City *of* Tigard
Tigard City Council Meeting Minutes
January 28, 2014

Council President Henderson called the meeting to order at 6:31 p.m.

Name	Present	Absent
Mayor Cook		✓
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

Staff present: Assistant City Manager Newton, Community Development Director Asher, Assistant Community Development Director McGuire, Lake Oswego-Tigard Water Partnership Project Director Koellermeier, Financial and Information Technology Director LaFrance, Streets and Transportation Senior Project Engineer McCarthy, Parks Facilities Manager Martin, Senior Management Analyst Barrett, Engineering Manager McMillan, City Attorney Ramis, City Recorder Wheatley

STUDY SESSION

A. Discuss the Tree Board

Assistant Community Development Director McGuire advised the Tree Board has been inactive the last two years; the last time the board met was in January 2012. Reasons for inactivity include the down economy and slow development. Also changes were made in the Urban Forestry Code diverting responsibilities away from the Tree Board. The purposes and needs for a tree board in the city have changed. The only remaining function of the board is to review Heritage Tree nominations – no nominations were for the last two years. In addition, the city has no city arborist at this time.

Community Development Department and Parks Division staff have worked together to discuss transferring the one remaining Tree Board responsibility to the Parks and Recreation Advisory Board (PRAB). PRAB has discussed this idea and agree this is a reasonable idea.

Assistant Community Development Director McGuire sent an email to the previous Tree Board members. The board president agreed with transferring the Heritage Tree nominations to PRAB. The president did express concern over the loss of the city arborist.

Assistant City Manager Newton and Parks Facilities Manager Martin agreed the next steps would be to add the new responsibility to the PRAB's duties and to review the PRAB bylaws to determine if this new activity needs to be added. Council will need to formally, by resolution, abolish the Tree Board and transfer remaining duty to the PRAB.

Councilor Buehner recalled the Tree Board was set up when there was a lot of development occurring. She asked if there would be a need for a Tree Board if the economy picked up. Assistant Community Development Director McGuire said he did not think the board would be needed because of the changes put in place by the new Urban Forestry Code. Assistant Community Development Director McGuire said under the new tree regulations, there is only one area that allows for discretion and that has to do with tree preservation management plans. This process is set up so that any issue relating to a tree preservation management plan would go to the Planning Commission.

Councilor Woodard commented that PRAB members are supportive of the proposed plan to transfer the remaining duty of the Tree Board to them.

B. Briefing on a Revised Intergovernmental Cooperative Agreement Regarding an Emergency Water System Intertie.

Lake Oswego-Tigard Water Partnership Project Director Koellermeier reviewed the history of this agenda topic. Council authorized an earlier agreement via adoption of Resolution No. 12-36 at its September 25, 2012 meeting. That agreement was never finalized because after the land use process in West Linn several conditions needed to be added. Other participating jurisdictions have approved the revised IGA; the City of Tigard City Council is the last governing body that needs to execute the document.

Lake Oswego-Tigard Water Partnership Project Director Koellermeier said if the City Council agrees, this document will be submitted for formal review on a future Consent Agenda. Council members agreed to have the agreement come back for formal review on a Consent Agenda.

C. Discussion of Upcoming Contract Award Items

Senior Management Analyst Barrett reviewed this agenda item. He requested the City Council hear information about two upcoming contracts for consideration by the Local Contract Review Board (LCRB):

- Main Street Sewer/Fanno Creek Crossing Elimination

  The Main Street Sewer/Fanno Creek Crossing Elimination project is for construction services. Senior Management Analyst Barrett said this was a straight-forward invitation to bid that closed last week. Nine bids were received. The low bid was $243,000; the engineer's estimate was $267,000. Engineering Manager McMillan was present to answer questions.

Council President Henderson said he was amazed at the difference between the high and low bids for the Main Street project. There was discussion about Kodiak, the construction company currently on site. Kodiak came in as the highest bid, which was a surprise to staff since they are already onsite, familiar with the project and have no need to incur mobilization costs.

- Pavement Overlay Design Services for the 2014 Pavement Management Program

  Senior Management Analyst Barrett advised Streets and Transportation Senior Project Engineer McCarthy was present to answer questions. This is a QBS intermediate-process project. In this process, staff consults the Public Works Qualified Roster to select five engineers to send a modified request for proposal without price. At this time, staff is working with Murray, Smith & Associates and negotiations are proceeding well.

  Discussion followed on the QBS bid process. Streets and Transportation Senior Project Engineer McCarthy said the QBS requirement is that the firm must be selected without considering cost; cost is negotiated after firm selection. Mr. McCarthy noted his optimism that the Pavement Management Program project costs will be close to the engineer's estimate. The project is to design the pavement overlays to be done in the summer of 2014 and the curb ramp retrofits required by federal law.

  In response to a question from Council President Henderson, Senior Management Analyst Barrett advised the actual negotiated project cost will be announced when the Notice of Intent to Award is sent.

Council members advised Senior Management Analyst Barrett they liked the two-step process with regard to LCRB projects with this preliminary discussion in a study session setting prior to formal consideration for contract award by the LCRB.

Senior Management Analyst Barrett noted another LCRB contract award will be coming to the LCRB. About a month ago, council received a memorandum regarding contract award details for the insurance agent of record. The proposal submittal deadline was today; three proposals were received. LCRB action is scheduled for the March 11 meeting.

Assistant City Manager Newton read the following Executive Session citation (6:53 p.m.):

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

Executive Session concluded at 7:12 p.m.
Council reconvened into the Study Session.

- The Council Calendar was reviewed:

  February

4	Tuesday	Appreciation Reception for Boards/Committees/ Commissions & State of the City Presentation by Mayor Cook – 4:30 – 6:15 p.m., Town Hall
		City Center Development Agency – 6:30 p.m., Town Hall
11*	Tuesday	Council Business Meeting—6:30 p.m., Town Hall
17	Monday	Presidents Day Observed – City Hall Offices Closed
18*	Tuesday	Council Workshop Meeting—6:30 p.m., Town Hall
25*	Tuesday	Jt. Meeting with City of Beaverton – 6 p.m. dinner; 6:30 p.m. meeting - 4755 SW Griffith Drive (meeting estimated to be 1 to 1-1/2 hours) Beaverton Oregon

A Town Hall meeting is scheduled for February 13, 2014, to discuss the SW Corridor and the March ballot measure on high capacity transit.

Council President Henderson noted he will request Consent Agenda Item 3.C. to be removed from the Consent Agenda to discuss separately. He has questions regarding this agreement amendment with Clean Water Services regarding the Derry Dell Sewer Project.

Study Session concluded at 7:15 p.m.

1. BUSINESS MEETING – January 28, 2014

   A. Council President Henderson called the meeting to order at 7:30 p.m.

   B. Roll Call:

Name	Present	Absent
Mayor Cook		✓
Council President Henderson	✓	
Councilor Buehner	✓	
Councilor Snider	✓	
Councilor Woodard	✓	

   C. Council President Henderson led the Pledge of Allegiance.

   D. Council Communications/Liaison Reports – Councilor Buehner advised she would give a report later in the meeting (Agenda Item No. 6).

   E. Call to Council and Staff for Non-Agenda Items – None.

2. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication -- None

B. Citizen Communication – None.

3. CONSENT AGENDA:

A. Approve City Council Minutes for:
- October 22, 2013

B. Adopt Resolutions Naming Three City Park Properties:
- Bagan Park – Resolution No. 14-05 – A resolution to name the city park property informally known as Bagan Property as Bagan Park.
- Bull Mountain Park – Resolution No. 14-06 – A resolution to name the city park properties informally known as the Paull Properties and Eiswerth property, or the East Bull Mountain Properties, as Bull Mountain Park.
- Sunrise Park – Resolution No. 14-07 – A resolution to name the city park property informally known as the Sunrise Property as Sunrise Park.

C. *Authorize the City Manager to Execute the First Amendment to an Agreement with Clean Water Services Regarding the Derry Dell Sewer Project*

Item C was removed for separate discussion; see below.**

Motion by Councilor Buehner, seconded by Councilor Snider, to approve the Consent Agenda, with Item C. removed for separate discussion and consideration.

The motion passed by a unanimous vote of City Council present:

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

***Discussion of Item 3.C. - Authorize the City Manager to Execute the First Amendment to an Agreement with Clean Water Services Regarding the Derry Dell Sewer Project:*

Council President Henderson advised he requested this be taken off the Consent Agenda because it appears additions were made to the scope of work and he did not believe the costs added up to what had been previously discussed by the council.

Engineering Manager McMillan reviewed the project:

- Derry Dell is the former Skelton property, which the city purchased to re-meander the creek and reconstruct of a portion of the sewer line. Clean Water Services staff will manage the creek re-meander and sewer project.
- This property is a key link in the city's parks and trails system, a waterline and a storm culvert under Walnut Street.
- Because of the number of different projects that could be done utilizing this property, the city chose to partner with Clean Water Services so that while they are doing the construction on the two initial projects, CWS will oversee the construction being done for the City of Tigard. Design plans have been worked on for the last year. Permits for all of these projects were required through DSL, US Army Corps of Engineers and other agencies for this very sensitive piece of property. The combined projects include a connection of Johnson Street (through Woodard Park) and a trail from Pathfinder/Genesis Trail to Woodard Park.
- The first amendment to the IGA with CWS is before the City Council tonight. The original IGA set up the terms whereby the city purchased the property and CWS would do the work on their two projects. The city asked CWS to seek the permits and oversee the construction. The amendment provides for the combining of several projects (enhanced work):
    - Replacing two existing culverts under Walnut Street – a fish-friendly box culvert.
    - Replacing an old six-inch cast iron waterline with an eight-inch ductile iron waterline.
    - Widening the shoulder of Walnut with the culvert design, so when the city has the money to do the Walnut Street project in that section, the roadbed will be ready with permits in place.
    - Installing the trail and a boardwalk.

Councilor Snider asked how much, if any, has the scope or the cost of the project changed from the first time this contract was approved. Engineering Manager McMillan explained there is no "contract" – the city has an IGA with CWS. The amendment to the IGA delineates the change in scope to include the enhanced work when the city ended up purchasing the entire Skelton property. At one time, the city was to purchase an easement for just the sewer line. The proposed enhanced scope of work is estimated at $827,000 plus a five percent cost for contract administration (payable to CWS) of about $41,000. Also, there is a consulting fee for $32,000. The total cost for this larger-in-scope project is estimated at $900,000. The original scope of work was estimated to be $1.5 million, which included an amount for a piece of property that ended up being less expensive than anticipated.

There was discussion on the costs and how the enhanced project compared to the original project. The property was purchased through authorization of a prior council at double the appraised value, but was considered to be worth the price because the unique property provided several opportunities to add value to the city's parks and utilities systems. The $900,000 quoted for the total project does not include internal staff expenses or right-of-way acquisition costs.

Councilor Buehner asked questions about the work planned for Walnut Street and whether this will save money if the preparation work for a larger project is done now. Engineering Manager McMillan explained that the widening of the right of way is estimated at $115,000. Then permits would need to be acquired for this project, which would essentially mean that permits would be procured twice – once for the smaller project and then again for the expanded project. In addition survey work would be required a second time. Councilor Buehner reviewed her understanding of how this project progressed to the current proposal to combine several projects at this location. Engineering Manager McMillan acknowledged cost savings because the projects are combined; i.e., one contractor, one mobilization and the biggest benefit is that there is one permit package to be processed with the DSL and Corps of Engineers. Permit savings on this property represents a substantial amount in terms of both time and costs.

Councilor Woodard noted his appreciation of the trail connection that can be accomplished with the enhanced project scope. Portions of the project were on the plans to in the future but no funding identified. Councilor Snider commented that the enhanced project appears to be a "smart leveraging of our resources."

Councilor Woodard suggested a potential additional project. He noted the close proximity of Charles F. Tigard Elementary and Fowler Middle School. The crossing at Brookside and Watkins Street is dangerous. For a small amount of additional money, it would be worthwhile to put a crosswalk there. He has seen children cross at this location frequently and motorists are not slowing down. With this project's improvements, he speculated that speeds would increase. Effort is needed to slow down this traffic; he requested the engineers consider this and, at the least, consider a crosswalk.

Councilor Buehner noted an additional traffic safety issue referring to 135th Avenue and the stop sign at Walnut Street. She suggested a blinking caution light alerting drivers when someone is in the crosswalk.

Council President Henderson asked if the PRAB supports the enhanced project. Parks Facilities Manager Martin said when the PRAB established the priority list for purchasing property for parks, the property at Derry Dell was not offered to the PRAB as a potential purchase because the city was already planning to buy it to do the sewer work. The PRAB, however, still went ahead and voted to place this near the top of their priority list. PRAB members saw the usefulness of the property; therefore, PRAB is definitely on board with the purchase of the property. The park will not be developed now but the trails will be constructed. Council President Henderson pointed out the proposed cost is about $472,000 for the trails development.

Council President Henderson referred to the comment in the staff report that there is a carryover of $710,000 from the 2013-14 budget. Another $800,000 will be requested in the 2014-15 budget. He asked about the required deposit for the project how it will be funded. Engineering Manager McMillan explained the $710,000 referred to by Council President Henderson is actually going to be $760,000 -- $50,000 for the water portion of the project.

About $50,000 has been spent, so there is approximately $710,000 remaining to be carried forward to next year's budget if none of the construction is completed this fiscal year. Bids will be requested this spring and most of the construction will begin July 1. Staff will request $800,000 next fiscal year (total project costs of $1.5 million). The deposit will be payable when the bids come in; the amount of the deposit will depend on the amount of the final bid award. This process is similar to other projects where money is set aside to cover the project. Engineering Manager McMillan said the money would not be coming out of this year's budget. Assistant City Manager Newton advised the money for this project is listed in the Capital Improvement Program (CIP) and the council has reviewed the CIP. The money has not been appropriated.

In response to a comment from Council President Henderson, Engineering Manager McMillan advised the IGA identifies the responsibilities of the city and Clean Water Services. The IGA also stipulates the city will deposit a check with Clean Water Services once the project is bid.

Motion by Councilor Snider, seconded by Councilor Buehner, to authorize the city manager to execute the first amendment to an agreement with Clean Water Services regarding the Derry Dell sewer project.

Motion was approved by a unanimous vote of council:

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

4. LEGISLATIVE PUBLIC HEARING ON THE FISCAL YEAR 2014 SECOND QUARTER SUPPLEMENTAL BUDGET AMENDMENT

a. Council President Henderson opened the public hearing.

b. City Attorney Ramis advised the purpose of the hearing is to give an opportunity for any person to comment on this matter.

c. Assistant Financial and Information Services Director Smith-Wagar presented the staff report. She reviewed the requests contained in the supplemental budget:

Currently a permit technician position is funded 100 percent from the General Fund. The request is to move .2 of that FTE to the Building Fund to assist at the front counter.

House Bill 2978 allowed the city charge an investigation fee in the Buildings Division when certain projects are started without a permit. This represents the request made to the Fees and Charges Schedule.

There were a couple of vehicle sales and some insurance reimbursements reflected in the Supplemental Budget proposal. The Police Department requests to purchase a vehicle to replace one totaled in accident.

For the Public Works Department the proposed Supplemental Budget reflects receipt of a small grant and an insurance reimbursement for damage to a gate at Cook Park.

Assistant Financial and Information Services Director Smith-Wagar advised the overall Supplemental Budget request is for $64,952 and most of that is offset by insurance reimbursements and grants. There is $15,720 to be moved from the contingency fund; $8,500 to the building fund and $7,200 in the general fund to replace the vehicle that was totaled.

She referred to information attached to the staff report, which included the language contained in HB 2978 and the entire Fees and Charges Schedule for the Community Development Department.

Councilor Snider asked what happened to the Cook Park gate. Parks Facilities Manager Martin said someone drove into the gate located at the park entrance. Mr. Martin advised he did not know whether the city's insurance or the driver's insurance company paid the money for the gate.

d. Public Testimony: None.

e. Council questions.

Councilor Woodard asked about the building division investigative fee. Assistant Financial and Information Services Director Smith-Wagar advised the fee was calculated based on the average costs associated with three building division employees. The work is already being done, but the legislation now allows the city to charge for this work. The House Bill was approved during the 2013 Legislative Session and became effective January 1, 2014.

In response to a question from Council President Henderson, Assistant Financial and Information Services Director Smith-Wagar explained the Permit Technician position is already in place. If the supplement budget proposal is approved, .2 of the costs associated with this FTE would come from the building fund.

f. Assistant Financial and Information Services Director Smith-Wagar advised staff recommends approval of the proposed resolution.

g. Council President Henderson closed the public hearing.

h. Motion by Councilor Woodard, seconded by Councilor Buehner, to approve Resolution No. 14-08.

RESOLUTION NO. 14-08 – A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2014 TO ACHIEVE THE FOLLOWING: RECOGNITION OF GRANT REVENUES AND EXPENSES, ALONG WITH BUDGET ADJUSTMENTS IN PUBLIC WORKS, COMMUNITY DEVELOPMENT, AND COMMUNITY SERVICES.

The motion passed by a unanimous vote of City Council present:

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

5. LEGISLATIVE PUBLIC HEARING - TIGARD PARKS ZONE PROJECT DEVELOPMENT CODE AMENDMENT - DCA2013-00003

a. Council President Henderson opened the public hearing.

b. City Attorney Ramis reviewed the hearing procedures. The statement of procedures is on file in the record copy of the packet.

c. Staff Report

Associate Planner Floyd presented the staff report and referred to a slide presentation. He referred to a revised map dated January 23, 2014. This map was provided to the City Council prior to this meeting. The original map in the council meeting packet did not show four small parcels (totaling about five acres) that were recent city acquisitions. Approximately 175 properties are affected in this zone change.

Associate Planner Floyd referred to a comment letter received from Sue Beilke representing Fans of Fanno Creek. This letter was also given to the City Council prior to this meeting.

Associate Planner Floyd referred to a photo depicting the type of project this zone change would impact.

Associate Planner Floyd's presentation included the following information:

- The proposal is both a code text amendment and a zoning map amendment.
- The proposal transfers some code requirements out of the Conditional Use chapter and moves those into a new chapter for a parks and recreation zone.
- The map amendment will affect about 500 acres of land within the city consisting of approximately 175 parcels – about 7 percent of the total land area of the city. Approximately 90 percent of the city is zoned residential.

- This code and map amendment will bring greater efficiency and effectiveness to the code. Improvements to existing development standards will reduce conflicts between park users and residents. The amendments would facilitate more efficient spending of limited park funds.
- The growing number of park acquisitions and park developments has amplified the current inefficiencies of the code. The present code lacks a dedicated zone for city park land. The park land has been developed under residential zoning requirements, which are not always a good fit. The current applicable standards on park land are minimal and inflexible.
- Current development requirements result in a lengthy and burdensome process for small projects; i.e., permit fees, consultant/staff time, street dedications/improvements and delayed project implementation. At times, permit fees were costing more than the project. Under the proposed rules, this type of project would be exempt from permits – it's simply a play structure and will have no off-site impacts.
- Staff researched how to implement a proposed parks zone and reviewed comparable jurisdiction's regulations. These agencies had code standards stipulated in a park zone or a public facilities zone. Most of the review processes studied varied by the typology of development; i.e., regulating playgrounds and small picnic shelters differently than larger projects such as aquatic centers or ball fields. Currently Tigard requires all park improvements to go through the conditional use permitting process.
- What will change with the proposed park zone:
    - A fourth type of base zone for parks (new chapter). The other three basic zones in the Tigard code are residential, commercial and industrial.
    - A streamlined review process for projects unlikely to create off-site impacts.
    - More flexible development standards better adapted to regulate things such as picnic shelters, playgrounds, ball fields, etc.
- What will not change with the proposed parks zone:
    - This is a regulatory change only; it does not change the character or uses to existing parks. No new parks are being created with this proposal.
    - This chapter will not affect (rezone) private property. This new zone is restricted to publicly owned property, including other public entities that own property in the city, i.e., Metro
    - The proposed amendments do not change, remove or supersede any existing sensitive lands regulations.
- There was a discussion on the types of projects eligible for the streamlined review process. Regulations on floodplains and steep slopes would still apply. If a permit is required under the sensitive lands chapter for development within the floodplain, the city would be required to acquire a sensitive lands permit.
- The new code identifies specific uses that will still require a conditional use permit. These are the types of uses that are likely to generate offsite impacts to the neighborhood; i.e., noise, bright lights, trip generation and/or parking problems.
- In response to a question from Councilor Snider, Associate Planner Floyd said events such as the Balloon Festival at Cook Park are classified as a Temporary Use; in this case the requirements for Temporary Use would still be applicable.
- Councilor Buehner asked if this new code chapter would primarily apply to small pocket parks. Associate Planner Floyd said the new chapter would come into use most often for

small pocket parks. However, if the city acquired a large property and decided to only place a trail through the property then there would be no requirement to obtain a conditional use permit. If uses change to include, as an example, a large ball field, then a conditional use permit would be required.

- Councilor Woodard drew attention to the proposed text amendments and the conditional use requirements for outdoor entertainment – drinking and eating establishments/outdoor sales with a footnote to "3." Associate Planner Floyd advised that Footnote 3 says this would be permitted only when accessory to community recreation land use. Councilor Woodard said he understands there are Temporary Use requirements; however, if these types of activities are also regulated in another section of the code, then he suggested there be an additional notation. Councilor Woodard added that this restriction might hinder plans for uses envisioned in the future. Associate Planner Floyd noted these regulations are in place so there is flexibility to address activities/uses that might come up; i.e., consider allowing a vendor to rent kayaks at Cook Park or run a concession. This would give a means to consider a for-profit entity, which the council felt would make a good match for the city's goals. Councilor Woodard suggested an additional footnote that stated this could be considered.

  Councilor Buehner commented it was her understanding that if someone wanted to vend or do an activity as discussed above, they would have to go through the conditional use process and that would allow for public input. Councilor Woodard said the way he reads the proposed language, he would assume that outdoor entertainment and vendor sales were not allowed at all. He reiterated he would like to see a footnote to direct people to another process to acquire permission for these activities. Associate Planner Floyd checked existing code language and advised that the code provisions would prohibit a for-profit activity. If the City Council wants to provide the opportunities to partner with for-profit entity in a public park, the language should be changed to indicate the conditional use process was available. Discussion followed with Councilor Snider and Councilor Woodard supporting the flexibility by allowing for-profit activities to partner with the city through the conditional use process. Councilor Buehner commented she would support such uses if the conditional use process was required thus allowing the opportunity for public input. Associate Planner Floyd noted the change proposed by Councilor Woodard would allow for-profit uses temporarily under a conditional use process and this would be consistent with the overall intent and structure of the code.

  Associate Planner Floyd recommended amending Table 18.540.1 to change Outdoor Entertainment (Page 9) from a non-permitted land use to a conditional use. This will allow a review on a vendor-by-vendor basis – there will be multiple layers of control.

  In summary, Associate Planner Floyd said staff recommends the council replace the map with the map dated January 23, 2014.

  In response to a question from Councilor Snider, Associate Planner Floyd recounted the prevalent themes in the citizen comments received for this code and map amendment. The most common questions related to curiosity about what the city was planning on doing with specific public properties. A common complaint was enforcement of rules

pertaining to dogs. Many comments were about urging the city to "hurry up and finish" park projects in the planning stages. Some people were concerned about trail connections without public input; other people wanted to make it easier. Generally speaking, when it was explained the intention of the code language was to spend more money on the actual improvements rather than on the permitting for minor projects, people seemed supportive. Comments were also made for protection of sensitive lands and protection of habitat. The only major critique is summarized in the letter from Fans of Fanno Creek. Associate Planner Floyd said he received a comment letter from the Oregon Department of Fish and Wildlife and they recommended breaking parks into three zones: active recreation, passive recreation and natural, open spaces. Since this endeavor was not paired with the natural resource regulations, this recommendation is not applicable. Bonneville Power Administration requested to be kept in the loop about anything happening near their power lines; therefore, anything proposed near a high-capacity transmission line requires a conditional use.

Councilor Woodard commented on the request in one letter for a conditional use requirement for community gardens in excess of 5,000 square feet. He saw some benefit for this but then noted that dog parks could be larger. Associate Planner Floyd advised that all dog parks are conditional uses and parking standards vary by size. The feeling was that smaller community gardens would be utilized by people living nearby, so there would be less trip generation and noise associated with this type of use. The Planning Commission felt comfortable with the proposed language. A committee helped develop the dog park regulations and those have been preserved in the proposal largely intact.

d. Public Testimony

Proponent

- Lynn Thompson, 13676 Hall Boulevard, Unit 2, Tigard, Oregon testified that the project will result in a more efficient approach to reviewing improvements and developments to new parks. The project summary specifically targets minor improvements and small projects; however, she did not see any language. She referred to some ambiguity in the proposed Development Code language defining small and large projects and uses for structures. She noted some improvements might not fit with the rest of a park. Playing fields bring potentially significant physical, social and economical impacts to neighborhoods. While the clause, "not designed or intended for organized sports and competitions," helps limit potential impacts, it still makes better sense to use a conditional use process. She stated that to automatically allow developments that might produce significant and conceivable negative impacts on a neighborhood or community prevents opportunities to participate in the process. She said this runs counter to the idea of public trust and is a bad idea.

  Ms. Thompson suggested adding language to the proposed amendments to define small projects for which the review would be streamlined from major land use charges and large projects have a more thorough review where there is potential for significant impacts. She said that projects with a footprint smaller than the average size of a single-

family residence lot be classified as a small project and subject to the streamlined review process. In no case should projects with a footprint larger than one-third acre be exempt from current standards or regulation review. Any parcel that is 5,000 square feet or more should be subject to standards and regulation review.

Associate Planner Floyd responded to the testimony.

- Uses allowed in "small structures" – The proposed language in the chapter sets out layers of regulations. First, there are use regulations. A classroom use would be treated differently (as listed in the use table) than a storage shed or bathroom. He said there are controls to assure the exempt small structures are used appropriately.
- Development standards are in place defining outdoor recreation facility setbacks. Different uses are subject to different setback requirements.
- Lighting is also specifically called out in the requirements. Depending on impacts, clear and objective regulations are applied.
- Controls are in place within the new and existing code language to keep small structures from creating nuisances to neighbors.
- Standards must be clear and objective when considering exemptions; i.e., measurable and definable.

In response to a question from Ms. Thompson, Associate Planner Floyd said the language presented to the council this evening is the same that was presented to the Planning Commission. The Planning Commission recommended that council approve the proposed amendments. There is specific code language that stipulates what can constitute a smaller, low-impact use. Eight types of development were identified as being unlikely to create off-site nuisances or impacts to the neighborhood. Councilor Woodard commented on the testimony and advised he thinks the proposed code language is responsive to Ms. Thompson's areas of concern. Councilor Snider and Councilor Buehner offered comments in concurrence with Councilor Woodard.

e. Council President Henderson closed the public hearing.

f. Council Discussion and Consideration: Ordinance No. 14-03

Motion by Councilor Buehner, seconded by Councilor Snider, to approved Ordinance No. 14-03 with the amendment to attach the January 23, 2014 map as Exhibit B of the ordinance and amend Table 18.540.1 to change the "No" on Outdoor Entertainment to "Conditional."

City Recorder Wheatley read the number and title of the proposed ordinance:

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) AS AMENDED.

The motion passed by a unanimous vote of City Council present:

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

6. COUNCIL LIAISON REPORTS

Councilor Buehner reported on last week's Metropolitan Policy Advisory Committee (MPAC) meeting:

- Willamette Falls Legacy Project --there is an event next Thursday in the Pearl District to call attention to this project.
- The Metro Council will hold its February 25 meeting at the Forest Grove City Hall.
- Powell/Division Transit Development Project – Potential rapid bus added along this corridor to Gresham. Formal development project decisions will be made this fall. The difference between this project and the southwest corridor is that there is less dedicated right of way.
- Transportation Plan Update – a copy of the PowerPoint for this item was distributed to the council. Councilor Buehner noted a change in how money will be spent; i.e., how much will be spent on roads and more money for active transportation projects and for throughways. This is a minor "tweaking" of the Transportation Plan. Councilor Buehner said she thinks the council needs to stay on top of the issue. As soon as the Metro Council approves the RTP, work will begin on the 2018 Transportation Plan, which will be a major overhaul.
- Presentations from Beaverton, Portland and Hillsboro on Climate Smart community projects. Many of the efforts in these communities are already being implemented in Tigard. She said she suggested to City Manager Wine that Tigard do a similar presentation. The MPAC Chair will consider placing this on a future MPAC agenda.
- Update on timeframe for the Urban Growth Boundary review was discussed. A copy of this was sent to the council in a packet. Eventually MPAC and JPACT will hold a series of meetings over the course of the next several months with a presentation report to the

Metro Council at the end of the summer. She noted Portland State population numbers used in this process are very different from Metro's projections. Metro's numbers indicate a higher growth rate for Portland and a lower growth rate in Washington County than PSU's numbers. She noted appreciation that from this time forward, the numbers to be used will be PSUs.

7. NON AGENDA ITEMS: None.

8. EXECUTIVE SESSION: None

9. ADJOURNMENT: 9:10 p.m.

Motion by Councilor Snider, seconded by Councilor Woodard, to adjourn the meeting.

The motion passed by a unanimous vote of City Council present:

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

Catherine Wheatley
Catherine Wheatley, City Recorder

Attest:

Mayor, City of Tigard

Date: March 25, 2014