



City of Tigard  
**Tigard Business Meeting – Agenda**

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**TIGARD CITY COUNCIL** **Agenda Revised 11/20/13: Agenda Item No. 7 -Regional Transportation Planning Update Added and Agenda reordered. Agenda Revised 11/21/13 to add an Executive Session at the end of the meeting called under ORS 192.660(2)(h). On 11/26/2013, Executive Session at end of meeting also cited for the beginning of the meeting.**

**MEETING DATE AND TIME:** November 26, 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

**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

## Tigard Business Meeting – Agenda

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

6:30 PM

- STUDY SESSION

- A. Set Review Criteria and Process to Evaluate Work Performance of the City Manager

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660 (2) (h) to consult with legal counsel concerning legal rights and duties of a public body. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 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. Follow-up to Previous Citizen Communication

- B. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council) These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:  
7:45 p.m. - estimated time

A. Approve City Council Minutes for:  
• August 20, 2013

B. Authorize the Mayor to Execute an Intergovernmental Agreement with Metro for Downtown Mixed-Use Development Projects CET Grant

C. Waive Sign Permit Fees for Tigard Little League - Resolution

• *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council/City Center Development Agency has voted on those items which do not need discussion.*

4. QUASI-JUDICIAL PUBLIC HEARING - ZONE CHANGE ANNEXATION (ZCA)  
2013-00003 - OTIS ANNEXATION  
7:50 p.m. - estimated time

FILE NO.: ZONE CHANGE ANNEXATION (ZCA) 2013-00003

FILE TITLE: OTIS ANNEXATION

APPLICANT: Brian & Lorraine Otis OWNER: Brian & Lorraine Otis

REQUEST: A request to annex to the City of Tigard approximately 0.94 acres of property

LOCATION: 14031 SW Alpine Crest Way; Assessor map 2S109AB, Tax Lot 600

COUNTY ZONE: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT

CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

APPLICABLE  
REVIEW

CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

5. QUASI-JUDICIAL PUBLIC HEARING - ZONE CHANGE ANNEXATION (ZCA)  
2013-00005 - PARSONS ANNEXATION  
8:00 p.m. - estimated time

FILE NO.: ZONE CHANGE ANNEXATION (ZCA) 2013-00005

FILE TITLE: PARSONS ANNEXATION

APPLICANT: Gregory A. Parsons OWNER: Gregory A. Parsons

REQUEST: A request to annex to the City of Tigard approximately 3.14 acres of property

LOCATION: 15315 SW Bull Mountain Road; Assessor map 2S108AB, Tax Lot 1100

COUNTY ZONE: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

#### EQUIVALENT

CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

#### APPLICABLE REVIEW

CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, Goal 12, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

6. TRIMET SOUTHWEST SERVICE ENHANCEMENT PLAN PRESENTATION  
8:10 p.m. - estimated time
7. RECEIVE REGIONAL TRANSPORTATION PLANNING UPDATE 8:55 p.m. - estimated time
8. CONSIDER AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT RELATED TO THE POTSO DOG PARK PARKING LOT PROJECT  
9:25 p.m. - estimated time
9. COUNCIL LIAISON REPORTS
10. NON AGENDA ITEMS

11. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session under ORS 192.660 (2) (h) to consult with legal counsel concerning legal rights and duties of a public body. 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.
  
12. ADJOURNMENT  
9:30 p.m. - estimated time

**AIS-1538**

**A.**

**Business Meeting**

**Meeting Date:** 11/26/2013

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

**Agenda Title:** Set Review Criteria and Process to Evaluate Work Performance of the City Manager

**Prepared For:** Sandy Zodrow, City Management

**Submitted By:** Cathy Wheatley, Administrative Services

**Item Type:** Update, Discussion, Direct Staff      **Meeting Type:** Council Business Mtg - Study Sess.

**Public Hearing:** No

**Publication Date:**

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**Information**

**ISSUE**

Council decision on review criteria and process for city manager's annual performance evaluation.

**STAFF RECOMMENDATION / ACTION REQUEST**

City Council to select the review criteria and process to be used to evaluate this last year's work performance of the city manager.

**KEY FACTS AND INFORMATION SUMMARY**

**OTHER ALTERNATIVES**

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

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

*No file(s) attached.*

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**AIS-1549**

**3. A.**

**Business Meeting**

**Meeting Date:** 11/26/2013

**Length (in minutes):** Consent Item

**Agenda Title:** Approve City Council Meeting Minutes

**Submitted By:** Cathy Wheatley, Administrative Services

**Item Type:** Motion Requested

**Meeting Type:** Consent Agenda

**Public Hearing:**

**Publication Date:**

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**Information**

**ISSUE**

Approve City Council meeting minutes.

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve minutes as submitted.

**KEY FACTS AND INFORMATION SUMMARY**

Attached council minutes are submitted for City Council approval. (Dates of meetings are listed under "Attachments" below.)

**OTHER ALTERNATIVES**

N/A

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

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

[August 20, 2013 City Council Meeting Minutes](#)

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City of Tigard  
 Tigard City Center Development Agency and City  
 Council Meeting Agenda  
 August 20, 2013

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1. WORKSHOP MEETING

A. Council President Henderson called the City Center Development Agency and City Council to meetings to order at 6:32 p.m.

B. City Recorder Wheatley called the roll.

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Cook		✓
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

Staff: City Manager Wine, Assistant City Manager Newton, Finance and Information Services Department Director LaFrance, Community Development Director Asher, City Engineer Stone, Streets and Transportation Senior Project Engineer McCarthy, Sewer/Water/Storm Senior Project Engineer Murchison and City Recorder Wheatley.

C. Council President Henderson led meeting attendees in the Pledge of Allegiance

D. Council President Henderson asked for Council Communications & Liaison Reports:

Councilor Woodard said the Recreation Steering Committee met. They are in the final sessions putting together an RFP that would lay out a scope for a recreational consultant.

Councilor Woodard noted discussions will be coming up soon at the Metropolitan Area Communications Commission (MACC) regarding MACC's interactions with Comcast.

Councilor Woodard referred to the recent National Night Out event. He visited seven neighborhoods. Most of the feedback he received was positive. One concern was raised: On 105<sup>th</sup> Avenue at North Dakota Street an enquiry was made as to why there is not a walk path for the bridge. He took a picture of the structure on the Beaverton side and said this

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might be a viable option for Tigard as well. He has shared information with city staff on this matter and will forward additional information to City Manager Wine. He observed runners traveling through this area and witnessed some close calls with vehicular traffic – safety measures are needed; i.e., signs to slow traffic. Councilor Buehner recalled discussions in the past about providing walkways at this location.

Councilor Woodard noted a problem behind the former A-Boy plumbing store, which has become a gathering spot for homeless people who are often drinking alcohol and leaving behind beer cans, etc. There's also graffiti on the back of this newly painted building. He's taken pictures and will forward these to City Manager Wine. He suggested the solution would be to construct a fence to keep people out of this area.

 Councilor Snider advised he and Councilor Buehner have a joint report to make on recent activity of the Water Partnership Oversight Committee:

- The project is moving forward with activity occurring at the river intake pump station and the water treatment plant site.
- A couple of small- to medium-sized projects ran into difficulties during the bid process. Due to some pre-qualification issues, some bidders were disqualified and rejected by the partnership. Those decisions were appealed and a couple of bidders were determined to be qualified to bid.
- A different strategy has been assumed for the horizontal, directional drilling under the river. It looked as if there might only be one bidder because of the limited number of companies that do this type of work in the country. A request for proposals will be issued, which will be rated by staff followed by negotiations with one or more of the proposal submitters.
- Several additional activities on the project were mentioned, including procurement of several permits.

 Council President Henderson advised the Tigard Downtown Alliance is making progress in its formation activities. He hopes in the next couple of months there will be more to report and things are looking good for this organization's formation.

 Councilor Buehner attended the downtown Street Fair held last Saturday, which was well attended. She noted she had difficulty locating a particular vendor and suggested that maps identifying vendors' stalls would be helpful for this event in the future.

 Councilor Woodard said he also attended the downtown Street Fair and he has some suggestions for improvements when the time is right to do so. In general, he thought the event was good. City Manager Wine advised the Tigard Area Chamber of Commerce is the

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primary organizer of the Street Fair. She said staff could relay comments for improvement to the Chamber or the comments could be made directly to the Chamber.

E. Council President Henderson asked Council and Staff for Non-Agenda Items.

 City Manager Wine said the city received an invitation for training on November 7 by the Naval Post-Graduate School Center for Homeland Defense and Security Mobile Education Team. The Washington County emergency management partners have invited Tigard to participate. The invitation was directed to elected officials and department directors. The seminar will look at a catastrophic earthquake scenario.

 City Manager Wine said the Community Development Department staff is working with Linn Transit to organize a tour of their rapid bus transit operations.



2. BRIEFING ON CAPITAL IMPROVEMENT PLAN (CIP) PROJECTS

City Engineer Stone presented the staff report:

- He referred to the status report submitted to the City Council in their packet materials.
- He briefly noted the projects listed in the status report.
  - Many of the street projects are in the design phase. Some are under construction. He referred to budget numbers, expenditures and the overall percentage of completion for each of the projects. He explained that the city is partnering on some of the projects and the status report occasionally shows a disproportionate amount of money spent when correlated to the percentage of project completion.
  - The status report is a snapshot view of the events for the last quarter. The report does not reflect the actual amount of money spent over a series of fiscal years.
  - Councilor Woodard suggested including a start date of the status report would be helpful as this would assist him in discerning how well the project is proceeding. After some discussion, City Engineer Stone said he could, in the future, attach another sheet to the quarterly report summarizing the projects and schedule with major activities identified: right-of-way acquisition, permitting and construction. Engineering Manager McMillan commented staff is working on a format to show the schedule for capital improvement projects showing designs, permits, right-of-way acquisitions and construction.
  - Some of the parks projects are completed and some are in the design phase. A good portion of these projects are under construction. Construction contracts were awarded for East Butte Heritage Park, the Dirksen Nature Park, Jack Park, Fanno Creek House and the Fanno Creek Trail.
  - Water projects listed show many that are in the design, construction or permitting phases. The report shows some that are on hold because of permitting required or a circumstance that required the work to be stopped.

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- Sanitary sewer projects generally relate to upsizing of existing lines due to capacity problems or are projects included with other capital projects.
- Storm water projects include many that are associated with city facilities.

Councilor Buehner said that with the Lake Oswego/Tigard water project, once work is ready to be done at the pump station (near Bonita Road), two sets of pipes will be upgraded. She asked about the schedule for this work. City Engineer Stone said that Utility Division Manager Goodrich has identified two projects and is working on projecting when they will have to be constructed. One of the projects identified is to connect a pipeline to the 530 and 550 zone.

Councilor Woodard commented on the East Butte Heritage Park. Residents in this area, during the National Night Out, only had nice things to say about the sewer district and the park. The one negative comment was about traffic speeds in the area. City Engineer Stone said this park is about 70 percent complete.

Councilor Buehner noted when slurry seal was applied in her neighborhood, she attached notices to mailboxes in the area so people would know when their street and neighboring streets were going to be worked on. She said she heard a comment during National Night Out that the initial mailing was received and residents were aware of when their own street was going to be sealed, but were confused about when neighboring streets would be done. She suggested posting notices a week in advance on the mailbox complexes when certain areas are going to be sealed. Streets and Transportation Senior Project Engineer McCarthy said he'd make a note to do this for next year's slurry seal projects.

 Council President Henderson noted this report is for the 4<sup>th</sup> quarter ending on June 30<sup>th</sup>. Most of the projects are multi-year projects. When stating the percentage of the project done, he would like information about whether the project is on schedule as projected for the year so he would have a sense of how well the projects are progressing.

 Council President Henderson referred to the Fanno Creek House. The budget was \$65,000 and expenditures to date are now \$121,000, showing 90 percent completion. He said he noticed the budget adjustment made to accommodate the increased cost. The project has been ongoing over several years. City Engineer Stone said the increase in project work was because some of the work anticipated to be done by staff was done by the contractor.

 Councilor Snider said he found the status report to be helpful as it is easy to identify the budgeted amount versus what was spent during the fiscal year. Adding more information would be helpful if it coincides with the purpose of the report and commented on identifying what is trying to be achieved with the report.

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 Discussion followed on the reporting process and the end of the year fiscal year reconciliation where there are ending balances for the CIP projects, depending on how much of the project was completed in the fiscal year. City Engineer Stone clarified that by the nature of where the construction season falls in Oregon versus the end of the fiscal year, many times a project has just started in the 4<sup>th</sup> quarter. City Manager Wine noted efforts are underway to redefine how capital projects are budgeted.

 City Manager Wine advised the purpose of bringing this agenda item before the City Council tonight was to respond to a request for an update about the status of CIP projects. These updates are scheduled on a quarterly basis.

 Councilor Woodard said he is looking to receive enough information on the CIP projects so he can respond to constituents with as much information as possible, thereby furthering good public relations and adding to the perception of transparency in the city's operations. He added that the CIP projects represent expenditure of taxpayer dollars and he appreciates an understanding of the tool set used to prepare the report. With a few tweaks, the report format would be "perfect" for his purposes.

 Councilor Snider said he is unsure if council needs to know what the fiscal year budgeted amount is as it relates to what has been spent to date. He said the real question is, "How much have we budgeted to do the project..." and the budget year is irrelevant. He said he would like to see something that is more global in scope and, therefore, more interpretable.

 City Manager Wine acknowledged that the council, in its oversight role, probably wants to know the time period over which the project is to be completed and the amount of money budgeted and to be able to determine whether it is on time, on budget and how is the performance to deliver the project. Councilor Snider added the carryover issue is more of a budget, mechanics question and is irrelevant from an oversight perspective. Councilor Woodard offered that he was looking to determine whether the project was staying within budget or whether savings could be achieved while delivering quality work.

 Discussion followed whether the report was providing the information each of the council members were wanting. City Engineer Stone reminded City Council that the report represents a snapshot for a four-month period.  Councilor Buehner suggested staff include in the report whether the project is on budget and on time.

 City Manager Wine advised staff plans to report CIP project status on a quarterly schedule and the comments offered by the council members tonight have been useful for staff to consider information to include in these reports. City Engineer Stone said the process is evolving and he will consider the City Council comments to improve the reports.

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Council President Henderson commented that the fourth quarter report is more significant and should reflect how well the CIP projects progressed during the fiscal year. Discussion followed on the need to make it clear with regard to the projects from a budgetary and financial status perspective, especially in the fourth quarter report.



### 3. DISCUSSION ON CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT PRIORITIZATION

Finance and Information Services Director LaFrance presented the staff report: 

- The city is currently receiving input from citizens over the Internet on the next set of CIP projects.
- Once the list is made, a prioritization process is followed.
- Priorities are matched up with funding through the budgetary process.
- Council, during the process last year, requested to have earlier involvement in setting priorities. Feedback from the council was requested on a proposal for council's participation in the prioritization process. This proposal included:
  - Two hours have been set aside in the November workshop for council to work on project prioritization.
  - A method to weight input from several groups is needed. Currently each identified group is given equal weight.
  - Generally, council does not get too involved with the prioritization of sewer, storm water, and water (with exception of the partnership) projects. Most of the council members' involvement interests are in the streets, parks and capital facilities of the city campus. The November workshop focus will be in these areas.
  - Prior to the November workshop, staff will provide a written summary of each of the projects to be considered by council. During the workshop council will have a blank score sheet as they hear a brief description of proposed projects. Council will be asked to take the score sheet home and within a couple of weeks provide staff with the top five priorities within each of the systems.
  - Individual council feedback will be tallied by staff with a report to the City Council listing the overall council CIP priorities.
  - The council will have another opportunity to agree or disagree with the stated priority list.
  - City Council will have equal input to priorities provided by other parties (advisory groups and staff) who have input into the process.
  - Once the prioritization list is established, the next phase is to enter into the budgeting cycle. Staff will bring forward a proposed budget that tries to fund the highest priorities.
  - As members of the Budget Committee and then as City Council, council members will have final say on what is actually funded.

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Council discussion followed on the proposed CIP prioritization process:

-  Councilor Woodard said he thinks it is a good idea to know how other boards and committees prioritize. He noted the perspectives brought forward by each of these groups with each being privy to information that could affect how consideration should be given to a project's priority. Time is often lost when trying to find out how one project became a priority over others. Without going into a big production, he said he would like to see something built in the process that gives the opportunity to look at the prioritization of projects. He said he thinks the scorecard is a good idea. Finance and Information Services Director LaFrance summarized Councilor Woodard's suggestion to have the staff and other groups go through the prioritization process and then submit this to the City Council along with the scorecard.
-  Councilor Buehner said the special boards and committees are focused on a certain area. Traditionally, it has been the City Council's responsibility to seriously consider the input from the boards and committees; they should have more weight in the priority setting. The City Council does not have the same in-depth knowledge the specialists possess. Years ago, the Planning Commission was being under-utilized and the council made one of the commission's assignments to conduct a review and hold a public hearing on the proposed CIP. This process worked well. She suggested the city go back to using the Planning Commission to review the CIP. Councilor Buehner noted the great amount of time it will take to educate council on all of the proposed projects. She views her job on the council to oversee the "large picture."
-  Councilor Snider acknowledged the proposal from Finance and Information Services Director LaFrance was thoughtful and logical. With regard to the consideration of how to weight the input to follow up on Councilor Buehner's points, he suggested that community boards should have 50 percent, council 25 percent and staff 25 percent. He said he also saw the validity of Councilor Woodard's proposal for more of a council review and final veto opportunity on the proposals forwarded from the other groups. He noted Councilor Woodard wanted to have input because of information the council might have that other groups might not; however, it would be difficult to quantify these factors. Using a rigorous ranking process to guide prioritization sometimes results in a priority list that ends up being different than what you thought it would be.
-  Council President Henderson said he would like to see information for the council to review to determine if the list makes sense when compared to the strategic plan. This is the council's responsibility and he would not envision a totally different priority list from what is submitted to the council.
-  Councilor Woodard explained he did not want to have "veto" rights on the CIP priority list. In his early service on the council he saw there were gaps due to a lack

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of cross-pollination of information among the groups. He is looking for a better way to bring all the information together and for an opportunity prior to the budget process to gain more understanding of the prioritization lists offered by the boards and committees.

 In response to a question from Council President Henderson, Finance and Information Services Director LaFrance advised that whatever process is put into place, we can take the final prioritization and present it to the City Council. The council can then decide to whether to accept, enhance and/or make changes to the list. City Manager Wine explained that in the past, by the time the proposed budget is presented, so much has gone into the ranking of projects and the input of boards that it seemed “late” to make any changes. The purpose is to give council an earlier opportunity for input.

 City Manager Wine said the current phase of the CIP is the “call for projects.” This means that anyone in the city can send a message to the City Engineer suggesting a project for the CIP. This phase will be over at the end of September. After this process, staff could report to the council the results of the call for projects. Another proposal would be, at the point when the prioritization process with the boards and commissions is complete, staff can report the results to the City Council providing a window into the prioritization process.

 Councilor Buehner again referred to the previous use of the Planning Commission and gave more detail on how that process worked. After the hearing, the commission’s recommendation would be forwarded to council and placed on an agenda well in advance of when the proposed budget was released. Councilor Snider cited the fundamental purpose of the request by council was to have an opportunity to have final review of the proposed priorities. Councilor Buehner offered another way to keep council informed about perspectives of the boards and committees would be to have council liaisons provide other council members with a written review.

 Assistant City Manager Newton was on staff when the Planning Commission was utilized as Councilor Buehner described. The situation at that time was different – there was no active Park Board, there was no Transportation Committee and the Planning Commission served in the role of providing a lot of those types of oversights. She said she thought it worked well for the citizens to get access to the process. Street projects received the most input. The difficulty for staff was that they did not get input on sewer, water, storm or on parks. There was a hole in the CIP process.

 Councilor Buehner said her support of the Planning Commission process was because it was a way to keep the public involved.

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 Finance and Information Services Director LaFrance acknowledged the staff does not go out to the public as a whole to weigh-in on priorities. The current process is to utilize the representatives of the public that council has appointed to the advisory groups by asking them to participate in a prioritization process. The Planning Commission members have advised staff that they have representatives serving on other boards and committees and they are comfortable with the process in place.

 4. RECEIVE BRIEFING ON A REQUEST TO ABANDON LOCAL IMPROVEMENT DISTRICT (LID) NO. 1

 City Engineer Stone presented the staff report. Key points:

- He outlined the status of LID No. 1 for the Tigard Triangle.
- He provided background information on the LID:
  - District was formed in 2008 for improvements along 68<sup>th</sup>, 69<sup>th</sup>, 70<sup>th</sup> as well as Dartmouth.
  - The majority of the property owners formed the LID.
  - Current staff has researched this matter. They met with former City Engineer Gus Duenas who reported that just after this LID was formed the economy fell.
  - At the request of one property owner, the project never moved forward to the design phase. Construction plans have not been completed. A minimal amount of right of way was acquired from one of the LID participants.
- He advised he received requests from a couple of the property owners that the city officials give a status update of the LID and determine whether to proceed with the construction of the improvements. The LID could be abandoned or the LID could remain in place until such time there is interest by the participants to move forward.
- The purpose tonight is to determine what the council's pleasure is with regard to what should be done with this LID. Another public hearing could be held on the issue.

 Council questions and discussion:

- Councilor Snider asked who originally prompted the creation of this LID? City Engineer Stone said he understands the driving force behind the formation of this LID was Specht Development. They control a significant portion of the impacted properties.
- Councilor Woodard commented that he has no experience in reviewing LIDs. He said he needs time to gather information.
- City Engineer Stone advised he has heard from two property owners that they would like to have the LID abandoned. Mr. Specht contacted City Engineer Stone saying he does not want the LID abandoned and prefers to have it remain in its current state; formed, but inactive.
- Councilor Buehner advised she was on the City Council when this LID was formed. There were plans for major redevelopment, especially by Mr. Specht. She agreed that the

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“economy tanked” but it is finally starting to come back. At this time, her inclination is to leave the LID in its current state to see what happens in the next year or two.

- Councilor Woodard asked for information about what type of commitment is made by the city when an LID is formed. Staff responded:
  - City Engineer Stone: The original estimates for the construction costs for the LID were \$2-2.5 million. Additional soft costs would raise this amount to about \$3 million.
  - City Manager Wine: The mechanics of an LID were reviewed. Once the district is created, the improvements are made and then the property owners are assessed to their proportionate benefit. The assessments represent the share the property owners pay towards these improvements. She acknowledged to Councilor Woodard, that this is similar to how the sewer reimbursement districts are administered.
  - City Manager Wine: The types of improvements an LID provides include streets, sidewalks and connections to utilities.
  - City Engineer Stone: In response to a question from Councilor Woodard, he said he understands that the only way a property can be removed from the LID is to hold a public hearing with proper notifications made. At least two-thirds of the property owners must be in agreement.
- Councilor Snider noted several property owners are present and suggested they each be given two to three minutes to present their perspective on this LID. Consensus of the council was to allow the property owners to speak on this matter.
- In response to a question from Council President Henderson, City Engineer Stone said the construction would be done through a public contract and would be built using the same process the city follows for a capital improvement project. The money would be budgeted and then the city would proceed with the construction of the improvements. The city fronts the costs of the construction, which is repaid by the property owners through assessments. City Engineer Stone explained there are three options:
  - The city can front all of the money for construction.
  - The city can pre-assess the local improvement district based on the estimate.
  - The city can post-assess and the city would sell bonds.



#### Comments from property owners from LID No. 1:

- Kazem Nadri advised he and his wife own property at the following location in the Tigard Triangle: 11905 SW 69<sup>th</sup> Avenue. They did not advocate the LID at time of formation in 2008. They have the smallest piece of property within the LID and purchased this property for their future retirement plans. The amount of their assessment was a hardship. He said the property is falling apart and they need to do some improvements on their own. If the city reconsiders the LID, he and his wife would proceed with improvements required by the city as they set about to remodel.
  - Council President Henderson asked City Engineer Stone if he had any comments on this testimony. City Engineer Stone said he did not have knowledge or the condition

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of Mr. Nadri's property. He referred to the LID map and noted Mr. Nadri's property has frontage along 69<sup>th</sup> Avenue (Tax Lot 7601) so some of the planned improvements would encompass this property.

- John Kearney advised he lives in Portland, Oregon. He is one of the owners of Dartmouth Townhomes. This property abuts Dartmouth Street, between 69<sup>th</sup> and 70<sup>th</sup> Avenues. He said he and his partners purchased the property in 2005. They received city approval for seven condominiums. Immediately after they were approved, the LID was formed and they learned they were going to be assessed \$140,000.

At the time Mr. Kearney purchased the property it was "finished all the way around the perimeter." They were asked to widen Dartmouth Street to the benefit of the city and not to them. They were also asked to re-do the street, curbs and gutters that they had already paid to have put in. At the time, he said Councilor Buehner suggested that something be done for them because of the improvements already completed. Mayor Dirksen at the time said that because they were only residential use (commercial rights had been transferred), some consideration should be made.

Mr. Kearney said at this time there are no plans for the LID work to be done. The property owners are unable to have the work done themselves. He said this property has been for sale for nearly five years. The Specht property has also been listed for sale for several years.

He noted there is no cost estimate nor is there a timeline for the work to be completed. They are trying to sell the property and there are no buyers. Mr. Kearney said they bought the property for \$500,000 and it is on the market now for \$125,000 because they have had to lower the price because of the \$140,000 LID assessment. Their project can no longer be built because their approvals have expired. He added he thought the LID was a great idea, but they have already done their job in beautifying their property on the perimeter. He said they would like to be excluded from the LID. In response to a question from Councilor Buehner, he clarified they are requesting their entire property be excluded from the LID.

In response to a question from Councilor Snider about the boundaries of the LID, City Engineer Stone advised there were a couple of parcels that front on Dartmouth that are part of the LID and are not contiguous to the rest of the LID area because some of the improvements were done.



- Greg Specht, 15325 SW Beaver Creek Court, Beaverton, Oregon, advised his company was the petitioner in 2006 for this LID. This followed the previous Tigard Triangle LID created in 1999 for land south of Dartmouth on SW 69<sup>th</sup> Avenue on which they developed the 123,000 square foot Tigard Corporate Center. The project was built on speculation in 1999 and they still own the project. This project would not have occurred without this LID.

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The current LID took about two years to process and there was a significant amount of money spent by them and the city to get the LID to this point. The LID followed all of the procedures required and then the economy downturned. Specht planned to build a 70,000 square foot building that received land use approval by the City of Tigard; however, this was “put on the shelf” in late 2007.

Mr. Specht said the LID is a valuable tool that the City of Tigard can use to improve land within the Tigard Triangle that needs improvement. He said there have been a lot of time, effort and money that went into the creation of the district. There are a lot of studies going on right now. The Triangle is a key piece of the ongoing high capacity transit study. He noted the Tigard Triangle Strategic Plan is going on now as well. Mr. Specht said it would be short-sighted to abandon the LID at this time as it would benefit the city as did the 1999 LID.

He said he was unaware of the circumstances for the two other property owners who addressed the council this evening or what is being required of them. He said, “...there are too many moving parts in the evolution of the Triangle and the evolution of this part of the City of Tigard...to abandon the LID. There’s no cost to the City of Tigard to hang on to it.”

Mr. Specht says he owns 4.25 acres within this LID and it is not worth what he paid for it. However, with the economy is in recovery and he anticipates he will eventually develop this property. He acknowledged that this property is for sale, but it’s not going anywhere as there is not much market for this product now, which is slowly coming back.

 In response to a question from Council President Henderson, Mr. Kearney said the sewer is in Dartmouth and extends about three feet into Mr. Specht’s property.

#### Summary for next steps:

 Council President Henderson suggested this matter be taken into consideration and the property owners will be advised on what the next steps will be.

 City Manager Wine advised there is time held on the City Council agenda for this matter in September. The hope tonight was for staff to receive direction to determine if there was any consensus by the council about what they would like to see back from staff.

 Councilor Woodard commented on his understanding of the situation. One of the interested parties would like to be removed from the LID so they could make improvements and move forward. Another interested owner is concerned because of the pending assessment of \$140,000 if the LID is to move forward. He had process questions about whether there is flexibility to consider accommodation of the requests made by the property owners. City Engineer Stone advised that, assuming the project is completed and bonds sold, the city would have a lien on the property for the

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### TIGARD CITY COUNCIL MEETING MINUTES – AUGUST 20, 2013

value of assessments. Typically, this would fall under Bancrofting bonding methodology with payments due twice a year. City Engineer Stone responded to a question from Councilor Woodard and agreed that if you were living on your property and had no plans to develop your property you would still be assessed and you would be required to make payments.

City Manager Wine said the mechanism to create the district is about the proportionate benefit to each property and there is no amendment available to how the lien is structured for properties within the LID. There are options and each have an implication. These options include:

- Leave the district as it has been without having made the improvements – it is basically sitting there with no progress made.
- Abandon the LID – would mean the improvements would never be made and this tool would be lost for a means to fund improvements. Abandonment would alleviate some of the other issues the LID is creating for other property owners. There is the possibility the LID could be reconstituted in the future with a different formation. The LID formation process is lengthy.
- Go ahead with the improvements and assess the properties.

 Councilor Buehner said she commented in 2008 that, given the fact that there had already been substantial improvements placed on Dartmouth, should there be some adjustment made to recognize that those had already been constructed. At the time, the city engineer said this should be evaluated as we are ready to go ahead to decide how much that amelioration would be. But then, the economy stalled out and the LID just sat. The response was that, “yes, we should probably do something, but that something never got explored...”

 Councilor Snider said he sympathetic to the concerns of the property owners. He asked Mr. Kearney why he thought he was unable to sell the property. Mr. Kearney replied it is a combination of a lot of factors, including the pending lien on the property because of the LID. Councilor Snider referred to the unknown assessment amounts with no plans to go forward with the LID. Mr. Kearney said he heard from City Engineer Stone in July there are no plans for the LID, so the property owners cannot even arrange to have this work done independently.

 Mr. Specht commented on the effort in 2006/07, which included preliminary plans and estimates associated with those plans. There were specific improvements proposed for every piece of property. The cost of those improvements resulted in the future potential assessment for each of the properties to be applied upon completion of the LID. This information should be available in city documents. Money was spent to get through to the preliminary engineering studies to price the cost of the improvements and allocate the assessments appropriately.

 Mr. Kearney pointed out that when this was adopted, it was done under an emergency measure. He also was under a non-remonstrance, so he was precluded from arguing about the formation of the LID. This non-remonstrance was a condition of the Site Development Review

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(SDR), and this SDR has since expired, which is why he is now arguing against the LID. In response to a question from Councilor Buehner, he said they paid for an extension on the SDR and the extension was granted. When lenders saw there was a potential \$140,000 lien on the property, they said they would not finance construction of the project.

 In response to a question from Councilor Woodard, City Engineer Stone advised that when an LID is formed, an engineer's report is prepared. This report gives a rough description of where the project is, who is going to pay for it, what are the improvements and identified estimated costs. One alternative is to front the costs by the city. City Manager Wine said an LID is a financing mechanism. The city would be in a position of selling bonds to pay for the improvements.

 Council President Henderson asked if the LID could be changed. City Engineer Stone advised that the council adopted a resolution forming the LID. Specific properties required to reimburse the costs of the improvement district are named in this resolution. (City Recorder's Note: See Resolution No. 06-10, Resolution No. 07-75 and Ordinance No. 08-03.) If the boundaries are to be changed, then City Engineer Stone recommended that the council conduct another public hearing.

 Councilor Buehner said there were several other properties along Baylor Street originally proposed to be included in the LID that were excluded from the LID when it was formed. Councilor Buehner discussed with Mr. Specht the fact that some of his properties were also eventually excluded from this LID, which were on Baylor Street. The street improvement proposed in the LID would not extend to Baylor Street.

 Councilor Snider asked City Engineer Stone if he has received any input from any other property owners inside the current LID that are not here tonight. City Engineer Stone said he has not heard from any other property owners; however, the only way to get input from all the property owners would be to notice a public hearing.

 Councilor Snider said he was troubled with the concept that this created and imposed burdens on individual landowners with nothing being done for five years. City Engineer Stone and City Manager Wine commented that this is an unusual situation. Councilor Snider asked for consensus from the other council members to conduct a public hearing to consider removing Tax Lots 7600 and 7601 from the LID.

 City Manager Wine summarized that there is not a lot of flexibility in the law associated with the mechanics of changing an LID. The city would need to potentially abandon the LID and then reform it. City Engineer Stone said the city attorney would need to weigh-in, but he thought the council could consider changing the boundaries of the LID; however, proper notification must be given and a hearing conducted.

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 Councilor Snider said he believes this represents an undue burden on property owners and making them wait longer is unfair. An alternative might be to pre-assess and move forward with the infrastructure improvements specified within the LID.

 Mr. Kearney made a suggestion affecting his properties. He noted the 72<sup>nd</sup> intersection is being improved to handle increased traffic using gas tax and traffic impact fees. He said his property is similar in that the road will be widened to put in a bike lane and accommodate more vehicles. This benefits the city and does not benefit his property. He said this improvement could be funded by gas tax or traffic impact fees and would be more equitable. He responded to a question from Councilor Woodard and advised the perimeter improvements on his property have already been made.

 Mr. Nadri's property has 75 feet of frontage.

 Engineering Manager McMillan commented on the triangular piece of property owned by Mr. Kearney. Land use decisions were made on this property before Mr. Kearney purchased the parcel. Engineering Manager McMillan said the code requires that improvements should be made to a certain street width with a set aside for an 11-foot right-of-way preserve strip. This was why there was a non-remonstrance in the SDR. At the time, the city had the developer do the improvements around the perimeter of this property. She said Tom Sterns' development did these improvements when they built an office building at 68<sup>th</sup> Avenue. The floor area ratio (FAR) was taken off the site now owned by Mr. Kearney and transferred to Mr. Sterns' property, which is why he was required to build the improvements. The city purchased the right of way along the Kearney site and there is a documented land use decision that this street is to be built to the ultimate width. This is stated within the land use case. Regardless whether this property is removed from the LID, it will be Kearney's property's burden to build this in some manner when the property is developed. When the TVF&R building was constructed, the builder chose to build the full improvements. The Kearney property was pulled into the LID due to this history – it looks odd and appears not to be contiguous. However it is contiguous if you follow the curb lines.

 In response to a question from Councilor Snider, Engineering Manager McMillan clarified that the requirements are tied to the original land use (the Tom Stern development), which is when the original curb and sidewalks were built. Councilor Snider commented that this would be true for anything – what the LID provides is a funding mechanism so the work can be done. He said that would be irrespective because the land use requirements would still drive the fact that the work would have to be done. Engineering Manager McMillan said this property (and other properties) could be removed from the LID and the property owner could construct the improvements. She said the point is those improvements will have to be made for the property to develop.

 Mr. Specht said that it seemed to him that if the widening of Dartmouth was a requirement when Mr. Kearney purchased the land, the land use approval for that development was public

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record and the conditions of approval were known at that time. So, the widening of Dartmouth, as a requirement of any future development would have been known and was available to the buyer. This was not a surprise.

 Mr. Kearney said that it was a surprise to them because when they had their approval issued on November 7, 2007, they had a three-week period in which to challenge or appeal. During that appeal period, they asked city staff person Greg Berry whether there any LIDs coming because that was identified in their SDR (Item No. 29). Mr. Berry told them there were no LIDs planned. However, from what Mr. Specht has said, in 2005 and 2006, they were working on this LID. Three weeks after Mr. Kearney's appeal period ended for the SDR, they received the notice of the imminent LID affecting this property.

 Mr. Specht commented he thought the condition for widening the road was attached to Mr. Sterns development. Mr. Kearney said this was not a condition for widening but to reserve the right of way for the future.

 Council President Henderson advised the city will review this matter. Property owners will receive notice of any future consideration by the council. City Manager Wine added that staff will conduct additional research based on some of the issues that have come up this evening.

 5. BRIEFING ON AN INTERGOVERNMENTAL AGREEMENT TO PROVIDE SEWER SERVICE TO RIVER TERRACE

Sewer/Water/Storm Senior Project Engineer Murchison presented the staff report. The purpose of the IGA is to reimburse Clean Water Services and the City of Beaverton for the construction of the sewer line that is part of a Washington County road project along Scholls Ferry Road. Staff recommends that the council review the IGA. Staff will return to the council in September to consider the approval of the IGA.

 6. DISCUSSION ON TOPICS FOR UPCOMING COMMUNITY SURVEY

Assistant City Manager Newton presented the staff report. This is the opportunity for the council to weigh-in on the topics or issues of interest. The survey this year will be more robust than last year. Ms. Newton advised the online version of the survey would especially play a bigger role and focus groups would be utilized to attempt to target a variety of community demographics.

Council comments regarding survey topics:

- Councilor Snider is interested in finding out how people feel about the city securing the additional 4 mgd for water through the partnership with Lake Oswego.

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- There was some discussion whether there are plans are to ask any questions about the public art since the last communication from the council to the artist was to develop an alternative to his original proposal. The art concepts could be part of the survey process; i.e., the focus group.
- Councilor Buehner supported an inquiry about the public’s view on the four-day work week at City Hall and the Thursday closure of the Library.
- Council President Henderson would like this survey to parallel (somewhat) the previous survey for comparison. Assistant City Manager Newton indicated there plans to have areas of similarity and also new topics to probe on other issues.
- Councilor Woodard commented on the success of the National Night Out and ways to build on this; i.e., contact people who hosted the event in their neighborhood to determine if they would be willing to get people out for a Town Hall meeting. Through his investigation he found out that AARP would offer their “people poll” technology to the city at no cost. He spoke to finding opportunities to bring in people to interact who typically do not. Assistant City Manager Newton referred to the scientific aspect of the survey and the need to tap into the variety of demographics. The “people poll” would represent another data point.
- There was discussion about a “cafeteria plan” segment of the survey process. Councilor Snider thought it would be interesting to have people select whether or not they even wanted to have certain services provided. Assistant City Manager Newton advised service priority is an area on the survey.



Council President Henderson recessed the City Council meeting and convened the City Center Development Agency meeting.

7. **CONSIDER A RESOLUTION AWARDING A TARGETED IMPROVEMENT PROGRAM MATCHING GRANT**

Redevelopment Project Manager Farrelly presented the staff report. The proposed resolution would award the Agency’s second Targeted Improvement Program Matching Grant. The grant is to go to a unique business that is a potential catalyst to attract new customers and businesses to Main Street. The recommended business is Jeffrey Allen Home Décor. Redevelopment Project Manager Farrelly gave background on the proposed grant recipient’s business operations. A PowerPoint slide presentation showed a rendition of the proposed business on Main Street; this presentation is filed with the packet materials.

Redevelopment Project Manager Farrelly reviewed the proposed improvements to the building for the business.

Staff and the Urban Renewal Improvement Projects Joint Committee offered that this business has a strong commitment to good urban design and a real potential to rebrand downtown and Main Street. On July 30, the Joint Committee formally considered the application and found the

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owners experience and business plan to be strong and recognized the matching grant will leverage almost three times the amount of grant money in private investment. The Joint Committee recommended to the City Center Development Agency Board approval of a \$75,000 matching grant.

Councilor Buehner, who serves on the Joint Committee said she was extremely impressed with the proposal and the committee strongly recommended CCDA Board approval.

Mr. Peter Luong of Jeffrey Allen Home Décor, owner of the building, discussed with council his plans for the business and property in the downtown. They specialize in unique antique furnishings and décor and attract people from all over the state.

 Motion by Director Snider, seconded by Director Buehner, to approve CCDA Resolution No. 13-03.

**CCDA RESOLUTION NO. 13-03 -- A RESOLUTION AWARDDING A TARGTED IMPROVEMENT GRANT TO JEFFREY ALLEN HOME DÉCOR**

The motion was approved by a unanimous vote of City Center Development Agency Board members present.

Chair Cook	Absent
Director Buehner	Yes
Director Henderson	Yes
Director Snider	Yes
Director Woodard	Yes

 CCDA Director Henderson announced the CCDA Executive Session:

- **EXECUTIVE SESSION:** The Tigard City Center Development Agency will go into Executive Session to discuss real property negotiations under ORS 192.660(2) (e). 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 convened at 9:08 p.m. and concluded at 9:42 p.m.)

8. **NON AGENDA ITEMS:** None.
9. **COUNCIL LIAISON REPORTS:** None.

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10. ADJOURNMENT – 9:42 p.m.

Motion by Councilor Snider, seconded by Councilor Buehner, to adjourn.

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

Mayor Cook	Absent
Council President Henderson	Yes
Councilor Buehner	Yes
Councilor Snider	Yes
Councilor Woodard	Yes

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Catherine Wheatley, City Recorder

Attest:

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Mayor, City of Tigard

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

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**TIGARD CITY COUNCIL MEETING MINUTES – AUGUST 20, 2013**

**AIS-1531**

**3. B.**

**Business Meeting**

**Meeting Date:** 11/26/2013

**Length (in minutes):** Consent Item

**Agenda Title:** Authorize the Mayor to Execute an Intergovernmental Agreement with Metro for Downtown Mixed-Use Development Projects CET Grant

**Submitted By:** Sean Farrelly,  
Community  
Development

**Item Type:** Motion Requested      **Meeting Type:** Consent  
Agenda

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Shall the council authorize the mayor to execute an intergovernmental agreement (IGA) with Metro regarding the Construction Excise Tax (CET) funded Grant for Downtown Mixed-Use Development Projects?

**STAFF RECOMMENDATION / ACTION REQUEST**

Authorize the mayor to execute the IGA.

**KEY FACTS AND INFORMATION SUMMARY**

In September, 2013, Tigard was awarded a \$100,000 CET grant from Metro for Downtown Tigard Mixed-Use Development Projects (one of two awarded to Tigard in the cycle).

The grant will be used to focus on two significant redevelopment opportunities in Tigard's downtown urban renewal district. The project will be a partnership between the city's urban renewal agency and a local developer, George Diamond Properties. The two opportunity sites are the 3.26- acre Ash Avenue Public Works Yard and a separate downtown site to be controlled by the developer.

The \$100,000 grant will fund a number of pre-development tasks, with the CCDA and the developer also contributing funding. Among the tasks are environmental investigations, appraisals and surveys, market studies, conceptual design and cost estimates, potential public/private funding strategies and draft development agreements. Any resulting

development agreements will be brought to Council/CCDA Board for review. The resulting projects are expected to deliver the first significant new market-rate residential units in the downtown.

Staff worked with Metro staff on developing Exhibit A to the IGA, which outlines the milestones, deliverables, due dates, and grant disbursements. The IGA and Exhibit A have been reviewed by the city's and Metro's attorneys.

## **OTHER ALTERNATIVES**

The council could propose changes to the IGA.

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

City Center Urban Renewal Plan

## **DATES OF PREVIOUS CONSIDERATION**

October 8, 2013 Study session

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### **Fiscal Impact**

**Cost:** 80,340

**Budgeted (yes or no):** yes

**Where Budgeted (department/program):** CCDA and Community Development

#### **Additional Fiscal Notes:**

\$25,000 match for consulting services (CCDA Budget)

\$55,340 in-kind match, (Community Development staff resources)

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### **Attachments**

IGA

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**CONSTRUCTION EXCISE TAX GRANT  
INTERGOVERNMENTAL AGREEMENT  
Metro – City of Tigard  
Downtown Mixed-Use Development Projects**

This Construction Excise Tax Grant Intergovernmental Agreement (“CET Grant IGA”) is effective on the last date of signature below, and is entered into by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland, OR, 97232-2736 (“Metro”), and the City of Tigard (“City”), located at 13125 SW Hall Blvd., OR 97223, collectively referred to as “Parties.”

WHEREAS, Metro has established a Construction Excise Tax (“CET”), Metro Code Chapter 7.04, which imposes an excise tax throughout the Metro regional jurisdiction to fund regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary; and

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

WHEREAS, the City has submitted a CET Grant Request (“Grant Request”) for the Downtown Tigard Mixed-Use Development Projects (“Project”); and

WHEREAS Metro has agreed to provide the City CET Grant funding for the Project in the amount of \$100,000 subject to the terms and conditions set forth herein, and the parties wish to set forth the funding amounts, timing, procedures and conditions for receiving grant funding from the CET fund for the Project.

NOW THEREFORE, the Parties hereto agree as follows:

1. Metro Grant Award. Metro shall provide CET grant funding to the City for the Project as described in the City’s CET Grant Request, attached hereto as Exhibit B and incorporated herein (“Grant Request”), in the amounts and at the milestone and deliverable dates as set forth in Exhibit A attached hereto and incorporated herein (“Deliverables Schedule”), subject to the terms and conditions in this Agreement.
2. City Responsibilities. The City shall perform the Project described in the Grant Request and as specified in this Agreement and in Exhibit A, subject to the terms and conditions specified in this Agreement and subject to the “funding conditions” identified by the Screening Committee as stated in Metro Council Resolution No. 13-4450, Exhibit A. The City shall obtain all applicable permits and licenses from local, state or federal agencies or governing bodies related to the Project, and the City shall use the CET funds it receives under this Agreement only for the purposes specified in the Grant Request and to achieve the deliverables and/or milestones set forth in Exhibit A.
3. Payment Procedures. Within 30 days after the completion of each deliverable/milestone as set forth in Exhibit A, the City shall submit to Metro an invoice describing in detail its expenditures as may be needed to satisfy fiscal requirements. Within 30 days of receiving the City’s invoice and supporting documents, and subject to the terms and conditions in this Agreement, Metro shall reimburse the City for its eligible expenditures for the applicable deliverable as set forth in Exhibit A. Metro shall send CET payments to:

City of Tigard  
Attention: Sean Farrelly  
13125 SW Hall Blvd.  
Tigard, OR 97223

4. Funding Provisions.

(a) CET Funds. Metro's funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds; no other funds or revenues of Metro shall be used to satisfy or pay any CET Grant funding commitments. The parties recognize and agree that if the CET is ever held to be unenforceable or invalid, or if a court orders that CET funds may no longer be collected or disbursed, that this Agreement shall terminate as of the effective date of that court order, and that Metro shall not be liable in any way for funding any further CET grant amounts beyond those already disbursed to the City as of the effective date of the court order. In such case the City shall not be liable to Metro for completing any further Project deliverables as of the date of the court order.

(b) Waiver. The parties hereby waive and release one another for and from any and all claims, liabilities, or damages of any kind relating to this Agreement or the CET.

5. Project Records. The City shall maintain all records and documentation relating to the expenditure of CET Grant funds disbursed by Metro under this Agreement. The City shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The City shall establish and maintain books, records, documents, and other evidence in accordance with generally accepted accounting principles, in sufficient detail to permit Metro or its auditor to verify how the CET Grant funds were expended. Metro and its auditor shall have access to the books, documents, papers and records of the City that are directly related to this Agreement, the CET grant moneys provided hereunder, or the Project for the purpose of making audits and examinations.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all City records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by the City and all of their contractors for three years from the date of completion of the project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

8. Term. This Agreement shall be effective on the date it is executed by both parties, and shall be in effect until all deliverables/milestones have been achieved, all required documentation has been delivered, and all payments have been made as set forth in Exhibit A, unless terminated earlier pursuant to this Agreement.

9. Amendment. This CET Grant IGA may be amended only by mutual written agreement of the Parties.

10. Other Agreements. This CET Grant IGA does not affect or alter any other agreements between Metro and the City.

11. Authority. City and Metro each warrant and represent that each has the full power and authority to enter into and perform this Agreement in accordance with its terms; that all requisite action has been taken by the City and Metro to authorize the execution of this Agreement; and that the person signing this Agreement has full power and authority to sign for the City or Metro, respectively.

Metro

City of Tigard

By: \_\_\_\_\_  
Martha Bennett

By: \_\_\_\_\_  
John Cook

Title: Metro Chief Operating Officer

Title: Mayor

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

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

Approved as to Form:

Approved as to Form:

By: \_\_\_\_\_  
Alison R. Kean

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

Title: Metro Attorney

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

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

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

Attachments:

Exhibit A – Deliverables Schedule

Exhibit B - City's Grant Request

## Exhibit A

### IGA for Community Planning and Development Grants funded with CET City of Tigard – Mixed-Use Development Projects Milestone and Deliverables Schedule for Release of Funds

This project provides pre-development services for two sites located in Downtown Tigard. Site 1, the public works site, is owned by the City. Site 2 is an as yet to be identified site. The Developer partner has the responsibility to secure control of Site 2. Secure control means the Developer partner has a vested interest and has shown serious commitment to purchase Site 2; a purchase option including earnest money commitment if warranted has been executed (or similar commitment), with site purchase contingent on the outcomes of the deliverables described below. As such, milestone due dates may be different for tasks accomplished for both sites, depending on when Developer achieves control of Site 2. The table below includes the best estimates for milestone due dates.

Milestone*	Deliverable	Date Due**	Grant Payment
1.	<b>Execution of IGA Grant</b>	November 26, 2013 <sup>1</sup>	\$0
2.	<b>Retain Project Management Consultant</b> a) RFP and consultant selection b) Agreement and authorization c) Negotiate an Memorandum Of Understanding (MOU) with Developer d) Matching funding commitments provided to Metro e) Criteria approved by City Center Advisory Commission (CCAC) for making recommendations to the City Center Development Agency (CCDA) Board and City Council on project feasibility and how to proceed.	October 30, 2013  December 1, 2013 (MOU complete)	\$0
3.	<b>Undertake Environmental Investigations<sup>2</sup></b> a) Developer to demonstrate control of Site 2 b) Consultant selection for environmental investigations c) Phase 1 and 2 Environmental Assessment Report for Site 2 d) Comments by City and Metro on reports for Sites 1 and 2 and determination whether or not to proceed	January 1, 2014 (Site 1) February 1, 2014 (Site 2)	\$30,000

<sup>1</sup> Tigard City Council Hearing on IGA

<sup>2</sup> This task refers to Site 2 only. The City will fund a level 2 environmental assessment for Site 1 to be completed by January 1, 2014.

	e) Progress report including environmental assessment report and decision whether or not to proceed		
4.	<b>Undertake Appraisals and Land Surveys</b> a) Consultant selections for appraisals and surveys b) Appraisal reports for Sites 1 and 2 c) Surveys for two downtown sites d) Comments by City and Metro on reports e) Progress report for milestone	February 15, 2014 (Site 1) March 1, 2014 (Site 2)	\$15,000  \$15,000
5.	<b>Conduct Market Studies for 2 Sites</b> a) Consultant selection for market studies b) Market studies for Sites 1 and 2 c) Comments by City and Metro on reports d) Progress report for milestone	April 1, 2014	\$15,000
6.	<b>Prepare Conceptual Design and Cost Estimates</b> a) Architect selected with participation by Developer b) Draft design plans and cost estimates for Sites 1 and 2 c) Comments by City and Metro on draft plans d) Final design plans and cost estimates e) Progress report for milestone	June 1, 2014	\$20,000
7.	<b>Evaluate Development Feasibility</b> a) Pro-forma analysis for Sites 1 and 2 b) Report evaluating financing and if gaps exist, public financing strategies c) Comments by City and Metro of draft reports d) Final pro-forma and financing strategies e) Progress report for milestone	July 15, 2014	\$0
8.	<b>Development Agreements and Approvals</b> a) Draft and final development agreements for Sites 1 and 2 b) Comments by City and Metro of draft agreements c) Comments by City Center Advisory Commission and recommendations to the City Center Development Agency Board d) Final agreements e) CCDA Board review and approval of the development agreements and	September 1, 2014	\$5,000

	recommendations to the City Council f) City Council acceptance of the development agreements		
<b>TOTAL REIMBURSABLE AMOUNT</b>			<b>\$100,000</b>

\*If the Grant contained any Funding Conditions, Grantee shall demonstrate satisfaction with those conditions at the applicable milestone or deliverable due dates.

\*\*Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the City anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the City shall mutually agree upon a revision to the milestone due dates set forth in this Agreement.

Note: City of Tigard match = \$130,340

## **Exhibit B**

### **City Grant Request**

*[attach]*

# Exhibit B



City of Tigard

April 11, 2013

Martha Bennett, Metro Chief Operating Officer  
Community Development and Planning Grants  
*Attn: Gerry Uba*  
600 NE Grand Ave.  
Portland, OR 97232

## Re: CET Grant Application-Downtown Tigard Mixed-Use Development Projects

Dear Martha,

On behalf of the City of Tigard and the Tigard City Council, I am pleased to submit this grant application to help stimulate much-needed mixed-use development activity in downtown Tigard.

This grant application is proposed by Tigard's City Center Development Agency (the city's Urban Renewal Agency) and George Diamond Properties, a development company active in this city. A letter of commitment from Mr. Diamond is included with this application.

The Downtown Tigard Mixed-Use Development project is for pre-development feasibility assistance that will lead to:

- Acquisition by Mr. Diamond of two sites within Tigard's downtown Urban Renewal District,
- Definition of the Urban Renewal District's role and financial commitments to the project, and
- Construction of two, mixed-use residential projects totaling approximately 300 units with ground floor retail and active use spaces. One site, currently owned by the city, will also include Fanno Creek Greenway improvements. It is anticipated that Phase 1 construction activities will be underway within one year after successful completion of this project.

Very little private investment has occurred in the downtown over the past few years. With the economy improving, public investments like street improvements, façade renovations and a WES station already in place, we are anxious to find private partners to help fulfill our vision for a "vibrant and active urban village at the heart of the community". With Metro's assistance, this project will demonstrate that downtown Tigard is a great place to invest.

This grant application is one of two requests the City of Tigard has for CET grant funds. The River Terrace Community Plan Implementation Project is our highest priority.

If you have any questions concerning this application, please contact Kenny Asher, Community Development Director at 503-718-2443 or [KennyA@tigard-or.gov](mailto:KennyA@tigard-or.gov).

Sincerely,

John L. Cook, Mayor

# Community Planning and Development Grant Cover Sheet

Check one:  
 Letter of Intent  
 Full Application

Project Name	Downtown Tigard Mixed-Use Dev. Projects	Applicant Organization	City of Tigard
Contact Name	Kenny Asher, Community Development Director	Address	13125 SW Hall Blvd., Tigard, OR 97223
Phone	503-718-2443	Fax	503-718-2748
Email	kennya@tigard-or.gov	Fed. Tax ID #	93-0503940

Fiscal Agent Organization (if different from applicant) \_\_\_\_\_

Contact Name	_____	Address	_____
Phone	_____	Fax	_____
Email	_____		

**Project Location Description (25 words or less)**

The Downtown Tigard Mixed-Use Development Projects are two sites located in the Tigard Town Center Area. Both sites are also within the Tigard Urban Renewal District.

**Project Summary (50 words or less)**

The Tigard Mixed-Use Development Project will focus on two significant catalytic redevelopment opportunities that require pre-development analysis and strategy in order to be successful. George Diamond Properties and the City's urban renewal agency will partner on: a site owned by the City of approximately 3.26 acres; and a separate 3 acre site to be acquired by the developer.

Construction Excise Tax Grant funding request	\$	100,000	If submitting more than one proposal, please rank this proposal in order of priority	Metro Council District of Project
Total project cost	\$	230,340		

*We, the undersigned, attest that to the best of our knowledge the information in this application is true and that all signatories have authorization to submit this grant application to Metro's Construction Excise Tax Planning Grants Program.*

**Applicant**

Organization Name Tigard City Center Development Agency

Printed Name Marty Wine, Executive Director

Signature  Date 4/18/13

**Fiscal Agent**

Organization Name \_\_\_\_\_

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

**To ensure complete letter of intent or full application, please see section 2 of the Grants Application Handbook for a complete list of necessary documents for submittal.**



# Downtown Tigard Mixed-Use Development Projects-CET Grant Application

*April 18, 2013*

## PROJECT NARRATIVE

### *Project Description:*

This grant application is proposed by the City of Tigard/City Center Development Agency (CCDA, the City of Tigard's Urban Renewal Agency) and George Diamond Properties (GDP), a development company based in Portland, Oregon. A letter of commitment from GDP is included with this application.

The Downtown Tigard Mixed-Use Development project is for pre-development feasibility assistance that will lead to:

- Acquisition by GDP of two sites within Tigard's Downtown Urban Renewal District,
- Definition of the Urban Renewal District's role and financial commitments to the project, and
- Construction of two mixed-use residential projects, totaling approximately 300 units with ground floor retail and active use spaces. One site, currently owned by the City will also include Fanno Creek Greenway and pathway improvements. It is anticipated that first phase construction activities will be underway within one year after successful completion of this project.

The Tigard Mixed-Use Development project will focus on two significant catalytic redevelopment opportunities that require pre-development analysis and strategy in order to be successful. GDP and the CCDA will partner on:

- A site owned by the City of approximately 3.26 acres that abuts Fanno Creek (the Public Works Yard). Development of mixed-use housing and extension of Fanno Creek Park are anticipated.
- GDP intends to acquire another large Downtown site of approximately 3 acres. A preliminary development concept calls for mixed-use housing and ground floor retail.

The Project will include the following pre-development tasks: environmental investigation; property options/acquisition; appraisals and surveys; market studies; conceptual design and evaluation of alternative construction types and cost estimates; pro-forma analysis; identification of financing gaps; identification of public investments/financing to overcome gaps; and preparation and approval of a development agreement outlining public and private roles and responsibilities (including new street and pedestrian/bike facilities), timelines, performance, etc. A more detailed work scope is outlined below.

The Budget Narrative in the following section identifies CCDA staff, consultant and GDP responsibilities for completing work scope tasks, and budgets for each task. This grant application proposes to use the CET grant to fund consultant work related to tasks 1, 3, 4 and 5. These tasks and related deliverables are shown below. The total budget for the Project is estimated at \$230,000. The grant request is for

\$100,000. The Budget Narrative included in the following section provides more detail on estimated budgets and work task responsibilities.

Downtown Tigard Mixed-Use Development Project Work Scope

**1 Environmental Investigations**

- 1.1 Complete phase 2 assessment on City-owned site.
- 1.2 Conduct phase 1 and 2 assessments on a second downtown site. **CET Grant.**
- 1.3 Project Team Meetings.  
*Milestone #1-Deliverable: Phase 1 and 2 Environmental Assessment Report.*

**2 Property Options/Acquisitions**

- 2.1 Negotiate property acquisition options and earnest money deposits.

**3 Appraisals and Land Surveys**

- 3.1 Conduct appraisals and surveys for 2 separate properties. **CET Grant.**
- 3.2 Project Team Meetings.  
*Milestone #2-Deliverable: Appraisal Reports and Surveys for two Downtown sites.*

**4 Market Studies**

- 4.1 Conduct market studies for 2 separate properties. The scope for the market studies is to identify value, preferred uses, unit size and mix, and anticipated rent and lease rates. **CET Grant.**
- 4.2 Project Team Meetings.  
*Milestone #3-Deliverable: Market Studies for two Downtown sites.*

**5 Conceptual Design and Cost Estimates**

- 5.1 Develop conceptual site plans and massing diagrams for 2 sites. Based on the results of the market studies, site plans and conceptual massing studies will be prepared for both Downtown sites. Design will be sufficient to identify building placement, unit sizes, parking arrangements, and construction types. **The CET grant will fund 50% of the design work.**
- 5.2 Prepare planning level cost estimates for 2 sites.
- 5.3 Project Team Meetings.  
*Milestone #4-Deliverable: Design Plans and Cost Estimates for two Downtown sites.*

**6 Pro-forma Analysis**

- 6.1 Prepare pro-forma analysis for 2 sites.
- 6.4 Project Team Meetings.  
*Deliverable: Pro-forma Analysis for two Downtown sites.*

**7 Public/Private Financing Strategies**

- 7.1 Evaluate private financing and identify financing gaps for 2 sites. Based on results from the pro-forma analysis, CCDA still will be responsible for evaluating results of the analysis, and identifying funding gaps as applicable. A financial consultant will assist the analysis at the expense of CCDA.
- 7.2 Evaluate public financing to address financing gaps for 2 sites.
- 7.3 Develop recommended financing strategies. This task will be undertaken by CCDA staff and financing consultant. It is anticipated that a primary source of potential public investment will be urban renewal funds, and the CCDA board will be consulted throughout this task.

7.4 Project Team Meetings.  
*Deliverable: Draft and Recommended Financing Strategies*

**8 Development Agreements**

8.1 Prepare draft development agreements for 2 separate properties. CCDA staff with assistance from the city’s contract legal counsel will complete this task.

8.2 Finalize development agreements.

8.3 Project Team Meetings.  
*Deliverable: Draft and Recommended Development Agreements*

**9 CCD A Board Approvals**

9.1 Provide briefings to CCD A board on all project elements. CCD A staff will provide regular updates and hold worksession throughout the project with the CCD A board and other city boards and commissions as needed.

9.2 Review draft and final development agreements and approvals

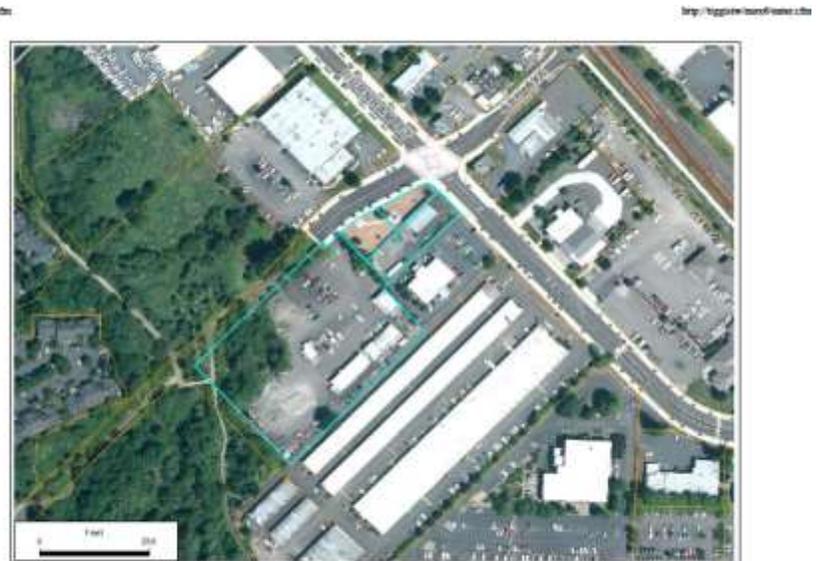
9.3 Project Team Meetings.  
*Deliverable: Executed Development Agreements*

*Sustainability*

The City anticipates that development agreements between CCD A and GDP will reflect the goals and action items contained in the “City of Tigard Sustainability Action Plan,” January 2013. These two sites and the preliminary development programs identified to date, already satisfy fundamental sustainability criteria for dense, mixed-use developments; high levels of connectivity and pedestrian facilities; proximity to employment and retail services; enhancement of open spaces; and direct access to high quality transit service. Targets for achieving LEED or other certifications for individual developments will be considered during negotiations leading to development agreements.

***Project Site Description:***

The public site is currently occupied by the Tigard Public Works Department with a total of 3.26 acres, of which only 2.64 acres is actually developable. The site lies directly adjacent to Fanno Creek (park is to the south) with easy access to the trail system serving Fanno Creek and beyond. Also adjacent to the site is a newly constructed dog park. The site concept anticipates a residential development of up to 100 multifamily units. See aerial photo to the right.



GDP is in the process of identifying and negotiating a purchase option for another Downtown site. The location and characteristics of this site will be available once negotiations are completed.

***Project Background:***

The City of Tigard adopted a “Downtown Improvement Plan” and “Downtown Urban Renewal Plan” in 2005 to reflect the area’s designation as a Town Center in Metro’s 2040 Growth Concept, and plans for the Washington County Commuter Rail (WES) project with a station in Downtown Tigard. The plans call for a “vibrant and active urban village at the heart of the community” and provide a funding stream to implement planned improvements. Over the past 8 years, approximately \$21 million in public improvements have been completed in the urban renewal district including the WES commuter rail station and park & ride; Burnham Street and Ash Avenue street and streetscape improvement projects; intersection improvements at Pacific Highway/Main Street and Pacific Highway/Hall Blvd. The Main Street Green Street project is in the final design stages and will be constructed in 2013-14. The Agency has participated in the funding of nine façade improvement projects on Main Street.

Other than the Knoll at Tigard senior affordable housing development, there have been only relatively minor private investments in Downtown. These investments have not served as catalysts to additional development that would implement the vision for Downtown, realign market perception for what is possible, and stimulate other similar investments. Due to the recession, virtually all downtowns including Downtown Tigard have experienced very little development since 2008 because of highly constrained capital markets, lack of investment confidence, and consumer caution. As a result, tax increment revenues available to the CCDA are significantly constrained.

In an effort for the CCDA Board to better understand how the private development community views Tigard, its downtown, and several sites either owned by the City or potentially acquired by the City, the CCDA initiated a developer interview process to gather vital information in support of adopted City Center Urban Renewal Plan goals. The survey, *“Tigard Developer Interviews Report”*, Leland Consulting Group, January 2013 included six developers with a history of successful urban development generally knowledgeable of the City of Tigard. One primary goal of this survey was to reintroduce developers to investment opportunities in Downtown Tigard and communicate the CCDA’s willingness to become involved with public-private partnerships.

During the past year, GDP has acquired several properties on Main Street and is currently in the process of constructing significant seismic and remodeling improvements on its holdings. Conversations with CCDA staff and GDP have led to discussion of other development and redevelopment opportunities in Downtown Tigard, and have resulted in the partnership proposed for this Project.

***Evaluation Criteria:***

***Expected Development Outcomes:***

*Opportunity sites with catalyst potential:* The City of Tigard considers both opportunity sites, one now publically owned and one privately owned, to have significant catalytic potential that will lead to additional private investments in Downtown Tigard. The City will partner with GDP, who plans to acquire both sites. The project will identify conceptual designs and private investment objectives, and actions the CCDA can take to achieve public objectives and result in a financially feasible development. The intent of the project is to demonstrate how desirable development types can be achieved in Downtown Tigard with a public/private partnership.

Another project intent is to increase private property values within the urban renewal district and stimulate additional private investments. This will increase tax increment potential within the urban renewal district, and make additional urban renewal resources available to fund other downtown improvements.

*Probability that development permits will be issued within two years:* It is anticipated that development permits for approximately 100 apartments and/or condominium units will be issued for the city-owned site within 2 years of completing the project.

*Probability that development permits will be issued within five years:* Within 5 years of completing the project, permits for a total of approximately 300 housing units and ground floor retail are anticipated for both sites.

*Level of community readiness and local commitment:* Both opportunity sites are located in Downtown Tigard within the Tigard Urban Renewal District. Appropriate land use entitlements are in place, and attracting mixed-use development projects such as those anticipated with this application, is a primary urban renewal objective. The City and CCDA are prepared to be an active partner with GDP, and are committed to proceed with preparation of a development agreement for both sites that outlines private and public roles and responsibilities that will lead to redevelopment, including public investments.

*Roles and responsibilities of applicant:* The CCDA's role will be to evaluate how proposed development concepts meet public objectives, and to identify public investments and other commitments that will lead to project feasibility. GDP's role will be that of a private developer, negotiating site acquisition, developing design concepts and financial pro-formas, and working with the urban renewal agency to establish project feasibility.

***Regionally Significant:***

As noted above, Downtown Tigard is envisioned as a "vibrant and active urban village at the heart of the community." Many of the public investments in the downtown made by the CCDA include new streetscapes that include pedestrian and bicycle facilities, making it possible to walk to the WES station/Tigard Transit Center, parks and recreation opportunities along Fanno Creek, local employers and commercial services along Main Street from any location Downtown. This grant project will define

how a public/private partnership can stimulate new mixed-use residential developments Downtown, a necessary component of a vibrant community. The project will also show how private investments can take advantage of the public investments already made in the town center area, and achieve the regional vision for town center areas.

As an element of the Metro's SW Corridor Plan, the City of Tigard recently completed "*Concepts for Potential Station Communities-High Capacity Transit Land Use Plan*", June 2012. This effort identifies potential station communities in order to help shape the route for high capacity transit improvements in the SW Corridor. Downtown Tigard is already designated as a Town Center in *Metro's 2040 Growth Concept Plan* and was identified as a potential station community in the HCT Land Use Plan. The station development typology proposed for the Downtown is Town Center/Main Street-Specialty Retail, Office, Dining and Medium to High-Density Residential. The development projects anticipated to result from this Project are consistent with this vision will help implement an important station community objective within the SW Corridor. This criterion is met.

Location:

Both catalytic sites are located within the Tigard Town Center and urban renewal district. Both sites are located within 0.25 miles of the WES station/Tigard Transit Center. As discussed earlier, Downtown Tigard was also identified as a potential station community in the recently completed High Capacity Transit Land Use Plan. This criterion is met.

Best Practices Model:

This project will demonstrate how public/private partnerships can develop mixed-use residential projects that meet design, density and use requirements in town centers. The primary benefit of this project to the applicants is to establish the financial feasibility for two catalyst projects in Downtown Tigard that will lead to other similar developments. To the extent that similar conditions exist in other town centers, the project will demonstrate best practices that can be utilized in other locations.

Leverage:

This planning grant will leverage additional investments by CCDA and GDP, estimated to be approximately \$130,000. The grant request is for \$100,000 which represents 43% of the total project cost. The Budget Narrative section below provides more detailed budget estimates.

Matching Fund/Potential:

As noted above, it is estimated that the total project will require approximately \$230,000 with the grant funding 43 percent of the total cost. Both CCDA and GDP will provide funding for the project.

Equity:

During the past 7 years, a total of \$348,542 in CET revenues has been generated by the City of Tigard. The City has received no direct CET grants during that same period.

The “*Tigard Goal 10 Population and Housing Review*”, 2013 underscored the need for more rental units at the bottom end of the price spectrum (below \$620 in 2012 dollars). This pattern is common in most communities, because those in the lowest income cohorts generally must stretch to pay for housing near the median rent price. Truly low-cost housing is generally limited to units which are subsidized through affordable housing programs.

In Downtown Tigard and within the urban renewal district, revenue available from the development of market rate housing could be used to fund projects which are subsidized through affordable housing programs. This would be in support of Tigard Comprehensive Plan policy 15.2.6, “New housing in downtown shall provide for a range of housing types, including ownership, workforce, and affordable housing in a high quality living environment.”

The City of Tigard is committed to providing housing at a range of prices. The most recent Regional Inventory of Affordable Housing compiled by Metro regional government in 2011, identified 18 separate subsidized housing properties in Tigard offering 705 units. This is roughly 10% of the units in the County. In terms of number of subsidized units, Tigard trails Hillsboro and unincorporated areas, but exceeds all other jurisdictions, including the larger City of Beaverton.

*Public Involvement:*

The City Center Advisory Commission is an appointed group representing Downtown property and businesses owners, residents and the general public. The Commission will be involved in all aspects of the project and will make recommendations to the CCDA Board. A letter from the City Center Advisory Commission in support of this application is attached.

***Collaborations:***

The public partners that have agreed to participate in this project are the City of Tigard and the CCDA. CCDA and GDP will participate financially in this project.

**Proposed Milestones and Deliverables:**

As described earlier in the Project Description section, CET grant funding is proposed for consultant created work products associated with four of the nine tasks proposed for the work scope. This Project is unlike a traditional planning project where a final report is produced incorporating all previous work, and resulting in a single plan adopted by a local jurisdiction. Tasks proposed for this work scope result in discrete work product deliverables that all contribute to decisions and negotiations necessary for a development agreement between CCDA and GDP.

We propose that the proposed milestones and deliverables related directly to tasks proposed to be funded by the CET grant:

**1 Environmental Investigations**

- Conduct phase 1 and 2 assessments on a second downtown site. ***CET Grant.***  
*Milestone #1-Deliverable: Phase 1 and 2 Environmental Assessment Report.*

**3 Appraisals and Land Surveys**

- Conduct appraisals and surveys for 2 separate properties. **CET Grant.**  
*Milestone #2-Deliverable: Appraisal Reports and Surveys for two Downtown sites.*

**4 Market Studies**

- Conduct market studies for 2 separate properties. The scope for the market studies is to identify value, preferred uses, unit size and mix, and anticipated rent and lease rates. **CET Grant.**  
*Milestone #3-Deliverable: Market Studies for two Downtown sites.*

**5 Conceptual Design and Cost Estimates**

- Develop conceptual site plans and massing diagrams for 2 sites. Based on the results of the market studies, site plans and conceptual massing studies will be prepared for both Downtown sites. Design will be sufficient to identify building placement, unit sizes, parking arrangements, and construction types, including cost estimates. **The CET grant will fund 50% of the design/cost estimating work.**  
*Milestone #4-Deliverable: Design Plans and Cost Estimates for two Downtown sites.*

The City is prepared to discuss other milestone and/or deliverable arrangements if awarded the CET grant request.

***Project Management:***

The project manager for the Downtown Tigard Mixed-Use Development Projects is Sean Farrelly, Downtown Redevelopment Manager. [sean@tigard-or.gov](mailto:sean@tigard-or.gov), 503-718-2420. Mr. Farrelly works under the direct supervision of Kenny Asher, Community Development Director. Both Sean and Kenny will be involved in all work tasks.

Sean has been the City of Tigard’s Redevelopment Project Manager since 2010 managing all aspects of the downtown urban renewal program. Projects he has managed include: Downtown Code Amendments; Downtown Future Vision; Downtown Connectivity Plan; Pacific Highway Vision; Façade Improvement Program; Numerous Development Opportunity Studies; and the HCT Land Use Plan (asst. project manager).

**BUDGET DOCUMENTS**

***Budget Narrative***

A detailed task by task budget is shown on a spreadsheet that is included with this application and summarized in the budget forms provided by Metro. The overall work plan for the entire project is summarized below. Costs for the full project will be shared by the CCDA, GDP and the CET Grant. Consultant deliverables for tasks 1, 3, 4 and 5 are proposed to be funded by the CET Grant, and completion of each task deliverable is proposed as a project milestone for purposes of the CET Grant. It is anticipated that all deliverables, regardless of funding source, will be solely owned by the City of Tigard.

## **1 Environmental Investigations**

- 1.1 Complete phase 2 assessment on City-owned site. This will be a CCDA expense.
- 1.2 Conduct phase 1 and 2 assessments on a second downtown site. The consulting cost for these assessments is proposed for the CET grant.
- 1.3 Project Team Meetings. All City staff expenses for all tasks will be borne by the CCDA/City.  
*Milestone #1-Deliverable: Phase 1 and 2 Environmental Assessments.*

## **2 Property Options/Acquisitions**

- 2.1 Negotiate property acquisition options and earnest money deposits. GDP will negotiate property acquisitions for the second Downtown site. Any earnest money needed to secure a sales agreement will be the responsibility of GDP.

## **3 Appraisals and Land Surveys**

- 3.1 Conduct appraisals and surveys for 2 separate properties. Consulting costs for appraisals of both properties along with survey work will be covered by the CET grant.
- 3.2 Project Team Meetings.  
*Milestone #2-Deliverable: Appraisal Reports and Surveys for two Downtown sites.*

## **4 Market Studies**

- 4.1 Conduct market studies for 2 separate properties. The scope for the market studies is to identify value, preferred uses, unit size and mix, and anticipated rent and lease rates. This is a consulting cost to be covered by the CET grant.
- 4.2 Project Team Meetings.  
*Milestone #3-Deliverable: Market Studies for two Downtown sites.*

## **5 Conceptual Design and Cost Estimates**

- 5.1 Develop conceptual site plans and massing diagrams for 2 sites. Based on the results of the market studies, site plans and conceptual massing studies will be prepared for both Downtown sites. Design will be sufficient to identify building placement, unit sizes, parking arrangements, and construction types. The CET grant will fund 50% of the design work, GDP will fund the remainder.
- 5.2 Prepare planning level cost estimates for 2 sites. Costs for this task are also shared by the grant and GDP.
- 5.3 Project Team Meetings.  
*Milestone #4-Deliverable: Design Plans and Cost Estimates for two Downtown sites.*

## **6 Pro-forma Analysis**

- 6.1 Prepare pro-forma analysis for 2 sites. GDP will be responsible for preparing pro-forma analysis for each site, under the direction of CCDA staff.
- 6.4 Project Team Meetings.  
*Deliverable: Pro-forma Analysis for two Downtown sites.*

## **7 Public/Private Financing Strategies**

- 7.1 Evaluate private financing and identify financing gaps for 2 sites. Based on results from the pro-forma analysis, CCDA still will be responsible for evaluating results of the analysis, and identifying funding gaps as applicable. A financial consultant will assist the analysis at the expense of CCDA.
- 7.2 Evaluate public financing to address financing gaps for 2 sites. CCDA responsibility.

7.3 Develop recommended financing strategies. This task will be undertaken by CCDA staff and financing consultant. It is anticipated that a primary source of potential public investment will be urban renewal funds, and the CCDA board will be consulted throughout this task.

7.4 Project Team Meetings.

*Deliverable: Draft and Recommended Financing Strategies*

**8 Development Agreements**

8.1 Prepare draft development agreements for 2 separate properties. CCDA staff with assistance from the city’s contract legal counsel will complete this task.

8.2 Finalize development agreements.

8.3 Project Team Meetings.

*Deliverable: Draft and Recommended Development Agreements*

**9 CCDA Board Approvals**

9.1 Provide briefings to CCDA board on all project elements. CCDA staff will provide regular updates and hold worksession throughout the project with the CCDA board and other city boards and commissions as needed.

9.2 Review draft and final development agreements and approvals

9.3 Project Team Meetings.

*Deliverable: Executed Development Agreements*

***Partner Commitment and Matching Funds:***

Table 1 below summarizes the project task budget for CCDA staff, consultant work paid for by the CCDA and CET Grant, partner budget, and total task budget. The CCDA commits the staff resources as indicated in the table and attached spreadsheet. Consulting expenses by CCDA are included in the draft 2013-14 CCDA budget. GDP commits funding and in-kind services as indicated in their letter of support.

**Table 1-** Downtown Tigard Mixed-Use Development Project-Budget Summary

Tasks	Staff Budget	Consultant Budget		Partner Budget	Totals
		CCDA	CET Grant		
<b>1 Environmental Investigations</b>	\$ 3,400	\$10,000	\$35,000		\$48,404
<b>2 Property Options/Acquisitions</b>	560			\$20,000	20,560
<b>3 Appraisals and Land Surveys</b>	3,878		30,000		33,878
<b>4 Market Studies</b>	3,954		15,000		18,954
<b>5 Conceptual Design and Cost Estimates</b>	12,558		20,000	20,000	52,558
<b>6 Pro-forma Analysis</b>	3,616			10,000	13,616
<b>7 Public/Private Financing Strategies</b>	12,168	10,000			22,1686
<b>8 Development Agreements</b>	6,323	5,000			11,323
<b>9 CCDA Board Approvals</b>	8,873				8,873
<b>Totals</b>	<b>\$55,340</b>	<b>\$25,000</b>	<b>\$100,000</b>	<b>\$50,000</b>	<b>\$230,340</b>

## **APPENDICIES AND FORMS**

Attached to this grant application are:

Figure 1- Downtown Tigard Mixed-Use Development Projects-Location

Figure 2- Downtown Tigard Mixed-Use Development Projects- Urban Renewal District and Project Location

Downtown Tigard Mixed-Use Development Projects Budget Spreadsheet

Budget Form

Match Form

Letter of Support and Commitment: George Diamond, George Diamond Properties

Letter of Support: Debi Mollahan, CEO, Tigard Chamber of Commerce

Letter of Support: Elise C. Shearer, Chair, Tigard City Center Advisory Commission



Figure 1: Downtown Mixed-Use Development Projects  
City of Tigard CET Grant Letter of Intent - February 2013

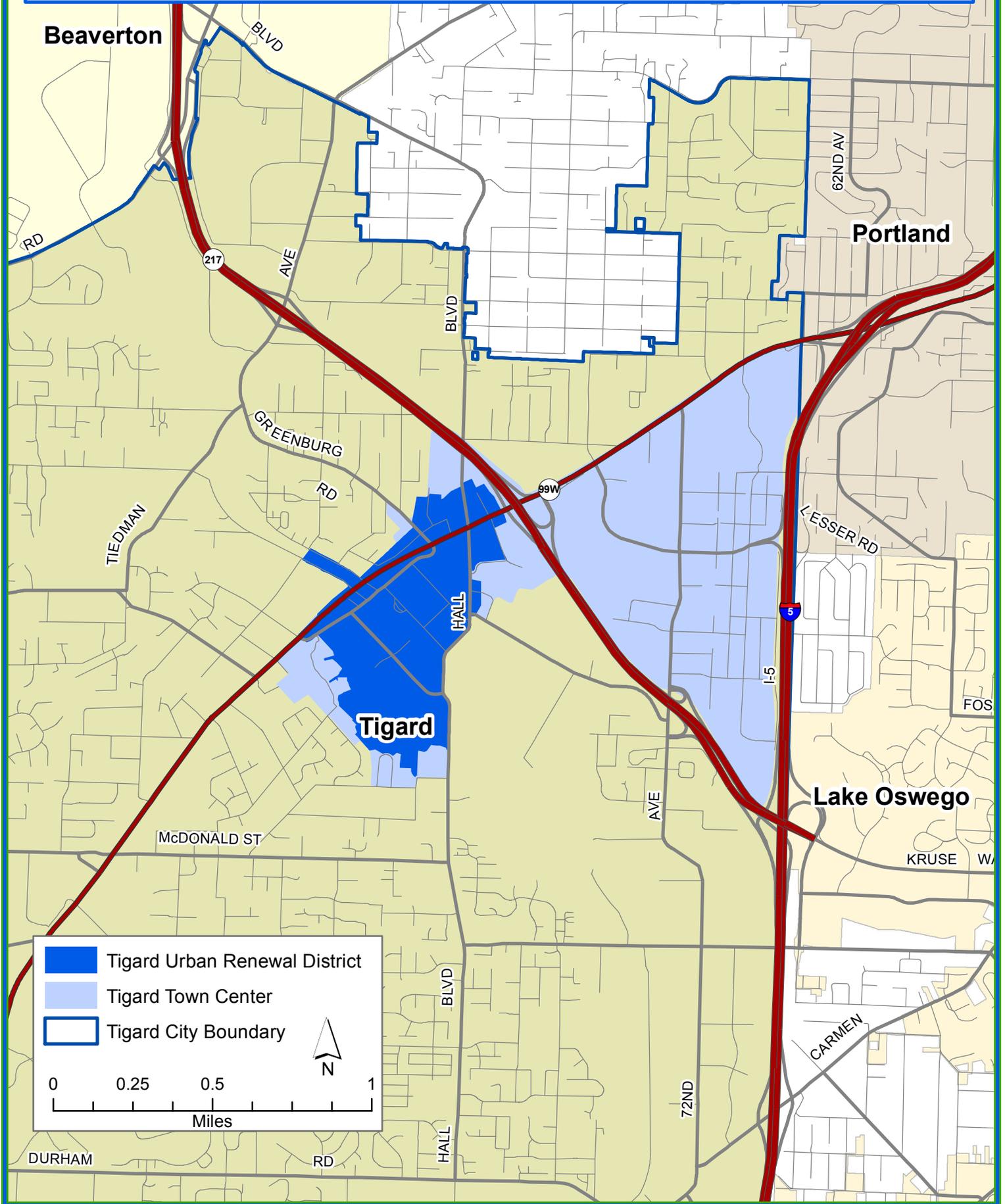
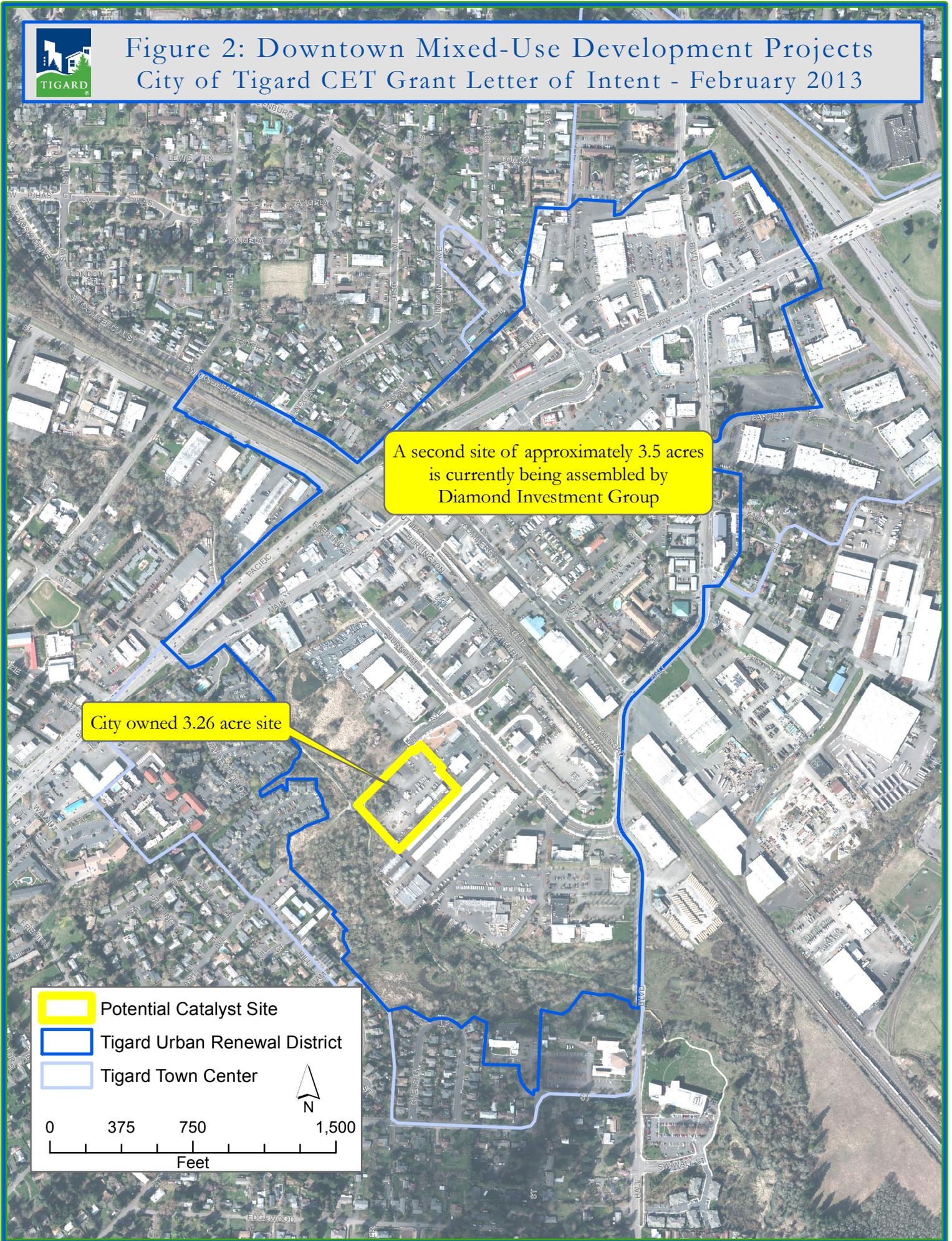




Figure 2: Downtown Mixed-Use Development Projects  
City of Tigard CET Grant Letter of Intent - February 2013





**Community Planning and Development Grant Program  
F1 - Project Budget Form**

**Project Costs**

**Downtown Tigard Mixed-Use Development Projects**

<b>Personnel Costs</b>	<b>Financial Match</b>	<b>InKind Match</b>	<b>CET Grant Request</b>	<b>TOTAL</b>
CCDA Agency staff (labor only)		\$20,727		\$20,727
Consultants	\$25,000		\$100,000	\$125,000
GDP-Partner	\$40,000	\$10,000		\$50,000
Other, please list				\$0
<b>Total for Planning Services</b>	<b>\$65,000</b>	<b>\$30,727</b>	<b>\$100,000</b>	<b>\$195,727</b>

<b>Other Costs</b>	<b>Financial Match</b>	<b>InKind Match</b>	<b>CET Grant Request</b>	<b>TOTAL</b>
Labor Overhead/Indirect costs		\$34,613		\$34,613
<b>Total for Other Costs</b>		<b>\$34,613</b>	<b>\$0</b>	<b>\$34,613</b>

<b>TOTAL PROJECT COSTS</b>	<b>\$65,000</b>	<b>\$65,340</b>	<b>\$100,000</b>	<b>\$230,340</b>
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*Note: See pages 18 and 19 of the Application Handbook for detail instructions.*

Community Planning and Development Grants Program  
 F2 - Match Form

DOWNTOWN

**Instructions:** If your “Match Source” is a professional or technical service received as “In Kind,” use the market average or actual salary or bid for that individual or service. Use the “Notes” field to document methodology.

Match Source	Choose One		Choose One		Amount	Notes
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	
	<input type="radio"/> Financial	<input type="radio"/> In Kind	<input type="radio"/> Pending	<input type="radio"/> Secured	\$	

Total \$ \_\_\_\_\_

**GEORGE DIAMOND PROPERTIES**  
2839 SW 2<sup>nd</sup> Ave  
Portland, OR 97201  
503-222-1655

February 13, 2013

Kenny Asher  
Community Development Director  
City of Tigard, OR

**RE: City Center Development Agency Letter of Commitment from George Diamond Properties**

Dear Mr. Asher,

This Letter of Commitment is the outcome of the multiple conversations between George Diamond and the City Center Development Agency (CCDA) to work together in a public/private partnership to create mixed-use redevelopments within Tigard's urban core. George Diamond is an experienced real estate developer, investor and broker with over 30 years working in the Portland – Metropolitan area. During that time George Diamond, through multiple partnerships, has personally participated as a principal in over 40 commercial real estate transactions including multi-family, retail and office both suburban and office. In addition, as a Partner and President of Real Estate Investment Group has brokered over \$2 billion of real estate transactions of all asset types.

Over the past ten years George Diamond has been an active investor and developer in downtown Tigard, purchasing two buildings and undergoing the renovation of a mixed-use building on Main Street, Tigard. George Diamond, through a future created entity, is committed to partnering with the City of Tigard and the CCDA to continue investing in the redevelopment of downtown Tigard.

Through this partnership we believe the market timing is right to begin working the feasibility of at minimum two redevelopment projects that we believe will spur future investment in Tigard. One of these two projects includes the 3.26 acre site that abuts Fanno Creek and is owned by the City of Tigard – known as the Public Works Yard. We also believe there is ability to acquire and redevelopment at least one additional 3+ acre site. To do so will require additional upfront feasibility of the market demand as well as identified redevelopment sites which will require

**GEORGE DIAMOND PROPERTIES**

**2839 SW 2<sup>nd</sup> Ave**

**Portland, OR 97201**

**503-222-1655**

further study in order to design and build a financially feasible development that encourages responsible urban development. Initially it will require selecting the appropriate consultants to help design projects that meet the goals of the redevelopment agency.

George Diamond and his team, in conjunction with the CCDA, will commit adequate resources to identify, acquire and develop identified sites. These resources will include capital, time, knowledge, management and additional resources invested to help create catalyst projects for future private development in downtown Tigard.

For more information please do not hesitate to contact me.

Sincerely,



George N. Diamond  
(503) 222-2178

CC: John Spencer, Spencer & Kupper

TIGARD AREA



*Where Business Soars!*

12345 SW Main Street ♦ Tigard, OR 97223 ♦ [www.tigardchamber.org](http://www.tigardchamber.org) ♦ 503.639.1656

CET Grant Review Committee  
Metro  
600 NE Grand Avenue  
Portland, OR 97232

April 9, 2013

To Whom It May Concern,

I am writing in support of the CET Grant submitted by the City of Tigard/City Center Development Agency that would fund pre-development feasibility assistance for mixed-use development projects in Downtown Tigard.

This grant would provide the opportunity for the city to partner with the private development community. Attracting new development, especially new residential development to Downtown Tigard is the key to implementing the vision of Downtown Tigard as an urban village. More residential units within walking distance of Main Street also will result in new customers to support the mainly small, locally owned businesses on Main Street.

As a Downtown Tigard business, I believe that this project is important for Tigard's continued and future livability and strongly endorse the grant application to fund pre-development feasibility assistance development in Downtown Tigard.

Sincerely,

A handwritten signature in blue ink, appearing to read "Debi Mollahan". The signature is fluid and cursive.

Debi Mollahan  
CEO, Tigard Chamber of Commerce

CET Grant Review Committee

Metro

600 NE Grand Avenue

Portland, OR 97232

April 10, 2013

To the Committee Members;

As a member of the Tigard City Center Advisory Commission for Urban Renewal, our commission was recently informed of the CET Grant application submitted by the City of Tigard. Our commissioners strongly support this application as it would fund the pre-development analysis and strategic planning required for the mixed-use development projects in Downtown Tigard.

Our City Center Development Agency has the opportunity to partner with private development in two proposed projects that promise to be catalytic investments within the Downtown Urban Renewal District. These projects are vital to the vision for the Downtown, reflecting the area's designation as a Town Center in Metro's 2040 Growth Concept Plan; calling for a "vibrant and active urban village at the heart of the community", with residential units within walking distance of the small, locally owned businesses on Main Street.

As a commission, we endorse the City of Tigard's grant application for pre-development feasibility assistance, as these development projects would realign market perception for what is possible, stimulate other similar investments, and address the Downtown portion of the Housing Strategies Report most recently prepared for the city.

Sincerely,

A handwritten signature in cursive script, reading "Elise C. Shearer".

Elise C. Shearer

Chairman,

Tigard City Center Advisory Commission

**AIS-1536**

**3. C.**

**Business Meeting**

**Meeting Date:** 11/26/2013

**Length (in minutes):** Consent Item

**Agenda Title:** Waive Sign Permit Fees for Tigard Little League - Resolution

**Prepared For:** Liz Lutz

**Submitted By:** Liz Lutz,  
Financial and  
Information  
Services

**Item Type:** Resolution

**Meeting Type:** Consent  
Agenda

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Does the Tigard City Council find benefit to the community of waiving the temporary sign permit fees for Tigard Little League to hang two banners, outweigh the \$224 financial hardship to the city?

**STAFF RECOMMENDATION / ACTION REQUEST**

Consider Resolution waiving \$224 of permit fees for Tigard Little League.

**KEY FACTS AND INFORMATION SUMMARY**

On October 17, 2013, Kelly Kelleher from Tigard Little League e-mailed the city to request a waiver of permit fees charged to hang two banners (text of email attached). According to the Master Fees and Charges Schedule, Temporary Sign Permits are \$56 per sign and are good for 30 days. Kelly Kelleher is requesting the city waive fees for two signs for 60 days totaling \$224 fee waiver. TMC 3.32.070 authorizes council to waive fees for non-profits. The text of the TMC is 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."

Tigard Little League is a qualifying non-profit. They have made their request to waive fees in writing. If council determines that the benefit to the community outweighs the loss of \$224 in permit fees, then council is authorized to waive the fees.

**OTHER ALTERNATIVES**

City Council could deny the request.

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

Tigard citizens are involved in the community and participate effectively.

**DATES OF PREVIOUS CONSIDERATION**

On March 19, 2013, the City Council passed Resolution 13-10 granting waiver for temporary sign permits for Tigard Youth Football for \$378.

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**Fiscal Impact**

**Cost:** NA

**Budgeted (yes or no):** NA

**Where Budgeted (department/program):** NA

**Additional Fiscal Notes:**

Waiving the fees will reduce the General Fund revenues by \$224.

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**Attachments**

Resolution

letter

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

A RESOLUTION WAIVING \$224 IN TEMPORARY SIGN PERMIT FEES FOR TIGARD LITTLE LEAGUE BASEBALL.

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WHEREAS, Tigard Municipal Code 3.32.070 authorizes City Council to waive fees for non-profits when the request is made in writing and council determines that the community benefit outweighs the financial burden to the city; and

WHEREAS, Tigard Little League has requested in writing the waiver of fees for four temporary sign permits (2 signs for 2 months each); and

WHEREAS, The Master Fees and Charges states that the fee for temporary sign permits is \$56 per sign for 30 days; and

WHEREAS, council determines that the community benefit outweighs the \$224 financial burden to the city.

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

SECTION 1: Tigard Little League receives a waiver of \$224 in temporary sign permit fees.

SECTION: 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



October 17, 2013

Dear Ms. Lutz,

I am contacting you in hopes of receiving a waiver from the City of Tigard for banner permits. Tigard Little League is a non-profit organization that has served kids in Tigard ages 5-14 for over 50 years and we are always looking for ways to keep expenses down so that we may offer the lowest registration fees possible and spend money on fields, coach training and equipment instead.

We would like to put up two (2) banners announcing registration:

1. One banner would be placed on the Tigard High School fence at the intersection of Hall Boulevard and Durham Road
2. One banner would be placed on the Fowler Middle School fence at the intersection of Tiedeman Avenue and Walnut Street

We would like to display these banners from December 1st through January 19<sup>th</sup> (our final day of registration).

Please let me know if you require any further information and thank you very much for considering our request.

Sincerely,

Kim Kelleher  
Tigard Little League President

**AIS-1490**

**4.**

**Business Meeting**

**Meeting Date:** 11/26/2013

**Length (in minutes):** 10 Minutes

**Agenda Title:** Otis Annexation

**Prepared For:** John Floyd, Community Development

**Submitted By:** John Floyd, Community Development

**Item Type:** Ordinance

Public Hearing - Quasi-Judicial

**Meeting Type:**

Council

Business

Mtg -

Study Sess.

**Public Hearing:** Yes

**Publication Date:**

**Information**

**ISSUE**

Shall Council annex 0.94 acres of property located at 14031 SW Alpine Crest Way.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that City Council find that the proposed annexation (ZCA2013-00003) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goals 11.1 and 11.3; and Goals 14.1 and 14.2. Therefore, staff recommends APPROVAL of ZCA2013-00001 by adoption of the attached ordinance.

**KEY FACTS AND INFORMATION SUMMARY**

The subject parcel is approximately 0.94 acres in size, and is one of five parcels that form an approximately 13.95 acre unincorporated island within the Bull Mountain neighborhood. The property is located at the NW corner of the intersection of Alpine Crest Way and Wilmington Lane. The site and surrounding vicinity are dominated by single family homes.

The subject parcel slopes downhill from a southwesterly to northeasterly direction, and contains an existing single family home in the approximate center of the property. The home was recently constructed and the applicant is proposing to annex in order to obtain access to city sanitary sewer service.

The subject parcel adjoins the City Boundary along the western, southern, and southeastern corners of the project site. The proposed annexation will help to rationalize the city boundary in this area by reducing the size of the unincorporated island.

A public election is not required for a voluntary annexation of a single parcel. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain urban services from the City needed to urbanize the area and provide housing and employment opportunities as envisioned by Metro when the subject area was placed within the Urban Growth Boundary.

Regarding the status of the island, the City (Public Works Department) has initiated the application for annexation of the East Bull Mountain park property and nearby rights of way, and this action is under review. Annexation of those parcels will be scheduled for January 14, 2014. Annexation of the entire island through either the double or triple majority process is not possible at this time as two parcels in private ownership have indicated no interest in annexation. Without interest or participation, the majority thresholds for a triple majority annexation cannot be met (specifically the assessed value threshold).

## **OTHER ALTERNATIVES**

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

The City Council's long-standing goal is to consider voluntary annexations and a 2012 goal included developing a philosophy and approach to consider annexations, including islands.

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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### **Attachments**

Draft Ordinance

Exhibits A-C Legal Descriptions

Exhibit D - Staff Report

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

AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY 0.94 ACRES IN SIZE, APPROVING THE OTIS ANNEXATION (ZCA2013-00003) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

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WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw property which currently lies within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on November 26, 2013, to consider the annexation of Washington County Tax Map (WCTM) 2S109AB, Tax Lot 600) of land located at 14031 SW Alpine Crest Way, and withdrawal of said parcel and right-of-way from the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on November 26, 2013; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning which most closely implements the City's comprehensive plan map designation or to the City designations which are the most similar, which in this case is County R-6 to City of Tigard R-7; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council passed Resolution 13-08 to extend the phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that voluntarily annex until February 2014 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

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

SECTION 1: The Tigard City Council hereby annexes the subject parcel as described and shown in the attached Exhibits “A,” “B,” and “C” and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff’s Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the “Staff Report to the City Council” (ZCA2013-00003) as findings in support of this decision; a copy of the staff report is attached hereto as Exhibit “D” and incorporated herein by this reference.

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.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: The Tigard City Council hereby authorizes the phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent per Oregon Administrative Rule (OAR 150-222.111) for the subject annexation.

SECTION 6: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff’s Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

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

\_\_\_\_\_  
Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
John Cook, Mayor

Approved as to form:

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

\_\_\_\_\_  
Date

## ANNEXATION DESCRIPTION

A tract of land situated in the Northeast one-quarter of Section 9 Township 2 South, Range 1 West, of the Willamette Meridian, described as follows:

Beginning at the one quarter Section Corner between Sections 4 and 9 Township 2 South, Range 1 West of the Willamette Meridian; Thence S 89° 53' 02" E, along the line between Sections 4 and 9, a distance of 326.61 feet; Thence S 00° 00' 14" W, leaving said line, a distance of 310.00 feet to **True Point of Beginning**; Thence S 89° 53' 02" E a distance of 291.64 feet; Thence S 00° 04' 25" E a distance of 140.00 feet; Thence N 89° 53' 02" W a distance of 291.83 feet; Thence N 00° 00' 14" E a distance of 140.00 feet.

Containing 40,843 square feet





PM

**STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: OTIS ANNEXATION  
CASE NO: Zone Change Annexation (ZCA) ZCA2013-00003

APPLICANT: Brian and Lorraine Otis OWNER: Brian and Lorraine Otis  
14031 SW Alpine Crest Way 14031 SW Alpine Crest Way  
Tigard, OR 97223 Tigard, OR 97223

PROPOSAL: A request to annex to the City of Tigard approximately 0.94 acres of property

LOCATION: 14031 SW Alpine Crest Way; Assessor map 2S109AB, Tax Lot 600

COUNTY ZONE: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet, at densities of approximately 7 units an acre.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

SECTION II. STAFF RECOMMENDATION

Staff recommends that City Council find that the proposed annexation (ZCA2013-00003) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goals 11.1 and 11.3; and Goals 14.1 and 14.2. Therefore, staff recommends APPROVAL of ZCA2013-00001 by adoption of the attached ordinance.

## SECTION III. BACKGROUND INFORMATION

### Vicinity Information

The subject parcel is approximately 0.94 acres in size, and is one of five parcels that form an approximately 13.95 acre unincorporated island within the Bull Mountain neighborhood. The property is located at the NW corner of the intersection of Alpine Crest Way and Wilmington Lane. The site and surrounding vicinity are dominated by single family homes.

### Site Information and Proposal Description

The site consists of a single parcel of land approximately 0.94 acres in size, as stated above. The subject parcel slopes downhill from a southwesterly to northeasterly direction, and contains an existing single family home in the approximate center of the property. The home was recently constructed and the applicant is proposing to annex in order to obtain access to city sanitary sewer service.

The subject parcel adjoins the City Boundary along the western, southern, and southeastern corners of the project site. The proposed annexation will help to rationalize the city boundary in this area by reducing the size of the unincorporated island.

A public election is not required for a voluntary annexation of a single parcel. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain urban services from the City needed to urbanize the area and provide housing and employment opportunities as envisioned by Metro when the subject area was placed within the Urban Growth Boundary.

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

City: Community Development Code Chapters 18.320 and 18.390  
Comprehensive Plan Goal 1, Goal 11 and Goal 14.  
State: ORS Chapter 222  
Regional: Metro Code Chapter 3.09

### A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

#### “Chapter 18.320.020.B: Approval Process and Standards.

Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;”

**FINDINGS:** The City of Tigard Comprehensive Plan’s Public Facilities and Services Chapter states that for the purposes of the Comprehensive Plan, public facilities and services refer to storm water management, water supply and distribution, wastewater management, community facilities, and private utilities. In addition the comprehensive Plan Glossary includes public safety, parks, and transportation. Each service is available and adequate to serve the property as discussed below.

**Water – City of Tigard.** The existing single-family home on the site presently receives potable water service from the Tigard Water District. Service is provided through a four inch water main located within Alpine Crest Way. Additional capacity is available from an eight inch water main located within Wilmington Lane. Upon annexation, City of Tigard will become the water provider. Sufficient capacity presently exists, and no change in capacity or demand will result from the annexation.

**Sewer – Clean Water Services/City of Tigard.** Clean Water Services (CWS) is the service provider of sewer service. Upon annexation, the City of Tigard will be the retail provider of sewer service prior to ultimate treatment by Clean Water Services. The City is capable of providing sewer service without significant reduction in the level of services provided to developed and underdeveloped properties in the City. This service is available at the property boundary from either of two eight inch public sanitary sewers located within Alpine Crest Way and Wilmington Way.

Drainage – Clean Water Services/City of Tigard. Clean Water Services is the current provider of stormwater service. Upon annexation, the City of Tigard will be the provider of stormwater service. service is available from public storm main lines within Alpine Crest Way and Wilmington Lane.

Streets – City of Tigard Engineering Division. The subject property fronts SW Alpine Crest Way and SW Wilmington lane which are presently within City Limits. These roads provide the only access to the subject property and the unincorporated island, and the annexation will not create an additional demand or capacity restraint on the road system.

Police – City of Tigard Police Department. The City of Tigard Police Department reviewed the subject proposal and commented that they have no objection to it. The Tigard Police Department has determined that it has adequate capacity to serve the most intense use allowed and that providing services will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue's (TVF&R's) service area. The TVF&R District currently provides services to the entire Bull Mountain area, both inside and outside of the City of Tigard, so this annexation represents no change. The Fire District has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations to developed and undeveloped land within the City of Tigard.

Parks–City of Tigard. According to the Tigard Urban Services Agreement, the City is designated as the provider of parks within the Urban Services Area. Consistent with the Tigard Park System Master Plan, the city operates parks within the Bull Mountain Area and is in the process of developing new parkland within the Bull Mountain area, consistent with the 2009 Tigard Park System Master Plan. As a result adequate capacity exists.

CONCLUSION: Based upon this review, staff finds that all public services and facilities (as defined by the Comprehensive Plan) are available to the proposed annexation territory and have sufficient capacity to provide service if developed to the most intense use allowed and will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard. These criteria are met.

“2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.”

FINDINGS: The following Comprehensive Plan goals and policies apply to the proposed annexation: Goal 1.1 and Goal 14, Policy 1- 4. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

“Goal 1.1: Citizen Involvement. The City shall provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.”

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed, and published notice of the public hearing as follows. The City posted the hearing notice at four public places on November 7, 2013: Tigard Library, Tigard City Hall, Tigard Permit Center, and at the project site. The City published notice of the hearing in The Tigard Times for two successive weeks (November 7, 2013 & November 14, 2013) prior to the November 26, 2013, public hearing. In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties on November 7, 2013. This goal is met.

“Goal 11.1: Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.  
Policy 4. The City shall require the property to be located within the city limits prior to receiving City stormwater services.”

The applicant is not requesting additional City stormwater services at this time. This policy is met.

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

Policy 6. The City shall require the property to be located within the city limits prior to receiving City wastewater services.”

The applicant has requested annexation in order to access city wastewater services. This policy will be met.

“Goal: 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.

Policy 1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.”

The applicable Tigard zoning district designations are addressed below in the findings for Section 18.320.020.C. This policy is met.

“Policy 2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.”

Capacity exists and is adequate as addressed above under findings pertaining to 18.320.020.B.1 above, consistent with this policy. This policy is met.

“Policy 3. The City shall approve proposed annexations based on findings that the request:  
A. can be accommodated by the City’s public facilities and services; and”

The annexation can be accommodated by the City’s public facilities and services as addressed under findings pertaining to 18.320.020.B.1 above, consistent with this policy. This policy is met.

“B. is consistent with applicable state statute.”

As reviewed below, staff finds that the provisions of ORS 222 have been met, consistent with this policy. This policy is met.

“Policy 4. The City shall evaluate and may require that parcels adjacent to proposed annexations be included to: A) avoid creating unincorporated islands within the City; B) enable public services to be efficiently and effectively extended to the entire area; or C) implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

The proposed annexation is located within the Bull Mountain area and will not create an unincorporated island within the city. It will in fact reduce the size of an existing island. Public services are available and can be efficiently extended as discussed above. No concept plans or sub-area master plans apply to the affected parcel. This policy is met.”

#### “Chapter 18.320.020.C

Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City’s zoning district which most closely implements the City’s or County’s comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County’s comprehensive plan map and zoning designations to the City designations which are the most similar.”

The Washington County Land Use Districts Map and online GIS Intermap system show the affected parcel as being within the R-6 Land Use District. This designation is common throughout the unincorporated Bull Mountain neighborhood. The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6 of the Washington County Community Development Code. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

The most similar City of Tigard Zoning District is the R-7 Zoning District, as set forth in TDC 18.320.1 (Conversion Table for County and City Plan and Zoning Districts). The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without

accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet, at densities of approximately 7 units an acre.

This standard is met.

“Chapter 18.390.060: Type IV Procedure”

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 20 days prior to the hearing by mail and to publish notice at least 10 business days prior to the hearing; the City mailed notice on November 12, 2013, and published public notice in The Tigar Times for two successive weeks (November 7, 2013 & November 14, 2013) prior to the November 26, 2013 public hearing.

“Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;”

The City’s Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and is, therefore, in compliance with state planning goals. This standard is met.

“2. Any federal or state statutes or regulations found applicable;”

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. In addition, ORS 222.111(2) allows for a city to act on its own motion to annex contiguous territory. A city is not required to hold an election for such an annexation if it follows the noticing procedures for a public hearing per ORS 222.120.

ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places for two successive weeks prior to the hearing.

The owner of the subject parcel has signed a petition for annexation to the City. The subject parcel is contiguous to the City’s boundary. The City has acted on its own motion to annex half the right-of-way along the SW 133<sup>rd</sup> frontage of the subject property.

The City mailed notice on November 12, 2013, and published public notice in The Tigar Tualatin Sherwood Times for two successive weeks (November 7, 2013 & November 14, 2013) prior to the November 26, 2013 public hearing and posted the hearing notice for public view on November 12, 2013 in the Tigar Library, Tigar City Hall, Tigar Permit Center, and in two places on the subject property. Staff finds that the provisions of ORS 222 have been met.

CONCLUSION: As shown in the above findings the proposed Otis Annexation satisfies the applicable Comprehensive Plan Policies and implementing ordinance provisions related to Local Government Boundary Changes.

“3. Any applicable METRO regulations;”

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Staff has determined that the applicable METRO regulations have been met based on the following findings:

“Metro 3.09.045 (d) and (e)”

The proposed annexation is not being reviewed through an expedited process, but subsections (d) of Metro Code 3.09.050 requires that the standards of 3.09.045 (d) & (e) be addressed.

“(d) To approve a boundary change through an expedited process, the city shall:  
(1) Find that the change is consistent with expressly applicable provisions in:  
(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;”

The Urban Planning Area Agreement (UPAA) between the City and the County provides coordination of comprehensive planning and development, defines the area of interest, and includes policies with respect to the active planning area and annexation. The applicable annexation policies include the assignment of comprehensive plan and zoning designations addressed earlier in this report and acknowledgements that the City is the ultimate service provider of urban services within the Tigard Urban Service Area.

The Tigard Urban Service Agreement is between the City, County, Metro, and the service Districts for water, sewer, transportation, parks and public safety. The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating in the Tigard Urban Services Area (TUSA). These services are addressed above at the beginning of this report.

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, UPAA (2006) and TUSA (2006).

“(B) Any applicable annexation plan adopted pursuant to ORS 195.205;”

These statutes outline the process for annexations initiated by a city or district, including public hearings and voting procedures. This statute is not applicable since this annexation was initiated by the property owners. The applicant and property owner have submitted a petition to annex.

“(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;”

The UPAA (2006) includes the proposed annexation territory. The City has followed all processing and notice requirements in the UPAA, providing Washington County with notice prior to the public hearing. The agreement states that “so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City.” The annexation proposal is consistent with this agreement.

“(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and”

The City of Tigard Public Facility Plan was adopted in 1991 in compliance with statewide planning goals and Oregon Administrative Rule 660-11. A revised plan is currently being developed as part of periodic review. The development of the community plan and its public facility elements will be coordinated consistent with the new facility plan being prepared through periodic review and with CWS and TVF& R facility plans as required by Statewide Planning Goal 14, Urbanization. New Comprehensive Plan goals and policies for public facilities were adopted in 2008 (Goal 11), and the applicable goals and policies were addressed previously in this report. The proposed annexation is consistent with the Tigard Public Facility Plan.

“(E) Any applicable comprehensive plan; and”

The Tigard Comprehensive Plan applies in this case. Applicable policies are satisfied as addressed previously in this report.

“(2) Consider whether the boundary change would: (A) Promote the timely, orderly and economic provision of public facilities and services; (B) Affect the quality and quantity of urban services; and (C) Eliminate or avoid unnecessary duplication of facilities or services.”

The proposed annexation will proceed consistent with the TUSA (2006), which ensures the timely, orderly, and efficient extension of public facilities and urban services; and as stated above are available to serve the proposed annexation territory without affecting the quality or quantity of those services.

“(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.”

The property to be annexed is not outside the UGB. This criterion is met.

“Metro 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;”

As addressed previously in this report, urban services can be made available to the affected property. This standard is met.

“(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and”

The proposed territory will be withdrawn from the Washington County Enhanced Sheriff's Patrol District & Urban Road Maintenance District. This standard is met.

“(3) The proposed effective date of the boundary change.”

The public hearing will take place November 26, 2013. If the Council adopts findings to approve ZCA2013-00003, the effective date of the annexation will be December 26, 2013.

“(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.”

The applicant has provided application materials that addresses the applicable criteria. This standard is met.

“(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.”

The criteria and factors outlined in subsections (d) and (e) of Section 3.09.045 have been previously addressed in this report.

**CONCLUSION:** As shown in the above findings the proposed Otis Annexation satisfies the Metro Code regulations related to Local Government Boundary Changes.

“(Tigard CDC 18.390.060)

4. Any applicable comprehensive plan policies; and”

**FINDINGS:** Findings addressing the applicable Comprehensive Plan policies were provided previously in this report.

**CONCLUSION:** As previously demonstrated, the proposed annexation is consistent with all applicable comprehensive plan policies.

“5. Any applicable provisions of the City’s implementing ordinances.”

FINDINGS: Resolution 13-08 extended previously approved incentives for property owners that voluntarily annex into the city limits through February 2014. These incentives include waiver of the annexation application fee, assistance with paperwork and, phasing in of increased property taxes. These incentives have been extended to the applicant. To ensure property tax increases are properly phased, the phasing language is included in the proposed ordinance. As demonstrated in previous sections of this report, the proposed annexation is consistent with all other applicable provisions of the Tigard Development Code.

CONCLUSION: Based upon previous and above findings, all applicable provisions of the city's implementing ordinances are satisfied.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police Department reviewed the proposal and had no objections.

The city's Public Works Department, Building Division, Public Works Development Services Division, City Engineer, and Parks Manager were sent a request for comments. No comments were received.

SECTION VIII. AGENCY COMMENTS

The following agencies and jurisdictions were sent a request for comments but provided no formal written comments: Tualatin Valley Fire and Rescue, Clean Water Services, Metro – Land Use & Planning, Tri-Met, Washington County – Department of Land Use & Transportation, Washington County Assessment & Taxation, Washington County Cartography, Tigard-Tualatin School District, Northwest Natural Gas, Metro Area Communications, Comcast Cable Corporation, Portland General Electric, and Verizon.

PREPARED BY: \_\_\_\_\_  
John Floyd  
Associate Planner

\_\_\_\_\_  
November 13, 2013  
DATE

REVIEWED BY: \_\_\_\_\_  
Tom McGuire  
Assistant Community Development Director

\_\_\_\_\_  
November 13, 2013  
DATE

**AIS-1523**

**5.**

**Business Meeting**

**Meeting Date:** 11/26/2013

**Length (in minutes):** 10 Minutes

**Agenda Title:** Parsons Annexation

**Prepared For:** John Floyd, Community Development

**Submitted By:** John Floyd, Community Development

<b>Item Type:</b>	Motion Requested	<b>Meeting Type:</b>	Council
	Ordinance		Business
	Public Hearing - Quasi-Judicial		Meeting -
			Main

**Public Hearing:** Yes

**Publication Date:**

**Information**

**ISSUE**

Shall Council approve a petition to annex approximately 3.14 acres located at 14315 SW Bull Mountain Road.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends that City Council find that the proposed annexation (ZCA2013-00005) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goals 11.1 and 11.3; and Goals 14.1 and 14.2. Therefore, staff recommends APPROVAL of ZCA2013-00005 by adoption of the attached ordinance.

**KEY FACTS AND INFORMATION SUMMARY**

The subject parcel is approximately 3.14 acres in size and is located at the terminus of SW 153rd, approximately 350 feet north of the intersection of SW 153rd and Bull Mountain Road. Single family dwellings on lots of varying size surround the subject parcel to the west, south, and east. Cache Park Nature Area adjoins the subject parcel to the north.

The subject parcel slopes downhill towards the north and east, and contains an existing single family home and accessory buildings on the southern half of the property. A helipad and substantial parking area are also located on the property. The subject parcel adjoins the City Boundary along the western, northern, and eastern sides of the project site.

A public election is not required for a voluntary annexation of a single parcel. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain urban services from the City needed to urbanize the area and provide housing and

employment opportunities as envisioned by Metro when the subject area was placed within the Urban Growth Boundary.

**OTHER ALTERNATIVES**

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

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

n/a

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**Attachments**

Draft Ordinance

Exhibits A-C - Legal Descriptions

Exhibit D - Staff Report

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

AN ORDINANCE ANNEXING ONE PARCEL OF LAND APPROXIMATELY 3.14 ACRES IN SIZE, APPROVING THE PARSONS ANNEXATION (ZCA2013-00005) AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT AND WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT.

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WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(b), ORS 222.125, and ORS 222.170(1) to annex contiguous territory upon receiving written consent from owners of land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw property which currently lies within the boundary of the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on November 26, 2013, to consider the annexation of Washington County Tax Map (WCTM) 2S108AB, Tax Lot 1100) of land located at 15315 SW Bull Mountain Road, and withdrawal of said parcel and right-of-way from the Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District on November 26, 2013; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of the annexed property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning which most closely implements the City's comprehensive plan map designation or to the City designations which are the most similar, which in this case is County R-6 to City of Tigard R-7; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the Tigard City Council passed Resolution 13-08 to extend the phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that voluntarily annex until February 2014 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, the Tigard City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed property from the applicable service districts is in the best interest of the City of Tigard.

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

SECTION 1: The Tigard City Council hereby annexes the subject parcel as described and shown in the attached **Exhibits “A,” “B,” and “C”** and withdraws said parcel from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District.

SECTION 2: The Tigard City Council adopts the “Staff Report to the City Council” (ZCA2013-00005) as findings in support of this decision; a copy of the staff report is attached hereto as **Exhibit “D”** and incorporated herein by this reference.

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.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including filing certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: The Tigard City Council hereby authorizes the phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent per Oregon Administrative Rule (OAR 150-222.111) for the subject annexation.

SECTION 6: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from Washington County Enhanced Sheriff's Patrol District and Washington County Urban Roads Maintenance District shall be the effective date of this annexation.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

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

\_\_\_\_\_  
Cathy Wheatley, City Recorder

APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
John Cook, Mayor

Approved as to form:

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

\_\_\_\_\_  
Date

Legal description for 2S108AB-1100

Lot 2, "WONDER VIEW ESTATES", Washington County, Oregon

**ANNEXATION CERTIFIED**

BY 

SEP 09 2013

WASHINGTON COUNTY A & T  
CARTOGRAPHY

Book 22 Part 17

# Dedication

KNOW ALL MEN BY THESE PRESENTS that we, Lyle D. Goodell and Evelyn K. Goodell, husband and wife, do hereby certify that the lands in Section 8, T.2S, R.1W, W.1M, and more particularly described in the Surveyor's Certificate hereunto attached, into lots and streets as shown on the attached plat, and to be dedicated "WONDER VIEW ESTATES" annexed plat, and to be dedicated all roads and streets as shown, to the public for public use forever.

*Lyle D. Goodell*  
*Evelyn K. Goodell*

# Acknowledgment

STATE OF OREGON  
County of Washington S.S.  
THIS IS TO CERTIFY that on this 27th day of June 1963 before me, a Notary Public in and for said County of Washington, appeared Lyle D. Goodell and Evelyn K. Goodell, who are known to me to be the identical persons named in and who executed the foregoing instrument, and they acknowledged to me that they executed the same freely and voluntarily.

WITNESS my hand and official seal this 27th day of June 1963 at the place above written.

*Richard D. Dreyfus*  
Notary Public for the State of Oregon  
My commission expires 22-Sep-63.



# Surveyor's Certificate

STATE OF OREGON  
County of Washington S.S.  
I, Herbert A. Mohr, Registered Professional Engineer in the State of Oregon, hereby certify that during May, 1963, I have surveyed and delineated into lots and streets the lands shown on the attached plat, and the boundary of which is described as follows:

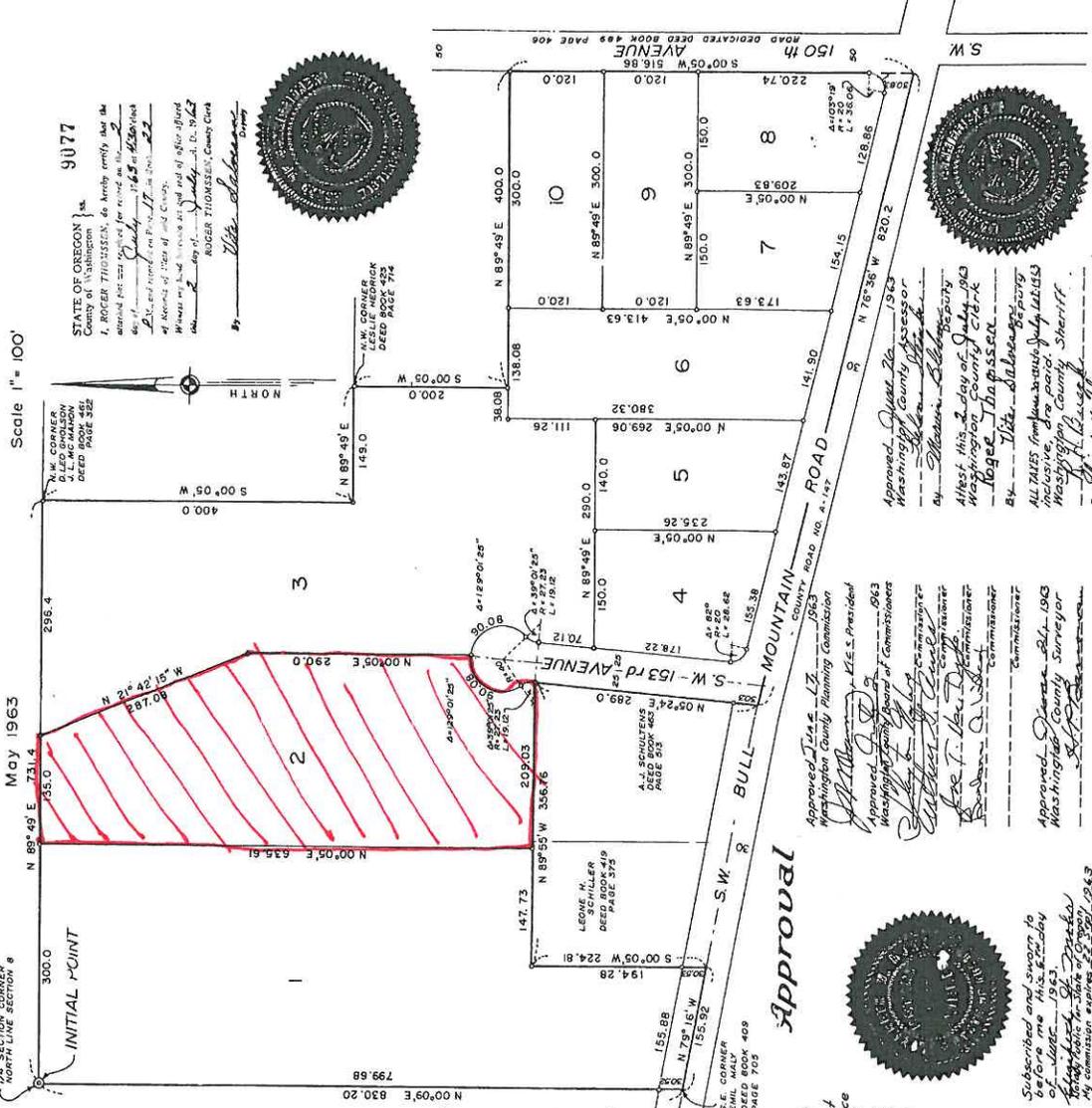
Beginning at the one-fourth section corner on the north line of Section 8, T.2S, R.1W, W.1M, and thence N 89° 49' E along said section line 731.4 feet to the northeast corner of that tract of land described in Contract between Leo Johnson et ux, and James Lauren McMahon as recorded in Book 161, Page 463, Washington County Oregon Deed Records; thence S 89° 51' W along the north line of said McMahon tract 400.0 feet to the southwest corner thereof; thence N 89° 49' E along the southern boundary of that tract of land conveyed to the northwest corner of that tract of land described in said deed, thence S 00° 05' W along said road right of way line as described in Book 485, Page 346 of said Deed Records; thence S 00° 05' W along said road right of way line (County Road No. 147) to the northwest corner of the southeast corner of that tract of land conveyed to Arthur Schiller, recorded in Book 463, Page 513, said Deed Records; thence N 89° 49' E along the northerly line of said Schillers tract 285.0 feet to the northeast corner thereof; thence N 89° 55' W along the line of that tract of land conveyed to and the center line of that tract of land in Book 419, Page 375, said Deed Records; thence S 00° 05' W along the center line of said Schiller tract 224.81 feet to the northeast corner of said Schiller tract; thence N 89° 49' E along the center line of said County Road 147, 191.5 feet to the southeast corner of that tract of land conveyed in Book 403, Page 10, said Deed Records; thence S 00° 05' W along the westerly line of the northeast one-fourth of said Section 8, 830.2 feet to the point of beginning.

That the initial point of this survey is a 27" x 36" galvanized iron pipe driven 6 inches below the surface of the ground at the above mentioned one-fourth section corner on the north line of said Section 8.

That the attached map is a true and accurate representation of the lots and 50' x 30' iron rods at all lot corners and curve points.

# WONDER VIEW ESTATES

A SUBDIVISION IN SECTION 8 T2S R1W WM.  
WASHINGTON COUNTY OREGON  
May 1963



STATE OF OREGON  
County of Washington  
I, ROGER THOMPSON, do hereby certify that the attached plat was filed for record on the 27th day of June 1963 at 4:30 PM in Book 22, Page 17 of the State of Oregon Deed Records, and that the same is a true and correct copy of the original as filed with me.

ROGER THOMPSON, County Clerk  
My commission expires 22-Sep-63.



A.W. CORNER  
LESLIE MADONIK  
DEED PAGE 774

S.E. CORNER  
DEED BOOK 408  
PAGE 705

A.J. SCHULTZ  
DEED PAGE 375

LEONE N. SCHULER  
DEED PAGE 375

A.W. CORNER  
LESLIE MADONIK  
DEED PAGE 774

AUGUST L. AUGUST  
DEED PAGE 128

Approved: J. L. ...  
Washington County Planning Commission



PM

STAFF REPORT TO THE  
CITY COUNCIL  
FOR THE CITY OF TIGARD, OREGON



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: PARSONS ANNEXATION  
CASE NO: Zone Change Annexation (ZCA) ZCA2013-00005

APPLICANT: Gregory A Parsons OWNER: Gregory A Parsons  
15315 SW Bull Mtn. Rd. 15315 SW Bull Mtn. Rd.  
Tigard, OR 97224 Tigard, OR 97224

PROPOSAL: A request to annex to the City of Tigard approximately 3.14 acres of property

LOCATION: 14031 SW Alpine Crest Way; Assessor map 2S108AB, Tax Lot 1100

COUNTY ZONE: R-6 District (Residential 6 Units Per Acre). The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

EQUIVALENT CITY ZONE: R-7: Medium-Density Residential District. The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet, at densities of approximately 7 units an acre.

APPLICABLE REVIEW CRITERIA: The approval standards for annexations are described in Community Development Code Chapters 18.320 and 18.390, Comprehensive Plan Goal 1, Goal 11, and Goal 14; ORS Chapter 222; Metro Code Chapter 3.09.

SECTION II. STAFF RECOMMENDATION

Staff recommends that City Council find that the proposed annexation (ZCA2013-00005) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Community Development Code Chapters 18.320 and 18.390, and the following Comprehensive Plan Goals and Policies: Goal 1.1; Goals 11.1 and 11.3; and Goals 14.1 and 14.2. Therefore, staff recommends APPROVAL of ZCA2013-00005 by adoption of the attached ordinance.

## SECTION III. BACKGROUND INFORMATION

### Vicinity Information

The subject parcel is approximately 3.14 acres in size and is located at the terminus of SW 153<sup>rd</sup>, approximately 350 feet north of the intersection of SW 153<sup>rd</sup> and Bull Mountain Road. Single family dwellings on lots of varying size surround the subject parcel to the west, south, and east. Cache Park Nature Area adjoins the subject parcel to the north.

### Site Information and Proposal Description

The site consists of a single parcel of land approximately 3.14 acres in size, as stated above. The subject parcel slopes downhill towards the north and east, and contains an existing single family home and accessory buildings on the southern half of the property. A helipad and substantial parking area are also located on the property. The subject parcel adjoins the City Boundary along the western, northern, and eastern sides of the project site.

A public election is not required for a voluntary annexation of a single parcel. However, a public hearing before the Tigard City Council is required. The purpose of the request is to obtain urban services from the City needed to urbanize the area and provide housing and employment opportunities as envisioned by Metro when the subject area was placed within the Urban Growth Boundary.

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

City: Community Development Code Chapters 18.320 and 18.390  
Comprehensive Plan Goal 1, Goal 11 and Goal 14.  
State: ORS Chapter 222  
Regional: Metro Code Chapter 3.09

### A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

#### “Chapter 18.320.020.B: Approval Process and Standards.

Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area;”

**FINDINGS:** The City of Tigard Comprehensive Plan’s Public Facilities and Services Chapter states that for the purposes of the Comprehensive Plan, public facilities and services refer to storm water management, water supply and distribution, wastewater management, community facilities, and private utilities. In addition the comprehensive Plan Glossary includes public safety, parks, and transportation. Each service is available and adequate to serve the property as discussed below.

**Water – City of Tigard.** The existing single-family home on the site presently receives potable water service by the Tigard Water District. Upon annexation, City of Tigard will be the provider of water. The water system does have the overall infrastructure and adequate capacity to serve the property to be annexed at the most intense use allowed without significantly reducing the level of service available to developed and undeveloped land within Tigard. This water connection is available from both SW 153rd to the south and Cache Creek Lane to the northwest.

**Sewer – Clean Water Services/City of Tigard.** Clean Water Services (CWS) is the service provider of sewer service. Upon annexation, the City of Tigard will be the retail provider of sewer service prior to ultimate treatment by Clean Water Services. The City is capable of providing sewer service without significant reduction in the level of services provided to developed and underdeveloped properties in the City. This service is available at the property boundary from an eight inch public sanitary sewers located within Cache Creek Lane to the northwest.

Drainage – Clean Water Services/City of Tigard. Clean Water Services is the current provider of stormwater service. Upon annexation, the City of Tigard will be the provider of stormwater service. service is available from public storm main lines within Cache Creek Lane.

Streets – City of Tigard Engineering Division. The subject property fronts Cache Creek Lane where it was stubbed as part of the Brentwood Estates Subdivision, and SW 153rd which are presently within City Limits. Cache Creek Lane is intended to be extended into the subject property, and sufficient capacity is available or will be made available as part of development review for the project.

Police – City of Tigard Police Department. The City of Tigard Police Department reviewed the subject proposal and commented that they have no objection to it. The Tigard Police Department has determined that it has adequate capacity to serve the most intense use allowed and that providing services will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

Fire – Tualatin Valley Fire and Rescue (TVF&R). The subject property is in Tualatin Valley Fire and Rescue’s (TVF&R’s) service area. The TVF&R District currently provides services to the entire Bull Mountain area, both inside and outside of the City of Tigard, so this represents no change. The Fire District has personnel and equipment in the area that can respond to an emergency incident and implement such actions as may be necessary for fire and/or rescue operations to developed and undeveloped land within the City of Tigard.

Parks–City of Tigard. According to the Tigard Urban Services Agreement, the City is designated as the provider of parks within the Urban Services Area. Consistent with the Tigard Park System Master Plan, the city operates parks within the Bull Mountain Area and is in the process of developing new parkland within the Bull Mountain area, consistent with the 2009 Tigard Park System Master Plan. As a result adequate capacity exists.

**CONCLUSION:** Based upon this review, staff finds that all public services and facilities (as defined by the Comprehensive Plan) are available to the proposed annexation territory and have sufficient capacity to provide service if developed to the most intense use allowed and will not significantly reduce the level of services available to developed and undeveloped land in the City of Tigard. These criteria are met.

“2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.”

**FINDINGS:** The following Comprehensive Plan goals and policies apply to the proposed annexation: Goal 1.1 and Goal 14, Policy 1- 4. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

“Goal 1.1: Citizen Involvement. The City shall provide citizens, affected agencies and other jurisdictions the opportunity to participate in all phases of the planning process.”

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed, and published notice of the public hearing as follows. The City posted the hearing notice at four public places on November 7, 2013: Tigard Library, Tigard City Hall, Tigard Permit Center, and at the project site. The City published notice of the hearing in The Tigard Times for two successive weeks (November 7, 2013 & November 14, 2013) prior to the November 26, 2013, public hearing. In addition, the City maintains a list of interested parties. Notice was mailed to interested parties on November 7, 2013. This goal is met.

“Goal 11.1: Develop and maintain a stormwater system that protects development, water resources, and wildlife habitat.

Policy 4. The City shall require the property to be located within the city limits prior to receiving City stormwater services.”

The applicant is not requesting City stormwater services at this time. It is anticipated that after annexation, city stormwater services are likely to be requested as part of a future development application. This policy will be met.

“Goal 11.3: Develop and maintain a wastewater collection system that meets the existing and future needs of the community.  
Policy 6. The City shall require the property to be located within the city limits prior to receiving City wastewater services.”

The applicant is not requesting City wastewater services at this time. It is anticipated that after annexation, City wastewater services are likely to be requested as part of a future development application. This policy will be met.

“Goal: 14.2. Implement the Tigard Urban Services Agreement through all reasonable and necessary steps, including the appropriate annexation of unincorporated properties.  
Policy 1. The City shall assign a Tigard zoning district designation to annexed property that most closely conforms to the existing Washington County zoning designation for that property.”

The applicable Tigard zoning district designations are addressed below in the findings for Section 18.320.020.C. This policy is met.

“Policy 2. The City shall ensure that capacity exists, or can be developed, to provide needed urban level services to an area when approving annexation.”

Capacity exists and is adequate as addressed above under findings pertaining to 18.320.020.B.1 above, consistent with this policy. This policy is met.

“Policy 3. The City shall approve proposed annexations based on findings that the request:  
A. can be accommodated by the City’s public facilities and services; and”

The annexation can be accommodated by the City’s public facilities and services as addressed under findings pertaining to 18.320.020.B.1 above, consistent with this policy. This policy is met.

“B. is consistent with applicable state statute.”

As reviewed below, staff finds that the provisions of ORS 222 have been met, consistent with this policy. This policy is met.

“Policy 4. The City shall evaluate and may require that parcels adjacent to proposed annexations be included to: A) avoid creating unincorporated islands within the City; B) enable public services to be efficiently and effectively extended to the entire area; or C) implement a concept plan or sub-area master plan that has been approved by the Planning Commission or City Council.

The proposed annexation is located within the Bull Mountain area and will not create an unincorporated island within the city. Public services are available and can be efficiently extended as discussed above. No concept plans or sub-area master plans apply to the affected parcel. This policy is met.”

“Chapter 18.320.020.C

Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar.”

The Washington County Land Use Districts Map and online GIS Intermap system show the affected parcel as being within the R-6 Land Use District. This designation is common throughout the unincorporated Bull Mountain neighborhood. The purpose of the Washington County R-6 District is to implement the policies of the Comprehensive Plan for areas designated for residential development at no more than six (6) units per acre and no less than five (5) units per acre, except as specified by Section 300-2 or Section 303-6 of the Washington County Community Development Code. The intent of the R-6 District is to provide the opportunity for more flexibility in development than is allowed in the R-5 District.

The most similar City of Tigard Zoning District is the R-7 Zoning District, as set forth in TDC 18.320.1 (Conversion Table for County and City Plan and Zoning Districts). The City of Tigard R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet, at densities of approximately 7 units an acre.

This standard is met.

“Chapter 18.390.060: Type IV Procedure”

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020.B, which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 20 days prior to the hearing by mail and to publish notice at least 10 business days prior to the hearing; the City mailed notice on November 12, 2013, and published public notice in The Tigard Times for two successive weeks (November 7, 2013 & November 14, 2013) prior to the November 26, 2013 public hearing.

“Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;”

The City’s Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and is, therefore, in compliance with state planning goals. This standard is met.

“2. Any federal or state statutes or regulations found applicable;”

ORS 222:

State law (ORS 222.120(4)(b), ORS 222.125 and ORS 222.170(1)) allows for a city to annex contiguous territory when owners of land in the proposed annexation territory submit a petition to the legislative body of the city. In addition, ORS 222.111(2) allows for a city to act on its own motion to annex contiguous territory. A city is not required to hold an election for such an annexation if it follows the noticing procedures for a public hearing per ORS 222.120.

ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places for two successive weeks prior to the hearing.

The owner of the subject parcel has signed a petition for annexation to the City. The subject parcel is contiguous to the City’s boundary. The City has acted on its own motion to annex half the right-of-way along the SW 133<sup>rd</sup> frontage of the subject property.

The City mailed notice on November 12, 2013, and published public notice in The Tigard Tualatin Sherwood Times for two successive weeks (November 7, 2013 & November 14, 2013) prior to the November 26, 2013 public hearing and posted the hearing notice for public view on November 12, 2013 in the Tigard Library, Tigard City Hall, Tigard Permit Center, and in two places on the subject property. Staff finds that the provisions of ORS 222 have been met.

**CONCLUSION:** As shown in the above findings the proposed Parsons Annexation satisfies the applicable Comprehensive Plan Policies and implementing ordinance provisions related to Local Government Boundary Changes.

“3. Any applicable METRO regulations;”

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Staff has determined that the applicable METRO regulations have been met based on the following findings:

“Metro 3.09.045 (d) and (e)”

The proposed annexation is not being reviewed through an expedited process, but subsections (d) of Metro Code 3.09.050 requires that the standards of 3.09.045 (d) & (e) be addressed.

“(d) To approve a boundary change through an expedited process, the city shall:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.065;”

The Urban Planning Area Agreement (UPAA) between the City and the County provides coordination of comprehensive planning and development, defines the area of interest, and includes policies with respect to the active planning area and annexation. The applicable annexation policies include the assignment of comprehensive plan and zoning designations addressed earlier in this report and acknowledgements that the City is the ultimate service provider of urban services within the Tigard Urban Service Area.

The Tigard Urban Service Agreement is between the City, County, Metro, and the service Districts for water, sewer, transportation, parks and public safety. The agreement outlines the role, provision, area, and planning/coordination responsibilities for service providers operating in the Tigard Urban Services Area (TUSA). These services are addressed above at the beginning of this report.

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements, UPAA (2006) and TUSA (2006).

“(B) Any applicable annexation plan adopted pursuant to ORS 195.205;”

These statutes outline the process for annexations initiated by a city or district, including public hearings and voting procedures. This statute is not applicable since this annexation was initiated by the property owners. The applicant and property owner have submitted a petition to annex.

“(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;”

The UPAA (2006) includes the proposed annexation territory. The City has followed all processing and notice requirements in the UPAA, providing Washington County with notice prior to the public hearing. The agreement states that “so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City.” The annexation proposal is consistent with this agreement.

“(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and”

The City of Tigard Public Facility Plan was adopted in 1991 in compliance with statewide planning goals and Oregon Administrative Rule 660-11. A revised plan is currently being developed as part of periodic review. The development of the community plan and its public facility elements will be coordinated consistent with the new facility plan being prepared through periodic review and with CWS and TVF& R facility plans as required by Statewide Planning Goal 14, Urbanization. New Comprehensive Plan goals and policies for public facilities were adopted in 2008 (Goal 11), and the applicable goals and policies were addressed previously in this report. The proposed annexation is consistent with the Tigard Public Facility Plan.

“(E) Any applicable comprehensive plan; and”

The Tigard Comprehensive Plan applies in this case. Applicable policies are satisfied as addressed previously in this report.

“(2) Consider whether the boundary change would: (A) Promote the timely, orderly and economic provision of public facilities and services; (B) Affect the quality and quantity of urban services; and (C) Eliminate or avoid unnecessary duplication of facilities or services.”

The proposed annexation will proceed consistent with the TUSA (2006), which ensures the timely, orderly, and efficient extension of public facilities and urban services; and as stated above are available to serve the proposed annexation territory without affecting the quality or quantity of those services.

“(e) A city may not annex territory that lies outside the UGB, except it may annex a lot or parcel that lies partially within and outside the UGB. Neither a city nor a district may extend water or sewer services from inside a UGB to territory that lies outside the UGB.”

The property to be annexed is not outside the UGB. This criterion is met.

“Metro 3.09.050 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsection (d) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;”

As addressed previously in this report, urban services can be made available to the affected property. This standard is met.

“(2) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and”

The proposed territory will be withdrawn from the Washington County Enhanced Sheriff's Patrol District & Urban Road Maintenance District. This standard is met.

“(3) The proposed effective date of the boundary change.”

The public hearing will take place November 26, 2013. If the Council adopts findings to approve ZCA2013-00003, the effective date of the annexation will be December 26, 2013.

“(c) The person or entity proposing the boundary change has the burden to demonstrate that the proposed boundary change meets the applicable criteria.”

The applicant has provided application materials that address the applicable criteria. This standard is met.

“(d) To approve a boundary change, the reviewing entity shall apply the criteria and consider the factors set forth in subsections (d) and (e) of Section 3.09.045.”

The criteria and factors outlined in subsections (d) and (e) of Section 3.09.045 have been previously addressed in this report.

CONCLUSION: As shown in the above findings the proposed Parsons Annexation satisfies the Metro Code regulations related to Local Government Boundary Changes.

“(Tigard CDC 18.390.060)

4. Any applicable comprehensive plan policies; and”

FINDINGS: Findings addressing the applicable Comprehensive Plan policies were provided previously in this report.

CONCLUSION: As previously demonstrated, the proposed annexation is consistent with all applicable comprehensive plan policies.

“5. Any applicable provisions of the City’s implementing ordinances.”

**FINDINGS:** Resolution 13-08 extended previously approved incentives for property owners that voluntarily annex into the city limits through February 2014. These incentives include waiver of the annexation application fee, assistance with paperwork and, phasing in of increased property taxes. These incentives have been extended to the applicant. To ensure property tax increases are properly phased, the phasing language is included in the proposed ordinance. As demonstrated in previous sections of this report, the proposed annexation is consistent with all other applicable provisions of the Tigard Development Code.

**CONCLUSION:** Based upon previous and above findings, all applicable provisions of the city’s implementing ordinances are satisfied.

**SECTION VII. OTHER STAFF COMMENTS**

The City of Tigard Police Department reviewed the proposal and had no objections.

The city’s Public Works Department, Building Division, Public Works Development Services Division, City Engineer, and Parks Manager were sent a request for comments. No comments were received.

**SECTION VIII. AGENCY COMMENTS**

The following agencies and jurisdictions were sent a request for comments but provided no formal written comments: Tualatin Valley Fire and Rescue, Clean Water Services, Metro – Land Use & Planning, Tri-Met, Washington County – Department of Land Use & Transportation, Washington County Assessment & Taxation, Washington County Cartography, Tigard-Tualatin School District, Northwest Natural Gas, Metro Area Communications, Comcast Cable Corporation, Portland General Electric, and Verizon.

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PREPARED BY: John Floyd  
Associate Planner

\_\_\_\_\_  
November 12, 2013  
DATE

\_\_\_\_\_  
REVIEWED BY: Tom McGuire  
Assistant Community Development Director

\_\_\_\_\_  
November 12, 2013  
DATE

**AIS-1494**

**6.**

**Business Meeting**

**Meeting Date:** 11/26/2013

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

**Agenda Title:** TriMet Southwest Service Enhancement Plan Presentation

**Submitted By:** Judith Gray, Community  
Development

**Item Type:** Receive and File

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

**Public Hearing:** No

**Publication Date:**

**Information**

**ISSUE**

Council will hear a presentation by TriMet regarding the Southwest Service Enhancement Plan.

**STAFF RECOMMENDATION / ACTION REQUEST**

N/A

**KEY FACTS AND INFORMATION SUMMARY**

Phase 1 of the Southwest Corridor Plan directs TriMet to develop a plan for near term improvements to transit service throughout the corridor. This effort is called the Southwest Service Enhancement Plan.

TriMet and the Southwest Corridor Plan team had an official "launch" of the Service Enhancement Plan on Wednesday November 6 at a Community Planning Forum held in Tigard. A TriMet representative will be here to give an overview and update to Council.

**OTHER ALTERNATIVES**

N/A

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

The Tigard Transportation System Plan includes the following relevant goals:

Goal 3: Provide an accessible, multi-modal transportation system that meets the mobility needs of the community.

Goal 5: Coordinate planning, development, operation and maintenance of the transportation

system with appropriate agencies.

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

None.

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**Attachments**

*No file(s) attached.*

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**AIS-1488**

**7.**

**Business Meeting**

**Meeting Date:** 11/26/2013

**Length (in minutes):** 10 Minutes

**Agenda Title:** Consider Authorizing the City Manager to Execute an Easement Related to the Potso Dog Park Parking Lot Project

**Prepared For:** Kim McMillan, Public Works      **Submitted By:** Greer Gaston, Public Works

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

**Public Hearing:** No      **Publication Date:**

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**Information**

**ISSUE**

Shall the council authorize the city manager to execute an electrical line easement related to the Potso Dog Park parking lot project?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends the council authorizes the city manager to sign the easement.

**KEY FACTS AND INFORMATION SUMMARY**

Potso Dog Park is located on a two-acre lot adjacent to Wall Street, south of Hunziker Street, behind Charter Mechanical (formerly COE Manufacturing). The City of Tigard leased the park property from COE Manufacturing for several years before purchasing it in 2011. Funds for the property purchase came from the \$17 million park and open space bond measure passed by voters in 2010.

The city proceeded to apply for a land use approval to bring the park up to current standards. The adjacent gravel parking area was acceptable at that time, but staff knew that a future phase of the work would be to construct a formal paved parking lot. At present, the onsite park improvements have been completed and now it is timely to complete the formal parking lot. Paving the parking lot requires a "minor modification" of the previous land use approval, which was issued on October 28, 2013.

There is an existing PGE utility pole located within the parking lot area. The reconfiguration of the parking lot and drive aisle necessitates the installation of another pole and new guy wire

location. Since the pole and associated power lines lie outside of the public right of way, PGE has requested the city grant an easement in order to allow for access to the pole and associated power lines for maintenance.

### **OTHER ALTERNATIVES**

The council could elect not to authorize the easement and could direct staff to take some other course of action.

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

None

### **DATES OF PREVIOUS COUNCIL CONSIDERATION**

This is the first time this easement has come before the council.

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### **Attachments**

Potso Electrical Easement

Potso Exhibit

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After recording return to:  
Portland General Electric Company  
Attn: Property Services  
121 SW Salmon St, 3WTCBR07  
Portland, OR 97204

Grantor's Address:  
The City of Tigard  
13125 SW Hall Blvd  
Tigard, OR 97223

### **ELECTRIC LINE EASEMENT**

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **The City of Tigard, a political subdivision of the State of Oregon** ("Grantor") hereby conveys to PORTLAND GENERAL ELECTRIC COMPANY ("PGE"), an Oregon corporation, a perpetual easement over, under, upon and across the following described property (the "Property"), situated in Washington County, State of Oregon, being a strip of land Five (5) feet in width, extending two and a half (2.5) feet on each side of a center line, more particularly described as follows:

To be installed as shown on that certain tract of land recorded on March 28<sup>th</sup>, 2011 as Document No. 2011-023482, which is located in Section 01, Township 02S, Range 01W, Willamette Meridian. Reference Parcel Number: 2S101CA 00500

Beginning at a point on the Southwesterly boundary of Parcel 2, Partition Plat 2007-064; said point bears North 41°53'46" West 74.08 feet from the most Southerly corner of said Parcel 2; thence along said centerline North 56°47'45" East 65.34 feet to the terminus of said centerline.

The above-described centerline is shown on P.G.E. Drawing P-10986, attached hereto, which by reference thereto is made a part hereof.

### **TERMS, CONDITIONS, AND COVENANTS**

1. PGE shall have the non-exclusive right to enter upon the Property and to erect, maintain, repair, rebuild, operate and patrol electric power lines and signal or communication lines, and all uses directly or indirectly necessary thereto. Such uses shall include the erection of poles, wires, cables, guys, supports and appurtenances and the protection thereof from fire and other hazards.
2. The consideration acknowledged herein is accepted by the Grantor as full compensation for all damages incidental to this easement, including, but not limited to the value of all growing crops, brush, timber, or structures on the Property damaged or removed during any installation, repairs or reconstruction.
3. Grantor shall have the right to use the Property for all purposes not inconsistent with the uses and purposes of this easement, except Grantor shall not build or erect any structure or improvement upon, over or under the Property, except driveway or a fence not to exceed 6 feet in height, without the prior written consent of PGE, nor shall Grantor allow any encroachments which could interfere with or compromise PGE's ability to exercise its rights under this easement. In the event any such encroachment occurs, Grantor shall have no right to claim additional compensation based upon the removal or damage to the source of the encroachment.
4. The Grantor warrants that it holds fee title to the Property and that PGE may peaceably enjoy the rights and benefits of this easement.
5. As used herein, the singular shall include the plural and vice versa.
6. This easement inures to the benefit of and binds the parties hereto, their heirs, devisees, administrators, executors, successors and assigns.



TRACT A

TL 500  
CITY OF TIGARD

PARTITION PLAT  
2007-064  
PARCEL 2

PGE GUY STUB  
W/ANC.

PGE POLE NO. 6252 W/ANC.

S.W. WALL STREET



TANGENT TABLE

NUMBER	DISTANCE	BEARING
T1	74.08'	N 41° 53' 46" W
T2	65.34'	N 56° 47' 45" E

Portland General Electric  
Portland, Oregon

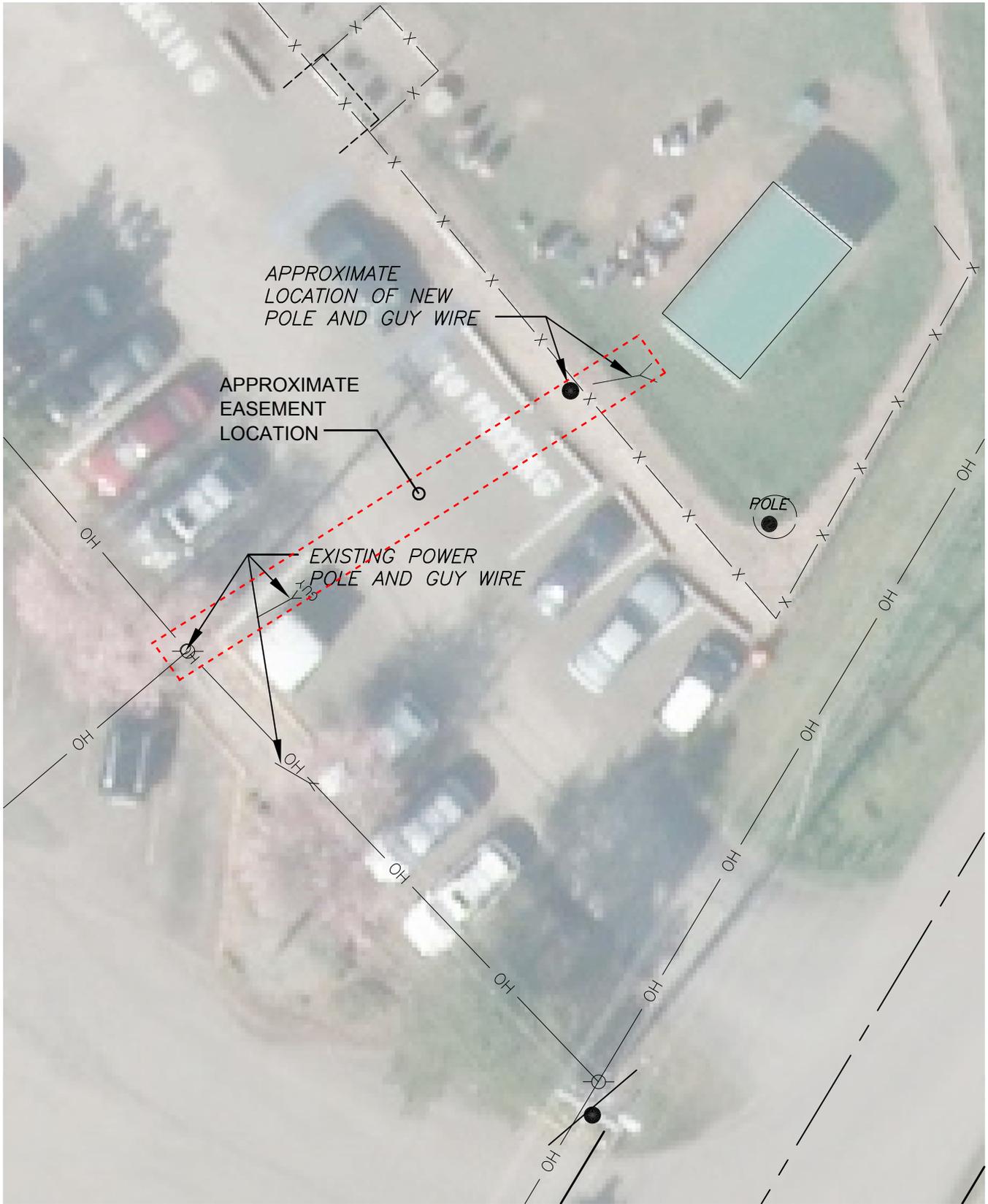
To Accompany Power Line Easement  
City of Tigard  
S.W. 1/4 Sec. 1, T.2S., R.1W., W.M., Wash. Co., Or.

SCALE 1"=80'      DATE 9/18/2013

DRAWN BY	TRACED BY	CHECKED
R.L.B.		

APPROVED

DWG. NO. P-10986



**ENGINEERING DIVISION  
PUBLIC WORKS DEPARTMENT**

13125 S.W. HALL BLVD.  
TIGARD, OREGON 97223  
VOICE: 503-639-4171  
FAX: 503-624-0752  
WWW.TIGARD-OR.GOV

# POTSO DOG PARK PARKING LOT ELECTRICAL EASEMENT LOCATION

**FIGURE**  
FIG-1

**FILE NO**  
97021