community and region.*

**Policy 3**            **The City shall promote land use patterns, which reduce dependency on the automobile, are compatible with existing neighborhoods, and increase opportunities for walking, biking, and /or public transit.**

FINDING: The Tigard Housing Strategies Report is consistent with this policy as the Goal 10 Population and Housing Review addresses future planning for new residential areas, including development in River Terrace, Downtown, the Tigard Triangle, Washington Square, and other centers and corridors. Several strategies listed in the Implementation Plan address the city's vision for residential development in these areas. The Strategies Report supports the work of the Tigard HCT Land Use Plan which considered potential high capacity transit station communities in Tigard. This development and redevelopment will result in more intense urban land uses that reduce the dependency on the automobile and increase opportunities for walking, biking, and public transit.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 6.1 Policy 3 is met.

## **Chapter 7: Hazards**

*Goal 7.2 Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.*

FINDING: The adoption of the Tigard Goal 10 Population and Housing Review has no impact on City policies or programs related to hazards. The development of the Review used the city's buildable lands inventory. The inventory excludes sensitive lands, including the 100-year floodplain.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 7.2 is met.

**Chapter 8: Parks, Recreation, Trails, and Open Space**

FINDING: The adoption of the Tigard Goal 10 Population and Housing Review has no impact on City policies or programs related to parks, recreation, trails, or open space.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Chapter 8 is met.

**Chapter 9: Economic Development**

*Goal 9.3 Make Tigard a prosperous and desirable place to live and do business.*

**Policy 3** The City shall commit to improving and maintaining the quality of community life (public safety, education, transportation, community design, housing, parks and recreation, etc.) to promote a vibrant and sustainable economy.

FINDING: This amendment adopts the Goal 10 Population and Housing Review, which used the most reliable, up-to-date information to determine the 20-year buildable land needs. An adequate supply of land for housing supports this goal.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 9.3 is met.

**Chapter 10: Housing**

*Goal 10.1 Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City residents.*

**Policy 1** The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing types that meet the needs, preferences and financial capabilities of Tigard's present and future residents.

FINDING: This amendment adopts the Goal 10 Population and Housing Review, which used the most reliable, up-to-date information to determine the city's 20-year buildable land needs. The analysis also determined that the city is meeting the regional residential density and mix standards according to the

Metropolitan Housing Rule (and Metro's Title 1), to provide for a variety of housing types. The analysis also discusses Tigard's continued support of affordable housing through voluntary implementation of Title 7.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 10.1 Policy 1 is met.

**Policy 2**                    **The City's land use program shall be consistent with applicable state and federal laws.**

**FINDING:**                The amendment establishes the general policy direction related to Tigard Comprehensive Plan Goal 10: Housing for the community. The development of the Goal 10 Population and Housing Review was completed as a requirement of State Periodic Review and complies with Oregon Administrative Rule 660, Division 7, which governs the development of these studies in the state. Adoption of the proposed Goal 10 Population and Housing Review will help to ensure Tigard remains in compliance with Comprehensive Plan Goal 10.1 Policy 2.

**CONCLUSION:**        Based on the above findings, Tigard Comprehensive Plan Goal 10.1 Policy 2 is met.

**Policy 5**                    **The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future.**

**FINDING:**                The Goal 10 Population and Housing Review addresses future planning for new residential areas, including development in River Terrace, Downtown, the Tigard Triangle, Washington Square, and other centers and corridors. Several strategies listed in the Implementation Plan address the city's vision for residential development in these areas. The Strategies Report supports the work of the Tigard HCT Land Use Plan which considered potential high capacity transit station communities in Tigard.

**CONCLUSION:**        Based on the above findings, Tigard Comprehensive Plan Goal 10.1 Policy 5 is met.

**Policy 7**                    **The city shall comply with federal and state housing laws and applicable implementing administrative rules.**

**FINDING:**                The Goal 10 Population and Housing Review addresses Tigard's compliance with federal and state housing laws and applicable implementing administrative rules. Adoption of the Tigard Goal 10 Population and Housing Review will ensure the city remains in compliance with these rules.

**CONCLUSION:**        Based on the above findings, Tigard Comprehensive Plan Goal 10.1 Policy

7 is met.

### **Chapter 11: Public Facilities and Services**

*Goal 11.2 Secure a reliable, high quality, water supply to meet the existing and future needs of the community.*

*Goal 11.3 Develop and maintain a wastewater collection system that meets the existing and future needs of the community.*

FINDING: This amendment adopts the Goal 10 Population and Housing Review, which used the most reliable, up-to-date information to determine the 20-year buildable land needs. Updated population and housing estimates help to ensure that the city can accurately plan for an adequate supply of reliable high quality water, and a wastewater collection system, that meet existing and future needs.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goals 11.2 and 11.3 are met.

### **Chapter 12: Transportation**

*Goal 12.1 Develop mutually supportive land use and transportation plans to enhance the livability of the community.*

*Goal 12.2 Develop and maintain a transportation system for the efficient movement of people and goods.*

*Goal 12.3 Provide and accessible, multi-modal transportation system that meets the mobility needs of the community.*

FINDING: The Goal 10 Population and Housing Review addresses future planning for new residential areas, including development in River Terrace, Downtown, the Tigard Triangle, Washington Square, and other centers and corridors. Several strategies listed in the Implementation Plan address the city's vision for residential development in these areas. The Strategies Report supports the work of the Tigard HCT Land Use Plan which considered potential high capacity transit station communities in Tigard.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goals 12.1, 12.2, and 12.3 and are met.

### **Chapter 13: Energy Conservation**

*Goal 13.1 Reduce energy consumption.*

**Policy 1                    The City shall promote the reduction of energy consumption associated with vehicle miles traveled through:**

- A. land use patterns that reduce dependency on the automobile;
- B. public transit that is reliable, connected, and efficient; and
- C. bicycle and pedestrian infrastructure that is safe and well connected.

**FINDING:** The Goal 10 Population and Housing Review addresses future planning for new residential areas, including development in River Terrace, Downtown, the Tigard Triangle, Washington Square, and other centers and corridors. The Strategies Report supports the work of the Tigard HCT Land Use Plan which considered potential high capacity transit station communities in Tigard. This development and redevelopment will result in more intense urban land uses that reduce the dependency on the automobile and increase opportunities for walking, biking, and public transit. Several strategies listed in the Implementation Plan address the city’s vision for residential development in these areas.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 13.1 Policy 1 is met.

**Chapter 14: Urbanization**

*Goal 14.1 Provide and/or coordinate the full range of urban level services to lands and citizens within the Tigard City Limits.*

**Policy 6**                    **The City shall, as needed, coordinate and/or participate in planning activities or development decisions within the Tigard Urban Services Area.**

**FINDING:** This amendment adopts the Goal 10 Population and Housing Review, which used the most reliable, up-to-date information to determine the 20-year buildable land needs. The Report found that the city has the necessary 20-year supply of buildable land within the Tigard Urban Planning Area, which is coincident with the Tigard Urban Services Area.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 14.1 Policy 6 is met.

*Goal 14.2 Promote Tigard citizens’ interests in urban growth boundary expansion and other regional and state growth management decisions.*

**Policy 6**                    **The City shall maintain the low-density residential character of its existing single family residential neighborhoods and accommodate more intense urban land uses in its regional and town centers and within major transportation corridors to be consistent with Statewide Planning Goals and the Metro Framework Plan.**

**FINDING:** The Goal 10 Population and Housing Review addresses future planning for new residential areas, including development in River Terrace, Downtown,

the Tigard Triangle, Washington Square, and other centers and corridors. The Strategies Report supports the work of the Tigard HCT Land Use Plan which considered potential high capacity transit station communities in Tigard. This development and redevelopment will result in more intense urban land uses. Several strategies listed in the Implementation Plan address the city's vision for residential development in these areas. This redevelopment will help maintain the low-density residential character of single family neighborhoods.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 14.2 Policy 6 is met.

### **Special Planning Area: Downtown**

*Goal 15.1 The City will promote the creation of a vibrant and active urban village at the heart of the community that is pedestrian oriented, accessible by many modes of transportation, recognizes natural resources as an asset, and features a combination of uses that enables people to live, work, play, and shop in an environment that is uniquely Tigard.*

**FINDING:** This amendment adopts the Goal 10 Population and Housing Review, and Housing Strategies Report. Within the Report, several strategies are listed that the city can take to implement its vision for downtown to be a vibrant and active urban village. Strategies include implementing the Downtown Connectivity Plan, continuing to seek opportunities to offer incentives or subsidies for residential development Downtown, and more.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 15.2 is met.

### *Goal 15.2 Facilitate the development of an urban village*

**Policy 3**            **The downtown's land use plan shall provide for a mix of complementary land uses such as:**

- A. retail, restaurants, entertainment and personal services;**
- B. medium and high-density residential uses, including rental and ownership housing;**
- C. civic functions (government offices, community services, public plazas, public transit centers, etc.)**
- D. professional employment and related office uses; and**
- E. natural resource protection, open spaces and public parks.**

**FINDING:** The Goal 10 Population and Housing Review addresses future planning for new residential areas, including development Downtown. The Strategies Report supports the work of the Tigard HCT Land Use Plan which considered potential high capacity transit station communities in Tigard. Several strategies listed in the Implementation Plan address the city's vision for residential development Downtown.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 15.2 Policy 3 is met.

**Policy 6**                    **New housing in Downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high quality living environment.**

FINDING:                    The Goal 10 Population and Housing Review addresses the need for a range of housing types throughout the city, including in Downtown. Strategies listed in the Implementation Plan specifically address affordable housing in the Downtown area.

CONCLUSION:              Based on the above findings, Tigard Comprehensive Plan Goal 15.2 Policy 6 is met.

## **SECTION VI. ADDITIONAL CITY STAFF COMMENTS**

The City of Tigard's Current Planning Division, Administrative Department, Public Works Department, and Police Department has had an opportunity to review this proposal and have no objections.

**CONCLUSION:** Based on no comment from City staff, staff finds the proposed amendment does not interfere with the best interests of the City.

## **SECTION VII. OUTSIDE AGENCY COMMENTS**

The following agencies/jurisdictions had an opportunity to review this proposal and did not respond:

**City of Beaverton**  
**City of Durham**  
**City of King City**  
**City of Lake Oswego**  
**City of Tualatin**  
**Metro Land Use and Planning**  
**Oregon Department of Transportation, Region 1**  
**Oregon Department of Transportation, Region 1, District 2A**  
**Tualatin Hills Parks and Recreation District**  
**Tualatin Valley Water District**  
**Tualatin Valley Fire and Rescue**  
**Clean Water Services**

**Washington County, Department of Land Use and Transportation** had an opportunity to review this proposal and has no objections.

**Oregon Department of Land Conservation and Development** had an opportunity to review this proposal and has no objections.

**CONCLUSION:** Based on responses from outside agencies listed above, the Commission finds the proposed amendment meets all requirements of these agencies and is consistent with the best interests of the City.

**SECTION VIII. CONCLUSION**

The proposed changes comply with the applicable Statewide Planning Goals, applicable regional, state and federal regulations, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances.

Therefore, Staff recommends that the Planning Commission recommend approval of the Goal 10 Population and Housing Review to the Tigard City Council as determined through the public hearing process.

**ATTACHMENT:**

**EXHIBIT A: Tigard Housing Strategies Report**

**EXHIBIT B: Updates to the Comprehensive Plan - Goal 10: Housing**

**EXHIBIT C: Updates to the Comprehensive Plan - Goal 2: Land Use Planning**

**EXHIBIT D: Development Code Updates**

\_\_\_\_\_  
PREPARED BY: Marissa Daniels  
Associate Planner

April 4, 2013  
DATE

\_\_\_\_\_  
APPROVED BY: Kenny Asher  
Community Development Director

April 4, 2013  
DATE

**Business Meeting**

**Meeting Date:** 05/28/2013

**Length (in minutes):** 20 Minutes

**Agenda Title:** ADOPT AN UPDATED 10-YEAR FRANCHISE AGREEMENT WITH PORTLAND GENERAL ELECTRIC

**Prepared For:** Loreen Mills

**Submitted By:** Loreen Mills,  
City  
Management

**Item Type:** Motion Requested  
Ordinance

Council  
Business  
Meeting -  
**Meeting Type:** Main

**Public Hearing**

**Newspaper Legal Ad Required?:** No

**Public Hearing Publication**

**Date in Newspaper:**

**Information**

**ISSUE**

Should the Council approve an ordinance to adopt an updated 10-year franchise agreement with Portland General Electric (PGE) to operate an electric light and power system in Tigard?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends approval of the attached ordinance and franchise agreement.

**KEY FACTS AND INFORMATION SUMMARY**

Portland General Electric (PGE) first entered into a franchise agreement with the City of Tigard in 1962 to operate an electric light and power system. The current 20-year franchise agreement was approved in 1993 and expires on 6/23/2013. In accordance with Tigard Municipal Code (TMC) 15.06 "Franchised Utility Ordinance", PGE has requested an updated franchise agreement with the City and has been negotiating terms with staff and legal counsel since May 2012.

The proposed ordinance grants a non-exclusive franchise, including the rights and responsibilities of the City and of PGE. The proposed agreement includes the following:

- 10-year franchise term rather than the previous 20-year term
- Franchise fee of 3.5% and 1.5% privilege tax continues
- Definitions section to more clearly clarify meaning of terms
- City's authority to require relocation of electric facilities for any public project or improvement which is owned or managed by the City or other public entity is clarified and that the costs of the relocation will be at the sole expense of PGE
- City and PGE confirm and will continue the practice of working together on city-required relocations to: a) find a suitable location for PGE's facilities to be relocated; b) maintain sufficient service; and c) minimize the economic impact to both parties

This franchise agreement addresses the policy and legal concerns raised by Council during the negotiations process. The agreement has been tentatively approved by PGE and the city's negotiations team, subject to Council approval.

**OTHER ALTERNATIVES**

- Do not approve the electrical franchise agreement. If Council does not approve the attached agreement, PGE's utility will be governed by the City's Franchised Utility Ordinance (TMC 15.06) beginning 6/24/2013. In order to confirm the current PGE franchise fee revenue payment schedule, staff will prepare an ordinance for Council action before 6/23/2013 which, if approved, will clarify that PGE makes annual 3.5% franchise fee payments and quarterly 1.5% privilege tax payments to the City.

**COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

- TMC 15.06 "Franchised Utility Ordinance "
- TMC 15.04 "Work In Right-Of-Way"

**DATES OF PREVIOUS CONSIDERATION**

- Council executive sessions/confidential attorney-client communications: 1/10/12, 6/8/12, 11/14/12, 11/25/12, 1/15/13 & 4/18/13
- 2/5/2013 - Council adopted ordinance to extend the termination date of the current PGE franchise agreement to 6/23/2013

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**Fiscal Impact**

**Cost:** N/A  
**Budgeted (yes or no):** Yes  
**Where Budgeted (department/program):** General Fund

**Additional Fiscal Notes:**

PGE franchise revenues will continue as:  
● 3.5% of gross revenues for franchise fee; and  
● 1.5% of gross revenues for privilege tax.

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**Attachments**

PGE Franchise Ordinance  
PGE Franchise Agreement

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 13-\_\_\_\_\_**

AN ORDINANCE GRANTING A RENEWAL OF THE NON-EXCLUSIVE FRANCHISE WITH PORTLAND GENERAL ELECTRIC COMPANY (PGE) TO OPERATE AN ELECTRIC UTILITY SYSTEM IN THE CITY OF TIGARD, OREGON, INCLUDING THE RIGHT TO PLACE AND OPERATE THIS SYSTEM IN THE PUBLIC RIGHTS-OF-WAY; FIXING THE TERMS AND CONDITIONS FOR SAIDFRANCHISE, REPEALING ORDINANCE NO. 93-07, AUTHORIZING THE MAYOR TO SIGN THIS AGREEMENT, AND DECLARING AN EMERGENCY.

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WHEREAS, the Tigard Municipal Code (“TMC”) Section 15.06.060 allows the City Council to grant a non-exclusive utility franchise to any person providing utility services which meets the requirements of the TMC; and

WHEREAS, Portland General Electric Company (PGE) last held a 20-year franchise agreement with the City from 2/23/1993 through 6/23/2013 at which time it will expire; and

WHEREAS, PGE and the City of Tigard have negotiated a new 10-year franchise agreement; and

WHEREAS, the existing franchise granted by Ordinance No. 93-07 will expire on June 23, 2013, and the City Council finds that it is in the public interest to maintain continuous electric service within the City and to assure continuous management of and receipt of compensation for the use of the City’s rights of way by PGE, and as such an emergency should be declared so that a franchise may remain in effect upon the expiration of the current agreement.

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

- SECTION 1: A new, ten-year franchise for Portland General Electric Company (PGE) is hereby granted, including all of the terms and conditions as set forth in the agreement attached as Exhibit A to this ordinance.
- SECTION 2: The Mayor is authorized and directed to sign the agreement attached to this ordinance as Exhibit A on behalf of the Council.
- SECTION 3: The City Council determines that the fee imposed by this franchise is not a tax subject to the limitations of Article XI, Section 11 (b) and 11 (19) of the Oregon Constitution and is not a fee imposed on property or property owners by fact of ownership.
- SECTION 4: This ordinance shall replace and repeal the prior franchise with PGE, Ordinance No. 93-07, adopted on February 23, 1993, which Ordinance remained in effect until the effective date of this ordinance.
- SECTION 5: Because of the need to maintain continuous electric service to citizens of Tigard and a stable flow of revenue from franchise fees, an emergency is declared and this ordinance shall take effect upon its passage and signing of the agreement attached as Exhibit A to the ordinance.

PASSED: By \_\_\_\_\_ vote of all council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
John L. Cook, Mayor

Approved as to form:

\_\_\_\_\_  
Special Counsel

\_\_\_\_\_  
Date

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**CITY OF TIGARD, OREGON  
FRANCHISE AGREEMENT**

10 THIS FRANCHISE AGREEMENT (“Agreement”) is made and entered into by and  
11 between the City of Tigard, an Oregon municipal corporation, (“City”) and Portland General  
12 Electric Company, a corporation, (“Franchisee”) qualified to do business in Oregon.  
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**RECITALS**

21 1. Pursuant to Federal law, State statutes, and City Charter and local ordinances, the  
22 City is authorized to grant non-exclusive franchises to occupy the rights-of-way as defined in  
23 Chapter 15.06 of the Tigard Municipal Code (“TMC”), in order to place and operate a Utility  
24 System within the municipal boundaries of the City of Tigard (“Franchise Area”); and

25 2. Franchisee has requested a franchise to place and operate an electric light and power  
26 system (a “Utility System” as further defined in TMC 15.06.020), within the Franchise Area;

27 3. The City has found that Franchisee meets all lawful requirements to obtain a  
28 franchise, and therefore approves the application.  
29

30 NOW, THEREFORE, in consideration of the mutual promises contained herein,  
31 the parties agree as follows:  
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**AGREEMENT**

42 **SECTION 1. GRANT OF AUTHORITY.** The City grants Franchisee the non-exclusive  
43 right to occupy City rights-of-way to place and install, repair, maintain, upgrade and operate  
44 Facilities necessary for the operation of Franchisee’s Electric Light and Power System (as  
45 defined below) upon, over, along, and across the surface of and the space above and below  
46 the streets, alleys, roads, sidewalks, trails, paths, bridges, and all other public ways over which  
47 the City has jurisdiction or manages (collectively, “Public ROW”) as defined in TMC  
48 15.06.020(5), as well as Public Utility Easements (“PUEs”) on third party property which will  
49 be managed by the City thereafter, for the provision of Franchisee’s Electric Light and  
50 Power System within the City for a term of ten (10) years from and after the Effective Date  
51 of this Agreement (the “Term”), except as set forth below. All Franchisee Facilities in  
52 possession of Franchisee currently or during the Term that are located within the Public  
53 ROW are covered by this Franchise and the location and placement thereof are hereby  
54 acknowledged for the purposes of this Franchise, subject to Grantee’s acknowledgement  
55 that the City has not inventoried or evaluated Grantee Facilities to ensure their compliance  
56 with applicable state and federal laws, regulations and orders.  
57

58 **SECTION 2. PERFORMANCE.** Except as provided elsewhere in this Agreement,  
59 during the Term, Franchisee agrees to comply with all lawful terms and conditions of the  
60 Charter of the City of Tigard and general ordinance provisions passed pursuant thereto  
61 existing as of the effective date of this Agreement. All work performed under the terms of  
62 this Franchise, including work performed by PGE, the City, or under the City’s direction  
63 shall comply with the requirements of the NESC and PGE’s construction and operating  
64 standards in effect at the time of installation.  
65

1 Any requirements for provision of financial security or performance bond by the  
2 Franchisee related to work performed under the terms of this Franchise, including TMC  
3 Chapters 15.04.135-3-c and 15.04.140 are hereby waived by the City.  
4

5 Should there be a direct conflict between any terms or conditions stated in a permit  
6 granted by the City and the terms of this Franchise, the terms of this Franchise shall control.  
7

8 **SECTION 3. TAXES.** Nothing contained in this Agreement shall be construed to exempt  
9 Franchisee from any license fee, permit fee, occupation tax, privilege tax, excise tax or  
10 assessment, or other City fee or tax which is or may be lawfully imposed on Franchisee.  
11

12 **SECTION 4. INSURANCE.** On or before the Effective Date of this Agreement,  
13 Franchisee shall provide a certificate of insurance that names the City, its officers, directors,  
14 and employees as an additional insured but only to the extent of Franchisee's contractually  
15 assumed indemnity obligation under this Agreement and TMC 15.06.190. Franchisee  
16 insurance shall offer the following coverage:  
17

18 **(A)** Commercial General Liability insurance covering all operations by or on behalf of  
19 Franchisee for Bodily Injury and Property Damage, including Completed Operations and  
20 Contractors Liability coverage, in an amount equal to at least Three Million Dollars  
21 (\$3,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the aggregate.  
22

23 **(B)** Business Automobile Liability insurance to cover any vehicles used in connection  
24 with its activities under this Franchise, with a combined single limit equal to at least Three  
25 Million Dollars (\$3,000,000) per occurrence and Five Million Dollars (\$5,000,000) in the  
26 aggregate.  
27

28 **(C)** Workers' Compensation coverage as required by law and Employer's Liability  
29 Insurance with limits equal to One Million Dollars (\$1,000,000).  
30

31 **(D)** Franchisee shall have the right to self-insure any of the foregoing insurance  
32 requirements under this Agreement, in compliance with TMC 15.06.180, excepting the  
33 requirement for 30 days notice of cancellation.  
34

35 **SECTION 5. SEVERABILITY.** If any section, subsection, sentence, paragraph, term, or  
36 provision hereof is determined to be invalid, or unenforceable by any court of competent  
37 jurisdiction, such determination shall have no effect on the validity of any other section,  
38 subsection, sentence, paragraph, term or provision hereof, all of which will remain in full  
39 force and effect for the term of the Agreement. If any material portion of the Agreement  
40 becomes invalid or unenforceable so that the intent of the Agreement is frustrated, the  
41 parties agree to negotiate replacement provisions to fulfill the intent of the Agreement  
42 consistent with applicable law. If the parties are unable to agree on a revised franchise  
43 agreement within ninety (90) days after a portion of this Franchise is found to be invalid or  
44 unenforceable, either party may terminate this Franchise by delivering one hundred and  
45 eighty (180) days' notice to the other party. In such case, to the extent Franchisee continues  
46 to provide electricity service in the City using Franchisee Facilities within Public ROW, the  
47 Franchisee's operations and Facilities shall be subject to lawful applicable state and local laws  
48 and regulations.  
49

1 **SECTION 6. REMEDIES.**

2  
3 **(A)** In determining which remedy or remedies are appropriate, the City shall consider the  
4 nature of the violation, the person or persons burdened by the violation, the nature of the  
5 remedy required in order to prevent further such violations, and any other matters the City  
6 deems appropriate.

7  
8 **(B)** Failure to enforce any term, condition or obligations imposed upon Franchisee shall  
9 not be construed as a waiver of a breach of any term, condition or obligation imposed upon  
10 Franchisee by or pursuant to this Agreement. A specific waiver of a particular breach of any  
11 term, condition or obligation imposed upon Franchisee by or pursuant to this Agreement  
12 shall not be a waiver of any other, subsequent or future breach of the same or of any other  
13 term, condition or obligation, or a waiver of the term, condition or obligation itself.

14  
15 **SECTION 7. DEFINITIONS.** In addition to the definitions contained in TMC Chapter  
16 15.06, the following are made part of this Franchise.

17  
18 **(A) Captions.** Throughout this Franchise, captions to sections are intended solely to  
19 facilitate reading and to reference the provisions of this Franchise. The captions shall not  
20 affect the meaning and interpretation of this Franchise.

21  
22 **(B) Definitions.** For purposes of this Franchise, the following terms, phrases, and their  
23 derivations shall have the meanings given below unless the context indicates otherwise.  
24 When not inconsistent with the context, words used in the present tense include the future  
25 tense, words in the plural number include the singular number, and words in the singular  
26 number include the plural number. The word "shall" is always mandatory and not merely  
27 directory.

28  
29 **(1)** "City" means the City of Tigard, Oregon, a municipal corporation, and all of the  
30 territory within its corporate boundaries, as such may change from time to time.

31 **(2)** "City Council" means the Council of the City.

32 **(3)** "City Engineer" means the City Engineer of the City.

33 **(4)** "City Manager" means the City Manager of the City.

34 **(5)** "City Recorder" means the Recorder of the City.

35 **(6)** "Director of Finance" means the Director of Finance of the City.

36 **(7)** "Emergency" shall have the definition contained in in TMC 15.06.020.

37 **(8)** "Franchise" means this Franchise Agreement as fully executed by the City and  
38 Franchisee and adopted by the City Council pursuant to Ordinance No. 13-\_\_\_\_\_.

39 **(9)** "Franchisee" means Portland General Electric Company, an Oregon corporation.

40 **(10)** "Franchisee Facility" means any physical component of Franchisee's Electric Light  
41 and Power System subject to this Franchise, including but not limited to any poles, guy  
42 wires, anchors, wire/conductor, fixtures, meters, equipment, conduit, circuits, vaults,  
43 switch cabinets, transformers, secondary junction cabinets, antennas, communication  
44 equipment and other property necessary or convenient to supply electric light and power  
45 by Franchisee within the Franchise Area.

46 **(11)** "Franchisee's Electric Light and Power System" means all Franchisee Facilities used  
47 by Franchisee in the transmission and distribution of its services that are located within  
48 the Franchise Area.

49 **(12)** "Gross Revenues" shall be deemed to include any and all revenues received by  
50 Franchisee within the City from Franchisee's Electric Light and Power System, and

1 includes, but is not limited to, the sale of and use of electricity and electric service, and  
2 the use, rental, or lease of Franchisee Facilities, after adjustment for the net write-off of  
3 uncollectible accounts. Gross Revenues do not include proceeds from the sale of bonds,  
4 mortgages or other evidence of indebtedness, securities or stocks, or sales at wholesale  
5 by one public utility to another of electrical energy when the utility purchasing such  
6 electrical energy is not the ultimate consumer. Gross Revenues also do not include  
7 revenue from joint pole use. For purposes of this Franchise, revenue from joint pole use  
8 includes any revenue collected by Franchisee from other franchisees, permittees, or  
9 licensees of the City for the right to attach wires, cable or other facilities or equipment to  
10 Franchisee's poles or place them in Franchisee's conduits. To the extent that the City's  
11 authority to tax Gross Revenues of the Franchisee is limited by ORS 221.410 through  
12 221.655, the City shall apply the statutory limitation to the definition of "Gross  
13 Revenues."

14 (13) "NESC" means the National Electrical Safety Code.

15 (14) "OPUC" means the Oregon Public Utility Commission.

16 (15) "Person" means any natural person, individual, firm, sole proprietorship,  
17 partnership, copartnership, association, corporation, cooperative, entity or other form of  
18 organization authorized to do business in the State of Oregon.

19 (16) "Public ROW" shall have the meaning described in Section 1, and, in addition,  
20 includes the subsurface under and airspace over the areas described.

21 (17) "Term" shall have the meaning described in Section 1.

22 (18) "TMC" shall mean the Tigard Municipal Code.

23 (19) "Year," "annual," or "annually" means the period consisting of a full calendar year,  
24 beginning January 1 and ending December 31, unless otherwise provided in this  
25 Franchise.

## 26 27 **SECTION 8. CONSTRUCTION.**

28  
29 **(A) Construction.** Assuming there is sufficient space in the Public ROW that meets the  
30 City's and the Franchisee's construction standards and NESC requirements, all facilities shall  
31 be placed between the curb and the sidewalk or the adjacent PUE, unless another location is  
32 approved by the City Engineer. For any land use development in the City requiring  
33 Franchisee's services, the City shall notify Franchisee of such pending land use development  
34 and Franchisee shall notify the City of Franchisee's construction standards that are provided  
35 to the OPUC and NESC requirements that are applicable to the pending land use  
36 development. To the extent the City has authority to do so, the City shall impose a  
37 condition on its land use development approval that the developer either (i) provide a  
38 sufficient location in the Public ROW located in the land use development for Franchisee's  
39 Facilities that meet the applicable Franchisee construction standards and NESC  
40 requirements, or (ii) provide or obtain an easement for Franchisee Facilities that meet the  
41 applicable Franchisee construction standards and NESC requirements.

42  
43 **(B) Emergency Repairs.** In the event Emergency repairs to Franchisee Facilities are  
44 necessary and require excavation within the Public ROW, Franchisee shall notify the utility  
45 one-call notification system prior to making any excavations. Franchisee may initiate such  
46 Emergency repairs including any excavations necessary to effect such repairs upon making  
47 the necessary notification to the utility one-call notification center. If Emergency work has  
48 been completed by Franchisee in the Public ROW and the City determines such work was  
49 not completed in a City approved manner in accordance with TMC 15.04.120, the City shall  
50 notify Franchisee and provide Franchisee with thirty (30) days or as agreed to by the City

1 Engineer after the Emergency repairs are completed to reperform the work in a City  
2 approved manner.  
3

4 **(C) Cooperation between Franchisee and City.** In accordance with state law, rules  
5 and regulations, for purposes of this Franchise, including but not limited to Sections 8, 9, 10,  
6 11 and 12, Franchisee and City shall work together and timely respond to each party's  
7 informational requests during any design process affecting the Public ROW including  
8 construction, relocation, excavation and restoration to establish suitable locations for  
9 Franchisee's Facilities and cooperate to minimize the economic and public inconvenience  
10 impacts associated with any such work. The Franchisee and City shall meet at least annually  
11 to forecast potential construction, relocation and other activities which may be subject to  
12 this Franchise. To the extent each party has independent authority to control review times,  
13 Franchisee and City agree to respond to any proposed improvement plans submitted to each  
14 other and which may impact either party's facilities within 30 days of submission of  
15 improvement plans by one party to the other; provided, however, the parties acknowledge  
16 the land use response timelines may be shorter than 30 days and the parties will endeavor to  
17 respond in accordance with such land use response timelines. Additionally, the Franchisee  
18 and the City may mutually agree to a longer period of time to respond to plan submittals in  
19 order to allow adequate time to review a larger or more complex project or as otherwise  
20 agreed to by the City Engineer and PGE.  
21

22 **SECTION 9. SUPPLYING MAPS.** After providing Franchisee with twenty-four (24)  
23 hours prior notice, the City may inspect Franchisee maps (excluding Franchisee proprietary  
24 information) at any time during Franchisee's business hours. Upon request of the City and  
25 without charge, Franchisee shall furnish current maps to the City by electronic data in read-  
26 only format showing the general location of Franchisee Facilities, excluding Franchisee  
27 proprietary information. Unless required by law, the City will not sell or provide Franchisee  
28 prepared maps or data to third parties without written permission from Franchisee, except  
29 that City may furnish the publicly available portions of said maps or data to Persons  
30 employed by or under contract to the City for the performance of services related to Public  
31 ROW. Upon request of Franchisee, the City will make available to Franchisee any relevant  
32 maps or data prepared by or held by the City and related to the Public ROW at no charge to  
33 Franchisee.  
34

35 **SECTION 10. EXCAVATION.** For Public ROW not subject to the four (4) year "no  
36 cut" moratorium contained in TMC 15.04.135, and where boring operations are deemed  
37 impractical, Franchisee may make all necessary excavations within the Public ROW for the  
38 purpose of installing, repairing, upgrading or maintaining Franchisee Facilities subject to the  
39 requirements of TMC 15.04.135. All borings and excavations made by Franchisee in the  
40 Public ROW shall be properly safeguarded for the prevention of accidents in accordance  
41 with adopted City Public Works construction standards. Except to the extent waived by the  
42 City pursuant to this Agreement or otherwise, Franchisee's work under this Section shall be  
43 completed in strict compliance with all applicable rules, regulations and ordinances of the  
44 City.  
45

46 **SECTION 11. RESTORATION AFTER EXCAVATION.** Whenever Franchisee  
47 performs any excavation or other work affecting Public ROW, as required by TMC  
48 15.04.120 and this Franchise, Franchisee shall at its own expense restore the Public ROW to  
49 the same or better condition as the area was in prior to Franchisee's work. Franchisee shall  
50 not be required, at Franchisee's expense, to pave a gravel street that was gravel prior to the

1 excavation, install sidewalk panels or curbs that did not exist prior to the excavation, or  
2 construct additional improvements in the Public ROW that did not exist prior to the  
3 excavation. This Section 11 shall in no way limit any conditions set forth in an approval  
4 from the City of a Franchisee land use application. If Franchisee fails to restore and  
5 properly maintain for two years following acceptance of the restoration the Public ROW to  
6 at least the same or better condition that it was in prior to the excavation, in accordance with  
7 generally applicable published City standards, the City shall give Franchisee written notice  
8 and provide Franchisee a reasonable period of time, not to exceed thirty (30) days, to restore  
9 the Public ROW. If the work of Franchisee creates a public safety hazard as determined by  
10 the City Engineer, Franchisee may be required to repair or restore the Public ROW within  
11 twenty-four (24) hours notice from the City, or such time as agreed between the City  
12 Engineer and Franchisee, taking into consideration weather and other relevant factors.  
13 Should Franchisee fail to make such repairs or restorations within the aforementioned time  
14 frames, the City may, after providing notice to Franchisee and a reasonable opportunity to  
15 cure, refill or repave (as applicable) any opening made by Franchisee in the Public ROW and  
16 the expense thereof shall be paid by Franchisee. The City reserves the right, after providing  
17 notice to Franchisee, to remove or repair any work completed by Franchisee, which, in the  
18 determination of the City Engineer is inadequate, using a qualified contractor. The cost  
19 thereof, including the cost of inspection and supervision, shall be paid by Franchisee within  
20 30 (thirty) days after receipt of an invoice from the City. In the event that Franchisee's work  
21 is coordinated with other construction work in the Public ROW, the City Engineer may  
22 temporarily excuse Franchisee from restoring the surface of the Public ROW, providing that  
23 as part of the coordinated work, the Public ROW is restored to good order and condition.  
24

## 25 **SECTION 12. RELOCATION.**

26  
27 **(A) Permanent Relocation Required by City.** This subsection (A) covers permanent  
28 relocation of overhead Franchisee Facilities that will remain overhead, and underground  
29 Franchisee Facilities that will remain underground. The City has authority to require  
30 removal, relocation, change or alteration of a Franchisee Facility under TMC 15.06.260. The  
31 City shall not exercise such authority if the project or improvement necessitating the change  
32 in location will not be owned or managed by the City or another public entity. Should  
33 Franchisee fail to remove or relocate any such Franchisee Facilities within ninety (90) days  
34 after the date established by the City, which, except in the event of a public Emergency, shall  
35 not occur sooner than ninety (90) days after the City provides written notice to remove/  
36 relocate to Franchisee, the City may cause or effect such removal or relocation, performed  
37 by a qualified contractor, and the expense thereof shall be paid by Franchisee. However,  
38 when the City requests a subsequent relocation of all or part of the same Franchisee  
39 Facilities less than one year after the initial relocation that is necessary or convenient for a  
40 public project, and not at the request of or to accommodate a third party, the subsequent  
41 relocation shall be at the expense of the City.  
42

43 **(B) Notice.** The City will endeavor to provide as much notice prior to requiring  
44 Franchisee to relocate Franchisee Facilities as possible. The notice shall specify the date by  
45 which the existing Franchisee Facilities must be removed or relocated. Nothing in this  
46 Section 12 shall prevent the City and Franchisee from agreeing, either before or after notice  
47 is provided, to a mutually acceptable schedule for relocation. Franchisee and City shall  
48 diligently work together in good faith during the design process for any project necessitating  
49 the relocation of Franchisee's Facilities to establish a suitable location for Franchisee's  
50 Facilities in the Public ROW, or PUE, that meet Franchisee's construction standards as

1 provided to the OPUC, the NESC and generally applicable published City standards in order  
2 for Franchisee to maintain sufficient service and to minimize the economic impact to  
3 Franchisee and the City associated with such relocation of Franchisee's Facilities.  
4

5 **(C) Permanent Relocation - Undergrounding.** This subsection (C) applies to  
6 conversions of Franchisee Facilities from overhead to underground regardless of whether or  
7 not such conversion is made in conjunction with a public project. As permitted by, and in  
8 accordance with City ordinance and any applicable law, administrative rule, or regulation, the  
9 City may require Franchisee to convert any overhead Franchisee Facilities to underground  
10 Franchisee Facilities at the same or different locations, subject to the NESC and Franchisee's  
11 engineering and safety standards. This subsection shall not apply to Franchisee Facilities  
12 used for or in connection with the transmission of electric energy at nominal voltages in  
13 excess of 35,000 volts or to pedestals, cabinets or other above ground equipment installed in  
14 accordance with Franchisee's standard design criteria and any applicable City standards. Any  
15 such underground relocation shall be consistent with applicable approved or adopted  
16 development plans or projects of the City, or as approved by the City. The expense of such  
17 a conversion shall be paid by Franchisee, and Franchisee may recover its costs from its  
18 customers in accordance with state law, administrative rule, or regulation. Nothing in this  
19 subsection prevents the City and Franchisee from agreeing to a different form of cost  
20 recovery on a case-by-case basis consistent with applicable statutes, administrative rules, or  
21 regulations.  
22

23 **(D) Temporary Relocation at Request of City.** This subsection (D) covers temporary  
24 relocation of overhead Franchisee Facilities that will remain overhead, as well as  
25 underground Franchisee Facilities that will remain underground. The City may require  
26 Franchisee to temporarily remove and relocate Franchisee Facilities by giving sixty (60) days  
27 notice to Franchisee. Prior to such relocation, the City agrees to provide a suitable location  
28 in the Public ROW, as mutually agreed, or a temporary construction easement that meets the  
29 Franchisee's construction standards and NESC requirements, and that allows the Franchisee  
30 to place its Facilities on the easement in order to maintain sufficient service until such time  
31 as the Franchisee moves its Facilities to their permanent location. The cost of temporary  
32 removal or relocation of Franchisee Facilities that is necessary for public projects, as well as  
33 cost of replacing Franchisee Facilities in their permanent location, shall be paid by  
34 Franchisee. However, when the City requests a subsequent relocation of all or part of the  
35 same Franchisee Facilities less than one year after the initial relocation, that is necessary or  
36 convenient for a public project and not at the request of or to accommodate a third party,  
37 the subsequent relocation shall be at the expense of the City.  
38

39 **(E) Relocation at Request of or to Accommodate Third Party.** In the event that any  
40 relocation of Franchisee Facilities is requested by or is to accommodate a third party,  
41 Franchisee shall seek reimbursement from the third party consistent with the Franchisee's  
42 tariff on file with the OPUC and not from the City. Such relocation shall be consistent with  
43 any applicable long-term development plan or projection of the City or approved by the  
44 City. If the relocation of Franchisee Facilities is caused or required by the conditions placed  
45 by the City on approval for projects of third parties, such relocation shall in no event fall  
46 under the provisions of subsections (A), (C) or (D) of this Section 12.  
47

48 **(F) Temporary Relocation at Request of Third Parties.** Whenever it is necessary to  
49 temporarily relocate or rearrange any Franchisee Facility in order to permit the passage of  
50 any building, machinery or other object, Franchisee shall perform the work after receiving

1 sixty (60) business days written notice from the persons desiring to move the building,  
2 machinery or other object. The notice shall: (1) demonstrate that the third party has  
3 acquired at its expense all necessary permits from the City; (2) detail the route of movement  
4 of the building, machinery, or other object; (3) provide that the person requesting the  
5 temporary relocation shall be responsible for Franchisee's costs; (4) provide that the  
6 requestor shall indemnify and hold harmless the City and Franchisee from any and all  
7 damages or claims resulting either from the moving of the building, machinery or other  
8 object or from the temporary relocation of Franchisee Facilities; and (5) be accompanied by  
9 a cash deposit or other security acceptable to Franchisee for the costs of relocation.  
10 Franchisee in its sole discretion may waive the security obligation. The cash deposit or other  
11 security shall be in an amount reasonably calculated by Franchisee to cover Franchisee's  
12 costs of temporary relocation and restoration. All temporary relocations under this  
13 subsection shall comply with ORS 757.805.

14  
15 **SECTION 13. PUBLIC ROW VACATION.** If all or a portion of the Public ROW used  
16 by Franchisee is vacated by the City during the Term, the City shall either condition the  
17 approval of the vacation on the reservation of an easement for Franchisee Facilities in their  
18 then-current location that prohibits any use of the vacated property that interferes with  
19 Franchisee's full enjoyment and use of its easement, or permit Franchisee Facilities to remain  
20 in a PUE. If the facilities to remain in the easement or PUE are underground at the time of  
21 the vacation, they shall remain underground and subsequent upgrades or expansions shall  
22 also be placed underground.

23  
24 **SECTION 14. CITY PUBLIC WORKS AND IMPROVEMENTS.** Nothing in this  
25 Franchise shall be construed in any way to prevent the City from excavating, grading, paving,  
26 planking, repairing, widening, altering, or completing any work that may be needed or  
27 convenient in the Public ROW that is consistent with the NESC. The City shall coordinate  
28 any such work with Franchisee to avoid, to the extent reasonably foreseeable, any  
29 obstruction, injury or restrictions on the use by Franchisee of any Franchisee Facilities, and  
30 the City shall be responsible for the costs to repair any damage to Franchisee Facilities  
31 arising out of such work. Similarly, Franchisee shall be responsible for the costs to repair  
32 any damage to City facilities arising out of Franchisee work in the Public ROW. Nothing in  
33 this Section relieves either party from its obligations set forth in Sections 8, 10, 11 and 12.

34  
35 **SECTION 15. USE OF FRANCHISEE FACILITIES.**

36  
37 **(A)** City shall maintain attachment agreements and permits to string wires on  
38 Franchisee's poles or run wires in Franchisee's trenches and/or available conduit for  
39 municipal purposes and to attach fire and police alarm and communication equipment to  
40 Franchisee's poles, provided that such wires and equipment: a) do not unreasonably interfere  
41 with Franchisee operations; b) conform to the NESC; and c) the City's excess capacity on  
42 such wires and equipment is not leased to, sold to or otherwise used by non-governmental  
43 third parties. Franchisee shall not charge the City for such attachments to its poles or in its  
44 conduits; however, the City shall be responsible to pay for any make-ready and inspections  
45 Franchisee must perform in order to provide access to Franchisee Facilities for City wires  
46 and equipment in accordance with the NESC. Should any of the City's attachments to  
47 Franchisee Facilities violate the NESC, the City shall work with Franchisee to address and  
48 correct such violations in an agreed-upon period of time. To the extent permitted by law,  
49 the City shall indemnify and hold Franchisee harmless from loss or damage resulting from  
50 the presence of City's wires and equipment on or in Franchisee Facilities. For purposes of

1 this Franchise, “make-ready” shall mean engineering or construction activities necessary to  
2 make a pole, conduit, or other support equipment available for a new attachment,  
3 attachment modifications, or additional facilities.  
4

5 **(B)** Franchisee shall provide City with a report upon request by the City that lists utility  
6 operators as defined in Tigard Municipal Code 15.06.020(11) using or attaching to  
7 Franchisee Facilities located in the Public ROW. To the extent such information is on  
8 record with Franchisee, such report shall include the appropriate address(es), email  
9 address(es) and telephone number(s) of the person(s) or appropriate departments  
10 responsible for managing the pole attachments for such attaching Persons.  
11

12 **SECTION 16. ACQUISITION AND ANNEXATION.** Subsequent to the Effective  
13 Date, upon Franchisee’s acquisition of additional Franchisee Facilities in the Public ROW, or  
14 upon any addition or annexation to the City of any area in which Franchisee retains  
15 Franchisee Facilities in the Public ROW of such addition or annexation, Franchisee shall  
16 submit to the City a statement describing all Franchisee Facilities involved, whether  
17 authorized by a franchise agreement or upon any other form of prior right, together with a  
18 map, as described in Section 9, specifying the location of all such Franchisee Facilities. Such  
19 Franchisee Facilities shall immediately be subject to the terms of this Franchise.  
20

21 **SECTION 17. PAYMENT FOR USE OF PUBLIC ROW.**  
22

23 **(A) Use of public ROW.** In consideration for its use of the Public ROW in accordance  
24 with the terms of this Franchise, Franchisee agrees to pay the City an amount equal to 3½  
25 percent of the Gross Revenue. The amount of the current year’s franchise fee shall be based  
26 on the Gross Revenue collected by Franchisee during the previous calendar year within the  
27 City, and shall be paid on an annual basis for Franchisee’s rights under this Agreement for  
28 the full calendar year in which the payment is made. To the extent permissible under state  
29 law and regulation, the payment imposed by this subsection shall be considered an operating  
30 expense of Franchisee and shall not be itemized or billed separately to consumers within the  
31 City.  
32

33 **(B) Property Tax Limitations Do Not Apply.** The payment described in this Section  
34 17 is not subject to the property tax limitations of Article XI, Sections 11(b) and 11(19) of  
35 the Oregon Constitution and is not a fee imposed on property or property owners by fact of  
36 ownership.  
37

38 **(C) Privilege Tax.** The City has retained and shall continue to retain the right, as  
39 permitted by Oregon law, to charge a privilege tax based on a percentage of the Gross  
40 Revenue in addition to the payment amounts set forth in subsection (A). As of the date of  
41 this Franchise, the City has enacted a 1½ percent privilege tax. The City shall provide  
42 Franchisee at least ninety (90) days’ notice prior to any increase in privilege tax becoming  
43 effective. Franchisee shall follow state regulations regarding the inclusion of such privilege  
44 tax as an itemized charge on the electricity bills of its customers within the City.  
45

46 **(D) Remittance of Franchise Fee and Privilege Tax Payment.** Franchisee shall  
47 remit payment of the annual 3½% franchise fee to the Director of Finance on or before the  
48 first (1st) day of April of each year. Payment must be made in immediately available federal  
49 funds. No later than the date of the annual payment, Franchisee shall provide the City a  
50 statement, under oath, showing the Gross Revenue for the preceding year. Franchisee shall

1 remit payment of the 1½% privilege tax to the Director of Finance on or before the 45<sup>th</sup> day  
2 following each calendar quarter period. Payment must be made in immediately available  
3 federal funds. No later than the date of the quarterly payment, Franchisee shall provide the  
4 City a statement, under oath, showing the Gross Revenue for the preceding quarter.  
5

6 **(E) Acceptance of Payment.** Acceptance by the City of any payment due under this  
7 Section shall not be a waiver by the City of any breach of this Franchise occurring prior to  
8 the acceptance, nor shall the acceptance by the City preclude the City from later establishing  
9 that a larger amount was actually due, or from collecting the balance due to the City.  
10

11 **(F) Late Payments.** Interest on late payments shall accrue from the due date based on  
12 Franchisee's cost of debt as approved by the OPUC as of the due date, plus 100 basis points,  
13 and shall be computed based on the actual number of days elapsed from the due date until  
14 payment. Interest shall accrue without regard to whether the City has provided notice of  
15 delinquency.  
16

17 **(G) No Exemption from Other Fees or Taxes.** Payment of the amounts described in  
18 this Section 17 shall not exempt Franchisee from the payment of any other license fee,  
19 permit fee, tax or charge on the business, occupation, property or income of Franchisee that  
20 may be lawfully imposed by the City or any other taxing authority, except as may otherwise  
21 be provided in the ordinance or laws imposing such other fee, tax or charge.  
22

23 **(H) Direct Access and Volumetric Methodologies.** The City may, consistent with  
24 state law, direct that the payments made under this Section 17 be based on volume-based  
25 methodologies as specifically described in ORS 221.655 instead of the formula set herein.  
26 Notice must be given to Franchisee in writing for the subsequent payments to be made using  
27 volume-based methodology, which notice may require semi-annual payment to the City.  
28 The volumetric calculation shall apply to payments made in one calendar year (based on  
29 January 1 to December 31 billings from the previous calendar year). The choice to use  
30 volumetric methodology must be renewed annually by the City. No notice is necessary if the  
31 City chooses to remain on the revenue-based calculation.  
32

33 **(I) Payment Obligation Survives Franchise.** If prior to the expiration of this  
34 Franchise the parties do not finish negotiation of a new franchise agreement, the obligation  
35 to make the payments imposed by this Section 17 shall survive expiration of this Franchise  
36 until a new franchise agreement becomes effective and supersedes this Franchise. In the  
37 event this Franchise is terminated before expiration, Franchisee shall make the remaining  
38 payments owed, if any, within ninety (90) days of the termination date. In either such case,  
39 where Franchisee is operating in the City without a franchise agreement, the provisions of  
40 the Tigard Municipal Code Chapters 15.04 and 15.06 shall apply to Franchisee and its  
41 operations in the City with the exception of the timing of franchise fee payment which shall  
42 be annually and the privilege tax shall be quarterly.  
43

#### 44 **SECTION 18. AUDIT.**

45

46 **(A) Audit Notice and Record Access.** The City may audit Franchisee's calculation of  
47 Gross Revenues. Within ten (10) business days after receiving a written request from the  
48 City, or such other time frame as agreed by both parties, Franchisee shall furnish the City  
49 and any auditor retained by the City: (1) information sufficient to demonstrate that  
50 Franchisee is in compliance with this Franchise; and (2) access to all books, records, maps

1 and other documents maintained by Franchisee with respect to Franchisee Facilities that are  
2 necessary for the City to perform such audit. Franchisee shall provide access to such  
3 information to City within the City, or the Portland, Oregon metropolitan area, during  
4 regular Franchisee business hours.  
5

6 **(B) Audit Payment.** If the City's audit shows that the amounts due to the City are  
7 higher than those based on the Franchisee's calculation of Gross Revenue, then Franchisee  
8 shall make a payment for the difference within sixty (60) days after the delivery to Franchisee  
9 of the audit results. In addition to paying any underpayment, Grantee shall pay interest from  
10 the original due date based on Grantee's cost of debt as approved by the OPUC as of the  
11 due date, plus 100 basis points, but not penalties, as specified in this Franchise. In the event  
12 the City's audit shows that Franchisee's calculation of Gross Revenue resulted in an  
13 overpayment to the City by five percent (5%) or more in any one year, the Franchisee may  
14 deduct such overpayment from the next franchise fee payment. If the City's audit shows  
15 that the amounts due to the City based on the Franchisee's calculation of Gross Revenue  
16 deviated by five percent (5%) or more in any one year from the City's calculation during the  
17 audit, Franchisee shall reimburse the City for the incremental cost associated with the audit,  
18 not to exceed one percent (1%) of the total annual franchise fee payment for the applicable  
19 audit period.  
20

21 **SECTION 19. TERMINATION AND PENALTIES.** In addition to the provisions of  
22 TMC 15.06.310-330 the City may terminate this Franchise upon one year's written notice to  
23 Franchisee in the event that the City decides to engage in public ownership of the electric  
24 facilities located in the Public ROW and the public distribution of electric energy to  
25 customers throughout the City in accordance with ORS 758.470.  
26

27 **SECTION 20. ASSIGNMENT.** All rights and privileges granted and duties imposed by  
28 this Agreement upon Franchisee shall extend to and be binding upon Franchisee's  
29 successors, legal representatives and assigns. Franchisee may not sell, assign, transfer, or  
30 convey this Franchise to a third party without the City Council giving its consent in a duly  
31 passed ordinance. Upon obtaining such consent, this Franchise shall inure to and bind such  
32 third party. Franchisee shall not sell or assign this Franchise to an entity that is not  
33 authorized by the OPUC to provide electric service to retail consumers in the City or is not  
34 otherwise authorized to provide electric service to retail consumers under Oregon law. Prior  
35 to any proposed transfer, Franchisee shall be in full compliance with this Franchise and the  
36 proposed transferee shall agree in writing to be bound by this Franchise. In the event  
37 Franchisee is purchased by or merged into another entity and Franchisee survives such  
38 purchase or merger as a public utility, Franchisee shall provide notice to the City of such  
39 purchase or merger, but shall have no obligation under this Franchise to obtain the consent  
40 of the City Council for such purchase or merger.  
41

42 **SECTION 21. REMOVAL OF FACILITIES.** If this Franchise is terminated or expires  
43 on its own terms and is not replaced by a new franchise agreement or similar authorization,  
44 the City may determine whether Franchisee Facilities are to be removed from the Public  
45 ROW or remain in place. The City shall provide written notice of any requirement to  
46 remove Franchisee Facilities and shall provide Franchisee sixty (60) days to comment on  
47 such requirement to move Franchisee Facilities. Following consideration of any such  
48 comments, the City Manager may issue an order requiring removal of Franchisee Facilities  
49 within nine (9) months after such order is declared.  
50

1 **SECTION 22. NONDISCRIMINATION.** Franchisee shall provide service to electric  
2 light and power consumers in the City without undue discrimination or undue preference or  
3 disadvantage, in accordance with Oregon law.  
4

5 **SECTION 23. DAMAGE TO FACILITIES.** The City shall not be liable for any  
6 consequential damages or losses resulting from any damage to or loss of any facility as a  
7 result of or in connection with any work by or for the City unless the damage or loss is the  
8 direct and proximate result of willful, intentionally tortious, negligent or malicious acts or  
9 omissions by the City, its employees, or agents. In such case, the City shall indemnify and  
10 hold harmless Franchisee against any and all claims, damages, costs and expenses, including  
11 attorney's fees and costs, arising from, subject to any applicable limitations in the Oregon  
12 Constitution and the Oregon Tort Claims Act. The obligations imposed by this Section are  
13 intended to survive termination of this Franchise.  
14

15 **SECTION 24. REMEDIES AND PENALTIES NOT EXCLUSIVE.** All remedies  
16 and penalties under this Franchise, including termination, are cumulative and not exclusive,  
17 and the recovery or enforcement by one available remedy or imposition of a penalty is not a  
18 bar to recovery or enforcement by any other remedy or imposition of any other penalty.  
19 The City reserves the right to enforce the penal provisions of any City ordinance or  
20 resolution and to avail itself to any and all remedies available at law or in equity. Failure to  
21 enforce any term, condition or obligation of this Franchise shall not be construed as a waiver  
22 of a breach of any term, condition or obligation of this Franchise. A specific waiver of a  
23 particular breach of any term, condition or obligation of this Franchise shall not be a waiver  
24 of any other, subsequent or future breach of the same or any other term, condition or  
25 obligation of this Franchise.  
26

27 **SECTION 25. LIMITATION ON PRIVILEGES.** All rights and authority granted to  
28 Franchisee by the City under this Franchise are conditioned on the understanding and  
29 agreement that the privileges in the Public ROW shall not be an enhancement of  
30 Franchisee's properties or an asset or item of ownership of Franchisee.  
31

32 **SECTION 26. GOVERNING LAW.** The law of the State of Oregon governs the validity  
33 of this Agreement, and its interpretation, performance and enforcement. Any action or suit  
34 to enforce or construe any provision of this Agreement by any party shall be brought in the  
35 Circuit Court of the State of Oregon for Washington County, or the United States District  
36 Court for the District of Oregon.  
37

38 **SECTION 27. EFFECTIVE DATE.** The effective date of this Agreement ("Effective  
39 Date") shall be the date signed by Franchisee's authorized representative. Upon becoming  
40 effective, this Franchise shall supersede and replace any and all other franchise agreements  
41 that may be or have been in place between Grantee and the City as of or prior to the  
42 Effective Date.  
43

1 **SECTION 28. NOTICE.** Unless specifically provided otherwise herein, any notice  
2 provided for under this Franchise shall be sufficient if in writing and (1) delivered personally  
3 to the following addressee, (2) deposited in the United States mail, postage prepaid, certified  
4 mail, return receipt requested, (3) sent by overnight or commercial air courier (such as  
5 Federal Express or UPS), or (4) sent by facsimile transmission with verification of receipt,  
6 addressed as follows, or to such other address as the receiving party hereafter shall specify in  
7 writing:

8  
9 All notices shall be sent to the following addresses or to such other addresses as  
10 Franchisee or the City may designate in writing:

11  
12 **If to the City:** City of Tigard  
13 Attention: City Manager  
14 13125 SW Hall Blvd.  
15 Tigard, Oregon 97223  
16 FAX: (503) 684-7297

17  
18 **If to the Franchisee:** Government Affairs  
19 Portland General Electric Company  
20 121 SW Salmon St, 1WTC03  
21 Portland, Oregon 97204  
22 FAX: (503) 464-2354

23  
24 **With a copy to:** Portland General Electric Company  
25 Attn: General Counsel  
26 One World Trade Center, 17<sup>th</sup> Floor  
27 121 SW Salmon Street  
28 Portland, Oregon 97204  
29 FAX: (503) 464-2200

30  
31 Any such notice, communication or delivery shall be deemed effective and delivered upon  
32 the earliest to occur of actual delivery, three (3) business days after depositing in the United  
33 States mail, one (1) business day after shipment by commercial air courier or the same day as  
34 confirmed facsimile transmission (or the first business day thereafter if faxed on a Saturday,  
35 Sunday or legal holiday).

36  
37 IN WITNESS WHEREOF, the parties, through their duly authorized  
38 representatives, have executed this Franchise as of the dates indicated below.

39  
**PORTLAND GENERAL  
ELECTRIC COMPANY**

**CITY OF TIGARD, OREGON**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

40

**Business Meeting****Meeting Date:** 05/28/2013**Length (in minutes):** 40 Minutes**Agenda Title:** Legislative Public Hearing: MASCO Development Code Amendment - (DCA) 2012-00003**Prepared For:** John Floyd**Submitted By:** John Floyd, Community Development**Item Type:** Ordinance  
Public Hearing - Legislative**Meeting Type:** Council Business Meeting - Main**Public Hearing:** Yes**Publication Date:****Information****ISSUE**

Shall Council approve a property owner initiated request to amend the Tigard Development Code to allow contractors as a restricted land use in the I-P: Industrial Park Zoning District.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends Council find in favor of the proposed text amendment, as amended by the Planning Commission in their recommendation of March 18, 2013, to allow industrial services as a restricted land use within the I-P Zoning District subject to certain limitations, and adopt these changes by Ordinance.

**KEY FACTS AND INFORMATION SUMMARY**

A property owner initiated an amendment to the Tigard Development Code, Section 18.530, Table 18.530.1, to allow Industrial Services as a restricted land use in the I-P: Industrial Park Zoning District. The Planning Commission considered the request on March 18, 2013 and unanimously recommended that Council approve the requested text change with one change discussed below. This amendment will apply to all property in the City of Tigard that is zoned I-P.

The Planning Commission recommendation would allow building contractors and other types of industrial services to operate within the I-P zone, subject to one restriction. Compatibility with adjoining businesses and residential areas will be ensured through a prohibition on the outside storage of materials and other activities which are more suited to other industrial areas. The applicant had also proposed a second restriction that would limit industrial services to "contractors and others who perform services off-site". At the March 18 meeting of the Planning Commission, the Planning Commission voted to remove this second restriction when making their recommendation to Council. This decision to remove the second restriction was based upon staff recommendation and comments by the Planning Commission that the restriction was an unnecessary obstacle to business activity.

The application is presented to address a specific situation where a site has been leased by the applicant for use by its subsidiary Builders Services Group, which is a contractor as well as wholesaler of construction supplies. The Code amendment is proposed to address this issue as well as several other similar situations within the city.

**OTHER ALTERNATIVES**

Council may decline to approve the amendment, or modify the text before moving to approve it.

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

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Fiscal Impact**

**Fiscal Information:**

A direct fiscal impact is not anticipated from this code change.

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**Attachments**

Draft Ordinance

Attachment "A"

Staff Report to Planning Commission

Planning Commission Minutes of March 18, 2013

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CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 13-\_\_\_\_\_

AN ORDINANCE AMENDING TABLE 18.530.1 OF THE TIGARD COMMUNITY DEVELOPMENT CODE TO CHANGE INDUSTRIAL SERVICES FROM A PROHIBITED LAND USE TO A RESTRICTED LAND USE WITHIN THE I-P: INDUSTRIAL PARK ZONING DISTRICT (DCA2012-00003).

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WHEREAS, the city received application for the proposed code amendment to amend the text of the Industrial Zoning Districts Chapter (18.530) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District; and

WHEREAS, the purpose of Chapter 18.530 is to provide a range of industrial services for City residents and facilitate economic goals, while ensuring the location and design of industrial land uses minimizes potential adverse impacts on established residential areas; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held a public hearing on March 18, 2013 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended by staff and Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on May 28, 2013, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and unanimously approves the request as being in the best interest of the City of Tigard.

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

SECTION 1: The specific text amendment attached as **“EXHIBIT A”** to this Ordinance is hereby approved and adopted by the City Council.

SECTION 2: The findings in the March 11, 2013 Staff Report to the Planning Commission and the Minutes of the March 18, 2013 Planning Commission hearing are hereby adopted in explanation of the Council’s decision.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
John L. Cook, Mayor

Approved as to form:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
Date

**DCA2012-00003: Masco Development Code Amendments  
Proposed Text Changes  
Planning Commission Recommendation of March 18, 2013**

**Explanatory Note:** Proposed Text changes are identified in **red font**, with removed language identified through the use of ~~strickethrough—lines~~, and added language identified by double underlining.

**TABLE 18.530.1  
USE TABLE: INDUSTRIAL ZONES**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
<b>RESIDENTIAL</b>			
Household Living	R <sup>1</sup>	R <sup>1</sup>	R <sup>1</sup>
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
<b>CIVIC (INSTITUTIONAL)</b>			
Basic Utilities	C <sup>14</sup>	C <sup>14</sup>	P
Colleges	N	N	N
Community Recreation	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>
Cultural Institutions	N	N	N
Day Care	R <sup>3,9</sup>	R <sup>3,9</sup>	R <sup>3,9</sup>
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
<b>COMMERCIAL</b>			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R <sup>2</sup>	N	N
Major Event Entertainment	N	N	N
Outdoor Entertainment	P	N	N
Indoor Entertainment	P	N	N
Adult Entertainment	N	N	N
Sales-Oriented	R <sup>2</sup>	N	N
Personal Services	R <sup>2</sup>	N	N
Repair-Oriented	P	N	N
Bulk Sales	R <sup>4,11</sup>	N	N
Outdoor Sales	N	P	P
Animal-Related	P	P	P
Motor Vehicle Sales/Rental	R <sup>4,12,13</sup>	P	P
Motor Vehicle Servicing/Repair	C	P	P
Vehicle Fuel Sales	P	P/C <sup>7</sup>	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

**TABLE 18.530.1 (CON'T)**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
<b>INDUSTRIAL</b>			
Industrial Services	<del>N</del> <b>R<sup>4</sup></b>	P	P
Light Industrial	P	P	P
General Industrial	N	P	P
Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R <sup>4</sup>	P	P
<b>OTHER</b>			
Agriculture/Horticulture	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R <sup>6</sup>	P	P
Rail Lines/Utility Corridors	P	P	P
Other	NA	NA	P <sup>8</sup>

P=Permitted                  R=Restricted                  C=Conditional Use                  N=Not Permitted

- <sup>1</sup> A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- <sup>2</sup> These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- <sup>3</sup> In-home day care which meets all state requirements permitted by right.
- <sup>4</sup> Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- <sup>5</sup> When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- <sup>6</sup> See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- <sup>7</sup> Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- <sup>8</sup> Explosive storage permitted outright subject to regulations of Uniform Fire Code.

- <sup>9</sup> Day care uses with over five children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- <sup>10</sup> Limited to outdoor recreation on (1) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2) land located outside the floodplain as shown on City flood maps, when the recreation use is temporary and does not otherwise preclude allowed uses or conditional uses other than recreation within the district.
- <sup>11</sup> These limited uses, shall only be allowed in IP zoned property east of SW 72<sup>nd</sup> Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- <sup>12</sup> These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- <sup>13</sup> This use limited to boat sales/rental only.
- <sup>14</sup> Except water and storm and sanitary sewers, which are allowed by right.

**STAFF REPORT TO THE  
PLANNING COMMISSION  
FOR THE CITY OF TIGARD, OREGON**



**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** INDUSTRIAL SERVICES IN THE I-P ZONING DISTRICT  
**CASE NO.:** Development Code Amendment (DCA) DCA2012-00003

**PROPOSAL:** The applicant is requesting an amendment to alter Land Use Table 18.530.1 (Industrial Zones) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District.

**APPLICANT:** Masco Administrative Services  
260 Jimmy Ann Drive  
Daytona Beach, Florida 32114

**COMP. PLAN DESIGNATION:** Light Industrial. These areas are deemed appropriate for industrial activities which include manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials and which are devoid of nuisance factors that would adversely affect other properties. The designation includes the I-L and I-P Zones.

**ZONES:** I-P: Industrial Park District. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well integrated, attractively landscaped, and pedestrian-friendly. Among other uses, indoor entertainment is allowed.

**LOCATION:** City-wide on land zoned I-P.

**APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 2, & 9; Metro Title 4; Comprehensive Plan Policies 2.1.3, 2.1.7, 9.1.2, 9.1.3, & 9.1.7; and Community Development Code Chapters 18.390, & 18.530.

## **SECTION II. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission find in favor of the proposed text amendment, as amended by staff in Section V of the staff report, allowing industrial services as a restricted land use within the I-P Zoning District subject to certain limitations, and with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

## **SECTION III. PROPOSAL AND BACKGROUND INFORMATION**

### **Background:**

This is an application to amend the Tigard Development Code, Section 18.530, Table 18.530.1, to allow Industrial Services as a restricted use in the IP zone. The restrictions would limit these uses to "Contractors and others who provide services off-site", and would further require that all activities except for vehicle parking would be within a building. This amendment will apply to all property in the City of Tigard that is zoned I-P.

The application is presented to address a specific situation where a site that has been leased by the applicant for use by its subsidiary Builders Services Group, which is a contractor as well as wholesaler of construction supplies. The Code amendment is proposed to address this issue as well as several other similar situations within the city.

This proposal, with the included limitations, will allow contractors in the I-P zone that are compatible with the office character of such areas. Compatibility will be ensured through a prohibition on outside storage of materials and other activities which are more suited to other industrial areas. This approach will allow contractors as a business, which are similar to existing allowed businesses in the office and wholesale categories that are already allowed in the I-P zone.

### **Proposal:**

The applicant requests amendment of Table 18.530.1 by revising the Industrial Services line to replace "N" with "R- 4,15". Note 4 currently is in place and states "Permitted if all activities, except employee and customer parking, are wholly contained with a building(s)." Note 15 is a new note to read "Limited to contractors and others that perform services off-site". Text changes to the code would appear as set forth below:

### **DCA2012-00003 INDUSTRIAL SERVICES IN THE I-P ZONING DISTRICT DEVELOPMENT CODE AMENDMENT**

#### **Explanation of Formatting**

These text amendments employ the following formatting:

~~Strikethrough~~ - Text to be deleted

**[Bold, Underline and Italic]** - Text to be added

**TABLE 18.530.1  
USE TABLE: INDUSTRIAL ZONES**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
<b>RESIDENTIAL</b>			
Household Living	R <sup>1</sup>	R <sup>1</sup>	R <sup>1</sup>
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
<b>CIVIC (INSTITUTIONAL)</b>			
Basic Utilities	C <sup>14</sup>	C <sup>14</sup>	P
Colleges	N	N	N
Community Recreation	C <sup>10</sup>	C <sup>10</sup>	C <sup>10</sup>
Cultural Institutions	N	N	N
Day Care	R <sup>3, 9</sup>	R <sup>3, 9</sup>	R <sup>3, 9</sup>
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
<b>COMMERCIAL</b>			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R <sup>2</sup>	N	N
Major Event Entertainment	N	N	N
Outdoor Entertainment	P	N	N
Indoor Entertainment	P	N	N
Adult Entertainment	N	N	N
Sales-Oriented	R <sup>2</sup>	N	N
Personal Services	R <sup>2</sup>	N	N
Repair-Oriented	P	N	N
Bulk Sales	R <sup>4, 11</sup>	N	N
Outdoor Sales	N	P	P
Animal-Related	P	P	P
Motor Vehicle Sales/Rental	R <sup>4, 12, 13</sup>	P	P
Motor Vehicle Servicing/Repair	C	P	P
Vehicle Fuel Sales	P	P/C <sup>7</sup>	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P

**TABLE 18.530.1 (CON'T)**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
<b>INDUSTRIAL</b>			
Industrial Services	<del>N</del> <b>R<sup>4,15</sup></b>	P	P
Light Industrial	P	P	P
General Industrial	N	P	P
Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R <sup>4</sup>	P	P

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

- 1 A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- 2 These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- 3 In-home day care which meets all state requirements permitted by right.
- 4 Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- 5 When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- 6 See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- 7 Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- 8 Explosive storage permitted outright subject to regulations of Uniform Fire Code.
- 9 Day care uses with over five children are permitted subject to an Environmental Impact Assessment in accordance with Section 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor open space setbacks.
- 10 Limited to outdoor recreation on (1) land classified as floodplain on City flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2) land located outside the floodplain as shown on City flood maps, when the recreation use is temporary and does not otherwise preclude allowed uses or conditional uses other than recreation within the district.
- 11 These limited uses, shall only be allowed in IP zoned property east of SW 72<sup>nd</sup> Avenue. These uses, separately or in combination shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- 12 These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- 13 This use limited to boat sales/rental only.
- 14 Except water and storm and sanitary sewers, which are allowed by right.
- 15 Limited to contractors and others who perform services off-site.**

## **SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS**

### **APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE**

**Tigard Development Code Section 18.380.020, Legislative Amendments to this Title and Map, states that legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.**

The proposed text amendment would apply to all I-P zoned lands within the City. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council.

**Section 18.390.060.G establishes standard decision-making procedures for reviewing Type IV applications. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors: 1) The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; 2) Any federal or state statutes or regulations found applicable; 3) Any applicable METRO regulations; 4) Any applicable comprehensive plan policies; and 5) Any applicable provisions of the City's implementing ordinances.**

Findings and conclusions are provided below for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based.

#### **1) The Statewide Planning Goals and Guidelines adopted under ORS Chapter 197**

##### **Statewide Planning Goal 1 – Citizen Involvement:**

**This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.**

This goal outlines general procedures for citizen involvement in the plan and ordinance adoption and amendment process. The Tigard Development Code includes provisions which have been acknowledged by the Land Conservation and Development Commission (LCDC) as being compliant with this goal, and their enforcement will ensure Goal compliance in the proceedings. Since this is a legislative process that affects all property zoned I-P, the City will publish notices in the newspaper and through normal agency and interested party notification methods, prior to each public hearing. The hearings will provide the opportunity for comments, and the participants will have the right to appeal the decision. These steps will result in compliance with Statewide Goal 1.

##### **Statewide Planning Goal 2 – Land Use Planning:**

**This goal outlines the land use planning process and policy framework.**

As noted above, LCDC has acknowledged that the City of Tigard Comprehensive Plan and implementing ordinances comply with the Statewide Planning Goals. Since Goal 2 establishes the planning processes and policies, which are not affected by this code amendment, the proposal will not affect their continued compliance.

##### **Statewide Planning Goal 9 – Economic Development:**

**This goal seeks to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

This goal and its policies ensure that local regulations provide opportunities for economic activities and the health of the economy. This proposal explicitly implements the goal through allowing business in the I-P zone that is compatible with other provisions of the Comprehensive Plan and Development Code. Without this code amendment a significant opportunity for business location in Tigard would not be possible.

**FINDING:** The Land Conservation and Development Commission has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The proposed text amendment's consistency with the Comprehensive Plan's Citizen Involvement, Land Use Planning, and Economic Development goals and policies are discussed above. Based on the findings above, staff finds that the proposed code amendment is consistent with applicable Statewide Planning Goals. The remaining Statewide Planning goals do not apply to this

application since they relate to other specific areas to be considered in the comprehensive planning process rather than to the procedural and economic considerations which are the focus of this application.

## **2) Applicable Federal or State Statutes**

Federal statutes are generally broad and not directed to this type of local action, and it is clear that none apply to the case at hand. State statutes that may have applicability to this application are those within the jurisdiction of the Department of Land Conservation and Development. Of those, the Statewide Planning goals are most applicable and are addressed above. The other applicable rules are contained in OAR 660-012, relating to transportation. Within this regulation, only the provisions related to amendments to other plans and codes as provided by section 660-012-0060 apply to this proposal. This section provides that if an amendment to an existing land use regulation would significantly affect a transportation facility, the local jurisdiction must put in place certain measures. "Significantly" is defined as a change in the functional classification of an existing or planned facility, a change in implementing standards, or increase traffic to the extent of creating access or capacity conflicts. In the case of this proposed change, the addition of contractors' offices as a restricted use will not introduce uses which are not anticipated by the transportation system. The IP zone already allows contractors offices as an office use provided that equipment and materials storage does not constitute over 50% of floor area occupancy. A contractor office that would be allowed as a result of this proposal would have less than 50% of floor area in office use and therefore would have a lower traffic demand than those already allowed.

Staff recommends modification of the request to not include Note 15, which would limit the Industrial Service type uses to contractors and others who perform work on site. The effect would be to allow all types of uses that repair and service machinery, equipment, products or by-products in a centralized manner for separate retail outlets. A comparison of PM Peak trip generation rates suggests that allowing the full range of land uses classified as Industrial Services within the I-P zone will not result in increased trip generation. At present both Office and Research and Development are allowed land use classifications within the I-P zone, generating 1.49 and 1.07 trips per 1,000 square feet respectively (Trip Generation: An ITE Information Report, 8<sup>th</sup> Edition). These are rates equal to or greater than the most similar ITE trip generation Category to Industrial Services (Code 110: General Light Industrial) which averages 1.08 trips per 1,000 square feet during the pm peak hour (Trip Generation: An ITE Information Report, 8<sup>th</sup> Edition). As such, allowing the full range of Industrial Service land uses within the I-P zone would result in similar or lower levels of traffic to two existing land uses in the I-P Zoning District.

**FINDING:** As stated above, federal statutes do not apply and the proposed amendment is consistent with applicable state statutes.

## **3) Metro Urban Growth Management Functional Plan.**

Metro's Urban Growth Management Functional Plan establishes the methods for local implementation of the Regional Urban Growth Goals and Objectives. The Functional Plan includes fourteen Titles which address various aspects of regional and local planning. Of these, only Title 4, relating to Industrial and Other Employment Areas applies to this application.

Title 4 establishes Regionally Significant Industrial Areas, Employment Areas and Industrial Areas. Within the City of Tigard none of the existing IP zoned area is within a Regionally Significant Industrial Area, but some IP zoned land is classified as Employment and Industrial. Sections 3.07.430 and 3.07.440 respectively address the protection of these areas for industrial uses. In each case the intent of the protection provisions are to avoid establishment of retail uses which would compromise the amount and/or quality of the industrial

opportunities. Since this application would allow only contractors offices in the IP zone, this change will not conflict with the Title 4 provisions and may actually better meet the intent of Title 4. Metro staff reviewed the application and confirmed that the proposed changes are in compliance with Metro Title IV requirements. This was confirmed in an email from Metro Staff member Gerry Uba to City of Tigard staff on February 21, 2013.

**FINDING:** As stated above, the proposed amendments are in compliance with the applicable portions of the Metro Urban Growth Management Functional Plan.

#### **4) Applicable Comprehensive Plan Policies**

##### **Comprehensive Plan Goal 1: Citizen Involvement**

**Goal 1.1 Provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.**

This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390, as documented in the project file. This includes mailing notice of the required public hearings to the interested parties list and affected agencies, and publication of the notice in the Tigard Times newspaper at least 10 days prior to the hearing. Two public hearings will be held (one before the Planning Commission and the second before the City Council) at which opportunity for public input is provided. This goal is met.

##### **Comprehensive Plan Goal 2: Land Use Planning**

**Goal 2.1: Maintain an up-to-date Comprehensive Plan, implementing regulations and action plans as the legislative foundation of Tigard's land use planning program.**

**Policy 2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.**

The first section of this chapter of the Comprehensive Plan addresses the establishment of the planning process and maintenance of the implementing documents, as required by Statewide Goal 2. The majority of the policies and action steps relate to City initiated procedures rather than to individual applications. Several policies do address the review of applications to amend the Comprehensive Plan Map and Zoning Map, but these are not applicable to the proposed Development Code amendment. Therefore, the provisions of this section of the Comprehensive Plan apply only in a very general sense, and implementation of the process provided by the Development Code will ensure compliance. This policy is met.

##### **Comprehensive Plan Goal 9: Economic Development**

**Goal 9.1: Develop and maintain a strong, diversified, and sustainable local economy.**

**Policy 2: The City shall actively encourage businesses that provide family-wage jobs to start up, expand, or locate in Tigard.**

**Policy 3: The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available.**

**Policy 7: The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.**

Goal 9.1; Policy 2 is a statement of intent to encourage family wage job creation and maintenance. The proposed IP zone amendment will implement this policy through providing additional opportunities for employment related to construction which otherwise would be restricted.

Goal 9.1; Policy 3 indicates an intent to maintain flexibility in regulations which promote economic development. Approval of this IP zone amendment would acknowledge and implement this policy by making a change which will increase employment opportunities.

Goal 9.1; Policy 7 states an intent to promote actions which result in better utilization of industrial areas. This policy is implemented by adding an additional restricted use in the IP zone, which clearly is needed and opportunistic in addressing currently available opportunities.

Modification of the proposal to remove Note 15, as discussed in Section V below, would strengthen compliance with Policies 2 and 3 above, by encouraging a greater range of businesses in the I-P zone and providing greater flexibility and adaptability in order to promote economic development opportunities within the I-P zone, and removing potential inefficiencies in the utilization of industrial lands within Tigard.

FINDING: As shown in the analysis above, staff finds that the proposed code amendment is consistent with the applicable goals and policies in Tigard's Comprehensive Plan.

## 5) Applicable Provisions of the City's Implementing Ordinances

### Chapter 18.530 – Industrial Zoning Districts

#### 18.130.070 Industrial Use Categories

##### C. Industrial Services.

1. **Characteristics:** Industrial Services are uses that repair and service industrial, business, or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Includes contractors, building maintenance services and similar uses that perform services off-site. Few customers, especially the general public, come to the site.
2. **Accessory Uses:** Accessory uses may include offices, parking, storage, loading docks, and railroad lead and spur lines to allow the loading and unloading of rail cars.
3. **Examples:** Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.
4. **Exceptions:**
  - a. Contractors and others who perform services off-site are included in the Office category if equipment and materials storage does not constitute 50% or more of occupied space and fabrication or similar work is not carried out at the site.

Subsection 18.130.070 (C) defines Industrial Services and indicates that contractors are included in this category. Subparagraph 4(a) indicates that contractors are classified as "office" if storage is less than 50% of the occupied floor area and there is not on-site fabrication. The proposed code amendment does not propose to change the definition of this Industrial Use Classification, just expand its use within the I-P zone by removing the limitation on equipment and materials storage.

#### 18.530.010 Purpose

- A. **Provide range of industrial services for City residents.** One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they

choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

- B. Facilitate economic goals.** Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

Subsection A states that one purpose is to "Provide a range of industrial services for city residents". Allowing contractors offices and similar industrial services type land uses will achieve this purpose through increasing opportunities for employment in these areas. Subsection B indicates that an additional purpose of the industrial zones is to facilitate economic goals, which as described above is also achieved by this proposed revision.

#### **18.530.020 List of Zoning Districts**

- A. I-P: Industrial Park District.** The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

The proposed code amendment would allow industrial land uses, as defined in TDC 18.130.070.C and discussed above, subject to a restriction that all activities be contained entirely within the building save for customer and employee parking. This restriction will result in consistency with the purpose statement for the I-P zoning district in that it will maintain the campus-like setting and will prevent off-site impacts.

**FINDING:** As shown in the analysis above, staff finds that the proposed text amendment is consistent with the applicable provisions of the City's implementing ordinances.

### **SECTION V. STAFF CONCLUSION & RECOMMENDED MODIFICATIONS**

As proposed, the application will narrowly expand the permitted uses in the IP zone in order to address a recurring issue in the ability for contractors offices to locate in such areas. The public facility impact of this change is insignificant because facilities in which office floor area is over 50% of the total occupied are already allowed. Similarly, the functional and aesthetic qualities of the IP zone are maintained since the use will be restricted to prevent outside storage of materials. By imposing restriction No. 4 which requires all activities, except employee and customer parking, to be wholly contained within a building(s), any potential for aesthetic or other off-site impacts will be prevented. The preceding narrative shows that all criteria for approval for this application have been met.

That said, staff recommends that the requested amendment be modified to eliminate the proposed Note 15 which limits Industrial Services to "contractors and others that perform services off-site." Staff finds this restriction unnecessary to ensure consistency with the intent of the I-P Zoning District, whose intent is to preserve a campus like feel and prevent off-site impacts. Moreover, as demonstrated in the findings above, Note 15 would prevent the efficient utilization of industrial lands.

**SECTION VI. ADDITIONAL CITY STAFF & OUTSIDE AGENCY COMMENTS**

**Metro** reviewed the application and in an email dated February 21, 2013, found it consistent with Title IV of the Metro Urban Growth Management Functional Plan.

**DLCD, Tualatin Valley Fire & Rescue, Clean Water Services, City of Beaverton, City of Durham, City of King City, City of Lake Oswego, City of Portland, City of Tualatin, Metro, and ODOT** were notified of the proposed code text amendment but provided no comment.

\_\_\_\_\_  
PREPARED BY: John Floyd  
Associate Planner

\_\_\_\_\_  
March 11, 2013  
DATE

\_\_\_\_\_  
APPROVED BY: Tom McGuire  
Assistant Community Development Director

\_\_\_\_\_  
March 11, 2013  
DATE

**CITY OF TIGARD  
PLANNING COMMISSION  
Meeting Minutes  
March 18, 2013**

**CALL TO ORDER**

President Anderson called the meeting to order at 7:02 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**ROLL CALL**

**Present:** President Anderson  
Vice President Rogers  
Commissioner Doherty  
Commissioner Feeney  
Commissioner Fitzgerald  
Commissioner Gaschke  
Commissioner Muldoon  
Commissioner Schmidt  
Commissioner Shavey

**Absent:** None

**Staff Present:** Kenny Asher, Community Development Director; Tom McGuire, Assistant Community Development Director; Doreen Laughlin, Executive Assistant; John Floyd, Associate Planner; Marissa Daniels, Associate Planner

**Also Present:** Council Liaison Gretchen Buehner

**COMMUNICATIONS**

**Commissioner Muldoon** shared that he'd learned some things by sitting in on a Q&A from the Land Use Board of Appeals (LUBA). He noted that one thing he'd learned was that it's particularly important to be very clear with the written language, for example, if an *aspirational* statement like "The City shall..." is written into something, LUBA takes that quite literally; the written word in documents needs to be very clear and, if it's not meant to be literal - but simply aspirational, it needs to be clearly and carefully worded that way.

**Councilor Gretchen Buehner** introduced herself as the new Council Liaison to the Planning Commission and told them about her background and what she believes her role is. She said she believes the problems that arose between the Council and the Planning Commission last year were attributable to lack of direct communication – too much of it went through staff. She would like to make sure there's better communication. She'd like to go out to coffee or

lunch with Tom [McGuire, Assistant Community Development Director] once in a while so she has a better idea of what the commission is doing.

Commissioner Buehner shared some ideas as to how she would like to see the Commission's role expanded to include reviewing residential land use cases.

As an aside, before leaving, Councilor Buehner mentioned that Marissa Daniels would be giving the Commissioners a report later in the evening on the Tigard Goal 10 Population & Housing Review. She said she'd been taken aside by the President of the Homebuilders Association earlier in the day, and that he was concerned that the Minority Report from the committee would not be presented to the Commission. She suggested that he be asked to testify when this comes to a public hearing.

## **CONSIDER MINUTES**

**February 4<sup>th</sup> Meeting Minutes:** President Anderson asked if there were any additions, deletions, or corrections to the February 4 minutes; there being none, Anderson declared the minutes approved as submitted.

## **PUBLIC HEARING - OPENED**

### **MASCO DEVELOPMENT CODE AMENDMENT - DCA2012-00003**

**REQUEST:** The amendment would alter Land Use Table 18.530.1 (Industrial Zones) to change Industrial Services from a prohibited land use to a restricted land use within the I-P: Industrial Park Zoning District. The complete text of the currently proposed amendments can be viewed on the City's website at [http://www.tigard-or.gov/city\\_hall/public\\_notices/](http://www.tigard-or.gov/city_hall/public_notices/)

**LOCATION:** All properties located within the I-P: Industrial Park Zoning District

## **QUASI-JUDICIAL HEARING STATEMENTS**

President Anderson read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; there were no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: None. No challenges of the jurisdiction of the commission; no conflicts of interest.

## **STAFF REPORT**

Associate Planner John Floyd introduced himself and went over the staff report. [Staff reports are available one week before the meeting.] John also went over a PowerPoint presentation (**Exhibit A**).

## **STAFF FINDINGS:**

- ▶ Proposal is consistent with approval standards for Development Code Amendments
- ▶ Insignificant public facility impact
- ▶ Resolves a frequent land use issue

- ▶ Creates more opportunity for Industrial Services wanting to locate in Tigard (400 Acres)
- ▶ May return some long-standing businesses to conforming status (Ord. 98-19 removed all building related business from I-P Zone)
- ▶ Restriction #15 unnecessarily restrictive
- ▶ All industrial services are potentially consistent with I-P zoning district through Restriction #4.
- ▶ Public facility impacts not anticipated if Restriction #15 removed.

## **STAFF RECOMMENDATION**

That the Planning Commission finds in favor of the proposed amendments and associated staff report, with any changes as determined through the public hearing process, and recommends approval to the Tigard City Council.

## **APPLICANT PRESENTATION**

Lans Stout, Planning Consultant, 7650 SW Beveland, Tigard - and representative for the applicant, said his client went this route because they had actually signed a lease on a space without asking the right questions. They decided the best thing to do would be to make this proposal to help them and the City of Tigard as well – clean up this problem. The proposal is fairly narrow to address simply the problem with contractors; however, they are perfectly fine with broadening it; if the Planning Commission feels it's appropriate to broaden it as staff recommends, they're fine with that. Overall, the staff report is comprehensive, the findings are well done, and they would support them. He asked if there were any questions of him. There were no questions.

## **COMMENTS/QUESTIONS OF STAFF**

So you believe Restriction #15 is unnecessarily restrictive? *We believe so. How many of these do you see a year? A year is hard to say; however, I can say we see several monthly; it's a frequent issue. Staff was happy to see this change applied for; it's a change that would have eventually been recommended.*

**TESTIMONY IN FAVOR** – None

**TESTIMONY IN OPPOSITION** – None

**PUBLIC HEARING - CLOSED**

## **DELIBERATIONS**

There was a consensus that this looks to be a good idea that adds flexibility – and also that economic development is good for Tigard. Regarding Restriction 15 – the consensus was that it's really just an unnecessary obstacle, as the next person might not be a contractor.

## MOTION

Commissioner Muldoon made the following motion, seconded by Commissioner Richard Shavey:

**“I move the Planning Commission forward a recommendation of approval to the City Council of application DCA2012-00003 and adoption of the findings and conditions of approval contained in the staff report as modified by the removal of Condition 15 in Table 18.530.1 – such condition already adequately addressed by Condition 4 which requires all activity be wholly contained within buildings.”**

**A vote was taken and the motion passed unanimously.**

## **BRIEFING: Pending amendments to wetlands regulations**

John Floyd, Associate Planner, said he was there to give a heads up to the Planning Commission on another Development Code Amendment that would be coming before them in May.

- There would be a narrow exemption for Public Works to allow them to expand or construct specified public facilities within or near significant wetlands – but only if they obtain all necessary permits from the Corps, DSL, and CWS.
- This is intended as a stop-gap measure until the City can perform significant updates to the sensitive lands chapter.
- The issue is that current wetlands regulations require complete avoidance of a wetland AND its associated buffer, or to go through a Comprehensive Plan Amendment to remove all protections for the wetlands.
- There is no middle ground for projects that have made every attempt to reduce and mitigate their impact.
- A good example is the planned construction of a sidewalk along 92<sup>nd</sup> Avenue, between the high school and the parking lot of Cook Park.
- Because significant wetlands come up to the boundary of the pavement on both sides of the road, the city cannot construct the sidewalk without amending the Comprehensive Plan. This adds at least \$40,000 to the cost of the project, and would result in less protection for the wetlands, not more, when the project was done.
- Very early drafts at this stage; still working with the City Attorney and Public Works.
- Will be reaching out to other agencies and interested parties before coming before the Commission.

## 10 MINUTE RECESS

## **WORKSHOP: Tigard Goal 10 Population & Housing Review**

Marissa Daniels, Associate Planner, introduced herself and Matt Hastie, Project Manager, from Angelo Planning who went over a PowerPoint to provide an overview. **(Exhibit B)**.

### **Key Findings:**

- Tigard has enough land to meet 20-year housing needs
- Future needs include high percentage of ownership units and a relatively even split between single-family detached homes and other types of housing
- Continued need for housing at full range of prices
- Demographic issues include aging population, “millennial” generation, diminishing household size, immigration and workforce housing needs

### **Housing Strategies Summary:**

- Comprehensive Plan policy and Code updates
- Location-specific recommendations – River Terrace, Downtown, Tigard Triangle, Washington Square, other mixed use or transit oriented areas
- Other non-regulatory strategies – partnering, coordination, informational materials
- Administrative and funding recommendations – staffing, affordable housing role, financing

### **Comprehensive Plan Amendments:**

- Update Housing Chapter of Comprehensive Plan
  - Revise narrative
  - Replace findings with more current information
  - Modest updates to policies and actions
  - Reference Housing Strategies Report
  - Adopt coordinated population forecast
- Update Land Use Planning Chapter of Comprehensive Plan
  - One additional policy is proposed

### **Development Code Amendments:**

- Provide clear and objective standards
  - Eliminate discretionary design standards that apply to needed housing

### **Planning Commission / Council Actions:**

- Adopt Comprehensive Plan amendments
- Adopt clear and objective standards Code amendments
- Adopt new coordinated population projections

## **QUESTIONS**

Has there been any feedback and, if so, was it contentious at all? *No – the feedback has been positive.*

Vice President Rogers recalled that Councilor Buehner earlier in the evening had talked about the Homebuilder's Association (HBA) President being concerned about information from a Minority Report not being presented. Rogers asked for clarification on that. Marissa Daniels answered: "This was the first time I'd heard anything about that." President Tom Anderson, who had also been at that meeting, said he'd not heard anything about it either. Marissa will give the HBA President a phone call, check to see what/if there are concerns and would report back to the Commission.

Matt Hastie said he couldn't think of any instances where they hadn't implemented the recommendations that had come from the HBA Representative. He said there may have been a couple of little things where they'd said something like "Well, you know, you can also think about this... but it's not a big deal." "For the most part," Mr. Hastie said, "we really did reflect what we heard from everybody there in the report."

Marissa said, to her knowledge it had not been contentious, and that she would get back to the Commission on this.

## **OTHER BUSINESS**

Tom McGuire was congratulated and applauded by President Anderson, and the other commissioners, on his new *permanent* position as Assistant Community Development Director. Tom thanked them and said he had two items to bring up to the commission. One is that the idea had been brought out in an earlier Planning Commission 2013 goals discussion to have, in addition to the goals they'd decided on, some sort of training, presentation, or field trip, on a quarterly basis - and that the Commissioners had agreed that this was a good idea. He mentioned the upcoming Land Use Training on March 21 would count as the first of those, and that he wanted to talk about possibilities for some of the others that would occur later in the year. He said a good field trip possibility would be to take a tour of the River Terrace area some evening this summer. There would be a lot of interest and activity in the next 12 to 14 months surrounding River Terrace, and that it would be good to have some direct knowledge of the area. He mentioned that Commissioner Shavey had written an email with several additional suggestions and that they're looking at many different possibilities. He asked for some direction from the Commission. President Anderson noted there wasn't a budget for this but that if anyone had any other ideas, they could email Tom McGuire. Vice President Rogers said he didn't think there was a need to schedule everything immediately. The only thing that is time sensitive is the River Terrace field trip - in that it should be done in the summer while it's still light out in the early evening.

The second item Tom McGuire wanted to mention was regarding Cost Co. He said Cost Co is looking to do some expansion on their site (a gas station) and that they have a design issue due to it being close to the road. Cost Co would like to take the option of having a Design Evaluation Team look at this. A sub-committee would need to be formed, and they're looking for three volunteers from the Planning Commission to serve on it. The design team would work with Cost Co - review their plans, and provide some design advice that staff would consider. It would come back to the Planning Commission as part of their application for

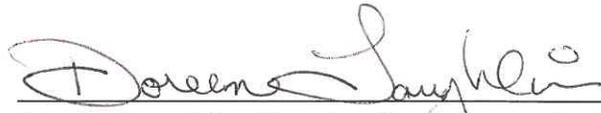
review. The sub-committee would provide recommendations to the full Commission when that project came before them.

This would be the first time that Tom McGuire is aware of, that anybody has asked to take advantage of the Design Evaluation Team option. He said there's a similar system in place for Downtown.

President Anderson asked if there were any engineers or architects on the commission who would like to step up. Commissioners Brian Feeney, Calista Fitzgerald, and Don Schmidt volunteered to be on the team. Tom McGuire thanked them for volunteering and said he would be getting back to them with the details.

**ADJOURNMENT**

President Anderson adjourned the meeting at 8:40 p.m.

  
\_\_\_\_\_  
Doreen Laughlin, Planning Commission Secretary

  
\_\_\_\_\_  
ATTEST: President Tom Anderson

# CITY OF TIGARD

Respect and Care | Do the Right Thing | Get it Done



EXHIBIT A

# DCA2012-00003 MASCO

John Floyd, Associate Planner

March 18, 2013

## **Text Amendment to allow Industrial Services in I-P: Industrial Park Zone**

- ▶ Proposal to amend TDC Table 18.530.1 (Use Table: Industrial Zones)
- ▶ Changes “Industrial Services” from “Prohibited” to “Restricted” land use in I-P Zone
- ▶ Would allow building contractors to more easily locate within I-P Zone (frequent issue)

## **Text Amendment to allow Industrial Services in I-P: Industrial Park Zone**

- ▶ Contractors already allowed if less than 50% square footage dedicated to materials storage & no associated on-site fabrication
- ▶ Proposed changes would just remove this restriction on floor space

**TABLE 18.530.1**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
Industrial Services	<del>N</del> <u>R<sup>4,15</sup></u>	P	P

4. Permitted if all activities, except employee and customer parking, are wholly contained with a building(s).

15. Limited to contractors and others who perform services off-site.

## **I-P: Industrial Park District**

The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well integrated, attractively landscaped, and pedestrian-friendly.

## Industrial Services Land Use Classification

**Characteristics:** Industrial Services are uses that repair and service industrial, business, or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Includes contractors, building maintenance services and similar uses, that perform services off-site. Few customers, especially the general public, come to the site.

## Industrial Services Land Use Classification

**Examples:** welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

## Industrial Services Land Use Classification

**Exceptions:** Contractors and others who perform services off-site are included in the Office category if equipment and materials storage does not constitute 50% or more of occupied space and fabrication or similar work is not carried out at the site.

**TABLE 18.530.1**

<b>USE CATEGORY</b>	<b>I-P</b>	<b>I-L</b>	<b>I-H</b>
Industrial Services	<del>N</del> <u>R<sup>4,15</sup></u>	P	P

4. Permitted if all activities, except employee and customer parking, are wholly contained with a building(s).

15. Limited to contractors and others who perform services off-site.

## Staff Findings

- ▶ Proposal is consistent with approval standards for Development Code Amendments
- ▶ Insignificant public facility impact
- ▶ Resolves a frequent land use issue
- ▶ Creates more opportunity for Industrial Services wanting to locate in Tigard (400 Acres)
- ▶ May return some long-standing businesses to conforming status (Ord. 98-19 removed all building related business from I-P Zone)

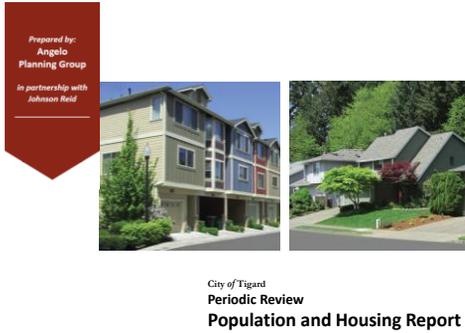
## Staff Findings Continued

- ▶ Restriction #15 unnecessarily restrictive
- ▶ All industrial services are potentially consistent with I-P zoning district through Restriction #4.
- ▶ Public facility impacts not anticipated if Restriction #15 removed.

## **Staff Recommendation**

That the Planning Commission find in favor of the proposed amendments and associated staff report, with any changes as determined through the public hearing process, and recommend approval to the Tigard City Council.

## EXHIBIT B



Planning Commission Work Session | March 18, 2013

### Project Objectives

- Meet community-wide housing needs
- Address future housing and demographic trends
- Promote housing affordability
- Go beyond state and regional requirements
- Meet the needs of an aging population
- Maintain a high level of livability
- Involve a variety of community stakeholders

Population and Housing Report | March 18, 2013

### Meeting Objectives

- Provide overview of planning process
- Discuss key housing strategies
- Obtain feedback on Comprehensive Plan and Code amendment recommendations

Population and Housing Report | March 18, 2013

### Study Components

- Analysis of existing and future housing needs
- Review of compliance with local, regional, state and federal requirements and policies
- Evaluation of development code provisions
- Assessment of location-specific objectives
- Development of Housing Strategies Report
- Preparation of proposed Comprehensive Plan and Code amendments



Population and Housing Report | March 18, 2013

## Tigard Overall Housing Goal

*“Provide opportunities for a variety of housing types at a range of price levels to meet the diverse housing needs of current and future City residents”*

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Population and Housing Report | March 18, 2013

## Key Findings

- Tigard has enough land to meet 20-year housing needs
- Future needs include high percentage of ownership units and a relatively even split between single-family detached homes and other types of housing
- Continued need for housing at full range of prices
- Demographic issues include aging population, “millennial” generation, diminishing household size, immigration and workforce housing needs




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Population and Housing Report | March 18, 2013

## State Requirements

- Meet full range of housing needs
- Allow for 50/50 split of single-family detached and other housing types
- Allow for an average density of 10 units per net acre
- Provide clear and objective standards for needed housing
- Provide enough land to meet 20-year housing needs

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Population and Housing Report | March 18, 2013

## Housing Strategies Summary

- Comprehensive Plan policy and Code updates
- Location-specific recommendations – River Terrace, Downtown, Tigard Triangle, Washington Square, other mixed use or transit oriented areas
- Other non-regulatory strategies – partnering, coordination, informational materials
- Administrative and funding recommendations – staffing, affordable housing role, financing

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Population and Housing Report | March 18, 2013

## Comprehensive Plan Amendments

- Update Housing Chapter of Comprehensive Plan
  - Revise narrative
  - Replace findings with more current information
  - Modest updates to policies and actions
  - Reference Housing Strategies Report
  - Adopt coordinated population forecast
- Update Land Use Planning Chapter of Comprehensive Plan
  - One additional policy is proposed

Population and Housing Report | March 18, 2013

## Development Code Strategies

- Increase opportunities for emerging housing types – “cottage housing” and “live/work units”
- Adjust duplex lot size standards
- Develop specific standards for attached single-family housing (townhomes) city-wide



Population and Housing Report | March 18, 2013

## Development Code Amendments

- Provide clear and objective standards
  - Eliminate discretionary design standards that apply to needed housing

Population and Housing Report | March 18, 2013

## Development Code Strategies

- Update accessory dwelling unit requirements
- Consider parking standard adjustments
- Consider height or density bonus provisions
- Address clear and objective standards issue



Population and Housing Report | March 18, 2013

## Implementation Approach

Strategy	Level of Effort	Time to Complete	Relative Impact	Notes
CA1. Update Comprehensive Plan narrative, goals, policies and action items.	Low	3-6 months	Medium	This will be accomplished as part of the current planning effort.
CA1/CA5. Adopt new code provisions for cottage clusters.	Medium	6-12 months	Medium	This will require preparation of a new code section, with review by staff, the Planning Commission, Council and possibly other stakeholders or community members. The amount of time to complete this effort will depend in large part on the scope of the proposal and the level of public involvement.
CA2. Adopt new code provisions for live/work units.	Medium	6-12 months	Low	Same comments as for CA1.
CA3. Reduce the minimum lot size for duplexes in the R-7 zone.	Low (Medium)	2-3 months	Low	This represents a fairly minor code amendment, especially if limited to duplexes on corner lots; however, even relatively minor changes to residential density can become controversial. Early communication with affected neighborhoods will determine the amount of public outreach needed.
CA4. Adopt single-family attached housing standards for use city-wide.	Medium	6-12 months	Medium	Same comments as for CA1 and CA2.

Population and Housing Report | March 18, 2013

## Planning Commission/Council Actions

- Adopt Comprehensive Plan amendments
- Adopt clear and objective standards Code amendments
- Adopt new coordinated population projections

Population and Housing Report | March 18, 2013

AIS-1305

6.

**Business Meeting**

**Meeting Date:** 05/28/2013

**Length (in minutes):** 15 Minutes

**Agenda Title:** Consider Fee Waiver for Creative Hands Cooperative Preschool

**Prepared For:** Liz Newton

**Submitted By:** Liz Newton,  
City  
Management  
Council  
Business  
Meeting -

**Item Type:** Motion Requested

**Meeting Type:** Main

**Public Hearing**

**Newspaper Legal Ad Required?:** No

**Public Hearing Publication**

**Date in Newspaper:**

**Information**

**ISSUE**

Should the city council grant a conditional use permit fee waiver to Creative Hands Preschool to locate a nonprofit cooperative preschool in Calvin Presbyterian Church at 10445 SW Canterbury Lane?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends the city council make a motion to "approve the request for a waiver of the conditional use fee for the Creative Hands Preschool."

**KEY FACTS AND INFORMATION SUMMARY**

Creative Hands Preschool, a newly formed non-profit cooperative preschool would like to open their school in Calvin Presbyterian Church for the 2013-2014 school year. Calvin Presbyterian church is located in a residential zone at 10445 SW Canterbury Lane. Churches are allowed in residential zones as a conditional use.

Preschools that are church-sponsored are allowed as an accessory use to the primary use (the church). Preschools that are not church-sponsored are allowed with conditional use approval. The fee for a conditional use permit review is \$5,722. Attached is a letter from the applicant requesting a fee waver and describing the plans for the preschool.

Tigard Municipal Code Section 3.32.070 - Exemptions - provides the authority for city council to waive or exempt fees as follows:

*3.32.070 Exemptions.*

*The City Council is authorized to waive or exempt the fee or charge imposed upon an application or for the use of City facilities and services, if a nonprofit organization requests such a waiver in writing and the Council determines that community benefit from the proposed activity outweighs the financial burden on the City. The waiver or exemption shall not excuse the nonprofit organization from compliance with other requirements of this code. (Ord. 82-72 §7, 1982).*

The applicant submitted information describing the community benefits (attached) that includes a discussion on the limited availability of nonprofit cooperative preschools in the community:

*"Amongst the many religious based, academic based, and traditional preschools located in Tigard, there are currently only two cooperative preschools. Opening Creative Hands Preschool at Calvin Presbyterian gives Tigard preschool parents in the local neighborhood, as well as*

*Sherwood and Tualatin parents a closer option for a cooperative preschool. Sherwood does not have a cooperative preschool and Tualatin only has one, which is located by Tualatin High School.*

*Creative Hands Preschool requires their teachers to have an early childhood education degree and experience, which is an important part of providing a quality preschool education. One of the two cooperative preschools in Tigard does not employ teachers with early childhood education degrees. So there is only one preschool currently in Tigard that provides a high quality cooperative preschool education by providing educated and experienced teachers."*

Staff has researched the precedent-setting potential of this request. There are approximately 19 Churches in the city located in residential zoning districts. If conditional use permit applications with fee waiver requests were submitted and granted for each one of those locations, the city would fore-go \$108,718 of permit revenue; (19 applications x \$5,722 = \$108,718.) It is highly unlikely that would occur however. A review of a listing of 84 private, nonprofit, and for-profit preschools/daycares in Tigard revealed only three housed in churches. While the list may not be complete there is no basis to assume that the city will receive a significant number, if any, similar requests for fee waivers.

**OTHER ALTERNATIVES**

1. Deny the fee waiver request.
2. Waive a portion of the fee.

**COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS**

N/A

**DATES OF PREVIOUS CONSIDERATION**

N/A

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**Fiscal Impact**

**Cost:** -  
**Budgeted (yes or no):** -  
**Where Budgeted (department/program):** -

**Additional Fiscal Notes:**

There are approximately 19 churches in the city located in residential zoning districts. If conditional use permit applications with fee waiver requests were submitted and granted for each one of those locations, the city would fore-go \$108,718 of permit revenue; (19 applications x \$5,722 = \$108,718.)

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**Attachments**

Fee waiver request

Cooperative Preschool Benefits

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April 4, 2013

Mayor John Cook  
13125 SW Hall Blvd  
Tigard, OR 97223

Dear Mayor Cook,

Creative Hands Preschool, a newly formed non-profit cooperative preschool, would like to request a fee waiver for obtaining a conditional use permit. We would like to open our school in Calvin Presbyterian Church, located at 10445 SW Canterbury Ln in Tigard, for the 2013-2014 school year and need a conditional use permit to operate at this location. We feel that the fee required to obtain a conditional use permit is exorbitant for the size and type of operation that we are proposing.

A cooperative preschool is a preschool program that is operated by a board of directors comprised of parents who take an active interest in their children's first educational experience. Parents help the teacher in the classroom, are given opportunities for education, and are involved in decision-making. There are many documented benefits for children and families that attend cooperative preschools. Creative Hands Preschool is a part of Parent Child Preschools of Oregon (PCPO), an organization which aids in the forming of new co-ops, promotes the exchange of ideas of among schools, and supports schools in running smoothly.

Creative Hands preschool is a small cooperative preschool, planning to open 2 classes, M/W/F mornings and T/Th mornings, with 18 kids in each class. As a small, parent led school, we do not have the funds to pay a large conditional use fee. We feel Calvin Presbyterian Church is a wonderful option as they housed MITCH Charter School two years ago and have great classroom and outdoor space that they would like to rent to us next year. The location would serve many families with young children in the Tigard area that are looking for a safe, fun, affordable preschool option where they can be involved in their child's first educational experience.

We tried to start our preschool three years ago, but ran in to the same difficult situation of large fees and difficulty of finding an affordable space to rent with the correct zoning and use. These obstacles are almost impossible to overcome for a small, parent led preschool looking to provide affordable tuition for local families.

We would be immensely grateful if you were able to get our request on the agenda for the business meeting this coming Tuesday, April 9. Time is of the essence since we are trying to open this September.

Thank you so much for your time and consideration. Please let me know if you have any questions or need any other information to proceed with the fee waiver request.

Melissa Parmelee  
President  
Creative Hands Preschool  
503-413-9218

Our mission:

Creative Hands Preschool is an affordable, non-profit, cooperative school. Our goal is to inspire children's creativity and foster a lifelong love of learning while growing socially, intellectually, emotionally, physically and spiritually in a play based environment. Parents work with teachers to provide a unique learning atmosphere where children learn through active exploration.

## **Parent Cooperative Preschools**

A parent cooperative preschool is organized by a group of families with similar philosophies who hire a teacher to provide their children with a quality preschool experience. The preschool is administered and maintained by the parents on a non-profit, non-sectarian basis. The parents assist the professional teachers in the classroom on a rotating basis and participate in the educational program of all the children. Each family shares in the business operation of the school, thus making it truly a cooperative venture. Parents, preschool children and their teachers all go to school together and learn together.

### **For Parents**

Parents gain insight into child behavior by observing other children. They observe how other parents and the professional teachers handle various situations and gain greater understanding and enjoyment of their own children through active participation in their education. They have the opportunity to share their experiences and expertise with others while working together in a cooperative setting. Through serving on the Board, parents learn about administration, running meetings and other skills useful to them in other areas and states of their lives. They also learn useful ideas for helping their children at home and in the world around them.

### **For Children**

Children participate in a supervised play and learning experience with children of their own age. Equipment, materials and physical facilities are scaled to child size. An opportunity is provided to interact with adults other than their own parents. The children are able to find security and a feeling of belonging in a world which is non-threatening and interested in them. Learning to respect and accept the rights and differences of others is emphasized. Children have hands-on experiences in creative arts, music, science, literature, and language geared to their needs and developmental level. Child to adult ratios are much lower than other preschools, so more small group and one on one learning can occur.

### **For the Community**

Parents and children develop an extended family with friendships they carry through their lives. Parents gain a strong sense of responsibility and develop positive self worth which carries over into every aspect of community life. The cooperative organization provides preschool experiences within the financial means of most families.

### **Limited Availability**

Amongst the many religious based, academic based, and traditional preschools located in Tigard, there are currently only two cooperative preschools. Opening Creative Hands Preschool at Calvin Presbyterian gives Tigard preschool parents in the local neighborhood, as well as Sherwood and Tualatin parents a closer option for a cooperative preschool. Sherwood does not have a cooperative preschool and Tualatin only has one, which is located by Tualatin High School.

Creative Hands Preschool requires their teachers to have an early childhood education degree and experience, which is an important part of providing a quality preschool education. One of the two cooperative preschools in Tigard does not employ teachers with early childhood education degrees. So there is only one preschool currently in Tigard that provides a high quality cooperative preschool education by providing educated and experienced teachers.