

**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.

**Jerrod 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



## City of Tigard Memorandum

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**To:** President Anderson and Planning Commissioners

**From:** John Floyd, Associate Planner

**Re:** Additional Written Public Testimony for July 18, 2013 Public Hearing  
DCA2013-00003 (Parks Zone Project)

**Date:** November 18, 2013

Additional written testimony was received by staff after the publication of the staff report for DCA2013-00003 (Tigard Parks Zone). This testimony has been gathered together and attached to this memorandum for consideration by the Planning Commission, as listed below:

1. Email from City of Tualatin; November 12, 2013.
2. Email from Glenna Thompson; November 14, 2013.
3. Letter from Oregon Department of Fish and Wildlife; November 15, 2013.
4. Email from Ron & Meg Shaw; November 17, 2013.
5. Email from Tualatin Valley Fire & Rescue; November 18, 2013.

**John Floyd**

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**From:** CARL SWITZER <CSWITZER@ci.tualatin.or.us>  
**Sent:** Tuesday, November 12, 2013 8:34 PM  
**To:** John Floyd  
**Subject:** Request for Comments - Tigard PZP  
**Attachments:** SVarioLink 13111221320.pdf

Hi John,

We do not have any comments at this time.

Best ~

Carl Switzer  
Parks and Recreation Manager  
18880 SW Martinazzi Avenue  
Tualatin, OR 97062-7092  
Desk Phone: 503.691.3064  
Cell Phone: 503.519.3271  
[cswitzer@ci.tualatin.or.us](mailto:cswitzer@ci.tualatin.or.us)



City of Tigard  
REQUEST FOR COMMENTS

Exhibit "A"  
CITY OF TIGARD  
RECEIVED

NOV 04 2013

COMMUNITY DEVELOPMENT  
PLANNING DIVISION

DATE: October 31, 2013  
TO: Affected Agency  
FROM: City of Tigard Planning Division  
STAFF CONTACT: John Floyd, Associate Planner  
Phone: (503) 718-2429 Fax: (503) 718-2748 Email: johnfl@tigard-or.gov

**DEVELOPMENT CODE AMENDMENT (DCA) 2013-00003**  
**- TIGARD PARKS ZONE PROJECT DEVELOPMENT CODE AMENDMENT -**

**REQUEST:** 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 approval processes, criteria, and 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. **LOCATION:** Citywide and as shown on maps included with this request. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 2, and 11; Metro Urban Growth Management Function Plan Title 12; Comprehensive Plan Goals 1, 2, 6, 8, 9, 10, and 11; and Community Development Code Chapters 18.380 and 18.390.

Attached are the **Draft Zoning Maps and Draft Amendments** for your review. If you wish to comment on this application, **WE NEED YOUR COMMENTS BACK BY: 5PM, MONDAY, NOVEMBER 18, 2013.** You may use the space provided below or attach a separate letter to return your comments. **If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible.** If you have any questions, contact John Floyd at 503-718-2429 or [johnfl@tigard-or.gov](mailto:johnfl@tigard-or.gov).

**PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:**

- We have reviewed the proposal and have no objections to it.
- Please contact \_\_\_\_\_ of our office.
- Please refer to the enclosed letter.
- Written comments provided below:

\_\_\_\_\_  
\_\_\_\_\_

CARL SWITZER, PARKS AND RECREATION MANAGER, 503.691.3064  
Name & Number of Person(s) Commenting: \_\_\_\_\_

**John Floyd**

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**From:** Glenna Thompson <glenna79@frontier.com>  
**Sent:** Thursday, November 14, 2013 11:33 AM  
**To:** John Floyd  
**Subject:** RE: Parks Zone Project

Hi John,

So, here are some of my thoughts about this project:

I notice that the Project Summary says this project would result in a more efficient approach to reviewing improvements or developments to new parks and implies this would be different from the current "one-size-fits-all: manner of project review. The Project Summary specifically targets small or minor improvements and small projects, however, I see no language in the proposed development code amendments that differentiates small projects like adding a picnic table that covers a few square feet and larger projects like creating a lighted or unlighted recreational field (a football or soccer field would be many acres). I suggest adding language to the proposed amendments to define "small" projects whose review would be streamlined from major land use changes and large projects whose greater potential impact on city-owned lands calls for a more thorough review. I suggest that projects whose footprint is smaller than the average size of a single-family residential lot be classified as "small" projects and subject to the streamlined review process. A random sample of 10 residential lots in the City of Tigard from a popular real estate website came up with an average lot size of 6,613 square feet. In no case should projects with a footprint larger than 1/3 acre be exempt from current standards of regulation and review. I would suggest any parcel that is 5,000 square feet or more should be subjected to standard regulation and review.

Thanks and I look forward to hearing your comments.

Glenna

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**From:** John Floyd [<mailto:Johnfl@tigard-or.gov>]  
**Sent:** Tuesday, November 12, 2013 12:53 PM  
**To:** Glenna Thompson  
**Subject:** RE: Parks Zone Project

Hi Glenna,

I'll have two copies waiting for you. Just to be clear, do you want to the notice that was posted at the end of Wall Street, or copies of what was mailed? The information is essentially the same, just different formatting.

John

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**From:** Glenna Thompson [mailto:glenna79@frontier.com]  
**Sent:** Tuesday, November 12, 2013 12:50 PM  
**To:** John Floyd  
**Subject:** RE: Parks Zone Project

Hi John,

Thanks for getting back to me. I would still like to come by and get two copies of that notice as my printer is on the fritz. Please advise if you can provide these for me.

Thanks,  
Glenna

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**From:** John Floyd [mailto:Johnfl@tigard-or.gov]  
**Sent:** Tuesday, November 12, 2013 12:45 PM  
**To:** 'Glenna Thompson '  
**Subject:** RE: Parks Zone Project

Hi Glenna,

Have you looked at the project website? The information can be found here:

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

I'm also attached a copy of the notice that went out to the interested parties list. It was mailed out before your name was added to that list.

John

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**From:** Glenna Thompson [mailto:glenna79@frontier.com]  
**Sent:** Tuesday, November 12, 2013 12:17 PM  
**To:** John Floyd  
**Subject:** Parks Zone Project

Hi John,

I did not receive a notice from the city regarding the change in the development code. I only got a post card from you. I would like a copy of the flyer that is posted at the end of Wall St. I would like to stop by your office today and get one for myself and also one for my neighbor, as she didn't get one either. Please advise if you could have at least 2 copies ready for me by early this afternoon.

Thanks,  
Glenna Thompson  
503.816.4652

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DISCLAIMER: E-mails sent or received by City of Tigard employees are subject to public record laws. If requested, e-mail may be disclosed to another party unless exempt from disclosure under Oregon Public Records Law. E-mails are retained by the City of Tigard in compliance with the Oregon Administrative Rules "City General Records Retention Schedule."

**John Floyd**

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**From:** Elizabeth J Ruther <elizabeth.j.ruther@state.or.us>  
**Sent:** Friday, November 15, 2013 4:04 PM  
**To:** John Floyd  
**Subject:** ODFW comments- parks zone code proposal  
**Attachments:** odfw comments park zone code tigar\_2013.pdf

Hi John—  
Please find ODFW's comments for the parks zone code proposal attached.  
Thank you!

Elizabeth J. Ruther  
Habitat Conservation Biologist  
Oregon Department of Fish and Wildlife  
North Willamette Watershed District  
18330 NW Sauvie Island Road  
Portland, OR 97231

P: 503.621.3488 x228  
F: 503.621.3025



Oregon

John Kitzhaber, Governor

**Department of Fish and Wildlife**

Sauvie Island Wildlife Area  
North Willamette Wildlife District  
18330 NW Sauvie Island Road

Portland, OR 97231

Voice: 503-621-3488

Fax: 503-621-3025

<http://www.dfw.state.or.us>



Date: November 15, 2013

To: John Floyd  
City of Tigard Permit Center  
13125 SW Hall Blvd  
Tigard, OR 97223

**RE: ODFW Comments: Parks Zone Project**

Dear Mr. Floyd:

This correspondence by the Oregon Department of Fish and Wildlife (ODFW) provides recommendations to the City of Tigard for the Parks Zone Project. The City of Tigard would like to create a specific zone for parks and greenspaces in order to more efficiently manage parkland within city limits. Currently, parklands contain many different zones. Overall, ODFW supports a park zone in order to efficiently and effectively manage city parkland and natural resources. ODFW has identified two key issues that may negatively affect fish, wildlife, and habitat that currently exist in parks and greenspaces.

**Purpose**

ODFW recommends, particularly if the code addresses all three categories of parkland (improved, open space, and natural) in a singular fashion, that a purpose be added that identifies maintaining open space and healthy habitat for fish and wildlife resources for citizens to enjoy. Parkland in developed areas is the primary location where the community can observe wildlife and is one of the major management goals in natural and open space parks across the Metro region.

**Improved vs. Natural and Open space Parkland**

The current document appears to most adequately address improved parkland scenarios. ODFW does not recommend that some permitted outright actions in Section C be applied to natural and open space parkland. Parks designated as natural and open space are not only used for recreation, but also have a larger natural resources emphasis than improved parkland. ODFW recommends a more detailed park zone code that is more specific to the three major types of parklands in the City to make sure that fish and wildlife resources are not inadvertently impacted. For instance, off street multi-use trails and non-illuminated fields, courts, and arenas could have a large negative impact to habitat if permitted outright in natural and open space parkland. Other actions, like replacing or maintaining structures may have little natural resource impact in these areas.

ODFW appreciates the opportunity to provide recommendations to support the best stewardship of the state's fish and wildlife resources as possible and to support the City of Tigard in

protecting natural resources, benefitting wildlife species, and increasing functioning habitats that are dwindling within the UGB and within the City. Please address any questions you may have regarding these comments to Elizabeth Ruther at 503.621-3488 x228.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth Ruther". The signature is written in black ink and is positioned above the typed name.

Elizabeth J. Ruther  
Habitat Conservation Biologist  
North Willamette Watershed District

**John Floyd**

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**From:** Ron & Meg <ronmegshaw@frontier.com>  
**Sent:** Sunday, November 17, 2013 8:29 PM  
**To:** John Floyd  
**Subject:** Re: Parks Zone Project

Mr. Floyd:

Thank you for your prompt & informative response.

When we bought our property from Mr. Freeman, we were led to believe that the greenbelt would never be developed. The definition of "developed" can mean a lot of different things, but it is obvious that we were misled by Freeman & his representatives as to the amount of protection we had.

I think the common concerns of myself & my neighbors is that our privacy and security be maintained, and our property values unaffected. I hope to the planning commission will consider our concerns when making plans for these areas.

Thank You,

Ron Shaw

**From:** [John Floyd](#)  
**Sent:** Sunday, November 17, 2013 4:41 PM  
**To:** 'Ron & Meg'  
**Cc:** [Tom McGuire](#) ; [Steve Martin](#)  
**Subject:** RE: Parks Zone Project

Mr. and Mrs. Shaw,

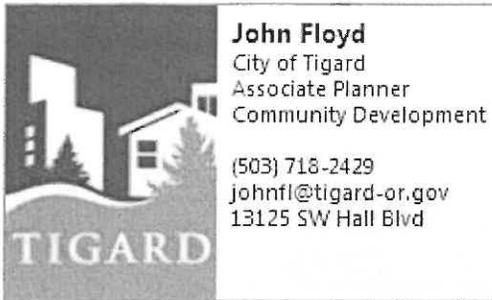
I am responding on behalf of Mr. McGuire. Thank you for submitting your comments on the Parks Zone Project, they will be forwarded to the Planning Commission for their consideration during deliberations on November 18.

I also did some brief research on the "greenbelt" area you mentioned. It appears that the property behind your house, Tract "A" of the Hillshire Woods Subdivision, was gifted to the City by the developer of the Hillshire Estates subdivision for use as "natural, wooded open-space which can be used by the citizens as park space, hiking trails, etc.". Attached is a letter pertaining to that gift. Perhaps this will help clarify the original intent for that land, since there may be some confusion out there regarding what it was intended for. I am also copying the head of our Parks Division so he is aware of your concerns.

If you wish to discuss this further, I'm happy to do so and can be reached directly at 503-718-2429 or in person by appointment.

Regards,

John Floyd



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**From:** Ron & Meg [<mailto:ronmegshaw@frontier.com>]  
**Sent:** Friday, November 15, 2013 8:45 PM  
**To:** Tom McGuire  
**Cc:** John Floyd  
**Subject:** Parks Zone Project

Mr. Tom McGuire:

My name is Ron Shaw, & I live at 13515 SW Essex Dr. in Tigard.

My property, like several hundred of my neighbors, is backed by a green belt, established when our lots were platted. We were assured when we bought our homes that this green belt would never be developed.

The purpose of the green belt is to assure some measure of privacy and security to our homes, and we paid a significant premium for our homes because of it. The phrase "backs to green belt" is still prominently used in real estate advertisements for these homes.

The City Parks Department, to my knowledge without a public hearing, has changed the designation of these green belts to "Public Open Space", and added trails and public access points, and removed the signs warning of the dangers of damage to the fragile slopes.

They further propose changing these spaces to "Proposed Park & Recreation Zone", and simplifying the process required to add further improvements.

I strongly object to the actions already taken, and to any further development of these green belts.

These changes now allow 24 hour public access to an unlighted, unfenced, un-policed area bordering our unprotected back yards, in addition to reducing the privacy of our homes.

I ask that you not approve the Parks Zone Project and take steps to correct the actions already taken.

Thank you,

Ron Shaw

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**John Floyd**

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**From:** Wolff, John F. <John.Wolff@tvfr.com>  
**Sent:** Monday, November 18, 2013 11:30 AM  
**To:** John Floyd  
**Subject:** DCA 2013-00003 Tigard Parks Code Amendment  
**Attachments:** Request for Comments DCA 2013-00003 Tigard Parks Zone.pdf

John,

Thank you for the opportunity to comment on the DCA surrounding the Tigard Parks Zone Amendment.

Attached is the record that TVF&R has reviewed the proposal and has no objections to it.

**John Wolff | Deputy Fire Marshal II**

Tualatin Valley Fire & Rescue

Direct: 503-259-1504

[www.tvfr.com](http://www.tvfr.com)



# City of Tigard REQUEST FOR COMMENTS

DATE: October 31, 2013  
TO: Affected Agency  
FROM: City of Tigard Planning Division  
STAFF CONTACT: John Floyd, Associate Planner  
Phone: (503) 718-2429 Fax: (503) 718-2748 Email: johnfl@tigard-or.gov

## DEVELOPMENT CODE AMENDMENT (DCA) 2013-00003 - TIGARD PARKS ZONE PROJECT DEVELOPMENT CODE AMENDMENT -

**REQUEST:** 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 approval processes, criteria, and 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. **LOCATION:** Citywide and as shown on maps included with this request. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 2, and 11; Metro Urban Growth Management Function Plan Title 12; Comprehensive Plan Goals 1, 2, 6, 8, 9, 10, and 11; and Community Development Code Chapters 18.380 and 18.390.

Attached are the **Draft Zoning Maps and Draft Amendments** for your review. If you wish to comment on this application, **WE NEED YOUR COMMENTS BACK BY: 5PM, MONDAY, NOVEMBER 18, 2013.** You may use the space provided below or attach a separate letter to return your comments. If you are unable to respond by the above date, please phone the staff contact noted above with your comments and confirm your comments in writing as soon as possible. If you have any questions, contact John Floyd at 503-718-2429 or [johnfl@tigard-or.gov](mailto:johnfl@tigard-or.gov).

**PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:**

- We have reviewed the proposal and have no objections to it.
- Please contact \_\_\_\_\_ of our office.
- Please refer to the enclosed letter.
- Written comments provided below:

\_\_\_\_\_  
\_\_\_\_\_

Name & Number of Person(s) Commenting: \_\_\_\_\_



**John Wolff IAAI-CFI**  
*Deputy Fire Marshal II*  
\_\_\_\_\_  
(503) 259-1504 - direct  
(503) 642-4814 - fax  
(503) 649-8577 - main  
John.Wolff@tvfr.com  
11945 S.W. 70th Avenue  
Tigard, OR 97223-9196  
www.tvfr.com

C I T Y O F T I G A R D

Respect and Care | Do the Right Thing | Get it Done



# Parks Zone Project

## DCA 2013-00003

John Floyd, Associate Planner

November 18, 2013

C I T Y O F T I G A R D

- **What is the Tigard Parks Zone Project?**
- **Why change the Development Code?**
- **Where would it apply?**
- **What precedents are there?**
- **How would it change existing code?**
- **What do others have to say?**
- **Questions for the Planning Commission**

## C I T Y O F T I G A R D

## What is the Tigard Parks Zone Project?

- ▶ Text Amendments to Tigard Development Code
  - ▶ Amends 18.330 (Conditional Use)
  - ▶ Creates 18.540 (Parks & Recreation Zone)
- ▶ Zoning Map Amendment to apply the new base zone to approximately 500 acres of city-owned parkland
  - ▶ 7% of total land area of Tigard
  - ▶ 90% is presently zoned residential

## C I T Y O F T I G A R D

## What is it NOT?

- ▶ Does not propose specific changes to existing parks, or create a new park.
- ▶ Does not rezone private property. As proposed, new zone may only be applied to publicly owned land (18.540.030).
- ▶ Does not change, remove, or supersede any existing sensitive lands regulations (18.540.040).

## C I T Y O F T I G A R D

## Why change the existing code?

- ▶ Existing code inefficient, lacks flexibility or uniformity
- ▶ Increase in number/size of park projects
- ▶ “Costs” of existing code:
  - ▶ Disproportional costs for small projects and low-impact improvements (fees, consultants, staff time, required street improvements).
  - ▶ Delayed project implementation.

# C I T Y O F T I G A R D

## Where would it apply?

- ▶ All city-owned parks and greenspaces.
- ▶ Both developed and undeveloped.
- ▶ Metro has expressed interest for their properties.
- ▶ Question from staff: Is the Planning Commission interested in creating an “automatic rezoning” process to coincide with parkland purchases?

## C I T Y O F T I G A R D

## What precedents are there?

- ▶ Recent city projects in developing/improving parkland
- ▶ Dedicated parks/public zone commonly used by other jurisdictions (12 of 17)
- ▶ Most varied their review process by typology of development.
- ▶ Examples of recreation-specific standards for setbacks, height, and off-site impacts.

## C I T Y O F T I G A R D

## How would it change existing code?

- ▶ Create a 4<sup>th</sup> type of base zone and chapter (18.540)
- ▶ Transfer community recreation development standards from 18.330 to 18.540.
- ▶ Streamlined review for low-impact and minor development associated with Community Recreation
- ▶ More flexible development standards focused on the protection of adjacent, residential development.

C I T Y O F T I G A R D

## How would it change existing code?

### ~~18.330.050.B.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...~~

C I T Y   O F   T I G A R D

## How would it change existing code?

### **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...”

## C I T Y O F T I G A R D

## How would it change existing code?

### **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...other public agencies may request a Parks and Recreation designation for areas that meet the purpose of the zone.”

## C I T Y O F T I G A R D

## How would it change existing code?

### **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.”

## C I T Y O F T I G A R D

## How would it change existing code?

### 18.540.050 Use Regulations

- ▶ Table 18.540.1 – Use Table: Parks and Recreation Zone
- ▶ Anticipates community recreation as primary land use
- ▶ Allows other needed community facilities (i.e. Basic Utilities and Cultural Institutions) and accessory land uses to provide programming and partnership opportunities (i.e. concessionaires and equipment rental companies).

## C I T Y O F T I G A R D

## How would it change existing code?

### **18.540.050 Use Regulations**

“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.”

# C I T Y   O F   T I G A R D

## How would it change existing code?

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.

C I T Y O F T I G A R D

## How would it change existing code?

“Development Subject to Conditional Use Review. The following types of development are allowed subject to Conditional Use Permit approval...”

C I T Y O F T I G A R D

## How would it change existing code?

### 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 I T Y O F T I G A R D

## How would it change existing code?

### 18.540.060 Development Standards

"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."

## C I T Y O F T I G A R D

## How would it change existing code?

### 18.540.060 Development Standards

“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.”

## C I T Y O F T I G A R D

## How would it change existing code?

### 18.540.060 Development Standards

"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."

C I T Y O F T I G A R D

## How would it change existing code?

### **18.540.060 Development Standards**

“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.”

## C I T Y O F T I G A R D

## How would it change existing code?

### **18.540.060 Development Standards**

"1. 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."

## C I T Y O F T I G A R D

## What do others have to say?

- Staff discussed the amendments with Metro
  - Potentially interested in rezoning their property
  - Did not submit a formal comment
- Four Citizen Comment Letters
- BPA & ODFW
- Over 50 general inquiries from public outreach (signs, postcards, notices, etc.)

# C I T Y O F T I G A R D

## Questions for the Planning Commission

- Does the planning commission approve of the draft amendments as proposed? Need more information? Text changes?
- Is the Planning Commission interested in creating a process for the “automatic rezoning” of parkland upon purchase by the city?

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NOV 18 2013

CITY OF TIGARD  
PLANNING/ENGINEERING

, 2012

Planning Commission

13125 SW Hall Blvd., Tigard, Oregon 97223

RE: Development Code Amendment (DCA) 2013-00003

As a board member for Fans of Fanno Creek, I am writing about the proposed changes to the above referenced development code. Fans is a local 501c3 that advocates for the protection and conservation of our natural resources in the Fanno Creek basin. We have hundreds of members in the basin including in Tigard, who work hard to protect and conserve our fish, wildlife and habitats by helping with our restoration efforts but also by simply being good stewards of the land they live on. Our comments are as follows:

Regarding the proposed legislative amendments to the Tigard Development Code and Zoning Map to amend Chapter 18.330 (Conditional Use) and adopt a new chapter to be known as Chapter 18.540 (Parks and Recreation Zone) and amend the Zoning Map to include the new zone.

- **Parks, Recreation and Natural Areas Zone** - While we support the general idea of a new zone, we recommend that this new zone be titled, "Parks, Recreation and Natural Areas (Open Space)" Zone. This way, the greenways/open space in Tigard stand alone as they should and it signifies the importance of these areas. For many years, I and other Tigard residents have suggested and asked city staff for this change in the wording in many documents.
  - The main page states **"this project would result in a more efficient and nuanced approach than presently exists"**. It may be more efficient for development but it certainly IS NOT more efficient in the manner in which natural resources are protected and conserved. It treats parks and open spaces the same, when in reality they should not be treated the same but are quite different in what they contain, what their purpose is, what wildlife they support, what habitats they contain, etc. This needs to be addressed in a separate, NEW section on Open Space/Natural Areas if there is to be a new Zone, and citizens such as myself need to be the ones determining how this will be developed. We have a number of recommendations that we are working on and we recommend a committee be developed with our group, Tualatin Riverkeepers and other natural resource stakeholders as the main members who would develop the new section, standards, etc. for Open Space/Natural Areas.

- **Removal of existing development standards from Conditional Use Chapter** – Under this proposal a new chapter would be created with new approval processes, criteria, etc. We **DO NOT SUPPORT THIS PROPOSAL for a number of reasons.**
  - First, it would eliminate the ability of citizens who own these lands to adequately comment on and weigh in on what development could happen on these lands. If Tigard wants to take away our right to determine how these lands are protected, developed, etc. this is the way to do it and we won't stand for it!
  - Second, when reviewing the specific changes we see that under the new proposed **"18.540.505 C. Development Permitted Outright", development such as off-street trails and structures up to 600 sq ft would be permitted outright.** This is simply NOT acceptable and we do NOT support this new code section since for one, trails can fragment wildlife habitat and have negative impacts to habitat and wildlife, especially in areas that may have State listed species such as Western Pond Turtles and Migratory Songbirds. With no public input here, we Western Pond Turtles and Migratory Songbirds. Under this new scenario, citizens would have no voice in how, when and where these trails and other structures, etc. would be built and we would have no assurance that impacts would be minimized. Under the current Conditional Use Permit, impacts to natural resources have to be addressed and we support this since it includes public input and gives greater assurance that the city of Tigard has at least to some degree, analyzed how any potential development in a park or natural area may impact wetlands, vegetated corridors, forests, etc.
  
- **18.540.060 Development Standards** – These new proposed standards are so broad and general it is difficult to understand how they would affect natural resources and how they could be implemented. For example, "A and B" state no minimum lot size and width, for what? And where? There is also no maximum structure height under C; does that mean the city could build a 100 ft cell tower in a park?? "D and E" address setbacks but do not include setbacks from creeks, wetlands, steep slopes, sensitive wildlife habitat, etc. and they must. "E" gives a minimum setback of 50 ft from residential zones, so does this mean a bathroom and concession stand could be built right next to wildlife habitat or a wetland edge? Or where turtles nest????? Again, without the ability of the public to adequately comment and address these issues and standards on OUR land, it impossible for us to be informed and have a say on how our lands are protected, developed (or not), etc. and the city is actually **DENYING citizens their RIGHT to engage in and participate in a fair and impartial hearing as would be the case if the Conditional Use Permit standards, etc. under Chapter 18.330 were not amended.** We DO NOT support the suggested changes to the Chapter 18.330 as they currently are written.

- **“Low-impacts, etc.** - The city’s website and main page to this project state that this new zone **“streamlines approval of low-impact and minor park improvements, such as playgrounds and small picnic shelters.”** So here the big question is – **WHO DETERMINED THAT THESE DEVELOPMENTS ARE LOW-IMPACT?????** That is for citizens to decide since we OWN these lands in question and we have the right to determine if and when any changes will be made to these areas, regardless of what that change may be. Playgrounds and picnic shelters can have a huge, negative impact to wildlife and habitat if they are not sited correctly and away from wildlife and habitats. Trails are never “low-impact” if they are placed in an open space/natural area or near a natural area since they increase the amount of human disturbance to an area, bring in dogs, fragment existing wildlife habitat, etc.
- **Comprehensive Plan** – I was on the committee that revised the Parks, Recreation and Open Space section of our Comprehensive Plan (CP) which had high citizen support and resulted in the following language; Policy 6 – The City shall acquire and manage some open spaces to solely provide protection of natural resources....”, and Policy 17 – “The city shall maintain and manage its parks and open space resources in ways that preserve, protect and restore Tigard’s natural resources, including rare, or state and federal listed species.....”. These two policies had wide citizen support and were adopted by the city. We do not believe that the proposed code amendment would carry out these policies but rather would go against these policies by creating potential harm to our natural resources through development of trails, structures, etc. in areas not suitable for such development, especially in areas where listed or rare species such as Turtles occur. Without full citizen oversight, including the ability to comment and have input on any type of development, the CP and these policies will not be implemented. This rewriting of the CP by citizens is an example of how important and serious citizens of Tigard take the protection and conservation of our natural resources for both current and future generations. And this directly relates to the subject we are discussing here, mainly what to allow or not allow for development in our parks and open spaces, and who gets to decided what to allow or not allow?

Natural Resources Section of CP – I was also on the committee to rewrite this section of the CP. Policy 4 of this section states that “The city shall actively coordinate and consult with landowners, local stakeholders, and government jurisdictions and agencies regarding the inventory, protection and restoration of natural resources”. The proposed amendment changes would circumvent the purpose of this policy by not allowing citizens to “actively” participate in how natural resources are protected when development in parks and open spaces is proposed. It is crucial that citizens retain this right to protect and preserve our natural resources for us and future generations.

In conclusion, we would support the following:

- Establish a new Parks, Recreation and Open Space/Natural Areas Zone but only if the following occurs:
- Establish a natural resources committee made up of local natural resource stakeholders including Fans of Fanno Creek, that would develop a "Natural Resource" section of this new zone and what is allowed or not allowed in parks and natural areas (if parks have natural areas in them).
- All developments would be subject to public comment/oversight via the current Conditional Use Permit process.

Doing the above would help to ensure citizens are not denied their right to have a voice in what occurs on public lands, including what types of development, not matter what it is, is done correctly and in such a manner that it does not harm wildlife or habitats, but rather is done in such a manner to protect and conserve our remaining natural resources.

Thank you for your consideration in this matter.

Sincerely,

Sue Beilke

Board member, Fans of Fanno Creek