

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 14- 03

AN ORDINANCE AMENDING CHAPTER 18.330 (CONDITIONAL USE) AND CREATING CHAPTER 18.540 FOR THE PURPOSE OF ESTABLISHING A NEW BASE ZONE TO BE KNOWN AS THE PARKS AND RECREATION ZONE, AND ASSOCIATED ZONING MAP AMENDMENTS TO CHANGE APPROXIMATELY 500 ACRES OF CITY OWNED LAND FROM EXISTING RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONING DESIGNATIONS TO THE NEW PARKS AND RECREATION ZONE (DCA2013-00003).

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WHEREAS, the city initiated application for the proposed code amendment to amend the text of Development Code Chapter 18.530 (Conditional Use) and Create Chapter 18.540 (Parks and Recreation Zone) to establish a new base zone; and

WHEREAS, the city has also initiated changes to the Zoning Map to apply the new Parks and Recreation Zone to approximately 500 acres of city-owned land; and

WHEREAS, the purpose of the new base zone is to preserve and enhance publicly owned open space and natural and improved parkland within the city; and

WHEREAS, notice was provided to the Department of Land Conservation and Development at least 35 days prior to the first evidentiary public hearing; and

WHEREAS, notice to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D; and

WHEREAS, the Tigard Planning Commission held a public hearing on November 18, 2013 and recommended with a unanimous vote that Council approve the proposed code amendment, as amended by staff and Planning Commission; and

WHEREAS, the Tigard City Council held a public hearing on January 28, 2013, to consider the proposed amendment; and

WHEREAS, the Tigard City Council has considered the recommendation of the Planning Commission; and

WHEREAS, the Tigard City Council has considered applicable Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; any federal or state statutes or regulations found applicable; any applicable Metro regulations; any applicable Comprehensive Plan Policies; and any applicable provisions of the City's implementing ordinances; and

WHEREAS, the Tigard City Council has determined that the proposed development code amendment is consistent with the applicable review criteria, and unanimously approves the request as being in the best interest of the City of Tigard.

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

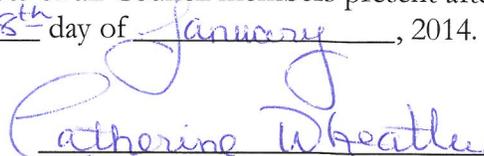
SECTION 1: The specific text amendment attached as **“EXHIBIT A”** to this Ordinance is hereby approved and adopted by the City Council.

SECTION 2: The specific zoning map amendment attached as **“EXHIBIT B”** to this Ordinance is hereby approved and adopted by the City Council.

SECTION 3: The findings in the March 11, 2013 Staff Report to the Planning Commission and the Minutes of the November 18, 2013 Planning Commission hearing are hereby adopted in explanation of the Council’s decision.

SECTION 4: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

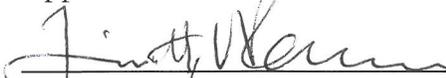
PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 28<sup>th</sup> day of January, 2014.

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

APPROVED: By Tigard City Council this 28<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
John L. Cook, Mayor  
Marland Henderson,  
Council President

Approved as to form:

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

1.28.2014  
\_\_\_\_\_  
Date

Exhibit A

**CITY OF TIGARD  
PARKS ZONE PROJECT (DCA2013-00003)**

**PLANNING COMMISSION RECOMMENDATION OF NOVEMBER 18, 2013  
AS AMENDED BY TIGARD CITY COUNCIL ON JANUARY 28, 2014**

**Staff Contact:**

**John Floyd, Associate Planner  
13125 SW Hall Blvd, Tigard, OR 97223  
503-718-2429 / [johnfl@tigard-or.gov](mailto:johnfl@tigard-or.gov)**

## Staff Commentary

This document is intended to be read in book format, with proposed text amendments on the right hand page and staff commentary on those amendments on the left. The comments are intended to provide both clarity and future documentation as to legislative intent.

The proposed development code amendment would remove existing development standards for community recreation and parks from the conditional use chapter, and would replace them in a new Chapter (18.540) as set forth below. Proposed changes are indicated by the use of ~~strikethroughs~~ to indicate language to be removed.

# Proposed Text Amendments

## CHAPTER 18.330 CONDITIONAL USE

### Sections:

- 18.330.010 Purpose**
- 18.330.020 Approval Process**
- 18.330.030 Approval Standards and Conditions of Approval**
- 18.330.040 Additional Submission Requirements**
- 18.330.050 Additional Development Standards for Conditional Use Types**

### **18.330.010 Purpose**

*[No change proposed.]*

### **18.330.020 Approval Process**

*[No change proposed.]*

### **18.330.030 Approval Standards and Conditions of Approval**

*[No change proposed.]*

### **18.330.040 Additional Submission Requirements**

*[No change proposed.]*

### **18.330.050 Additional Development Standards for Conditional Use Types**

- B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:

~~5.—Community Recreation and Parks:~~

~~a.—All building setbacks shall be a minimum of 30 feet from any property line;~~

~~b.—There are no off-street parking requirements, except that five automobile parking spaces are required for a dog park or off-leash area with a fenced area of one acre or more, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking. Three automobile parking spaces are required for a dog park or off-leash area with a fenced area of less than one acre, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking.~~

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Proposed text amendments included on the opposite page include the purpose of the zone, its short name for use on the zoning map, and where the zone is applied.

Language proposed in 18.540.030 (Where the Zone is Applied) reflects the intended purpose of the zone, namely acknowledgement that the land is in public ownership and intended for development of parks and other community recreation facilities, and is not intended as a general open space zone to be applied to public and private property. As proposed, the zone is not intended or allowed on privately owned property.

**CHAPTER 18.540**  
**PARKS AND RECREATION ZONE**

**Sections:**

- 18.540.010 Purpose**
- 18.540.020 Short Name**
- 18.540.030 Where the Zone is Applied**
- 18.540.040 Other Zoning Regulations**
- 18.540.050 Use Regulations**
- 18.540.060 Development Standards**

**18.540.010 Purpose**

The Parks and Recreation Zone is intended to preserve and enhance publicly owned open space and natural and improved parkland within the City. This zone is intended to serve many functions including:

- A. Providing opportunities for both active and passive recreational facilities to meet neighborhood, community and regional needs;
- B. Providing contrast to the built environment;
- C. Providing opportunities to strengthen community identity, improve public health, and foster interactions between citizens;
- D. Providing economic development by creating a desirable public image and robust quality of life;
- E. Recognizing that publicly owned parks have a special relationship to the community and are an important resource;
- F. Providing flexibility in the use and development of recreational facilities as the City responds to changes in demographics, program needs, and external regulatory requirements; and
- G. Allowing for the efficient implementation of plans and improvements to parks, recreational facilities and open areas with appropriate reviews where compatibility issues may arise;

**18.540.020 Short Name**

The short name and map symbol of the Parks and Recreation Zone is PR.

**18.540.030 Where the Zone is Applied**

The Parks and Recreation Zone is applicable to all city owned lands intended as parks, open space, and recreational facilities and may be applied within all Comprehensive Plan Designations. City owned parks, open space, and recreational facilities located in a plan district may retain or receive other than a Parks & Recreation Zone designation if it better furthers the goals of the plan district. In addition, other public agencies may request a Parks and Recreation designation for areas that meet the purpose of the zone. See Chapter 18.380 Zoning Map and Text Amendments.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Table 18.540.1 establishes the use regulations for the new zone, and is consistent with the stated purpose set forth in sections 18.540.010.

## Proposed Text Amendments

### 18.540.040 Other Zoning Regulations

The regulations within this Chapter state the allowed uses and development standards for the base zone. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations as set forth elsewhere in this title.

### 18.540.050 Use Regulations

A. Types of uses. For the purposes of this chapter, there are three types of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title.
2. A conditional use (C) is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapter 18.330 (Conditional Use).
3. A prohibited (N) use is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, conditional and prohibited uses in the Parks & Recreation Zone is presented in Table 18.540.1.

**TABLE 18.540.1  
USE TABLE: PARKS & RECREATION ZONE**

<u>Land Use Category</u>	<u>Use Type</u>
<u>RESIDENTIAL</u>	
<u>Household Living</u>	<u>N</u>
<u>Group Living</u>	<u>N</u>
<u>Transitional Housing</u>	<u>N</u>
<u>Home Occupation</u>	<u>N</u>
<u>CIVIC</u>	
<u>Basic Utilities</u>	<u>C</u>
<u>Colleges</u>	<u>N</u>
<u>Community Recreation</u>	<u>P/C<sup>1</sup></u>
<u>Cultural Institutions</u>	<u>C</u>
<u>Day Care</u>	<u>N</u>
<u>Emergency Services</u>	<u>N</u>
<u>Medical Centers</u>	<u>N</u>
<u>Postal Service</u>	<u>N</u>
<u>Religious Institutions</u>	<u>N</u>
<u>Schools</u>	<u>C<sup>2,3</sup></u>
<u>Social/Fraternal Clubs/Lodges</u>	<u>N</u>

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Table 18.540.1 establishes the use regulations for the new zone, and is consistent with the stated purpose set forth in sections 18.540.010.

While the zone is intended primarily for community recreation land uses, outdoor sales and eating and drinking establishments are proposed as conditional land uses with restrictions, in order to allow limited concessions within a city park. This would include things like food and beverages and recreational equipment rentals.

On January 28, 2014 the Tigard City Council moved to include Outdoor Entertainment as a conditional use within the new zone. This was done to not preclude programming and vendor opportunities within city parkland through a process that ensured opportunities for public comment.

## Proposed Text Amendments

<u>COMMERCIAL</u>	
<u>Commercial Lodging</u>	<u>N</u>
<u>Custom Arts and Crafts</u>	<u>N</u>
<u>Eating and Drinking Establishments</u>	<u>C<sup>3</sup></u>
<u>Major Event Entertainment</u>	<u>C</u>
<u>Outdoor Entertainment</u>	<u>C</u>
<u>Indoor Entertainment</u>	<u>N</u>
<u>Adult Entertainment</u>	<u>N</u>
<u>Sales-Oriented</u>	<u>C<sup>3</sup></u>
<u>Personal Services</u>	<u>N</u>
<u>Repair-Oriented</u>	<u>N</u>
<u>Bulk Sales</u>	<u>N</u>
<u>Outdoor Sales</u>	<u>C<sup>3</sup></u>
<u>Animal-Related</u>	<u>N</u>
<u>Motor Vehicle Sales/Rental</u>	<u>N</u>
<u>Motor Vehicle Servicing/Repair</u>	<u>N</u>
<u>Vehicle Fuel Sales</u>	<u>N</u>
<u>Office</u>	<u>C<sup>3</sup></u>
<u>Self-Service Storage</u>	<u>N</u>
<u>Non-Accessory Parking</u>	<u>N</u>
<u>INDUSTRIAL</u>	
<u>Industrial Services</u>	<u>N</u>
<u>Light Industrial</u>	<u>N</u>
<u>General Industrial</u>	<u>N</u>
<u>Heavy Industrial</u>	<u>N</u>
<u>Railroad Yards</u>	<u>N</u>
<u>Research and Development</u>	<u>N</u>
<u>Warehouse/Freight Movement</u>	<u>N</u>
<u>Waste-Related</u>	<u>N</u>
<u>Wholesale Sales</u>	<u>N</u>
<u>OTHER</u>	
<u>Agriculture / Horticulture</u>	<u>P/C<sup>1</sup></u>
<u>Cemeteries</u>	<u>N</u>
<u>Detention Facilities</u>	<u>N</u>
<u>Heliports</u>	<u>N</u>
<u>Mining</u>	<u>N</u>
<u>Wireless Communication Facilities</u>	<u>P/C<sup>4</sup></u>
<u>Rail Lines / Utility Corridors</u>	<u>C</u>

P=Permitted

C=Conditional Use

N=Not Permitted

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

The text amendments on this page constitute one of the biggest changes from existing regulations. In contrast to present regulations where community recreation is a conditional use in almost all zones, the proposed amendments would exempt a series of clear and objective development types from conditional use permit review and site development review, provided they met all applicable development standards. These development types can be broadly construed as “passive recreation facilities” and by themselves do not have a high likelihood of creating off-site impacts.

The size threshold for small structures (600 square feet) was chosen as it is approximately the same size limit as that applied to accessory structures on residentially zoned lots (528 square feet). These structures would be required to adhere to stricter setbacks than residential accessory structures, when adjoining a residentially zoned lot (see proposed development standards in 18.540.060 below). According to the Parks Department, most small structures are under 500 square feet in size. The code proposes 600 square feet to provide flexibility in future park programming.

A picnic area designed to accommodate groups of less than 25 would be defined as open area with either a hard or soft surface pad that accommodates up to two or maybe three picnic tables – depending on size.

## Proposed Text Amendments

- [1] See Subsection 18.540.050.C-D for use type determination.
- [2] Restricted to activities and facilities focused on environmental education.
- [3] Permitted only when accessory to a Community Recreation land use.
- [4] See Chapter 18.798, Wireless Communication Facilities.
- C. Development Permitted Outright. When associated with a Community Recreation land use, the following types of development are allowed outright if they comply with the development standards and other regulations of this title. Site Development Review is not required for the uses listed below. All other applicable land use reviews apply.
1. Park furnishings such as play equipment, picnic tables, benches, bicycle racks, public art, trash receptacles and other improvements of a similar nature.
  2. Fences.
  3. Off-street, multi-use trails.
  4. Structures up to 600 square feet in size, and no more than 15 feet high.
  5. Picnic areas designed to accommodate groups of less than 25.
  6. Outdoor recreational fields, courts, arenas and other structures when not illuminated and not designed or intended for organized sports and competitions.
  7. Community gardens up to 5,000 square feet in size.
  8. Routine maintenance or replacement of existing facilities.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Proposed text amendments on the opposite page establish development types subject to Conditional Use Permit review. These types can be generally described as more “active recreational facilities” which are likely to generate off-site impacts and require additional review on a site-by-site basis.

In response to a comment letter from the Bonneville Power Administration, development within a high voltage transmission line right-of-way has been made a conditional use to ensure they are notified of the proposed development and have an opportunity to comment.

## Proposed Text Amendments

D. Development Subject to Conditional Use Review. The following types of development are allowed subject to Conditional Use Permit approval, as set forth in Chapter 18.330 Conditional uses.

1. Pools and aquatic centers, both indoor and outdoor.
2. Community and Senior Centers providing a focus for recreational, social, education and cultural activities. These may include gymnasiums, indoor tracks and fitness areas, meeting rooms, office and kitchen space and other amenities designed for community use.
3. Picnic areas designed to accommodate groups of 25 or more.
4. Boat Ramps.
5. Off-street parking areas.
6. Recreational fields, courts, arenas and associated structures for organized sports and competitions.
7. Stages and Amphitheaters.
8. Dog parks.
9. Community gardens in excess 5,000 square feet.
10. Structures in excess of 600 square feet, and/or more than 15 feet high.
11. Outdoor amplified sound systems.
12. Illuminated athletic fields, courts, and other outdoor recreational facilities intended to be used after sunset.
13. Camping, unless associated with an approved temporary or seasonal event as set forth in 18.785 Temporary Uses.
14. Golf courses, including club houses and driving ranges.
15. Development within a high voltage transmission line right of way.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

The proposed text amendments on this page establish new development standards for the Parks and Recreation Zone. At present, development within parks is subject to a uniform 30 foot setback for all structures, and a variety of base zone regulations for things like lot size, width, coverage, height limits, and so forth.

The new standards are intended to provide greater flexibility in park programming, while providing enhanced setbacks for certain development types adjacent to residential zones. For example, small shelters may be built closer to adjoining residential development than currently permitted, while bathrooms and illuminated playgrounds must adhere to stricter setbacks than currently required.

## Proposed Text Amendments

### 18.540.060 Development Standards

Development within the zone must comply with the following development standards, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.

- A. Minimum Lot Size. None.
- B. Minimum Lot Width. None.
- C. Maximum Structure Height. None, except structures within 100' of a residential zone are subject to the maximum height limit for the abutting residential zone.
- D. Minimum Structure Setbacks. None, except where abutting a residential zone. In such cases structures must be setback a minimum distance of one foot for each foot of building height.
- E. Outdoor Recreation Facility Setbacks. Non-illuminated playgrounds must be set back a minimum of 25 feet from adjoining residentially zoned properties. Illuminated playgrounds and other constructed recreational facilities such as swimming pools, skate parks, basketball courts, soccer fields, and group picnic areas must be setback 50 feet from adjoining residentially zoned properties. Where the outdoor facility abuts a school use, the setback is reduced to zero. Outdoor recreation facilities not meeting minimum setbacks set forth in this subsection may be considered through conditional use review as set forth in 18.330.
- F. Bathrooms and Concessions. Bathrooms and concession stands shall be setback a minimum distance of 50 feet from adjoining residential zones. Where a bathroom or concession stand abuts a school use on a residentially zoned property, the setback is reduced to zero.

## Staff Commentary

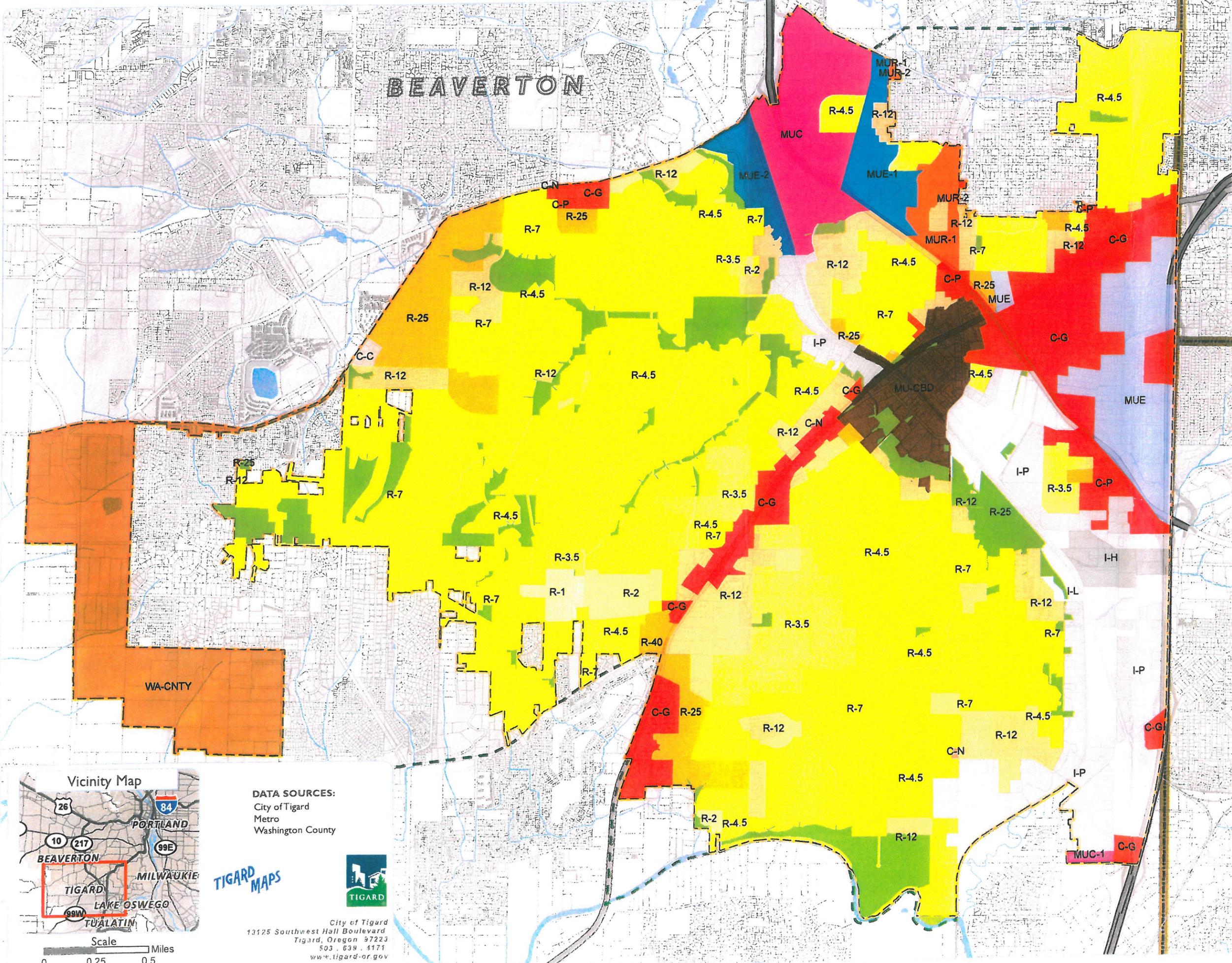
The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Parking requirements for dog parks were transferred unchanged from existing CUP approval criteria, with the exception of dog parks less than ½ acre in size.

## Proposed Text Amendments

- G. Parking. Development shall comply with Chapter 18.765 (Off Street Parking & Loading Requirements) with the following exceptions:
1. Minimum parking requirements shall only apply to conditional uses in this zone. Outright permitted uses are exempt from minimum parking requirements.
  2. Dog parks shall provide the following:
    - a. Dog parks or off-leash areas with a fenced area of one-acre or more shall provide a minimum of five vehicle parking spaces, and a parking plan for anticipated peak use periods.
    - b. Dog parks or off-leash areas with a fenced area of less than one-acre shall provide a minimum of three off-street parking spaces, and a parking plan for anticipated peak use periods.
    - c. Dog parks or off-leash areas with a fenced area of less than one-half acre are exempt from minimum parking requirements.
- H. Signs. Signs in the Parks & Recreation Zone shall comply with the regulations applicable to non-residential land uses in residential zones, as set forth in Subsections 18.780.130.A and B of this Title.
- I. Lights & Amplified Sound Systems. Lights and amplified sounds systems shall comply with Chapter 18.725 (Environmental Performance Standards). In addition, glare sources shall be hooded, shielded, or otherwise located to avoid direct or reflected illumination in excess of 0.5 foot candles, as measured at the site boundary or at the furthest boundary of adjacent industrially-zoned properties.

Parks and Recreation Zone  
Proposed Map Amendment  
Planning Comm. Recommendation  
with Recommended Staff Changes  
January 23, 2014



- Tigard City Boundary
- Proposed Parks and Recreation Zone
- Zoning**
- 30,000 Sq Ft Min Lot Size
- 20,000 Sq Ft Min Lot Size
- 10,000 Sq Ft Min Lot Size
- 7,500 Sq Ft Min Lot Size
- 5,000 Sq Ft Min Lot Size
- 3,050 Sq Ft Min Lot Size
- 1,480 Sq Ft Min Lot Size
- 40 Units Per Acre
- Mixed Use Residential 1
- Mixed Use Residential 2
- Mixed Used Central Business District
- Community Commercial
- Neighborhood Commercial
- General Commercial
- Professional Commercial
- Mixed Use Commercial
- Mixed Use Commercial 1
- Mixed Use Employment
- Mixed Use Employment 1
- Mixed Use Employment 2
- Light Industrial
- Industrial Park
- Heavy Industrial
- Washington County Zoning



DATA SOURCES:  
City of Tigard  
Metro  
Washington County

TIGARD MAPS



City of Tigard  
13125 Southwest Hall Boulevard  
Tigard, Oregon 97223  
503 . 639 . 4171  
www.tigard-or.gov

**CITY OF TIGARD  
PLANNING COMMISSION  
DRAFT Meeting Minutes  
November 18, 2013**

**CALL TO ORDER**

President Anderson called the meeting to order at 7:03 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

**ROLL CALL**

**Present:** President Anderson  
Commissioner Doherty  
Commissioner Fitzgerald  
Commissioner Muldoon  
Vice President Rogers  
Commissioner Schmidt

**Absent:** Commissioner Feeney; Commissioner Gaschke; Commissioner Shavey

**Staff Present:** Tom McGuire, Assistant Community Development Director; John Floyd, Associate Planner; Chris Wiley, Sr. Admin.; Doreen Laughlin, Executive Assistant; Steve Martin, Parks & Streets Manager

**PLANNING COMMISSIONER COMMUNICATIONS**

Commissioner Fitzgerald stated that she'd attended two Tigard Triangle CAC meetings and gave a brief report on those meetings.

**CONSIDER MINUTES**

October 21 Meeting Minutes: President Anderson asked if there were any additions, deletions, or corrections to the October 21 minutes; there being none, Anderson declared the minutes approved as submitted.

**PUBLIC HEARING** – President Anderson opened the public hearing.

**PUBLIC HEARING: DCA2013-00003 PARKS ZONE**

Associate Planner John Floyd introduced himself and distributed copies of additional testimony that he'd received. (**Exhibit A**). He said this is a text and map amendment that would amend Chapter 18.330 which pertains to conditional uses. It would remove existing regulations for community recreation land uses out of this chapter and migrate them towards a new chapter labeled 18.540, which is the new parks and recreation zone. This would essentially create a fourth base zone type. Presently, the city only has residential, commercial, industrial zoning districts; this would add a fourth type which would be "Parks & Recreation." The map amendment would affect a little over 500 acres of land, which is about 7% of the city land mass and about 90% of that is zoned residential.

John went over a Power Point presentation (**Exhibit B**). He noted that this project:

- ▶ Does not propose specific changes to existing parks, or create a new park. This is a rules and procedures change – it’s not a proposal for a specific change to a specific park.
- ▶ Does not rezone private property. As proposed, new zone may only be applied to publicly owned land (18.540.030). This is not a case of the city trying to preemptively zone property.
- ▶ Does not change, remove, or supersede any existing sensitive lands regulations (18.540.040).

**So why change the existing code?**

The code lacks a dedicated zone for parks or other public uses. The existing code makes Community Recreation Land Uses a conditional land use in almost all zones.

Development standards are minimal and inflexible –

- 30’ setback for all structures, regardless of their purpose
- Does not address non-structural improvements (ballfields, etc)

Results in a lengthy & expensive process

- Permit fees
- Consultants
- Staff time
- Street dedications and improvements
- Delayed project implementation

For one recent small project to install a play area and trailhead, the cost of the land use permit is going to exceed the cost of physical improvements.

**What would be the biggest change from the existing code?**

In contrast to present regulations, the proposed amendments would exempt a series of clear and objective development types from conditional use permit review and site development review, provided they met all applicable development standards.

These development types can be broadly construed as “passive recreation facilities” and by themselves do not have a high likelihood of creating off-site impacts.

**What do others have to say?**

Citizen Inquiries:

- Mostly Informational
- More enforcement of leash rules
- What are the future plans for the park/open space by my house?
- Just hurry up and build them
- Loss of privacy and security
- Confusion regarding overlapping notices for Senn Park (Dec 9) and Dirksen Nature Park (Recent)

Three Substantive Comments:

- Limit size of projects listed as “by-right” and exempted from land use review
- Increased protection of environmental resources (i.e. habitat, wetlands, etc)
- ODFW recommended we create subzones and regulate improved land, open space, and natural areas differentially

The latter two are outside the scope of this project.

## **STAFF RECOMMENDATION**

Staff recommends the Planning Commission find in favor of the proposed development code text amendments and map amendments with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

## **QUESTIONS OF STAFF**

**Was this vetted through the Parks and Recreation Board?** Yes. We worked closely with Steve Martin and Brian Rager. Mr. Martin is here tonight if you have any questions.

**And, currently there is no separate zoning for parks?** There is not. No.

**TESTIMONY IN FAVOR - Steve Martin, Parks & Streets Manager for the City of Tigard** – testified they are in favor of the new zone because it would streamline things. He explained that they don't skip any environmental processes.

**TESTIMONY IN OPPOSITION – Sue Bielke 11755 SW 114<sup>th</sup> Place, Tigard** spoke on behalf of the “Friends of Fanno Creek” group. She gave her testimony and provided a transcript of her testimony (**Exhibit C**).

**Ron Shaw, 13515 Essex Drive, Tigard** said his property is backed by a green belt and that he and his neighbors assumed that the green space would remain a green space and not a public park. His concern is that he was not specifically notified and that the process will be further simplified in the future. President Anderson added that Mr. Shaw's written statement is in the commissioner's packets and that would be considered as well.

**Glenna Thompson, 13676 SW Hall Blvd Unit 2 Tigard** said she had submitted an email to John Floyd and stated that the commissioners have a copy of it regarding her thoughts on the proposal. She said her biggest concern is a “one size fits all” concept that seems to be going on.

**Jerrold Buckmaster, 14802 SW 91<sup>st</sup> Ave., Tigard** – said he lives in the “Mallard Lakes” area where there are two ponds which are owned by the neighborhood. He said there are geese, ducks, blue herring, turtles, and other wildlife in that area. The city owns the greenway area. His and his neighbors that also back to the greenspace are concerned that the wildlife may be impacted. John Floyd stated that this area is under “sensitive lands” and that the lands owned by Mr. Buckmaster's neighborhood association would not be affected by this project.

**David Driscoll, 13469 SW Essex Drive, Tigard** said this is the first time he's ever attended a Planning Commission meeting and the first time he'd heard John Floyd. His concern is what will happen at the bottom of the ravine behind Essex Drive. John said because the fact that there's already a trail back there, he's not sure there's much more in the works for that area but that he believes Mr. Martin could answer that more specifically. He added that any development on slopes more than 25% has to go through Sensitive Lands Review and there are different levels of that. There is oversight for development in those types of steep areas.

A question came up as to fencing regulations. John answered that there are regulations for things like fences in floodplain areas and that staff could get back to the commission on that if they would like more specific information.

## **PUBLIC HEARING - CLOSED**

### **DELIBERATIONS**

Commissioner Doherty believes the City of Tigard is responding to the citizens' interest in more parks. She appreciates the work with having a parks designation because she believes it will help move the park system forward without having to spend lots of money on consultants and that type of thing.

Commission Fitzgerald believes the permitted outright items aren't precluding public input because that's actually handled from the Parks Dept. She's particularly familiar with what's happening with the park in her own neighborhood. She realizes this would help parks to be designated sooner. She understands concerns by Fanno Creek and Fish and Wildlife, but she believes those concerns are addressed by the processes the Parks Dept goes through to activate the public hearing.

### **MOTION**

Vice President Rogers made the following motion - seconded by Commissioner Doherty: **"I move for approval of application Park Zone DCA2013-00003 and adoption of the findings and conditions of approval contained in the staff report and/or based on the testimony received."**

A vote was taken and the motion passed unanimously.

John Floyd added that, for those interested, the date this item goes to City Council has not yet been determined but that all who have submitted comments will receive a notice detailing the time and date.

**OTHER BUSINESS** – Tom McGuire, Assistant Community Development Director, went over upcoming meetings.

**CALL FOR FUTURE AGENDA ITEMS** – None.

### **ADJOURNMENT**

President Anderson adjourned the meeting at 8:45 p.m.

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Doreen Laughlin, Planning Commission Secretary

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ATTEST: President Tom Anderson

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



**SECTION I. APPLICATION SUMMARY**

**CASE NAME:** PARKS ZONE PROJECT DEVELOPMENT CODE AMENDMENT

**CASE NO.:** Development Code Amendment (DCA) DCA2013-00003

**PROPOSAL:** The City of Tigard proposes legislative amendments to the Tigard Development Code (TDC) and Zoning Map in a combined amendment package to amend Chapter 18.330 (Conditional Use); adopt a new chapter to be known as Chapter 18.540 (Parks and Recreation Zone); and amend the Zoning Map to include a new Parks and Recreation Zone. The proposed text changes to the Tigard Development Code would remove existing development standards for community recreation land uses from the Conditional Use Chapter, and replace them with a new chapter that would establish use regulation and development standards for future development within a new Parks and Recreation Zone. Corresponding changes to the zoning map would change the zoning designation of approximately 500 acres of city owned property from residential, commercial, or industrial zoning to the new Parks and Recreation Zone. Only city owned parkland and greenways will be affected by the map change. No changes are proposed to the city's sensitive lands inventory or regulations. The proposed text and map amendments for the Planning Commission's review are included in **Attachments 1 and**, and summarized below in Section IV of this report:

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

**ZONES:** Chapters 18.330 & 18.540: Citywide

**LOCATION:** Citywide and properties identified in the Attached Maps.

**APPLICABLE  
REVIEW**

**CRITERIA:** Statewide Planning Goals 1, 2, and 11; Metro Urban Growth Management Function Plan Title 12; Comprehensive Plan Goals 1, 2, 8, 9, and 10; and Community Development Code Chapters 18.380 and 18.390.

**SECTION II. STAFF RECOMMENDATION**

Staff recommends the Planning Commission find in favor of the proposed development code text amendments (Attachment 1) and map amendments (Attachments 2 and 3); with any alterations as determined through the public hearing process, and make a final recommendation to the Tigard City Council.

### SECTION III. BACKGROUND INFORMATION & PROJECT SUMMARY

The purpose of the Parks Zone project is to update the city's land use regulations for public parks and recreational facilities. This update is necessary to address the inadequacies and inconsistencies of existing regulations, which can significantly increase permitting timetables and construction costs of both minor and major improvements to public parkland. These inadequacies are being amplified as the city attempts to implement its Parks System Master Plan. The city adopted its Park System Master Plan in 2009, which outlined the need to acquire park property and construct park improvements to preserve open spaces, enhance water quality and provide recreational opportunities. On November 2, 2010, Tigard voters passed a \$17 million general obligation bond to fund the purchase of real property for parks and to fund a limited amount of park improvements within a set period of time.

The vehicle for these administrative improvements would be the creation of a new parks zone and associated chapter within the Tigard Community Development Code (Chapter 18). Unlike other cities across Oregon, the City of Tigard lacks a dedicated zone for publicly owned and/or community recreation land uses. At present there is not a specific zone for parkland within the city, resulting in the city's parkland being subject to a patchwork of base zone regulations. Most of the city's zoning districts, including all residential districts, allow public parks as a conditional use. This process is appropriate for certain park improvements that can lead to neighborhood impacts, such as ballfields or event facilities. This same process can also be administratively burdensome and consuming for pocket parks and low-impact recreational improvements such as trails, small parking facilities, and restrooms. A new parks zone will allow the City to assign a more appropriate level of review based upon the potential impact to nearby residents and public facilities.

To address these ongoing issues, City staff have developed draft development code amendments that would change how the city regulates publicly owned parkland. These amendments would result in a more efficient and nuanced approach than presently exist, providing greater flexibility to the city and enhanced protections to neighbors.

As proposed, the new code language would result in the following:

- Amend the Tigard Development Code and Tigard Zoning Map as follows:
  - Text Amendments to Chapter 18.330 (Conditional Use Permit) to remove existing development standards for Community Recreation and Parks type uses.
  - Text Amendments to create Chapter 18.540 (Parks and Recreation Zone) to establish the purpose of the new zone, where it applies, use regulations, and development standards.
  - Map amendments to apply the new Parks and Recreation Zone to approximately 500 acres of city owned parkland and greenways.
- Would be applied only to publicly owned property. Private property would not be rezoned to public parkland, nor is it allowed to be under the corresponding text amendments that establish where the zone may be applied.
- Would maintain all existing natural resource protections. A significant portion of the city's parkland and greenways contain steep slopes, wetlands, floodplain and other resources. No changes are proposed to sensitive lands inventories or regulations, and land use review will still occur when development is proposed within these areas.
- Would enable the City to more efficiently spend public tax revenue consistent with the Parks Master Plan and the Tigard Park Bond. Minor park improvements generally associated with "passive recreation" type uses with few off-site impacts would be exempt from land use review, provided they met all development standards and were not located in a sensitive lands area. Examples of these type of improvements include trails, playgrounds, and small structures less than 600 square feet in size.
- Would still require a public hearing for potentially high-impact park improvements that may present compatibility issues with the neighborhood, such as ballfield lights or parking lots.

- Would improve and expand upon existing development standards to ensure future park improvements are compatible with adjacent residential development. This includes new setback requirements, buffering standards, and lighting limitations that vary by the type and size of facility being developed. For example, playgrounds and picnic shelters would be regulated differently than aquatic centers and ballfields for organized sports.
- Update the code to better accommodate the types of park amenities desired by local residents.

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

### **STATEWIDE PLANNING GOALS AND GUIDELINES**

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals. Because the proposed Code Amendments have a limited scope and the text amendments address only some of the topics in the Statewide Planning Goals, only applicable Statewide Goals are addressed below.

#### **Statewide Planning Goal 1 – Citizen Involvement:**

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

**FINDING:** This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390.060 (Type IV Procedures). Notices were sent by US Postal Service to affected government agencies and the latest version of the City's interested parties list. A notice was published in the Oregonian newspaper prior to the hearing. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. A minimum of two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. In excess of the requirements of the TDC, planning staff published a project website, mailed notice of the project to approximately 2,223 household residents, and posted notice of the project in all developed city parks. This goal is satisfied.

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

**This goal outlines the land use planning process and policy framework.**

**FINDING:** The Department of Land Conservation and Development (DLCD) has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. The Development Code implements the Comprehensive Plan. The Development Code establishes a process and standards to review changes to the Tigard Development Code. As discussed within this report, the applicable Development Code process and standards have been applied to the proposed amendment. This goal is satisfied.

#### **Statewide Planning Goal 9 – Economic Development:**

**This goal seeks to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**FINDING:** The Department of Land Conservation and Development has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. Consistency with the City's Comprehensive Plan Economic Development goals and policies is discussed later in this report under Tigard Comprehensive Plan Goal 9.1 and associated policies. This goal is satisfied.

#### **Statewide Planning Goal 10 –Housing**

**This goal seeks to provide for the housing needs of citizens of the state.**

**FINDING:** The Department of Land Conservation and Development has acknowledged the City's Comprehensive Plan as being consistent with the statewide planning goals. Consistency with the City's Comprehensive Plan Housing goal and policies is discussed later in this report under Tigard Comprehensive Plan Goal 10.2 and associated Policies. This goal is satisfied.

**CONCLUSION:** Based on the findings above and the related findings below, staff finds the proposed code amendments are consistent with applicable Statewide Planning Goals.

## **APPLICABLE PROVISIONS OF THE METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN**

METRO planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the regional land use goals. Because the proposed Code Amendments have a limited scope and the text amendments address only some of the topics in the Urban Growth Management Functional Plan, only certain standards within Title 12 apply.

### **TITLE 12: PROTECTION OF RESIDENTIAL NEIGHBORHOODS**

#### **3.07.1210 Purpose and Intent**

**Existing neighborhoods are essential to the success of the 2040 Growth Concept. The intent of Title 12 of the Urban Growth Management Functional Plan is to protect the region's residential neighborhoods. The purpose of Title 12 is to help implement the policy of the Regional Framework Plan to protect existing residential neighborhoods from air and water pollution, noise and crime and to provide adequate levels of public services.**

#### **3.07.1240 Access to Parks and Schools**

**A. Each city and county shall, within two years following adoption by the Metro Council of a process and criteria for such standards, establish a level of service standard for parks and greenspaces that calls for a park facility within a specified distance of all residences.**

**B. To make parks and greenspaces more accessible to residents of Inner and Outer Neighborhoods and all residents of the region, each city and county shall provide for access to parks and greenspaces by walking, biking and transit, where transit is available or planned.**

**C. To make parks and schools more accessible to neighborhood residents, to reduce traffic, and to use land more efficiently, cities, counties, park providers and school districts shall, where appropriate, provide for shared use of school facilities for park purposes and of park facilities for school purposes.**

**D. To make public schools more accessible to neighborhood residents, cities, counties and school districts shall prioritize school sites that are near concentrations of population and are connected to those concentrations by safe and convenient walking, biking and, where transit is available or planned, transit facilities.**

**FINDING:** The proposed amendments would support implementation of the Metro Urban Growth Management Functional Plan by supporting access to parks and greenspaces. This support would result from the removal of the requirement for a conditional use permit for trails and other low-impact parkland improvements, and providing more flexible development standards. Allowing placement of the Parks and Recreation Zone in any Comprehensive Plan land use designation will ensure access to concentrations of population. Proposed location and development standards encourage shared or integrated school and park facilities through reduced setbacks and allowing placement of the zone on land owned by other public agencies. As a result the proposed amendments meet these criterion.

**CONCLUSION:** Based on the findings above, staff finds that the proposed code text amendment is consistent with the Urban Growth Management Functional Plan.

### **TIGARD COMPREHENSIVE PLAN**

State planning regulations require cities to adopt and amend Comprehensive Plans and land use regulations in compliance with the state land use goals and consistent with Comprehensive Plan Goals and Policies. Because the Development Code Amendments have a limited scope and the text amendments address only some of the topics in the Tigard Comprehensive Plan, only applicable comprehensive plan goals and associated policies are addressed below.

#### **Comprehensive Plan Goal 1: Citizen Involvement**

**Policy 1.1.2: The City shall define and publicize an appropriate role for citizens in each phase of the land use planning process.**

FINDING: This goal has been met by complying with the Tigard Development Code notice requirements set forth in Section 18.390.060 (Type IV Procedures). Notices were sent by US Postal Service to affected government agencies and the latest version of the City's interested parties list. A notice was published in the Oregonian newspaper prior to the hearing. After the Planning Commission public hearing, additional notice will be published prior to the City Council hearing. A minimum of two public hearings will be held (one before the Planning Commission and the second before the City Council) at which an opportunity for public input is provided. In excess of the requirements of the TDC, planning staff published a project website, mailed notice of the project to approximately 2,223 household residents, and posted notice of the project in all city parks. This policy is met.

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

**Policy 2.1.2: The City's land use regulations, related plans, and implementing actions shall be consistent with and implement its Comprehensive Plan.**

FINDING: As demonstrated in this staff report, the proposed amendments to the Tigard Development Code are consistent with the Tigard Comprehensive Plan. This policy is satisfied.

**Policy 2.1.3: The City shall coordinate the adoption, amendment, and implementation of its land use program with other potentially affected jurisdictions and agencies.**

FINDING: Copies of the proposed text and map amendments were sent to affected agencies were invited to comment on the proposal, as required by Section 18.390.060 (Type IV Procedures) and discussed in Section VII of this report. Comments submitted by affected agencies have been incorporated into this report and the proposed amendments. This policy is met.

**Policy 2.1.7: The City's regulatory land use maps and development code shall implement the Comprehensive Plan by providing for needed urban land uses including:**

- A. Residential;**
- B. Commercial and office employment including business parks;**
- C. Mixed Use;**
- D. Industrial;**
- E. Overlay districts where natural resource protections or special planning and regulatory tools are warranted; and**
- F. Public Services**

FINDING: The proposed text and map amendments will implement the comprehensive plan by providing for a location, use regulations, and development standards for needed parkland and recreational facilities. This policy is satisfied.

**Policy 2.1.12: The City shall provide a wide range of tools, such as planned development, design standards, and conservation easements that encourage results such as:**

- A. High quality and innovative design and construction;**
- B. Land use compatibility;**
- C. Protection of natural resources;**
- D. Preservation of open space; and**
- E. Regulatory flexibility necessary for projects to adapt to site conditions.**

FINDING: The proposed text amendments will result in more robust land use standards for the development or improvement of parkland and greenspaces in a manner that is compatible with surrounding development and with sufficient flexibility to adapt to site conditions. This policy is satisfied.

**Policy 2.1.15:**

**Policy 2.1.20: The City shall periodically review and, if necessary, update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.**

FINDING: The proposed amendments are in response to an increasing community need for more recreational

opportunities. The proposed use and development standards have been drafted to provide flexibility and adaptability to evolving recreational needs and varied site conditions. This policy is satisfied.

**Policy 2.1.21 The City shall require all development to conform to site design/development regulations.**

FINDING: The proposed amendments will require all development within the Parks and Recreation Zone to conform to site design and development regulations, even when exempted from site development review or conditional use permit review. This policy is satisfied.

**Policy 2.1.23 The City shall require new development, including public infrastructure, to minimize conflicts by addressing the need for compatibility between it and adjacent existing and future land uses.**

FINDING: The proposed amendments include use regulations and development standards to ensure compatibility between future development within the Parks and Recreation Zone and adjacent development and public facilities. This policy is met.

**Policy 2.1.24: The City shall establish design standards to promote quality urban development and to enhance the community's value, livability, and attractiveness.**

FINDING: The proposed amendments include design standards that will protect community livability by promoting the development of community recreation within the City, and in a manner that is compatible with surrounding land uses and public facilities. This policy is met.

#### **Comprehensive Plan Goal 8: Parks, Recreation, Trails and Open Space**

**Goal 8.1 Provide a wide variety of high quality park and open spaces for all residents, including both:**

- A. Developed areas with facilities for active recreation; and**
- B. Undeveloped areas for nature-oriented recreation and the protection and enhancement of valuable natural resources within the parks and open space system.**

FINDING: The proposed amendments provide a designated zone, use regulations, and development standards to support both active recreation and nature-oriented parks. This policy is satisfied.

**Policy 8.1.2 The City shall preserve and, where appropriate, acquire and improve natural areas located within a half mile of every Tigard resident to provide passive recreational opportunities.**

**Policy 8.1.4 The City shall endeavor to develop neighborhood parks [or neighborhood park facilities within other parks, such as a linear park] located within a half mile of every resident to provide access to active and passive recreation opportunities for residents of all ages.**

FINDING: The proposed amendments provide a designated zone for public parks and recreation land uses that can be applied in all parts of the city. The applicable use regulations and development standards provide for both active and passive recreation. These policies are satisfied.

**Policy 8.1.5 The City shall develop other parks, including linear parks, special use facilities, urban plazas, skate parks, and pet areas, consistent with the descriptions and standards contained in the park system master plan.**

FINDING: The proposed text amendments provide use regulations and standards that are consistent with the City's park system master plan. This policy is satisfied.

**Policy 8.1.11 The City shall ensure that the community at large is adequately informed of recreation opportunities and programs; issues affecting park, open space, and recreation services; and volunteer opportunities.**

FINDING: As detailed in findings pertaining to Statewide Planning Goal 1, and comprehensive Plan Goal 1 and its associated policies, the community at large has been adequately informed of the proposed text amendments. This policy is satisfied.

**Goal 8.2 Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.**  
**Policy 8.2.1 The City shall create an interconnected regional and local system of on- and off-road trails and paths that link together neighborhoods, parks, open spaces, major urban activity centers, and regional recreational opportunities utilizing both public property and easements on private property.**

FINDING: The proposed amendments provide for more efficient development of off-street pedestrian and bicycle trails by removing the need for a conditional use permit. This policy is satisfied.

**Policy 8.2.2 The City shall design and build greenway trails and paths to minimize their impact on the environment, including on wildlife corridors and on rare, and state or federally listed species.**

FINDING: The proposed text amendments will still require all new development within the parks and recreation zone, including trails and paths, to comply with all other applicable requirements of the Tigard Development Code. Chapter 18.210 (General Administrative Provisions) requires all development within the City to be compliant with all applicable state and federal laws, including those pertaining to environmental regulation and protection. Chapter 18.775 (Sensitive Lands) will still require protection of specified environmental resources as part of any development within the parks and recreation zone. This policy is satisfied.

### **Comprehensive Plan Goal 9: Economic Development**

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

FINDING: Parks and recreational facilities are a recognized component of a prosperous and attractive city as they provide visual contrast and experiential relief from the built environment to residents, visitors and employees of the City. The proposed amendments will provide a location and standards for public parks and recreation facilities. The amendments will also provide use regulations and development standards to ensure compatibility with adjacent uses. This goal is met.

**Policy 9.3.2 The City shall adopt land use regulations and standards to ensure a well-designed and attractive urban environment that supports/protects public and private sector investments.**

FINDING: Parks and recreational facilities are a recognized component of an attractive city as they provide visual contrast and experiential relief from the built environment. The proposed amendments will provide a location and standards for the development of public parks and recreation facilities. The amendments will also provide use regulations and development standards to ensure compatibility with adjacent uses, both residential and commercial. This policy is met.

### **Comprehensive Plan Goal 10: Housing**

**Goal 10.2 Maintain a high level of residential livability.**

FINDING: Parks and recreational facilities can contribute to a high level of residential livability, particularly when located near residential land uses. Whether designed for passive or active recreation, parks and greenways provide for visual contrast and experiential relief from the built environment. The proposed amendments will provide a location and standards for public parks and recreation facilities. The amendments will also provide use regulations and development standards to ensure compatibility with adjacent residential land uses. This goal is met.

**Policy 10.2.1: The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.**

FINDING: The proposed amendments create a zone for the placement of parks, greenspaces and recreation facilities in all residential neighborhoods. The presence of parks, greenspaces, and recreation facilities within a residential neighborhood will enhance their quality by providing centers for activity and both visual and experiential relief from the built environment. Use regulations and development standards are included in the amendments to ensure development within the parks and recreation zone is compatible with adjacent residential land uses and public facilities. This policy is met.

**Policy 10.2.8: The city shall require measures to mitigate the adverse impacts from differing, or more**

**intense, land uses on residential living environments, such as:**

- A. Orderly transitions from one residential density to another;**
- B. Protection of existing vegetation, natural resources and provision of open space areas; and**
- C. Installation of landscaping and effective buffering and screening.**

**FINDING:** The proposed text amendments include use regulations and development standards to prevent or mitigate adverse impacts to adjacent uses. Development standards include setbacks, height restrictions, and off-site impact standards. All development within the Parks and Recreation zone will be subject to all other provisions of the Tigard Development Code, including landscaping and buffering standards (Chapter 18.745), Sensitive Lands (Chapter 18.775), and Urban Forestry (18.790). This policy is met.

**CONCLUSION:** Based on the findings above, staff concludes that the proposed code text amendment is consistent with applicable provisions of the Tigard Comprehensive Plan.

#### **APPLICABLE PROVISIONS OF THE TIGARD DEVELOPMENT CODE**

**Tigard Development Code Section 18.380.020, Legislative Amendments to this Title and Map, states that legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.390.060G.**

**FINDING:** The proposed text and map amendments are legislative in nature. Therefore, the amendment will be reviewed under the Type IV legislative procedure as set forth in the chapter. This procedure requires public hearings by both the Planning Commission and City Council. This standard is met.

**Section 18.390.060.G establishes standard decision-making procedures for reviewing Type IV applications. The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors: 1) The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197; 2) Any federal or state statutes or regulations found applicable; 3) Any applicable METRO regulations; 4) Any applicable comprehensive plan policies; and 5) Any applicable provisions of the City's implementing ordinances.**

**FINDING:** Findings and conclusions are provided in this section for the applicable listed factors on which the recommendation by the Commission and the decision by the Council shall be based. This standard is met.

**CONCLUSION:** Based on the findings above, staff concludes that the proposed code text amendment is consistent with applicable provisions of the Tigard Development Code.

#### **SUMMARY**

**CONCLUSION:** As shown in the findings above, staff concludes that the proposed code text and map amendments are consistent with the applicable Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, applicable Comprehensive Plan goals and policies, and the applicable provisions of the City's implementing ordinances. No federal or state statutes or regulations were found to be applicable.

#### **SECTION V. STAFF ANALYSIS**

Proposed code amendments are organized by Development Code chapter number in each attachment. Even-numbered pages contain commentary on the amendments, which are contained on the opposite (following) odd-numbered page. The commentary establishes, in part, the legislative intent in adopting these amendments.

#### **SECTION VI. OTHER ALTERNATIVES**

No Action – The code would remain unchanged. Conditional Use Permit review would continue to be required for all new parks, and for major modifications to existing parks. Improvements proposed within the park would also be subject to a patchwork of base zone regulations, providing inconsistent protection for adjacent residential land uses.

**SECTION VII. AGENCY COMMENTS**

City of Tigard Public, City of Portland, City of Beaverton, City of Durham, City of Lake Oswego, City of Tualatin, City of King City, Washington County, METRO, ODOT, Oregon Department of Energy, DLCD, DEQ, ODFW, CWS, Portland Western and Southern Pacific Railroads, Beaverton School District, Tigard Tualatin School District, Tri-Met, Tigard Water District, Tualatin Hills Parks and Rec District, and TVF&R were notified of the proposed code text amendment but provided no comment.

The Tigard Police Department was notified of the proposal and had no objections.

The Bonneville Power Administration commented in a letter dated November 5, 2013 (Attachment 4). This letter states that the Bonneville Power Administration (BPA) has no objection to the proposal provided the high voltage transmission line rights-of-way and fee-corridor will not be adversely affected. Moreover, it requested the coordination of land uses within these corridors and prior review by BPA of all "underground utilities, fences, planting trees, parking, pools, trees, and construction", and applications submitted for all development within BPA's right of way. In response to this comment, language has been added to the proposed amendments in Attachment 1 that will ensure coordination occurs.

**SECTION VIII. PUBLIC COMMENTS**

Comments were received from two members of the public in the form of two separate emails.

The first was from Brian Wegener of the Tualatin Riverkeepers and dated October 31, 2013 (Attachment 5). In response to his comments, staff has included outdoor sales as a conditional use within the new zone, subject to restrictions. The remainder of the comments are already addressed in the sensitive lands chapter, or issues better addressed at the time of permit review.

The second was from Allan Solares and dated November 6, 2013 (Attachment 6). In response to his letter staff has corrected internal inconsistencies in the code language and clarified language regarding outdoor sound systems, stages, and development standards when adjacent to a public school. No further changes are recommended by staff as these issues are already provided for in the draft language or are outside the scope of the project.

**ATTACHMENTS:**

- Attachments: 1. Draft Text Amendments.  
2. Draft Map Amendment  
3. List of City-Owned properties affected by the amendments.  
4. Letter from Department of Energy (November 5, 2013)  
5. Email from Brian Wegener of Tualatin Riverkeepers (October 31, 2013)  
6. Email from Allan Solares (November 6, 2013)

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

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

  
\_\_\_\_\_  
APPROVED BY: Tom McGuire  
FOR: Assistant Community Development Director

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



**CITY OF TIGARD  
PARKS ZONE PROJECT  
PROPOSED DEVELOPMENT CODE AMENDMENTS  
DCA2013-00003**

**Staff Contact:  
John Floyd, Associate Planner  
13125 SW Hall Blvd, Tigard, OR 97223  
503-718-2429 / [johnfl@tigard-or.gov](mailto:johnfl@tigard-or.gov)**

## Staff Commentary

This document is intended to be read in book format, with proposed text amendments on the right hand page and staff commentary on those amendments on the left. The comments are intended to provide both clarity and future documentation as to legislative intent.

The proposed development code amendment would remove existing development standards for community recreation and parks from the conditional use chapter, and would replace them in a new Chapter (18.540) as set forth below. Proposed changes are indicated by the use of ~~strike-throughs~~ to indicate language to be removed.

CHAPTER 18.330  
CONDITIONAL USE

Sections:

- 18.330.010 Purpose
- 18.330.020 Approval Process
- 18.330.030 Approval Standards and Conditions of Approval
- 18.330.040 Additional Submission Requirements
- 18.330.050 Additional Development Standards for Conditional Use Types

18.330.010 Purpose

*[No change proposed.]*

18.330.020 Approval Process

*[No change proposed.]*

18.330.030 Approval Standards and Conditions of Approval

*[No change proposed.]*

18.330.040 Additional Submission Requirements

*[No change proposed.]*

18.330.050 Additional Development Standards for Conditional Use Types

B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:

5. ~~Community Recreation and Parks:~~

- a. ~~All building setbacks shall be a minimum of 30 feet from any property line;~~
- b. ~~There are no off-street parking requirements, except that five automobile parking spaces are required for a dog park or off-leash area with a fenced area of one acre or more, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking. Three automobile parking spaces are required for a dog park or off-leash area with a fenced area of less than one acre, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking.~~

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Proposed text amendments included on the opposite page include the purpose of the zone, its short name for use on the zoning map, and where the zone is applied.

Language proposed in 18.540.030 (Where the Zone is Applied) reflects the intended purpose of the zone, namely acknowledgement that the land is in public ownership and intended for development of parks and other community recreation facilities, and is not intended as a general open space zone to be applied to public and private property. As proposed, the zone is not intended or allowed on privately owned property.

## Proposed Text Amendments

### CHAPTER 18.540 PARKS AND RECREATION ZONE

#### Sections:

- 18.540.010 Purpose
- 18.540.020 Short Name
- 18.540.030 Where the Zone is Applied
- 18.540.040 Other Zoning Regulations
- 18.540.050 Use Regulations
- 18.540.060 Development Standards

#### 18.540.010 Purpose

The Parks and Recreation Zone is intended to preserve and enhance publicly owned open space and natural and improved parkland within the City. This zone is intended to serve many functions including:

- A. Providing opportunities for both active and passive recreational facilities to meet neighborhood, community and regional needs;
- B. Providing contrast to the built environment;
- C. Providing opportunities to strengthen community identity, improve public health, and foster interactions between citizens;
- D. Providing economic development by creating a desirable public image and robust quality of life;
- E. Recognizing that publicly owned parks have a special relationship to the community and are an important resource;
- F. Providing flexibility in the use and development of recreational facilities as the City responds to changes in demographics, program needs, and external regulatory requirements; and
- G. Allowing for the efficient implementation of plans and improvements to parks, recreational facilities and open areas with appropriate reviews where compatibility issues may arise;

#### 18.540.020 Short Name

The short name and map symbol of the Parks and Recreation Zone is PR.

#### 18.540.030 Where the Zone is Applied

The Parks and Recreation Zone is applicable to all city owned lands intended as parks, open space, and recreational facilities and may be applied within all Comprehensive Plan Designations. City owned parks, open space, and recreational facilities located in a plan district may retain or receive other than a Parks & Recreation Zone designation if it better furthers the goals of the plan district. In addition, other public agencies may request a Parks and Recreation designation for areas that meet the purpose of the zone. See Chapter 18.380 Zoning Map and Text Amendments.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Table 18.540.1 establishes the use regulations for the new zone, and is consistent with the stated purpose set forth in sections 18.540.010.

## Proposed Text Amendments

### 18.540.040 Other Zoning Regulations

The regulations within this Chapter state the allowed uses and development standards for the base zone. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations as set forth elsewhere in this title.

### 18.540.050 Use Regulations

A. Types of uses. For the purposes of this chapter, there are three types of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title.
2. A conditional use (C) is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapter 18.330 (Conditional Use).
3. A prohibited (N) use is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, conditional and prohibited uses in the Parks & Recreation Zone is presented in Table 18.540.1.

**TABLE 18.540.1  
USE TABLE: PARKS & RECREATION ZONE**

<u>Land Use Category</u>	<u>Use Type</u>
<u>RESIDENTIAL</u>	
<u>Household Living</u>	<u>N</u>
<u>Group Living</u>	<u>N</u>
<u>Transitional Housing</u>	<u>N</u>
<u>Home Occupation</u>	<u>N</u>
<u>CIVIC</u>	
<u>Basic Utilities</u>	<u>C</u>
<u>Colleges</u>	<u>N</u>
<u>Community Recreation</u>	<u>P/C<sup>1</sup></u>
<u>Cultural Institutions</u>	<u>C</u>
<u>Day Care</u>	<u>N</u>
<u>Emergency Services</u>	<u>N</u>
<u>Medical Centers</u>	<u>N</u>
<u>Postal Service</u>	<u>N</u>
<u>Religious Institutions</u>	<u>N</u>
<u>Schools</u>	<u>C<sup>2,3</sup></u>
<u>Social/Fraternal Clubs/Lodges</u>	<u>N</u>

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Table 18.540.1 establishes the use regulations for the new zone, and is consistent with the stated purpose set forth in sections 18.540.010.

While the zone is intended primarily for community recreation land uses, outdoor sales and eating and drinking establishments are proposed as conditional land uses with restrictions, in order to allow limited concessions within a city park. This would include things like food and beverages and recreational equipment rentals.

## Proposed Text Amendments

<u>COMMERCIAL</u>	
<u>Commercial Lodging</u>	<u>N</u>
<u>Custom Arts and Crafts</u>	<u>N</u>
<u>Eating and Drinking Establishments</u>	<u>C<sup>3</sup></u>
<u>Major Event Entertainment</u>	<u>C</u>
<u>Outdoor Entertainment</u>	<u>N</u>
<u>Indoor Entertainment</u>	<u>N</u>
<u>Adult Entertainment</u>	<u>N</u>
<u>Sales-Oriented</u>	<u>C<sup>3</sup></u>
<u>Personal Services</u>	<u>N</u>
<u>Repair-Oriented</u>	<u>N</u>
<u>Bulk Sales</u>	<u>N</u>
<u>Outdoor Sales</u>	<u>C<sup>3</sup></u>
<u>Animal-Related</u>	<u>N</u>
<u>Motor Vehicle Sales/Rental</u>	<u>N</u>
<u>Motor Vehicle Servicing/Repair</u>	<u>N</u>
<u>Vehicle Fuel Sales</u>	<u>N</u>
<u>Office</u>	<u>C<sup>3</sup></u>
<u>Self-Service Storage</u>	<u>N</u>
<u>Non-Accessory Parking</u>	<u>N</u>
<u>INDUSTRIAL</u>	
<u>Industrial Services</u>	<u>N</u>
<u>Light Industrial</u>	<u>N</u>
<u>General Industrial</u>	<u>N</u>
<u>Heavy Industrial</u>	<u>N</u>
<u>Railroad Yards</u>	<u>N</u>
<u>Research and Development</u>	<u>N</u>
<u>Warehouse/Freight Movement</u>	<u>N</u>
<u>Waste-Related</u>	<u>N</u>
<u>Wholesale Sales</u>	<u>N</u>
<u>OTHER</u>	
<u>Agriculture / Horticulture</u>	<u>P/C<sup>1</sup></u>
<u>Cemeteries</u>	<u>N</u>
<u>Detention Facilities</u>	<u>N</u>
<u>Heliports</u>	<u>N</u>
<u>Mining</u>	<u>N</u>
<u>Wireless Communication Facilities</u>	<u>P/C<sup>4</sup></u>
<u>Rail Lines / Utility Corridors</u>	<u>C</u>

P=Permitted                      C=Conditional Use                      N=Not Permitted

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

The text amendments on this page constitute one of the biggest changes from existing regulations. In contrast to present regulations where community recreation is a conditional use in almost all zones, the proposed amendments would exempt a series of clear and objective development types from conditional use permit review and site development review, provided they met all applicable development standards. These development types can be broadly construed as “passive recreation facilities” and by themselves do not have a high likelihood of creating off-site impacts.

The size threshold for small structures (600 square feet) was chosen as it is approximately the same size limit as that applied to accessory structures on residentially zoned lots (528 square feet). These structures would be required to adhere to stricter setbacks than residential accessory structures, when adjoining a residentially zoned lot (see proposed development standards in 18.540.060 below). According to the Parks Department, most small structures are under 500 square feet in size. The code proposes 600 square feet to provide flexibility in future park programming.

A picnic area designed to accommodate groups of less than 25 would be defined as open area with either a hard or soft surface pad that accommodates up to two or maybe three picnic tables – depending on size.

## Proposed Text Amendments

- [1] See Subsection 18.540.050.C-D for use type determination.
  - [2] Restricted to activities and facilities focused on environmental education.
  - [3] Permitted only when accessory to a Community Recreation land use.
  - [4] See Chapter 18.798, Wireless Communication Facilities.
- C. Development Permitted Outright. When associated with a Community Recreation land use, the following types of development are allowed outright if they comply with the development standards and other regulations of this title. Site Development Review is not required for the uses listed below. All other applicable land use reviews apply.
1. Park furnishings such as play equipment, picnic tables, benches, bicycle racks, public art, trash receptacles and other improvements of a similar nature.
  2. Fences.
  3. Off-street, multi-use trails.
  4. Structures up to 600 square feet in size, and no more than 15 feet high.
  5. Picnic areas designed to accommodate groups of less than 25.
  6. Outdoor recreational fields, courts, arenas and other structures when not illuminated and not designed or intended for organized sports and competitions.
  7. Community gardens up to 5,000 square feet in size.
  8. Routine maintenance or replacement of existing facilities.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

Proposed text amendments on the opposite page establish development types subject to Conditional Use Permit review. These types can be generally described as more “active recreational facilities” which are likely to generate off-site impacts and require additional review on a site-by-site basis.

In response to a comment letter from the Bonneville Power Administration, development within a high voltage transmission line right-of-way has been made a conditional use to ensure they are notified of the proposed development and have an opportunity to comment.

## Proposed Text Amendments

D. Development Subject to Conditional Use Review. The following types of development are allowed subject to Conditional Use Permit approval, as set forth in Chapter 18.330 Conditional uses.

1. Pools and aquatic centers, both indoor and outdoor.
2. Community and Senior Centers providing a focus for recreational, social, education and cultural activities. These may include gymnasiums, indoor tracks and fitness areas, meeting rooms, office and kitchen space and other amenities designed for community use.
3. Picnic areas designed to accommodate groups of 25 or more.
4. Boat Ramps.
5. Off-street parking areas.
6. Recreational fields, courts, arenas and associated structures for organized sports and competitions.
7. Stages and Amphitheaters.
8. Dog parks.
9. Community gardens in excess 5,000 square feet.
10. Structures in excess of 600 square feet, and/or more than 15 feet high.
11. Outdoor amplified sound systems.
12. Illuminated athletic fields, courts, and other outdoor recreational facilities intended to be used after sunset.
13. Camping, unless associated with an approved temporary or seasonal event as set forth in 18.785 Temporary Uses.
14. Golf courses, including club houses and driving ranges.
15. Development within a high voltage transmission line right of way.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

The proposed text amendments on this page establish new development standards for the Parks and Recreation Zone. At present, development within parks is subject to a uniform 30 foot setback for all structures, and a variety of base zone regulations for things like lot size, width, coverage, height limits, and so forth.

The new standards are intended to provide greater flexibility in park programming, while providing enhanced setbacks for certain development types adjacent to residential zones. For example, small shelters may be built closer to adjoining residential development than currently permitted, while bathrooms and illuminated playgrounds must adhere to stricter setbacks than currently required.

## Proposed Text Amendments

### 18.540.060 Development Standards

Development within the zone must comply with the following development standards, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.

- A. Minimum Lot Size. None.
- B. Minimum Lot Width. None.
- C. Maximum Structure Height. None, except structures within 100' of a residential zone are subject to the maximum height limit for the abutting residential zone.
- D. Minimum Structure Setbacks. None, except where abutting a residential zone. In such cases structures must be setback a minimum distance of one foot for each foot of building height.
- E. Outdoor Recreation Facility Setbacks. Non-illuminated playgrounds must be set back a minimum of 25 feet from adjoining residentially zoned properties. Illuminated playgrounds and other constructed recreational facilities such as swimming pools, skate parks, basketball courts, soccer fields, and group picnic areas must be setback 50 feet from adjoining residentially zoned properties. Where the outdoor facility abuts a school use, the setback is reduced to zero. Outdoor recreation facilities not meeting minimum setbacks set forth in this subsection may be considered through conditional use review as set forth in 18.330.
- F. Bathrooms and Concessions. Bathrooms and concession stands shall be setback a minimum distance of 50 feet from adjoining residential zones. Where a bathroom or concession stand abuts a school use on a residentially zoned property, the setback is reduced to zero.

## Staff Commentary

The proposed development amendment would result in a new chapter of the Tigard Development Code to create a Parks and Recreation Zone, as set forth below. New language to be inserted into the code is marked by the use of underlining.

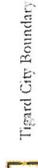
Parking requirements for dog parks were transferred unchanged from existing CUP approval criteria, with the exception of dog parks less than ½ acre in size.

## Proposed Text Amendments

- G. Parking. Development shall comply with Chapter 18.765 (Off Street Parking & Loading Requirements) with the following exceptions:
1. Minimum parking requirements shall only apply to conditional uses in this zone. Outright permitted uses are exempt from minimum parking requirements.
  2. Dog parks shall provide the following:
    - a. Dog parks or off-leash areas with a fenced area of one-acre or more shall provide a minimum of five vehicle parking spaces, and a parking plan for anticipated peak use periods.
    - b. Dog parks or off-leash areas with a fenced area of less than one-acre shall provide a minimum of three off-street parking spaces, and a parking plan for anticipated peak use periods.
    - c. Dog parks or off-leash areas with a fenced area of less than one-half acre are exempt from minimum parking requirements.
- H. Signs. Signs in the Parks & Recreation Zone shall comply with the regulations applicable to non-residential land uses in residential zones, as set forth in Subsections 18.780.130.A and B of this Title.
- I. Lights & Amplified Sound Systems. Lights and amplified sounds systems shall comply with Chapter 18.725 (Environmental Performance Standards). In addition, glare sources shall be hooded, shielded, or otherwise located to avoid direct or reflected illumination in excess of 0.5 foot candles, as measured at the site boundary or at the furthest boundary of adjacent industrially-zoned properties.



# Proposed Zoning Map with Parks and Recreation Zone

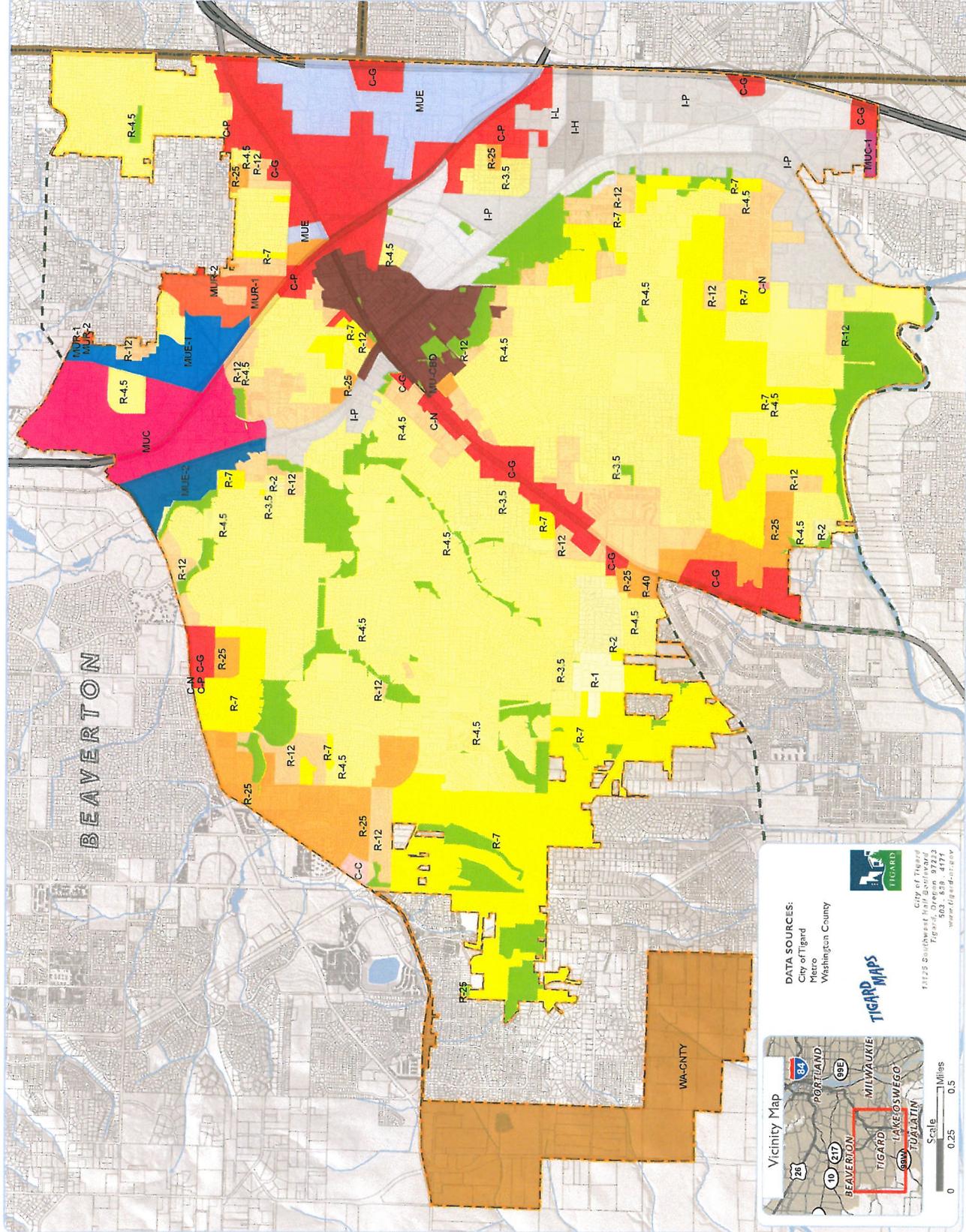


Tigrard City Boundary

Proposed Parks and Recreation Zone

## Zoning

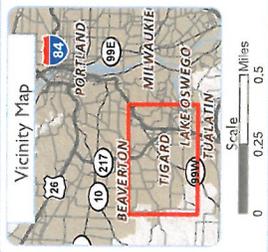
- 30,000 Sq Ft Min Lot Size
- 20,000 Sq Ft Min Lot Size
- 10,000 Sq Ft Min Lot Size
- 7,500 Sq Ft Min Lot Size
- 5,000 Sq Ft Min Lot Size
- 3,050 Sq Ft Min Lot Size
- 1,480 Sq Ft Min Lot Size
- 40 Units Per Acre
- Mixed Use Residential 1
- Mixed Use Residential 2
- Mixed Use Central Business District
- Community Commercial
- Neighborhood Commercial
- General Commercial
- Professional Commercial
- Mixed Use Commercial
- Mixed Use Commercial 1
- Mixed Use Employment
- Mixed Use Employment 1
- Mixed Use Employment 2
- Light Industrial
- Industrial Park
- Heavy Industrial
- Washington County Zoning



**DATA SOURCES:**  
 City of Tigrard  
 Metro  
 Washington County

**TIGARD MAPS**

18125 Southview Rd  
 City of Tigrard  
 Tigrard, Oregon 97123  
 503.859.4171  
[www.tigrard-or.gov](http://www.tigrard-or.gov)



**Parks Zone Project****DCA2013-00003****Affected City Owned Properties**

NAME	ACRES	TYPE	CATEGORY	Existing Zoning
MORLAN PLUMBING GREENWAY -99W	0.29	G	Natural	C-G
BONITA PARK	5.58	P	Improved	I-L
POTSO DOG PARK	1.81	P	Special Use	I-L
KNEZ WETLAND -HWY 217	0.79	G	Natural	I-L
BROWN PROPERTY (METRO)	12.09	G	Natural	I-L
GREENBURG RD	0.11	G	Natural	MUC
COMMERCIAL PARK	0.73	P	Improved	MU-CBD
JIM GRIFFITH MEMORIAL SKATE PARK	0.45	P	Special Use	MU-CBD
MAIN ST PARK	0.33	P	Improved	MU-CBD
LIBERTY PARK	0.28	P	Improved	MU-CBD
FANNO CREEK HOUSE	1.60	G	Future	MU-CBD
ASH AVENUE DOG PARK	0.35	P	Special Use	MU-CBD
FANNO CREEK PARK	29.66	P	Improved	MU-CBD
NORTHVIEW PARK	3.50	P	Improved	R-12
COLONY CREEK GREENWAY -WALL ST	9.80	G	Natural	R-12
FANNO CREEK GREENWAY -TIGARD ST	4.40	G	Natural	R-12
GRANT AVE GREENWAY -GRANT AVE	0.95	G	Natural	R-12
RIVERVIEW ESTATES GREENWAY -BONANZA WY	3.35	G	Natural	R-12
SHADY LANE GREENWAY -SHADY LN	1.97	G	Natural	R-12
FANNO CREEK DR NORTH OF BONITA	0.10	G	Natural	R-12
GRANT AVE GREENWAY -GRANT AVE	1.07	G	Natural	R-12
BAGAN PROPERTY	2.90	P	Future	R-12
DOVER GREENWAY -DOVER CT	1.64	G	Natural	R-2
WINTER LAKE GREENWAY -135TH AVE	8.88	G	Natural	R-25
CLUTE	1.36	G	Natural	R-25
135TH AVE	0.23	G	Natural	R-25
WILLOWBROOK FARM	0.16	G	Natural	R-25
FIELDS PROPERTY	25.60	P	Future	R-25
EAST BUTTE HERITAGE PARK	2.62	P	Natural	R-3.5
121 TURNAROUND	0.13	G	Natural	R-3.5
COOK PARK	75.01	P	Improved	R-4.5
SENN PARK	0.25	P	Future	R-4.5
SUMMER LAKE PARK	29.83	P	Improved	R-4.5
WINDMILL PARK	0.13	P	Natural	R-4.5
WOODARD PARK	10.29	P	Improved	R-4.5
BERKELY/COPPER GREENWAY -RIVERWOOD LN	5.27	G	Natural	R-4.5
BLACK BULL GREENWAY -IRONWOOD LOOP	2.91	G	Natural	R-4.5
BROOKWAY GREENWAY -124TH & ANN CT	2.25	G	Natural	R-4.5

GAARDE ST GREENWAY -GAARDE ST	12.45	G	Natural	R-4.5
GENESIS GREENWAY -GENESIS LOOP	3.24	G	Natural	R-4.5
GENTLE WOODS GREENWAY -76TH AVE	1.27	G	Natural	R-4.5
HUNTERS GLEN GREENWAY -115TH AVE	2.57	G	Natural	R-4.5
JACK PARK GREENWAY-124TH & ANN CT	2.39	G	Natural	R-4.5
MARY WOODWARD GREENWAY -121ST AVE	7.35	G	Natural	R-4.5
MEADOWGLADE GREENWAY -113TH PL	4.88	G	Natural	R-4.5
MORNINGSTAR GREENWAY -BENCHVIEW TER	8.37	G	Natural	R-4.5
NOVARE GREENWAY -NOVARE PL	1.76	G	Natural	R-4.5
PATHFINDER GREENWAY -PATHFINDER WY	1.93	G	Natural	R-4.5
PICK'S LANDING GREENWAY -RIVERWOOD LN	5.77	G	Natural	R-4.5
REBECCA GREENWAY-CHATEAU LN	1.19	G	Natural	R-4.5
SCHECKLA GREENWAY -SCHECKLA DR	1.40	G	Natural	R-4.5
SUMMER CREEK GREENWAY -121ST AVE	4.80	G	Natural	R-4.5
SUMMER HILLS GREENWAY -WINTER LAKE DR	3.41	G	Natural	R-4.5
TERRACE TRAILS GREENWAY -TERRACE TRAILS DR	2.80	G	Natural	R-4.5
TUALATIN DRIVE GREENWAY-TUALATIN DR	1.98	G	Natural	R-4.5
VENTURA ESTATES GREENWAY -74TH AVE	4.45	G	Natural	R-4.5
YOLO ESTATES GREENWAY -WALNUT ST	2.36	G	Natural	R-4.5
TIPPIT PLACE WETLANDS	0.61	G	Natural	R-4.5
ENGLEWOOD PARK WEST	8.95	P	Improved	R-4.5
ENGLEWOOD PARK EAST	6.06	P	Improved	R-4.5
CLYDESDALE	0.32	G	Natural	R-4.5
			Community	
132ND AVE COMMUNITY GARDEN	0.17	G	Garden	R-4.5
CREEKSIDE PARK	0.79	G	Natural	R-4.5
JACK PARK	7.23	P	Improved	R-4.5
TIEDEMAN TRIANGLE	0.54	G	Natural	R-4.5
DIRKSEN NATURE PARK	48.04	P	Future	R-4.5
DARRY DELL PROPERTY	5.54	G	Natural	R-4.5
	0.00			R-4.5
	0.00			R-4.5
ELIZABETH PRICE PARK	2.55	P	Improved	R-7
BONITA GREENWAY -BONITA RD	2.80	G	Natural	R-7
BROWN CREEK GREENWAY -80TH CT	2.36	G	Natural	R-7
COLONY CREEK GREENWAY -FANNO CREEK LOOP	1.49	G	Natural	R-7
HILLSHIRE WOODS EAST GREENWAY -ASCENSION DR	17.61	G	Natural	R-7
HILLSHIRE WOODS WEST GREENWAY -ASCENSION DR	16.96	G	Natural	R-7
RENAISSANCE WOODS GREENWAY -76TH AVE	5.25	G	Natural	R-7
TERRAVIEW GREENWAY -TERRAVIEW DR	1.57	G	Natural	R-7
TURNAGAIN GREENWAY -TURNAGAIN DR	0.93	G	Natural	R-7

Attachment "3"

CACH NATURE PARK	19.51	P	Future	R-7
SUNRISE PROPERTY	19.43	P	Future	R-7
HILLSHIRE ADDITION	1.55	G	Natural	R-7
STARVIEW TRAIL	0.71	G	Natural	R-7
GREENFIELD DR.	0.64	G	Natural	R-7
COLONY CREEK TRAIL END	0.18	G	Open Space	R-7
FINLEY PARK GREENWAY	0.38	G	Natural	R-7
TUALITIN RIVER PROPERTY	2.69	G	Natural	
EAST BULL MOUNTAIN PROPERTIES	10.20	G	Future	





**Department of Energy**  
Bonneville Power Administration  
PO Box 3621  
Portland, OR 97208-3621

November 5, 2013

In reply refer to: TERR/3  
Tract No. V-E-23-A-120

Your reference: SP-13-03  
Sherwood Industrial Park Phase II  
14816 SW Century Dr, Sherwood OR

City of Sherwood Planning  
Michelle Miller, Sr. Planner

Dear Mr. Floyd:

Reference is made to your Notice for Tigard Parks Zone Project Development Code Amendment. Bonneville Power Administration (BPA) has no objection to this proposed. Development Code Amendment as long as the high voltage transmission line rights-of-way and fee-corridor will not be adversely affected.

Note that BPA imposes certain restrictions and/or prohibitions on the use of property encumbered by our transmission line rights-of-way. BPA's typical easement prohibits structures within the right-of-way. The coordination of such land uses as underground utilities, fences, planting trees, parking, pools, trees, and construction should all be reviewed by BPA prior to such use. Applications must be submitted to BPA for any use proposed within BPA's rights-of-way.

You may direct any communication to this office, Bonneville Power Administration, 503-230-7325, or by reaching me at 503-230-5500, or email at [jcgoodrich@bpa.gov](mailto:jcgoodrich@bpa.gov) for information on the BPA Right-of-Way Use application process.

Thank you for the opportunity to comment on this proposal.

Sincerely,

---

Julie C. Goodrich  
Right of Way Agent, Real Property Field Services  
David Evans & Associates, Contractor to Bonneville Power Administration

Enclosure:  
Landowner's Guide



**John Floyd**

---

**From:** Brian <brian@tualatinriverkeepers.org>  
**Sent:** Thursday, October 31, 2013 12:02 PM  
**To:** John Floyd  
**Cc:** Steve Martin; Paul H. Whitney  
**Subject:** Re: Parks Zone Project

John,

Thanks for sharing. I see a few uses that you might want to change.

1. Outdoor Entertainment is listed as "N", prohibited under any condition. I looked up the definition ( Characteristics: Outdoor entertainment consists of for-profit facilities providing active recreational uses primarily in an out-of-doors setting.), and suggest that the city may want to allow for-profit vendors to provide active recreational services at times (carnival rides at the balloon festival, equipment rentals). I would suggest that the city might want to allow Outdoor Entertainment conditionally.
2. Fences are listed as being permitted outright as long as they comply with development standards. I assume development standards prohibit fences in floodways. I think there may be a need to put conditions on fences that might impede wildlife migration in natural areas. I don't know if development standards address that.
3. Are there different development standards for passive recreation areas and active recreation areas? Clarification might be necessary to prevent conflicts between natural areas and active recreation facilities.

Thanks for the opportunity to comment.

Brian Wegener, Riverkeeper  
Advocacy & Communications Manager  
Tualatin Riverkeepers  
11675 SW Hazelbrook Road  
Tualatin, OR 97062  
503-486-5850  
[www.tualatinriverkeepers.org](http://www.tualatinriverkeepers.org)

\On 10/31/2013 11:20 AM, John Floyd wrote:

Hi Brian,

So you're aware, the city is working on code amendments to change how we conduct land use reviews for public parks. I'm including a link to the project website, which includes a draft of the code amendments. You'll be receiving a public notice in the mail, but also wanted to reach out to you given your organizations interests and role.

[www.tigard-or.gov/pzp](http://www.tigard-or.gov/pzp)

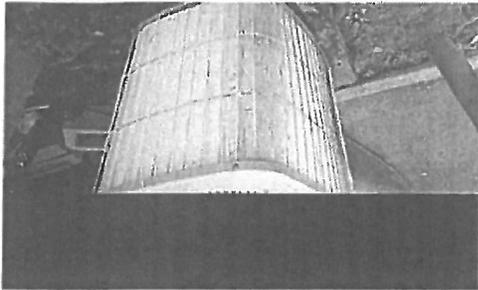
So it's clear, the project does not affect any of our goal 5 regulations. The idea is assign an appropriate level of review to the improvement being applied, in hopes of bringing more efficiency to the development of both passive and active recreation opportunities here in Tigard. For example, minor



improvements like benches and small shelters would no longer require a conditional use permit, but would still be subject to all of our sensitive lands regulations for things like floodplains, wetlands, and the like.

Regards,

John



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Brian Wegener, Riverkeeper  
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**John Floyd**

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**From:** Allan Solares <solaresam@aol.com>  
**Sent:** Wednesday, November 06, 2013 8:47 PM  
**To:** John Floyd  
**Cc:** solaresam@aol.com  
**Subject:** Parks Zone Project Proposed Code Amendments

The proposed amendments are very thoughtful and useful. Here are some suggestions to try to improve their clarity, applicability or effects. Feel free to call or email to discuss.

18.540.050

C. 4. allows structures up to 600 sq ft.. This conflicts with D. 10. which requires conditional use permit for structures in excess of 500 sq ft.

C. Add use for - "nonamplified and acoustic music at less than ## decibels".

Add use for - Informational and educational signage.

Add use for - Nature preserves (or similar purpose)

Add use for - Camping associated with an approved temporary or seasonal event... (see related section in D. 13.)

D.2. Move ..."...gymnasiums, indoor tracks and fitness areas" to #6 which is more closely related.

D.2. Don't narrow the term "Centers" with "Community and Senior" since there are many other types of centers for example Tryon Creek's conservation center. Just say "Centers..."

D.7. Add - ...add "and stages" to Amphitheaters.

C.7. and D.9. Increase threshold for size of community garden that is permitted outright (and conversly that requires conditional use) from 5000 square feet to 10,000 square feet. This is only about half the size of a football field, or a quarter acre. Heck you're allowing dog parks of an acre or more.

D. 11. Clarify and narrow the definition of "Amplified sound systems" to focus on sound systems used outdoors, and/or above a certain decibel threshold.

18.50.060

E. "Where the outdoor facility abuts a school use..." --This does not take into account a location where the facility both abuts a school use and on another side abuts a residential zone.

I. Require 'dark sky' lighting.

Thanks for your consideration.

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