



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

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**TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD**

**MEETING DATE AND TIME:** February 24, 2015 - 6:30 p.m. Study Session; 7:30 p.m. Business Meeting

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

**PUBLIC NOTICE:**

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

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

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

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

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

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

SEE ATTACHED AGENDA

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**VIEW LIVE VIDEO STREAMING ONLINE:**

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

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

Thursday 6:00 p.m. Sunday 11:00 a.m.

Friday 10:00 p.m. Monday 6:00 a.m.



City of Tigard

## Tigard Business Meeting – Agenda

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### TIGARD CITY COUNCIL & LOCAL CONTRACT REVIEW BOARD

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

6:30 PM

- STUDY SESSION

- A. COUNCIL LIAISON REPORTS **6:30 p.m. estimated time**
- B. RECEIVE METRO UPDATE FROM COUNCILOR DIRKSEN **6:45 p.m. estimated time**
- C. BRIEFING ON THE POTENTIAL LEASE OF A BULK STORAGE SITE FOR THE PUBLIC WORKS DEPARTMENT **7:00 p.m. estimated time**

7:30 PM

- 1. BUSINESS MEETING
  - A. Call to Order
  - B. Roll Call
  - C. Pledge of Allegiance
  - D. Council Communications & Liaison Reports
  - E. Call to Council and Staff for Non-Agenda Items
- 2. CITIZEN COMMUNICATION (Two Minutes or Less, Please)
  - A. Follow-up to Previous Citizen Communication
  - B. Tigard Area Chamber of Commerce
  - C. Citizen Communication – Sign Up Sheet
- 3. CONSENT AGENDA: Tigard City Council & Local Contract Review Board **7:40 p.m. estimated time**

These items are considered routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

A. APPROVE CITY COUNCIL MINUTES:

- January 13, 2015

B. ADOPT A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH PGE FOR A BACK-UP POWER SOURCE FOR A WATER PARTNERSHIP FACILITY

C. AUTHORIZE THE CITY MANAGER TO SIGN AN AGREEMENT TO FACILITATE GOVERNANCE OF THE WILLAMETTE RIVER WATER SUPPLY

D. AUTHORIZE THE CITY MANAGER TO SIGN AN AGREEMENT WITH CWS REGARDING THE RIGHT OF WAY AT THE SOUTHERN END OF 85TH AVENUE

E. LOCAL CONTRACT REVIEW BOARD:  
CONSIDERATION OF CONTRACT AWARD FOR PACIFIC HIGHWAY/GAARDE/MC DONALD WATERLINE

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

4. REQUEST FOR PERMIT FEE REFUND ON STEVIE LEVIN EAGLE PROJECT **7:40 p.m. estimated time**

5. LEGISLATIVE PUBLIC HEARING: CONSIDER RIVER TERRACE MAP AND CODE AMENDMENTS **7:45 p.m. estimated time**

6. NON AGENDA ITEMS

7. EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss exempt public records and pending litigation or litigation likely to be filed, under ORS 192.660(2) (f) and (h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. **9:15 p.m. estimated time**

8. ADJOURNMENT **9:45 p.m. estimated time**

**AIS-1993**

**A.**

**Business Meeting**

**Meeting Date:** 02/24/2015

**Length (in minutes):** 15 Minutes

**Agenda Title:** Council Liaison Reports

**Submitted By:** Norma Alley, City Management

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

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

**Public Hearing:** No

**Publication Date:**

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**Information**

**ISSUE**

Council will present liaison reports.

**STAFF RECOMMENDATION / ACTION REQUEST**

**KEY FACTS AND INFORMATION SUMMARY**

**OTHER ALTERNATIVES**

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

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

*No file(s) attached.*

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**AIS-2084**

**B.**

**Business Meeting**

**Meeting Date:** 02/24/2015

**Length (in minutes):** 15 Minutes

**Agenda Title:** RECEIVE UPDATE FROM METRO COUNCILOR DIRKSEN

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

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

**Public Hearing:** No

**Publication Date:**

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**Information**

**ISSUE**

Metro Councilor Dirksen will give council an update on current issues at Metro.

**STAFF RECOMMENDATION / ACTION REQUEST**

Council update and information

**KEY FACTS AND INFORMATION SUMMARY**

The council has hosted Metro councilors in the past and received a report and PowerPoint on Metro activities. Council finds that holding a dialog on issues of mutual interest is more useful and prefers a study session setting, allowing for two-way communication.

**OTHER ALTERNATIVES**

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

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

October 21, 2014

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**Attachments**

*No file(s) attached.*

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**AIS-2080**

**C.**

**Business Meeting**

**Meeting Date:** 02/24/2015

**Length (in minutes):** 15 Minutes

**Agenda Title:** Briefing on the Potential Lease of a Bulk Storage Site for the Public Works Department

**Prepared For:** John Goodrich                      **Submitted By:** John Goodrich, Public Works

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

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

**Information**

**ISSUE**

Council will be briefed on the potential lease of a bulk storage site for the Public Works Department.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff is seeking council direction on whether to pursue the lease.

**KEY FACTS AND INFORMATION SUMMARY**

Three divisions within the Public Works Department need to relocate as part of the city's urban renewal efforts. For background information on why the relocation is necessary and what divisions will be affected, please see the attached memo.

Council authorized a lease for property located at 8955 SW Burnham Street on October 28, 2014. This site is approximately half the size of the existing Ash Avenue facility. At that time, staff notified council that additional space would likely be required to accommodate the needs of the three displaced divisions.

Staff reviewed various options regarding additional space requirements. Outdoor storage of bulk materials and equipment emerged as the challenge. The bulk items, such as gravel, sand, rock and demolished materials to be recycled, are currently stored in portable concrete

bunkers. Staff proposes to lease a 15,000-square-foot open storage site at 8200 SW Hunziker Street and move the bunkers and materials to that location. Moving bulk materials to a centralized location would help provide more vehicle and equipment parking at existing properties.

The Hunziker Street site is a fenced industrial area with a level concrete pad and security gate system that allows 24 hour/7 day access. The rent for this location is 15 cents per square foot, or \$2,250 per month. There are no utilities or structures associated with the proposed lease. The lease may be terminated by either party with a 90-day notice. Staff could secure the lease by April 1, 2015, which will be timely considering the relocation efforts that are scheduled to begin that month.

If the council directs staff to pursue the lease, the lease will come before the Local Contract Review Board (LCRB) for formal consideration at an upcoming meeting. The property owner has agreed to hold the property for a short time until the lease can be considered by the LCRB.

Staff is seeking council direction on whether to pursue the lease.

The city attorney is currently reviewing the lease.

## **OTHER ALTERNATIVES**

Council may direct staff to forego additional space or to pursue other options regarding space for personnel, equipment and materials.

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

Council Goal #2 – Make Downtown Tigard a Place Where People Want to Be

- Support residential and mixed use development in a walkable and transit-supported areas by completing the Ash Avenue/Burnham Redevelopment Project.

## **DATES OF PREVIOUS CONSIDERATION**

This is the first time the lease of a bulk storage site has come before the council.

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### **Fiscal Impact**

**Cost:** \$27,000

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

**Where Budgeted (department/program):** Four PW Divisions

### **Additional Fiscal Notes:**

The cost to lease the storage site is \$2,250 per month, or \$27,000 annually.

The site will be utilized by four divisions: water, sewer, stormwater, and streets. Cost shares will be allocated evenly at 25-percent per division, or \$6,750 per year per division. There are no utility costs and no tenant improvements other than setting up the concrete block bunkers to hold bulk storage items.

If the lease is approved, each division has sufficient budget for the 2-3 months of lease payments in fiscal year 2014-2015 costs. Lease payments in future years will be included in each division's budget and will be an additional cost over the current base budget amounts.

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### **Attachments**

Memo - Background & Impacts of Redevelopment

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## City of Tigard Memorandum

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**To:** The Honorable Mayor Cook and City Councilors  
**From:** John Goodrich, Interim Assistant Public Works Director  
**Re:** Background Information and Impacts to City Operations Arising from the Ash Avenue/Burnham Street Redevelopment  
**Date:** February 10, 2015

### Background Information

The city has targeted its Ash Avenue facility for development as part of urban renewal efforts. The Ash Avenue facility houses the Parks and Streets Divisions of the Public Works Department (PW). The Community Development Department (CD) has played the lead role in marketing the Ash Avenue facility for redevelopment and, in mid-2014, informed PW of the need to eventually relocate the two divisions housed at the site.

### Impacts to City Operations

The Ash Avenue/Burnham Street redevelopment will affect the following city facilities:

- The public works facility on Ash Avenue, “Ash Avenue facility,” behind the Ash Avenue Dog Park. This facility houses the Parks and Streets Divisions.
- The Ash Avenue Dog Park at 12770 SW Ash Avenue.
- The “Zuber house” at 9025 SW Burnham Street. This facility houses the Facilities Division.

The Ash Avenue facility is approximately three acres, and includes three buildings that house office and staff space, warehouse storage, and a sign shop. The yard area within the facility stores vehicles and equipment, as well as bulk storage (sand, gravel, etc.).

Redevelopment of the Ash Avenue facility also results in the need to relocate the Ash Avenue Dog Park. The dog park will relocate to 9025 SW Burnham Street (current location of Facilities Division). This will require:

- Relocation of the Facilities Division, including trucks, equipment, office space, material storage, and vehicle parking.
- Demolition of the existing building (Zuber house), site preparation and relocation of dog park amenities (shelter, dog course, fencing, etc.).

Therefore, the city will need to relocate three divisions of the Public Works Department.

**AIS-2165**

**3. A.**

**Business Meeting**

**Meeting Date:** 02/24/2015

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

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

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

**Item Type:** Motion Requested

**Meeting Type:** Consent  
Agenda

**Public Hearing:**

**Publication Date:**

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**Information**

**ISSUE**

Approve City Council meeting minutes.

**STAFF RECOMMENDATION / ACTION REQUEST**

Approve minutes as submitted.

**KEY FACTS AND INFORMATION SUMMARY**

Attached council minutes are submitted for City Council approval:

- January 13, 2015

**OTHER ALTERNATIVES**

N/A

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

N/A

**DATES OF PREVIOUS COUNCIL CONSIDERATION**

N/A

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**Attachments**

Placeholder for January 13, 2015 Minutes

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# City of Tigard

## Tigard City Council/CCDA Meeting Minutes

### January 13, 2015

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#### 1. STUDY SESSION – January 13, 2015

- Mayor Cook announced an Executive Session at 6:30 p.m. The City Center Development Agency entered into Executive Session to discuss real property negotiations under ORS 192.660(2) (e). The Executive session ended at 7:44 p.m.

#### COUNCIL LIAISON REPORTS

- Due to the lack of time Councilor Snider will report on his meeting with Ingebrand Heights neighbors at a future meeting.

#### ADMINISTRATIVE ITEMS

- Mayor Cook informed council of new seating arrangements at the dais in Town Hall.



#### 2. BUSINESS MEETING

A. At 7:47 p.m. Mayor Cook called the City Council and Local Contract Review Board meeting to order.

B. City Recorder Krager called the roll.

	Present	Absent
Councilor Goodhouse	x	
Councilor Henderson	x	
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook	x	

C. Mayor Cook asked everyone to stand and join him in the Pledge of Allegiance

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### **TIGARD CITY COUNCIL MINUTES – JANUARY 13, 2015**

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

3. CITIZEN COMMUNICATION

A. Follow-up to Previous Citizen Communication – None

B. Tigard High School Envoy – ASB President Carter Kruse gave an update on Tigard High activities. A coin drive benefitting the Tigard/Tualatin School Foundation raised \$1,000. Boys and girls basketball is going well. The Powerhouse Coffee Shop opens at Tigard High next week. A Badminton Tournament between high school clubs is scheduled with the goal of raising clothing to donate. Teams will play for prizes and club funding. Human Rights Week activities are scheduled. The Senior Citizen prom will be held on February 15 and is a fun event with live jazz music and leadership class members available to dance with the senior citizens.

C. Tigard Area Chamber of Commerce – Chamber CEO Mollahan said they are accepting applications for three \$1,000 scholarships. To be eligible, applicants must be high school seniors either living or attending school within the 97223 and 97224 zip codes. The application deadline is March 6. “Cheers” is the newly revised networking event and is an after-work social group for business professionals. Tigard and Lake Oswego young professionals have partnered to produce a series of education breakfast events this year. The Tigard Chamber of Commerce Bowlamara will be held February 28 and she urged the council to form a team. The Shining Stars awards event is on April 24. The Farmers Market received a grant from the USDA for a tool called, “Manage my Market,” which enables vendors to sign up online, list their products and receive more visibility. Opening day for the Farmers Market is May 10. The Third Friday is on January 16 and several downtown businesses will feature special promotions. Future dates: The Art Walk on May 1-15 and the Street Fair on September 12.

D. Citizen Communication – Sign-up Sheet.

Steve Bintliff, 13520 SW 122<sup>nd</sup> Avenue, Tigard, OR 97223, co-founder of citizen group Tigard First spoke. He said a little over a year ago many people got involved in what was the most expensive election in Tigard history. Measure 34-210 passed by just over 200 votes in last March’s special election. As a result, council has to publically state that it is the policy of the city to be opposed to light rail. Since then, the chief petitioner (Tim Esau) for that initiative participated on the city’s Budget Committee and last month was appointed to the Tigard Transportation Advisory committee (TTAC). Mr. Esau did not stop there. He turned in an initiative petition to Washington County to put the same restrictions on the county government. He stated in the initiative petition paperwork (which will be made available on the Tigard First website) that he intends to use paid petition gatherers. ORESTAR, Oregon’s campaign finance database shows that his PAC has already received over \$2,000 from Andrew Miller of Stimson Lumber and the Oregon Transformation Project. Mr.

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Bintliff said, “So here we are, a member of the committee that advises you on transportation matters, is actively lobbying against some of the same transportation solutions that could make a difference for this county and for this city.” He said he wanted council and citizens to be aware of this. Tigard First will be watching closely for any conflicts of interest and he hoped council will do the same.

Jim Long, 10730 SW 72nd. Tigard, OR 97223, said he is Chairman of CPO4M which represents East Tigard, Durham and Metzger. He spoke about street safety issues in Metzger. The stop signs on 72<sup>nd</sup> and Spruce Street are not effective and have not been in years. The city responded to his earlier complaints by putting in a pedestrian walkway with a series of eight posts so drivers had to slow down. In July 2014, Spruce Street was repaved and the posts were removed. Now drivers go faster through the stop sign than they did before, cutting the corner into the pedestrian parkway. He requested that the posts be reinstalled as this is a safety issue. Mayor Cook said staff would look into this. Streets and Transportation Engineer McCarthy commented that the posts are on order and will be installed soon.

4. CONSENT AGENDA

A. RECEIVE AND FILE:

1. Council Calendar
2. Council Tentative Agenda for Future Meeting Topics

B. CONSIDER RESOLUTION TO AMEND THE CITY COUNCIL GROUNDRULES SUPERSEDING RESOLUTION NO. 13-04

**RESOLUTION NO. 15-02 – A RESOLUTION AMENDING THE COUNCIL GROUNDRULES AND SUPERSEDING RESOLUTION NO. 13-04**

C. REVIEW AND CONFIRM UPDATES TO THE COUNCIL LIAISON APPOINTMENT INDEX

Councilor Woodard moved for approval of the Consent Agenda. Councilor Henderson seconded the motion. Mayor Cook conducted a vote and the motion passed unanimously.

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson	x	
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook	x	

**TIGARD CITY COUNCIL MINUTES – JANUARY 13, 2015**

5. APPROVE CITY CENTER ADVISORY COMMISSION APPOINTMENTS



Redevelopment Project Manager Farrelly gave the staff report with background on three candidates for voting positions on the City Center Advisory Commission, the citizen urban renewal advisory body. Deanie Bush and Sherrie Devaney have served on the CCAC for the past three years. A new voting member is Joyce Casey and Raviprakash Nagaraj will be appointed as a non-voting alternate.

Councilor Henderson moved for approval of Resolution No. 15-01 and the motion was seconded by Council President Snider. Councilor Henderson noted that there is a CCAC business meeting at 5:30 p.m. tomorrow night followed by a goal setting session. He asked if the meeting was open to the public and Mr. Farrelly confirmed that it was.

City Recorder Krager read the number and title of the resolution.

**RESOLUTION NO. 15-01 – A RESOLUTION APPOINTING DEANIE BUSH, SHERRIE DEVANEY, AND JOYCE CASEY AS VOTING MEMBERS OF THE CITY CENTER ADVISORY COMMISSION, AND RAVIPRAKASH NAGARAJ AS A NON-VOTING ALTERNATE MEMBER**

Mayor Cook conducted a vote and announced that Resolution No. 15-01 passed unanimously.

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson	x	
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook	x	

6. QUASI-JUDICIAL PUBLIC HEARING – CONSIDERATION OF A+ O APARTMENTS COMPREHENSIVE PLAN AMENDMENT (CPA2014-00002) PLANNED DEVELOPMENT REVIEW (PDR2014-00003), SITE DEVELOPMENT REVIEW (SDR2014-00004), AND SENSITIVE LANDS REVIEW (SLR2014-00002)



- a. Mayor Cook opened the public hearing and asked City Attorney Ramis to read the rules.
- b. Basic rules for the quasi-judicial public hearing were reviewed by City Attorney Ramis so participants would know the procedure. A copy of the rules was available at the front of Town Hall. He reminded everyone that they must testify orally or in writing before the close of the public record to preserve the right to appeal the council’s decision to the Land Use Board of Appeals. Failure to raise an issue clearly enough so the council understands and can address the

**TIGARD CITY COUNCIL MINUTES – JANUARY 13, 2015**

issue precludes an appeal on that issue. Failure to raise constitutional or other issues related to proposed conditions of approval with sufficient specificity to allow a response precludes an action for damages in circuit court. He requested that people not repeat testimony already given and if they agree with an earlier witness, just state that fact and add any additional points of your own. As provided by State law this is a consolidated procedure addressing several applications together. Persons may speak or all or any of the applications when they testify.

- c. Mayor Cook called for any ex parte contacts or information gathered outside the hearing, or any bias or conflicts of interest from council.

Councilor Goodhouse said he was a non-voting alternate member of the Planning Commission when this came before them and he did hear this before but did not think it would affect anything. City Attorney Ramis said the critical thing is whether he can hear the case tonight and consider it without prejudice.

Councilor Woodard said he walked the site.

Councilor Henderson stated he could not access the site itself but did travel on the street from Hall Boulevard to Greenburg.

Mayor Cook said he has driven by the site for years and viewed it on Google Earth.

Council President Snider said he drove to and from Washington Square on the street.

Mayor Cook asked, “Does a member of the audience wish to challenge a councilor’s qualifications to hear and decide this matter, or the jurisdiction of the council as a whole to hear and decide this case.” There were no challenges.

- d.  Staff Report – Associate Planner Pagenstecher gave the staff report. The agenda item summary included a list of documents that are part of the record including public comments, staff report, the ESEE Analysis and the applicant materials. He said further testimony was received this week and council was given copies: a letter from the applicant, correspondence from Ms. Cofield, Trudy Knowles and Elise Shearer. Planning Commissioner John Smith submitted testimony as a citizen.

Associate Planner Pagenstecher displayed three exhibits that show what the site is today, the Washington Square Regional Center Standards and Regional Plan, and the proposed development. He said the site is around 11 ½ acres, wetland, bordered by Ash Creek on the bottom and a non-named tributary on the west. The site slopes gently from Oak Street to Ash Creek and has been used for agricultural purposes. Several houses exist along Oak Street. This is part of the Ash Creek drainage which passes through the site and continues to a confluence with Fanno Creek. The Washington Square Regional Plan (WSRP) shows this site as split zoning of MUE1 and MUR2. He showed the locations of Highway 217, Hall Boulevard and Greenburg Road. He said this is a high-density plan with 50 units per acre on the project site. It represents a more intense development to the north that steps down as it nears Ash Creek. The minimum is 50 units per acre and greater densities are envisioned proceeding north in the WSRP district.

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Associate Planner Pagenstecher showed a drawing indicating the massing of buildings and elevations as they appear from the street. The project meets the density standards of the WSRP and also attempts to balance natural resource impacts by locating the development close to Oak Street. He showed the wetlands and stream corridors map which is a part of the city's Comprehensive Plan Inventory. He indicated the subject site, wetlands buffer and preserved wetland. He said there is an attempt to preserve most of the wetlands and it impacts just 4.2 acres with one acre as the buffer. If approved, the Comprehensive Plan Amendment would amend the map by reducing the inventory by the amount shown.

Associate Planner Pagenstecher said the second decision, after the Comprehensive Plan Amendment is approved, deals with other agencies such as Clean Water Services and the Army Corps of Engineers and the Division of State Lands. Expertise from these agencies comes in to play to make sure that Sensitive Lands review impacts are adequately mitigated. The mitigation for the wetlands is proposed off-site and mitigation for the buffer is proposed on the site, on about 3.2 acres of wetlands.

Associate Planner Pagenstecher said after these applications have been considered and approved, consideration of the concept plan for the Planned Development and the detailed plan would follow. If the applications are amended or not approved for the first two decisions, that changes the buildable area. The Planned Development Review is considered a two-step process. The concept plan first offers the decision making body an opportunity to give direction to the applicant so they are not invested in something that would not be acceptable. In this case the applicant has requested a concurrent review. Council will consider them in the same hearing but separate decisions are required. The concept plan shows that the general distribution of the buildings on Oak Street, is consistent with Washington Square standards and protection of most of the wetlands. The detailed plan shows more specific arrangements of open space and how it is articulated, the interface between the public space and buildings, and access through the site. In this case, the detailed plan is accompanied by a request under the Planned Development Review Criteria for a parking exception. The 215 units require 302 parking spaces. 278 are proposed. The parking exception is requested in part because the applicant wanted to minimize the footprint of the site for natural resource reasons, but also because the use itself, primarily studios, one-bedroom and two-bedroom units would require fewer cars. That exception can be underwritten by pedestrian improvements on and off the site. The conditions of approval attached to the staff report address the pedestrian/bike access issue.

Associate Planner Pagenstecher said the public comment has been arranged by proponents and opponents in terms of underlying planning documents in effect today, flooding, affects to the wetlands and floodplain and traffic congestion. The Planning Commission had a split vote: four in favor, three against. The three against were design professionals and felt there could have been a design that had less impact on the wetlands.



Mayor Cook briefly explained to the audience how a quasi-judicial hearing is different from a legislative hearing. Council is only allowed to consider evidence that is part of the record.

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e. Public Testimony

Applicant – Don Hansen, OTAK, said he was present at the request of the applicant and owner. He said he appreciated the explanation of the process. He said he will give a general overview and Joe Tucker will talk about the buildings. John VanStavern will discuss the natural resources and environmental aspects of the project. OTAK Engineer Mike Peebles will address the floodplain and Kelly Lassen will talk about traffic impacts.

Mr. Hansen said the WSRP is the foundation for what is proposed. He said the applicant was involved in the planning for this area as a community volunteer and is interested in seeing that plan implemented. This is one of the first housing projects to come along that meets the kind of density anticipated for the town center. The vision is for a cohesive, mixed-use district with ever-improving transit facilities. It is denser in some locations with transitional areas in others and this project is one of the latter. Mixed-use zones are considered on a district basis, not a site by site basis. He said they combined their review processes to get the whole picture and to give an accurate description of the project and its impacts for discussion purposes. The site is 10.85 acres including right of way to be dedicated for Oak Street improvements.

Four acres are proposed for development. Six-plus acres are open space. Of the four acres being developed, 25 percent is landscape, or soft space. They propose 215 units, 52 per acre, which is just over the 50 unit per acre zone minimum. This is a step-down zone to the open spaces staff described. They propose three access points to Oak Street which form a connective loop, and are putting the parking behind the project. The buildings are being pushed forward so they address the street, the public realm, and future improvements on the other side of Oak Street. On the frontage they are improving the two lane road, with parallel parking and a wide, 12-foot sidewalk. Four buildings are proposed, all four-story, and one has tuck-under parking.

Joe Tucker of Ankrom Moison Architects, showed a concept imagery slide of how the buildings will address Oak Street. The buildings are placed closer to Oak Street as required by the Washington Square Regional Center Plan and this creates a smaller impact to residents. Building heights are lower to be more consistent with the existing neighborhoods. They tried to maintain as much open space as possible and two of the buildings have tuck-in parking to help minimize impact. The pedestrian access has an overview of the wetlands and they are setting up a future access point for a trail along Ash Creek. Building C is the primary leasing area and includes more active space and a pool and picnic space. The L-shaped building to the west has more passive green space as well as a bike pavilion. Each building has bicycle parking. He showed a slide of the development massing showing the step-down of buildings that will allow more natural light to reach the pool area.

Pacific Habitat Services Wetlands Scientist John VanStavern said his first task was to delineate the wetlands. There are 6.62 acres of lower-quality wetlands on the property. The wetlands have been impacted by agricultural use so the trees have been removed and the riparian area on Ash Creek is almost gone. The wetland area has increased in size from when it was delineated previously because water is coming onto the site from stormwater outfall. The expansion area accounts for a lot of the area that is proposed for impacts. Once the 6.62 acres of wetland were identified they

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worked with the development team to avoid and then minimize wetland impacts. Avoidance was not possible to achieve the goals of the Washington Square Regional Plan. They looked at ways to minimize and the proposed plan impacts .42 acres of wetland. They spoke to the Army Corps of Engineers, the Department of State Lands and the Department of Fish and Wildlife on site. Applications were filed to impact the .42 acres of wetland and the applicant is very close to getting those permits.

Mr. VanStavern said they have already received approvals from the National Marine Fisheries Service based on the plan itself and the stormwater impacts. They felt it followed the criteria and will not degrade salmon and steelhead habitat downstream. Mitigation was discussed with the agencies because if a wetland is impacted there must be mitigation. They looked in the local area and reached out to the city and Tualatin Hills Park and Recreation District but found no opportunities for mitigation within the vicinity. They looked at onsite mitigation but did not feel that would satisfy the Corps of Engineers. They are going to a mitigation bank and buying credits. The developer is enhancing the remaining on-site resources. The 6.4 wetland acres remaining will be trees – about 3.4 acres, with 16,000 native plants going in (8,000 sedges and rushes within the center and then 8,000 native trees and shrubs surrounding). Once they came up with that plan it was decided to use this as the buffer mitigation for Clean Water Services. They went through the Oregon Freshwater Wetland Assessment methodology and the wetland still came out to be “significant” even though it has been impacted. As such, they needed to go through an ESEE analysis and look at prohibiting, limiting or balancing. As a result they considered limiting conflicting uses and balancing. They achieved this by enhancing the wetland area and achieving 215 units which complies with the WSRP. The wetland area in its enhanced state will provide the habitat that it did historically for fish and wildlife, with improved water quality and flood flow.

OTAK Engineer Peebles discussed the Sensitive Land Review and impacts to the floodplain. In their preliminary storm drain analysis prepared as part of the application they provided a zero-rise analysis. It showed no increase in the flood level during the base flood discharge based on our encroachments. He showed a slide of the flood map with white indicating floodway and the blue-stippled area indicating the floodplain. The building is shown in the yellow area that is off to the edge of the floodplain, the fringe of the floodplain. The impacts are to the north area of the floodplain. Models were done showing floodway and floodplain before and after the encroachment. Two scaled cross-sections indicate small slivers of area with impacts to the floodplain and that is where there is a retaining wall planned for the south side of the project. Running it through a model shows that there is no difference in floodplain elevation pre- and post- development during base flood discharge. This meets the criteria in the code regarding floodplain impacts.

OTAK Engineer Peebles summarized the parking design. It was an integrated design that balanced impacts to the floodplain, the required site density, the city’s parking requirements, landscaping and the building footprint. Much iteration was explored. The requirement is 306 parking spaces on the site which includes 15 percent for visitors. They proposed 278 on-site parking spaces and this exception request is less than 10 percent. They also put parking under two of the buildings to limit the encroachment into the wetland area. He said they looked at

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distribution to make sure the parking was distributed evenly around the building entrances. They provided to the Planning Commission as part of the record a brief comparison of other local jurisdictions. The City of Tigard's parking requirements were met but they also wanted to show that the parking standards of Washington County, Beaverton, Lake Oswego and Tualatin were exceeded, so the applicant is not out of range with local requirements. They also have an experienced multi-family developer who is confident that the parking will be adequate.

Mr. Hansen added that the parking adjustment is a minimal request and from his experience he is confident that it will be successful. He said a lot of it is how the parking is managed and there is an experienced developer involved. It is the right level of parking now and looking ahead as the district is developed it is the right amount too. There are also 16 parallel parking spaces on Oak Street and these are not included in the count. The 40 visitor parking spaces are very generous based on other jurisdictions.

Kelly Laustsen, Kittelson & Associates, discussed a few aspects of the traffic study. It was a collaborative study between the city, ODOT and Washington County to develop the study scope. They worked closely with Streets and Transportation Project Engineer McCarthy about trip distribution and generation. Their analysis was conservative. They used the rates and the IT Trip Generation Manual, which relies on studies largely from suburban areas with high load splits related to vehicles. Allowances were not made for other modes of travel that will likely be used by residents such as walking, bicycling or transit. The study was comprehensive. They looked at a large study area and added Highway 217 ramp intersections based on comments from ODOT. They looked at future build-out in the area as well as for their site.

Mr. Hansen summarized by saying, "We think the plan we put together on balance meets a lot of current objectives." He said it is a seed for the WSRP and is a good first step. It complies with the underlying zoning. The zoning needs to be considered on a district basis, not on a site by site basis. He commented that if it was considered on a site by site basis, nothing would ever happen. We are residential, next to a lot of office space and a lot of retail, which is really the essence of a balanced mixed-use area approach. We feel we have responded appropriately to the limited site conditions. It is a good solution to the neighborhood in terms of impact.

Mr. Hansen said some public comment letters mentioned a possible continuance. He would like to discuss logistics for that during the rebuttal period at the end of the public testimony.

Proponents –

Ryan O'Brien, 1862 NE Estate Drive, Hillsboro, OR 97123. He said he is a Planning Consultant representing Gene Davis and other property owners in the area. He said they would like Lincoln Street to be dedicated to the city. It is important to the apartment complex residents and businesses at the Lincoln Center and the city. The city has recommended Condition No. 8 which relates to proportionality and this is an important step but they feel the condition is very nebulous and it is hard to interpret. The City Code Section 18.630.10.C states that "All new developments will be required to dedicate improved public streets and participate in funding future transportation projects within the Washington Square Regional Center." He said we do not

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know what that is. Anywhere from 300-600 more apartments and possibly hotels or more commercial in the area is proposed and there is no way to get that road improved. The right of way is needed.

Mr. O'Brien said there is a letter allowing a pedestrian access easement but that does not really help us as that easement should be dedicated public right of way. He said, "They should do that just to be good neighbors." The city attorneys can determine whether or not a condition like that can be placed but we feel that if there is going to be a condition, it should require a deed restriction that they will provide the city with the right of way when needed. If this gets approved without this condition we will recommend that the city condemn it. The property owners paid for it but if they developed anything on the site they would have to dedicate the right of way and make improvements anyway. It is better for it to be dedicated so that other developers can improve the road if necessary; otherwise it will stop development in the area. We feel with the amount of development coming up and to help relieve traffic on 90<sup>th</sup> Street the city needs Lincoln Street to go forward. I think you need an interpretation of Development Code Section 18.630.10.C from the city's counsel or planning director. It is in the code but no one knows how to interpret or utilize it.

Opponents –

Tamara Alva, 9360 SW 80<sup>th</sup>, Tigard, OR 97223, said she lives in a nearby apartment building and there is a saturation problem with water in their neighborhood. Ditches were deepened but there is still a water problem during heavy rains. Her concern is that this is the only runoff area between the top of Taylor's Ferry Road and the bottom of the hill. She said she has family further up on Oak Street and their basement floods; they all need sump pumps to drain the water. She spoke with neighbors about this development and only two people had any inkling about it. People she spoke with in lower lying areas already have problems and FEMA not give them insurance should there be a flood like the one in 1996. Ms. Alva saw a red-tailed hawk in the area and she asked what will happen when 215 units are added. She said nature will be affected.

Ms. Alva said another culvert was blocked recently and a neighbor was panicking trying to unblock it herself because if she did not, water would enter her basement. Ms. Alva mentioned another neighbor was present tonight and had the same problems. They cannot get flood insurance from FEMA. She spoke with a gentleman across Highway 217 that said they are digging ditches to handle water problems there and she did not see how this development would help much.

Steve Bintliff, 13520 SW 122<sup>nd</sup> Avenue, Tigard, OR 97223, said council is being asked to do three things: approve a Comprehensive Plan Amendment, modify the 100-year floodplain and grant a parking exception. By their own admission the developer has determined that without council granting these exceptions the development does not pencil out. As explained in the Planning Commission meeting you do not have an obligation to help him with his return on investment on the development. You do have a responsibility to the taxpayers and to protect the interests of the city's residents. One thing that was not adequately discussed in the Planning Commission hearing

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was the implications to the city and its taxpayers in allowing development inside a floodplain. He requested to hear discussion on this central issue.

Mr. Bintliff said the development has inadequate parking. He noted that most councilors have visited the site so they know that Oak Street is not fully developed and has no curb on one side. 90<sup>th</sup> Street also has no curb on one side. The cars are going to park on the street and this will be a problem. The development would destroy some wetlands but as someone testified at the Planning Commission hearing, it is not for us to decide the quality of the wetland. The wetland is for the wildlife and for maintaining the water quality. The area has insufficient infrastructure to support this development. Ash Creek is the collection point for all the runoff and since 90<sup>th</sup> Avenue is not a fully developed street with adequate drainage all the water comes into this development during a heavy storm. As required by city code there will be another sidewalk that goes to nowhere, and there are plenty of them around town. There is no other sidewalk from where this development will be, all the way to Hall Boulevard on that side of the road. Furthermore, children walking to Metzger Elementary will have to walk along 90<sup>th</sup> Avenue on one side. There is no continuous sidewalk to any bus stop. If the city is going to get serious about walkability, it needs to get serious about how to deal with sidewalks and mobility issues.

Although they recommended approval to the Planning Commission and Council, he does not feel that the applicant or city staff made a compelling case that the city benefits in any significant way from allowing these waivers. The risks to the city and its residents far exceed any benefit that the community would realize. He urged the council to protect the taxpayers from financial liability, uphold the city's parking and zoning requirements and reject this application.

Trudy Knowles, 10430 SW 82<sup>nd</sup>, Tigard, OR 97223, has lived in the neighborhood for 40 years, and said her one and only comment was that the developer does not live in the neighborhood nor does he plan on living in the neighborhood. The development will have a great detrimental effect on the neighborhood.

Jill Warren, 9280 SW 80<sup>th</sup> Avenue, Portland, OR 97223, said one thing that confuses her about the plan is that Planner Pagenstecher stated this area is zoned MUE1 and MUR1, which is mixed use, but this plan is residential. It does not match the zone. She asked how that worked because zones are not optional. She said the FEMA map shown earlier indicated a zone AE, which according to FEMA, means that it must not have any encumbrances because it will severely impact flood levels upstream. The developer's mitigation as far as putting in a retaining wall and grading the land is not adequate because it is a natural floodplain. As expressed earlier, all the water comes down from the west hills and with all the new development the flooding will be exacerbated. FEMA says it is not buildable land and there is also the issue of flood insurance. It is prohibitively expensive and the State Floodplain Manager said the city may not qualify to participate in the National Flood Insurance Program. The city should check into this to see if there is flood insurance available and if the city would even qualify.

Ms. Warren noted that this development is a private, for-profit apartment complex. Because it is not zoned mixed-use it is not the regional center. She asked why taxpayers should be committed to a \$1.5 million investment to support a regional center when this is a for-profit apartment

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building. She said she saw a big disconnect. She added that this puts the taxpayers at liability for lawsuits in the future when it floods, especially when there may be no flood insurance, and will be a real disaster. She asked council to reconsider the site. Development is a good thing but this is not the right site and is hazardous. She submitted a petition to the city recorder.

Penny Nash, 10231 SW Jefferson Avenue, Tigard, OR, 97223, said she lives between Locust and Oak Streets. She said her property drains into a tributary that drains into Ash Creek. She said her house is always flooded and over the 28 years she has resided there has seen floodwaters rise over the bridge at Oak Street and Hall Boulevard three times. We need these wetlands not just for our habitat but for our drainage. These apartments change the entire flavor of the neighborhood and have nothing to do with the experience of Metzger.

Margaret Linn, 10455 SW 87<sup>th</sup> Avenue, Tigard, OR, 97223, lives where Hall Boulevard meets Oak Street and 87<sup>th</sup> Avenue. She said residents have been talking since the beginning of the Regional Center Plan what to do with the water and the traffic. The Regional Center was supposed to be a holistic plan, not a piecemeal plan. She said it was not supposed to be put together in an exploitive fashion. She said she can see from her door how the culvert at Oak Street fills and the berm the Army Corps of Engineers built in 2003 fills with water on Hall Boulevard and 87<sup>th</sup> Avenue. There is no access to Highway 217 so drivers go through 87<sup>th</sup> through the mixed-residential skinny street, through Locust Street and Metzger School and then to Highway 217. This will happen unless the taxpayers come up with a lot of money to accommodate this scenario.

Ms. Linn said as a birdwatcher, she will watch the wetland get gutted. As the site is built up it is harder for bald eagle and larger birds' migratory patterns. She said we cannot put up a sign that tells birds to, "go to another site in Hillsboro because this area is taken." The Tualatin Riverkeepers did not give their blessing and were not happy about developers going into the wetland area. The Riverkeepers were working on their mitigation but were not able to come up with local sites along Ash or Fanno Creeks so a site in Hillsboro was selected to accommodate that mitigation.

Ms. Linn said we have been talking about this for a long time. The timing is not right; it is not good planning and is not going to be profitable in terms of the community at large. She said citizens do not feel they are being heard, are frustrated and fear very much for their properties. She said water goes over the berm the Army Corps of Engineers built and residents have been putting on their wading boots and solving the problem on Oak Street and 87<sup>th</sup> Avenue. This is the little byway where the city wants to put 100 or more cars. She encouraged council to reject the plan or force a reduction in units to make it more appropriate for the area at this time. She asked that all the idealistic TriMet and Metro walking, biking and transit aspects be put into place before allowing development of this kind in their neighborhood.

 Ben Rubin, 7640 SW Cedarcrest Street, Tigard, OR 97223, said what drew him to Tigard was the open spaces. Streams and creeks were all protected and there was this wonderful array of mini-parks in the neighborhoods. He said he loves this about Tigard and hopes it can be maintained. He said he was at a loss to understand why a concept is even on the board that talks

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about development encroaching onto wetlands that play an essential role. Across America there are, in every town and city, restrictions about building in wetlands. We are talking about a floodplain here. To turn our backs on this concept of that importance is as perverse to him as it is to say global warming does not exist. He said it is proven that water levels everywhere are rising and that the weather is changing. He asked, “Do we somehow think that mysteriously this floodplain is going to shrink with time and global warming?” He said the proposal from the developers dances up to the micron of the edge of what is buildable and allowable and they are still pushing the envelope. He said if there was ever a need to preserve floodplains in this day and age of global warming, now is the time.

Mr. Rubin said he was a realtor in Florida and saw many proposals, ten times the scale of this, come before city councils. He understands it is tempting to see proposals for growth and additional tax revenue. But this is the wrong location and it raises another question of whose fiduciary interest this council has in mind. If the goal is truly to raise revenue and stimulate growth, he suggested council take a good hard look at the zoning along the mass transit corridor, like the railroad track in downtown.

Jason White signed in to speak but did not come forward when called.

Dorothy Cofield, 8705 SW Nimbus, Suite 380, Beaverton, OR 97008, said she represents Jill Warren and Trudy Knowles, who live in this neighborhood. She said the staff report has much information on how this development does not meet the code. She noted that she sent two letters to council and hoped they had read them. Her testimony would highlight what she had in her letters.

Ms. Cofield said the city adopted an inventory under the Statewide Goal 5, which is different than the Division of State Lands Wetland Protection Program, and it deemed this wetland as significant. That is no small thing. At the time you deemed it significant you had to do an ESEE, which is a balancing scheme that weighs the environment, social impacts and public and private economics, to see how to balance protection and allowing conflicting uses. According to the applicant’s wetlands scientist it is still significant. That has not changed even though there was talk about it being degraded or increased by storm water runoff. Council needs to look at the applicant’s ESEE (Appendix C) and will see that it is very weighted towards the developer’s economic interest. Council needs to ask if it is worth it to take a half-acre significant wetland out of the inventory so this project will pencil out. In order to get this Comprehensive Plan Amendment, the developer had to show that there are no other sites in the Tigard planning area that would accommodate these 250 apartments. On page 13 of the staff report it states that only two sites were considered, the Davis property, which is not available for purchase, and a site off of Hunziker Street. She said that is not substantial evidence under land use law and the inventory does not show that there are no other sites. She said based on that alone, council will have to deny the four applications.

Ms. Cofield discussed the floodplain. She said Tigard’s code says, under 18.775.070, that you cannot allow a floodplain alteration for residential development. The developer and his attorney and consultants will say, “This is zoned commercial. It is zoned MUE and MUR.” She said the

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fact remains that it is residential. She has not had the time to research this and if there is a continuance, she will, but suggested council look very closely to see if the city's floodplain insurance will still be in effect if council approves floodplain residential development, which is against its code.

Ms. Cofield talked about the mixed use zoning. She said the developer's consultants said the mixed-use zoning can be for the entire Washington Square Regional Center. She asked why the property was not zoned high-density residential. She read the project notice MUE1 description saying that residential is accessory to the retail, commercial use; it is not the entire use of the site. She suggested that the interpretation could not be made to let the retail and commercial go someplace else in the WSRP. She did not think that would be plausible and survive at the Land Use Board of Appeals.

She spoke about the parking exception. The code says an exception can only be obtained when it is low-demand use and the example given is a nursing home. She said this is 1,430 trips, high-density apartments and is not a low demand use. She said she did not think the council could approve the exception. She mentioned mitigation to the traffic and said there is a rough proportionality Dolan analysis on page 28 of the staff report. It says this project is creating \$3.5 million in impacts and the developer is being asked to mitigate \$1.5 million (\$775,000 via TIF and the rest by a half-street improvement that does not even meet collector street standards. She said with the \$1.5 million that is left there, council can find that this developer has to do more improvements to the street and this would pass muster "under Dolan." She encouraged council to read the staff report in detail; everything she said is already in the staff report.

Nancy Tracy, 7310 SW Pine Street, Tigard, OR 97223. She said she would turn in written testimony but through listening to other people speak tonight she wanted to add some information. Even with no development on Oak Street this floodplain is going to have to be a workhorse to handle the stormwater already destined for it. By proceeding on a piecemeal basis (this apartment the first piece) there is risk of losing the inventory of storm water that exists now. Meanwhile, this area is going to become a warzone of redevelopment. Metzger School, a century in its location on SW 90<sup>th</sup> will be its first victim. An eighth of a mile from heavy construction is no place for children.

In the 1990s promotion of the Presidents Parkway called for relocation of Metzger School, its green acres deemed then and now, land wasted on kids. No alternative site was found. The Presidents Parkway's glorified plan to put a 12-acre lake surrounded by retail shops and restaurants on the floodplain exemplifies the dichotomy that exists between those who see value in open space and those who see open space as wasted value. Metzger School provides quality education for 650 students. It is a social center and information resource for the whole community. Metzger has always been a desirable place to live. No busy arterials bisect the neighborhoods. Walkers, joggers and bicyclists enjoy a peace and quiet virtually unchanged in the past 50 years of infilling.

Ms. Tracy said property values are going to go down. They will fall because a community without a viable school district is not going to make it. Conditions already exist to limit

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Washington Square's plan to redevelop the land west of Hall Boulevard. On the floodplain, 20,000 cubic yards of heavy construction for a hotel on Greenburg have reduced wetland capacity by four million gallons. Stormwater flows from the Fred Meyer store into the wetlands via Ash Brook and some 40 single-family homes are slated for construction in a half-mile radius of the shopping center. Added to this is the climate forecast for heavier rainfall in the Pacific Northwest. She said, "No straitjacket binds us to a zone made in another decade, especially one certain to do such harm to this community. A comprehensive, professional survey of the floodplain and corridors of Ash and Fanno Creeks could guide planning and prevent costly property loss and higher insurance rates and save our school and community."

Dr. Gene Davis, 10875 SW 89<sup>th</sup> Avenue, Tigard, OR 97223, said he was surprised to hear just now that his property was one being evaluated. He asked council to delay or sack the proposal until there is a street design that will facilitate or accommodate the traffic flow for the development west of Oak Street and around Lincoln Center. In 1994 when the land now being developed was purchased, the buyers were told that Lincoln Street had to become a through street as a requirement of development. They purchased two extra lots at the end of the Lincoln Street extension. He said the Lincoln Street extension is 62 feet wide but he heard tonight that there is a desire to close that down to 50 feet and add a bicycle path of 12 feet. He said twenty years ago, 62 feet was the proposed width and there is much more traffic now. In order for Oak Street and these properties to be developed it should have to be a regular 62-foot street. It has not been developable because it is on a 40-foot right of way. When anyone develops they have had to give ten feet on either side. He commented that the city is building walkways that go nowhere. He said the council should delay this and do an LID (Local Improvement District) or a PD (Planned Development). He said he has at least 700 feet on the west side and would be delighted to give it and pay his share now.

This development is blocking future development that would produce top-notch city streets. If the street will not take care of walking, cars and parking, we will have a second-rate city and nobody wants a second-rate city. He reiterated his desire for a 60-foot street and the extension of Lincoln to Oak Street so the area can be developed and residents do not have to be inundated with cars. He said Lincoln Street is labelled a minor collector street but 90<sup>th</sup> Avenue is not.

Jim Long, 10730 SW 72<sup>nd</sup> Avenue, Tigard, OR 97223 spoke as CPO4M Chair, and said 50-60 residents attended a neighborhood meeting last February and the September CPO meeting drew 39 people who were very concerned about this project. On December 10, 2014, CPO4M voted unanimously to oppose portions of these applications. He said he hopes this is not a done deal and council's minds are not made up and will not be until they have heard all the testimony and a possible continuance. He noted that the county commissioners allow five minutes for CPOs to testify and two minutes for individuals and suggested the city should move to this format.

He asked why the four applications in the case are not considered separately. If they were, a hearings officer would be an impartial, trained judge of the issues. He asked that the issues not be streamlined and that they be considered separately. He requested a continuance and that the record remain open. He said CPO4M disagrees with the staff recommendations in a number of ways. There is confusion in the staff report that went to the Planning Commission in that the

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name of the applicant was misspelled. He asked if the words used in the application were Oland or Orland and said this creates difficulty for people trying to do research and get more information about the applicant. He said Tigard already has a traffic problem and was unsure if an objective traffic study was done. He did one on his own for parking and traffic last month before the Planning Commission meeting and found that the off-street parking was completely full along SW Oak Street and SW 90<sup>th</sup> Avenue was also completely full. There were cars on both sides of SW Oak Street. The developer is asking for a 51-space variance so there are 51 more cars than they will have parking for; this is unbelievable.

Mr. Long referred to the rebuttal period at the Planning Commission hearing and said he was not sure he heard correctly so he submitted a records request but has not received a response. He thought he heard that the impact would be just 100 new cars. He said that is unbelievable. He said the applicant's claims about TriMet are not accurate either. He measured the space from the north part of the proposed development to the south part to Bus 78, 76 and 43. They are over one-quarter mile.

CPO4M opposes the requested amendment to remove or decrease any acreage or partial acreage of existing, significant wetlands south of the corridor. He said he agrees with Steve Bintliff, Jill Warren, Ben Rubin, Dorothy Cofield and Nancy Tracy on many of their points. He said he is trying not to repeat what they testified. He said it appears that the combination of the proposed decrease in wetlands acreage and the proposed retaining wall would actually increase the elevation of surface water of the 100-year floodplain. He said over the years the city has approved many codes to protect the public. Development uses conflicting with city code should be prohibited, period. Recent climate change has brought about extreme conditions that do not suggest any modification of the floodplain is warranted at this time.

Mr. Long talked about Goal 7 – Other Hazards. There are major economic liabilities for building in a floodplain. The City of Tigard and its citizens have already experienced negative, costly economic issues due to the overbuilding on Bull Mountain. At the neighborhood meeting it was asked if there was any affordable housing and the answer was no, it will not be affordable. He noted that their meeting minutes differ from his.

Mr. Long said CPO4M opposes the request for variance of city codes for parking, wetlands and asks for a continuance to allow for full deliberation of this issue.

A letter, submitted earlier by Lynn Tax Paye of SW 87<sup>th</sup> Avenue, Tigard, and addressed to Ash Creek Coalition was read. She said she attended a meeting at Metzger School months ago and was unable to attend the public hearing tonight but wanted her comments given to the council. She does not want her way of life ruined by hundreds more people leaving cigarette butts, broken glass, etc. all over sidewalks in front of her townhouse on 87<sup>th</sup> Avenue and Locust Street. She does not wish to put bars on windows like her grandmother was forced to do because of burglary at her home years ago in southeast Portland.

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Applicant Rebuttal – Mr. Hansen said Jim Long from the CPO4M requested a continuance and they agree with that. He said they want to hear council concerns, questions and observations based on testimony this evening.

Steve Pfeiffer, 1120 SW Couch Street, Portland, OR 97204 said he was land use counsel for the applicant. He said there has been information added tonight and they agree with the neighbors who testified that the review would benefit from a continuance. He said he would not suggest a continuance of the hearing but that is up to council. He asked that the record be left open for a period of two weeks to allow any information to be added followed by a 7-10 day period to allow rebuttal or response to the information added during the first two-week period. And then finally, under the statutory requirement, the applicant would have the opportunity for written argument, closing only, and no new evidence. He said they could do this in three to five, rather than seven, days to keep the city on schedule.

Council President Snider proposed that council list their questions tonight but said there is not enough time to get answers. Councilor Woodard agreed that continuance was a good idea. Mayor Cook agreed with leaving the record open.

City Attorney Ramis said the responses must be given in a public hearing setting. Council had a choice between continuing to come back later and ask questions or raising the questions tonight and hearing the responses at the continued hearing.

Councilor Henderson and Mayor Cook discussed the upcoming council meeting schedule and available dates for a continued hearing. Councilor Henderson commented that if there is a continuance, all people present tonight may not be able to come back and some continuity may be lost, but that may just be unavoidable.

Attorney Pfeiffer suggested assembling the questions and providing them to staff and the applicant and also making them available to everyone on the website during the two-week period.

In response to a question from Councilor Goodhouse, City Attorney Ramis said anything that is relevant to the criteria can be asked.

#### Council questions:

Councilor Woodard: Question for staff. Need more information on how building this development affects National Flood Insurance. Is the city responsible and liable in the case of a 100-year flood.

Councilor Woodard: Is there a way to do a downstream modification of the water holding area to help with the bottleneck where water flows down Hall and Oak Streets near the bridge structure.

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Council President Snider: Wants to understand from staff why their recommendation on wetlands modification is acceptable. Why not require taller buildings?

Council President Snider: (Question for City Attorney) Is council obligated to make these comprehensive plan amendments? Have standards been met that compel the city council to make such a decision?

Councilor Henderson: When was the Washington Square Regional Center Plan adopted and is it the only applicable plan? Does it go through periodic review?

Councilor Goodhouse: Where did the parking numbers come from?

Mayor Cook: Is concerned that every other apartment complex he sees, whether it is on Hall Boulevard or North Dakota, has many cars parked on the street because there is not enough at the complex. Clarify what is meant by development onsite planning for parking and enforcement. He needs to see a paved sidewalk or walking trail for transit access for him to allow the downward parking requirement.

Councilor Woodard: There would be an impact on 90<sup>th</sup> Avenue and development needs to pay for that. There is no certainty about Lincoln going through. How would this traffic impact the school area?

Council President Snider: I've heard many numbers tonight regarding parking. The math doesn't work out and we need to understand what exception is really being made. Shared similar concerns about right of way for bus shelters and walking.

Councilor Henderson: Did we review siting of the large apartment building already across the street to guide us with this development?

Councilor Goodhouse: Did you talk with TVF&R about No Parking signs?

Mayor Cook: The environmental mitigation would occur in Hillsboro. Why can't we find a local mitigation area? Could Tualatin Riverkeepers help us find a Tigard area needing mitigation, along the Tualatin in Cook Park, for example?

Mayor Cook: Has seen flooding in that area over the years. How did you arrive at a zero-rise analysis if the area already floods now? It has to rise somewhere.

Councilor Woodard: Concerned about what is being developed upstream and downstream from this project. Requests assistance with understanding the 1989 DLCD letter about floodplain management. Is DLCD still connected with FEMA for flood management aspects?

Councilor Woodard: How will you prevent car lights exiting the development from shining directly into the living rooms of the homes across the street?

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Council President Snider: Statements were made during testimony that the city would not be able to purchase flood insurance if this is built. Does the city even buy flood insurance? Is there such an implication for the city or its residents?

Council President Snider: Every model has to have some level of certainty. How certain are we that this flood model is right? What is the level of precision - 95 percent? 90 percent? And if the model is wrong, what will happen?

Councilor Henderson: Can the creek drainage retention be part of the floodplain?

Councilor Woodard: Walkability is a huge deal. Need at least one natural area to walk and a continuous path without gaps. Is there a Dolan analysis required for the impact area if the street is extended?

Council President Snider: Relating to the alternative site analysis, what is the requirement and do the areas have to be within a certain distance from a proposed development? Was such an analysis done in a thorough and reasonable manner? Should Lincoln Street right of way dedication be a condition of approval?

Councilor Henderson: Are there water quality problems (sewage) in this high water area? Is storm water from hard surfaces being treated?

Councilor Woodard: What does the MUE designation mean? The public needs a clear understanding of how a residential development fits in this zoning.

Council President Snider: Are we obligated to accept this from a zoning perspective? Given community concerns have we imposed enough conditions of approval on the developer in the interests of the public?

Councilor Henderson: Are we still waiting for a report to come from TriMet or others and can these be pulled together before we meet again?

Councilor Woodard: Ms. Cofield comments in a January 12, 2015, letter that the applicant is proposing a 26-foot width street yet TVF&R requires roads under a certain width to have No Parking signs posted on both sides of the fire lane. She says the applicant's proposed exception to the street standard is not permissible. He needs help understanding what is going on with this.

Council President Snider: An attorney testified and questioned our legal ability to do some things with the zoning. This is concerning. Could city attorney and staff address this?

In response to a question from Councilor Woodard on the order of approvals, City Attorney Ramis said it was the suggestion of staff to begin with the Comprehensive Plan Amendment change. He said it makes sense to do that first.

## **TIGARD CITY COUNCIL MINUTES – JANUARY 13, 2015**

Mayor Cook continued the public hearing to February 3, 2015. Mr. Hansen clarified that the applicant will return on that night to orally respond. Council President Snider commented that there will be questions also for staff and the city attorney.

City Attorney Ramis said there was a request for a continuance from people that testified who will not be part of the question and answer process. He suggested that at the end of the February 3, 2015, meeting a timeline be established to allow written submissions. After that time period ends, council could make their decision. He said there may be people who learn things during the question and answer period and want to respond after that. Mr. Hansen said that was a fair approach.

Mayor Cook continued the public hearing to February 3, 2015. The comment period is open for two weeks and there will be another response period before a council vote on the matter.

7. NON AGENDA ITEMS None.

8. EXECUTIVE SESSION: Mayor Cook announced that the executive session called to discuss the performance evaluation of a public officer under ORS 192.660 (2) (i), has been postponed until the council meeting of January 27, 2015.

9. ADJOURNMENT

Motion to adjourn by: Councilor Goodhouse moved to adjourn the meeting at 10:20 p.m. Councilor Henderson seconded the motion and all voted in favor.

	Yes	No
Councilor Goodhouse	x	
Councilor Henderson	x	
Council President Snider	x	
Councilor Woodard	x	
Mayor Cook	x	

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Carol A. Krager, City Recorder

Attest:

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John L. Cook, Mayor

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**TIGARD CITY COUNCIL MINUTES – JANUARY 13, 2015**

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Date

**TIGARD CITY COUNCIL MINUTES – JANUARY 13, 2015**

AIS-1877

3. B.

**Business Meeting**

**Meeting Date:** 02/24/2015

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

**Agenda Title:** Adopt a Resolution Authorizing the City Manager to Execute an Agreement with PGE for a Back-up Power Source for a Water Partnership Facility

**Prepared For:** Dennis Koellermeier      **Submitted By:** Judy Lawhead,  
Public Works

**Item Type:** Resolution      **Meeting Type:** Consent  
Agenda

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Shall the council adopt a resolution authorizing the city manager to execute an agreement with Portland General Electric Company (PGE) for a back-up power source for the water partnership's water treatment plant?

**STAFF RECOMMENDATION / ACTION REQUEST**

Adopt the resolution.

**KEY FACTS AND INFORMATION SUMMARY**

The Lake Oswego Tigard Water Partnership is undertaking a renewal and replacement of Lake Oswego's existing water supply system ("Program"). In the early planning phase for the Program, the partner cities established design criteria and performance objectives that the new supply system must achieve, on a facility-specific basis and on a Program-wide basis. Arguably, the single most important performance objective for the new system was that it be designed to be resilient against a variety of potential human-caused and "act of God" events that could disrupt the water supply.

The local provider of electrical service, PGE, works hard to make sure it can reliably provide electrical power to homes, businesses and other public utilities, like Lake Oswego and Tigard. Despite these efforts, their systems are vulnerable to windstorms, equipment failure, and human-caused events (e.g., car crashes into utility poles). To achieve its supply system resiliency objectives, the partnership identified the need to provide a back-up source of electrical power to the system's major pumping facilities – the water treatment plant (WTP)

and the river intake pump station (RIPS). (The council approved the back-up power source for the RIPS on August 12, 2014.)

During design of the WTP, an evaluation of alternatives to provide a back-up supply of power to this facility was undertaken. Alternatives included:

- Do nothing – no alternate source of back-up power supply.
- On-site, permanent, engine driven generator (fueled by diesel, propane, or natural gas).
- Connection to a second, electrical feeder sub-station separate from the primary PGE feeder sub-station.

The do nothing alternative was dismissed for obvious reasons, leaving the back-up generator and alternate electrical supply as viable options for further evaluation. In the end, the alternate electrical service at the WTP site was selected as the preferred option for the following reasons:

- The need for a large on-site fuel storage tank (propane/diesel fuel) is avoided.
- Noise and additional traffic associated with refueling the tank, maintenance and monthly testing of the generator under load is avoided.
- The conditional use and design review approvals needed from West Linn for the WTP facility were easier to secure.
- It is more “carbon friendly” than the engine generator option.
- It is less expensive on a net present value basis when considering the 75-year design life of the WTP facility.

The agreement (Attachment 1 to the resolution) was developed jointly by partnership staff and PGE and contains terms and conditions agreeable to the parties. In brief, the agreement stipulates that:

- In exchange for a one-time lump sum payment of \$530,698, PGE commits to making 4,000 kVA of alternate electrical service available to operate the WTP on demand and in perpetuity, unless the agreement is terminated.
- The agreement cannot be terminated by PGE.

On August 12, 2014, the council approved another agreement—nearly identical to this one—regarding the back-up power source for the river intake pump station. During discussion of that agreement, staff informed the councilors that a similar agreement for a back-up power source for the water treatment plant would also be coming before them. This is the item now before council.

## **OTHER ALTERNATIVES**

The council could:

- Choose not to adopt the resolution; this would not achieve the partnership's “resiliency in performance” objectives for the new water system.
- Direct staff to re-negotiate the terms of the agreement.

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

This agreement is consistent with the 2010 Water System Master Plan.

## **DATES OF PREVIOUS CONSIDERATION**

The council was briefed on this agreement at its February 10, 2015, meeting.

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### **Fiscal Impact**

**Cost:** \$327,971

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

**Where Budgeted (department/program):** Capital Improvement Plan project #96018

### **Additional Fiscal Notes:**

Tigard's share of the \$530,698 lump payment—based on the recently revised capacity allocation ratio between Lake Oswego and Tigard—is \$327,971. This expenditure is included in the city's \$79-million water partnership budget for fiscal year 2014-2015.

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### **Attachments**

Resolution

Agreement - Attachment 1 to Resolution

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**CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
RESOLUTION NO. 15-**

A RESOLUTION OF THE TIGARD CITY COUNCIL APPROVING AN AGREEMENT FOR ALTERNATE SERVICE BETWEEN PORTLAND GENERAL ELECTRIC COMPANY, THE CITY OF LAKE OSWEGO AND THE CITY OF TIGARD RELATING TO CONSTRUCTION OF THE NEW WATER TREATMENT PLANT, AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

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WHEREAS, on August 6, 2008, the cities of Lake Oswego and Tigard (the "cities") executed an Intergovernmental Agreement Regarding Water Supply Facilities, Design, Construction, and Operation; and

WHEREAS, the cities have determined that that it is in the best interests of both that the design and construction of certain water supply facilities include a back-up source of electrical power for planned and emergency interruptions of the primary electrical power over the operating life of such facilities; and

WHEREAS, through analysis of alternatives for providing a back-up source of electrical power, the cities have determined that entering into an agreement for alternate power service (Agreement) with Portland General Electric (PGE) best meets the cities' objective of providing an reliable supply of water to their citizens for public health, fire suppression, sanitation and economic development; and

WHEREAS, the Agreement with PGE is providing the cities on-demand access to a second power source of electrical power from its supply system in perpetuity, in exchange for a one-time lump sum payment of \$530,698.

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

SECTION 1: The city manager is authorized to sign the Agreement substantially in the form attached hereto as Attachment 1.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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Mayor - City of Tigard

ATTEST:

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City Recorder - City of Tigard

CITY OF LAKE OSWEGO; CITY OF TIGARD  
AND  
PORTLAND GENERAL ELECTRIC COMPANY

AGREEMENT FOR ALTERNATE SERVICE

(Water Treatment Plant in West Linn)

2014

This Agreement for Alternate Electric Service ("Agreement") is between the City of Lake Oswego, an Oregon municipal corporation; the City of Tigard, an Oregon municipal corporation; both hereinafter referred to as "Customer" and PORTLAND GENERAL ELECTRIC ("PGE"), an Oregon corporation. PGE and Customer are hereinafter sometimes referred to individually as "Party" and collectively as the "Parties".

The Parties agree as follows:

1. Term of Agreement

This Agreement shall commence on the date of execution and remain in effect for as long as Customer requires alternate electric service at the location described below, or until Customer provides written notice to PGE in accordance with paragraph 10a) herein, whichever is earlier.

2. Conditions of Service

PGE reserves the right to test, operate, and maintain the PGE equipment involved. Customer will be notified, in writing or by using another mutually agreeable method of communications, in advance, to the extent practicable, if the alternate service will be unavailable for more than 24 hours. This Agreement does not provide for increases in PGE's alternate service capacity and service may, therefore, be interrupted if actual kVA demand, by Customer, on the alternate service facilities exceeds the contracted maximum kVA demand.

3. Location to be Served and Point of Delivery

a) The alternate electric service capacity, agreed to herein, shall be available for use at Customer's premises located at:

4260 Kenthorpe Way, West Linn, OR 97068.

b) The point of delivery of the alternate electric service is specifically described as:

Termination lugs for the 750 kcmil AL XLP cable contained within the EUSERC-compliant (section 400 of the 2012 Electric Utility Service Equipment Requirements Committee standards manual), 15 kV-rated, revenue metering cabinet located at Lake Oswego/Tigard Water Partnership Water Treatment Plant (4260 Kenthorpe Way, West Linn, OR 97068). See Exhibit 1.

#### 4. Payment

##### a. Contracted Demand:

Customer agrees to pay PGE a one-time lump-sum payment of \$530,698. Subject to timely receipt of the one-time lump-sum payment to PGE and following completion of construction of the necessary facilities, PGE agrees to provide 4,000 kVA of alternate service capacity pursuant to the terms and conditions of this Agreement.

##### b. Demand in Excess of Contracted Amount:

When the alternate service is utilized, Customer's monthly billing will consist of: i) the standard kW and kVAR demand charges on either the preferred or alternate service, whichever is the greater; ii) the sum total kWh charge for both services; and, iii) in the event that Customer imposes a kVA demand on the alternate service facilities in excess of the above-listed, Customer will pay PGE an additional monthly amount for that month and the succeeding 11 months. The additional monthly amount, discussed in (iii) above, will be determined by multiplying the excess kVA demand by the then-current tariff sum of transmission and distribution demand charges and the applicable facilities capacity charges. For informational purposes only, currently, the sum of these monthly charges is \$4.75 per kVA for a Schedule 85 primary voltage customer at 4,000 kVA, however, this rate is subject to change. Should a condition of kVA demand occur, which exceeds the maximum kVA contracted for under this Agreement, Customer shall either modify operations to prevent excess kVA demand or execute a supplemental Agreement with PGE for the additional amount of alternate service required. It is understood and agreed that the cost of accommodating additional alternate service for Customer will be based on the costs of PGE in effect at that time. Customer will also be billed actual cost of any damage to PGE's alternate service facilities caused by Customer's alternate service demand in excess of the contracted amount.

#### 5. Advanced Notice for Using Alternate Facilities

Either PGE or Customer may arrange for service to be provided through the alternate service facilities. Customer must gain prior approval for non-emergency usage by providing written notice to PGE five (5) days in advance of the desired switch. Notice to PGE shall be provided to Andrew Schafer, Key Customer Manager (503-464-2583).

6. Indemnification

Customer shall, to the fullest extent permitted by law, protect, defend, indemnify and hold harmless PGE and its affiliates and their respective employees, directors, and agents (“Indemnitees”) from and against any losses, costs, claims, penalties, fines, liens, demands, liabilities, legal actions, judgments, and expenses of every kind (including, without limitation, reasonable attorney fees, including at trial and on appeal) asserted or imposed against any Indemnitees by any third party (including, without limitation, employees of Customer or PGE) and arising out of the negligent or wrongful acts or omissions of Customer or any subcontractor of or consultant to Customer or any of their respective employees, directors or agents arising out of or in any way related to the performance or nonperformance of this Agreement (“Indemnified Losses”), except to the extent such Indemnified Losses are caused by the sole negligence or willful misconduct of the Indemnitees. Customer warrants to PGE that its indemnity obligation will be supported by liability insurance to be furnished by it, or self-insurance approved by PGE for these purposes; provided that recovery under or in respect of this indemnity shall not be limited to the proceeds of any insurance.

7. Disclaimer of Consequential Damages

EXCEPT TO THE EXTENT REQUIRED BY LAW, PGE SHALL NOT BE LIABLE TO CUSTOMER FOR ANY LOST OR PROSPECTIVE PROFITS OR ANY OTHER SPECIAL, PUNITIVE, EXEMPLARY, CONSEQUENTIAL, INCIDENTAL OR INDIRECT LOSSES OR DAMAGES (IN TORT, CONTRACT OR OTHERWISE) UNDER OR IN RESPECT OF THIS AGREEMENT.

8. Successors and Assigns

Customer may assign this Agreement to a third party or a successor in interest as long as a) in PGE’s reasonable judgment such third party’s or successor’s creditworthiness and ability to perform Customer’s obligations under this Agreement are at least as good as that of Customer; and b) the assignee or successor agrees to be bound by all the terms of conditions of this Agreement.

9. Cancellation of Previous Agreements

Any and all former agreements between Customer and PGE for the alternate electric service covered by this Agreement are hereby canceled and terminated.

10. Termination of This Agreement

- a) This Agreement may be terminated by Customer upon 30 days' written notice to PGE. The subsequent availability of alternate electric service is subject to all changes in applicable tariffs, including Utility Rules and Regulations and all lawful orders of the Public Utility Commission of Oregon.
- b) Should the payment for alternate service be on a monthly basis, upon termination Customer will pay to PGE the amount that PGE's depreciated investment in such alternate service facilities exceeds the current value of the facilities to PGE.
- c) If the Customer has made a lump-sum prepayment to PGE for the alternate service facilities, upon termination PGE will pay to the Customer an amount equal to the current value to PGE for said facilities. This amount will not exceed the undepreciated amount of said facilities at the time of such termination.
- d) In the event that the Customer fails to prevent excess kVA demand and refuses to timely execute a supplemental agreement with PGE for the additional amount of alternate service required by it, upon written notice to Customer, PGE may terminate this Agreement and Customer shall be responsible for all outstanding amounts owed to PGE including the payment under section 10b), to the extent applicable.

INTENTIONAL BREAK  
SIGNATURE PAGE TO FOLLOW

CUSTOMER: CITY OF LAKE OSWEGO

Scott Lagacy CITY MANAGER

(Signature, Title)

1/21/15

(Date)

LAKE OSWEGO – Approval as to Form

GM P. Beane 12-22-14

(Initials, Date)

CUSTOMER: CITY OF TIGARD

\_\_\_\_\_  
(Signature, Title)

\_\_\_\_\_  
(Date)

TIGARD – Approval as to Form

\_\_\_\_\_  
(Initials, Date)

COMPANY: PORTLAND GENERAL ELECTRIC COMPANY

\_\_\_\_\_  
(Signature, Title)

\_\_\_\_\_  
(Date)

PGE – Rates and Regulatory Affairs

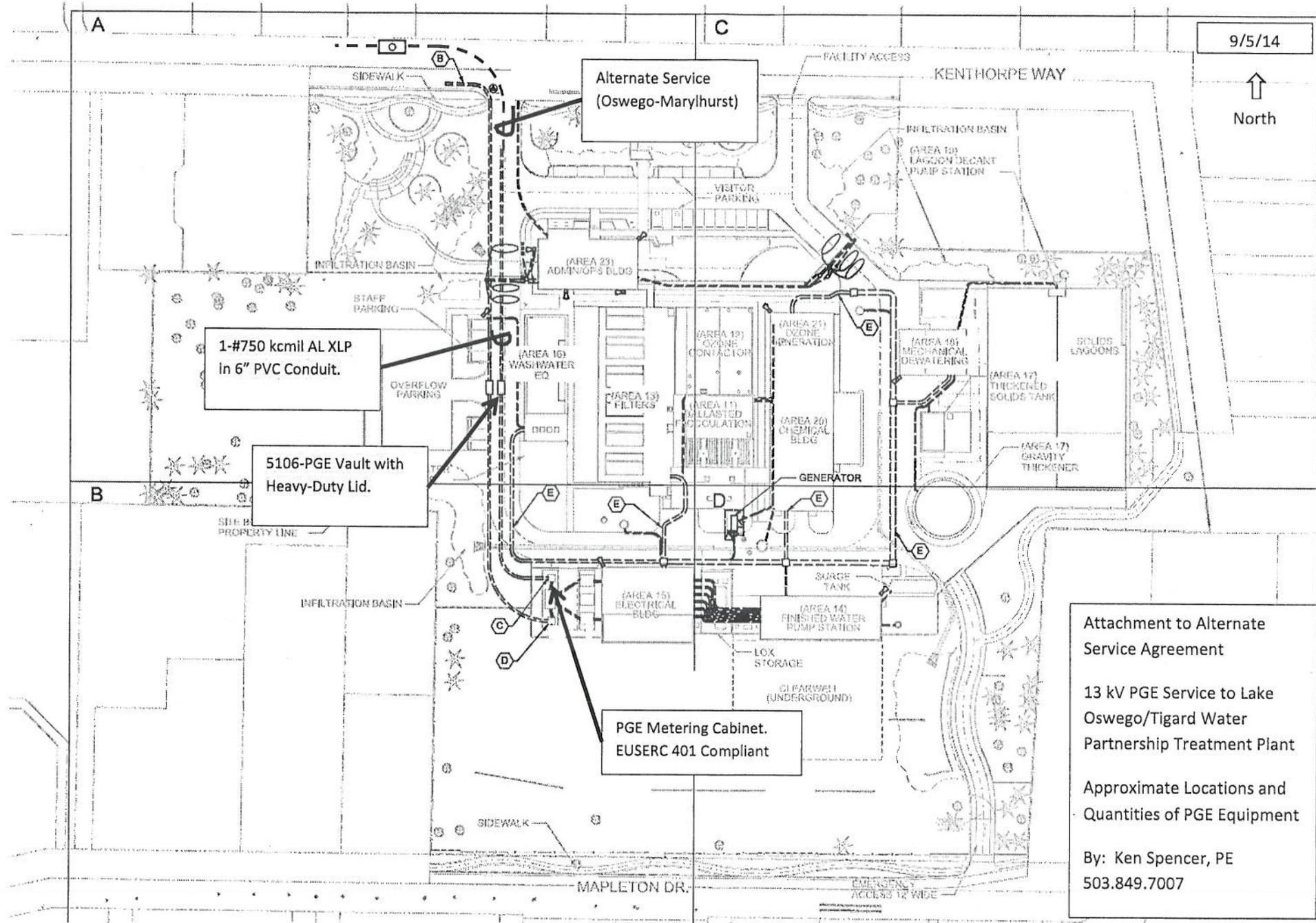
\_\_\_\_\_  
(Signature, Title)

\_\_\_\_\_  
(Date)

PGE – Legal Review

dc 12/10/14  
(Initials, Date)

9/5/14



Attachment to Alternate Service Agreement

13 kV PGE Service to Lake Oswego/Tigard Water Partnership Treatment Plant

Approximate Locations and Quantities of PGE Equipment

By: Ken Spencer, PE  
503.849.7007

Partial Site Plan – No Scale



**AIS-2050**

**3. C.**

**Business Meeting**

**Meeting Date:** 02/24/2015

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

**Agenda Title:** Authorize the City Manager to Sign an Agreement to Facilitate Governance of the Willamette River Water Supply

**Prepared For:** John Goodrich, Public Works      **Submitted By:** Judy Lawhead, Public Works

**Item Type:** Motion Requested      **Meeting Type:** Consent  
Update, Discussion, Direct Staff      Agenda

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

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**Information**

**ISSUE**

Shall council authorize the city manager to sign an agreement to facilitate governance of a Willamette River water supply?

**STAFF RECOMMENDATION / ACTION REQUEST**

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

**KEY FACTS AND INFORMATION SUMMARY**

The city has been engaged in various programs and projects relating to the Willamette Water Supply Program (WWSP) through its membership in the Willamette River Water Coalition (WRWC). Tualatin Valley Water District (TVWD), City of Wilsonville (Wilsonville), and City of Sherwood (Sherwood) own varied interests in land, water rights, water system assets and capacity in water system assets as part of the existing Willamette River Water Treatment Plant (RRWTP) in Wilsonville. The cities of Hillsboro, Beaverton, Tigard, and Tualatin are participating in preliminary design for future expansion of this water supply system with TVWD.

An “ad-hoc” technical committee with staff representing each entity is addressing governance issues relating to the WWSP. This committee has engaged in discussions regarding the following:

- planning and evaluation of use of the Willamette River to jointly meet future water supply demands, including water treatment plant master planning;
- evaluating existing water system assets including the RRWTP and future water system assets;
- sizing and location of transmission pipelines and reservoir;
- and ownership share, governance and operation of the RRWTP and second plant, and

other facilities.

Through these discussions and meetings over the last year, this group developed a “bridge” memorandum of understanding (MOU) to help facilitate the next steps in future discussions as this group formalizes. The exhibits for this MOU provide proposed topics, schedule, and cost allocations. The WRWC is paying Tigard’s share through membership.

The purpose of this MOU is to reaffirm the city's commitment with other parties to continue participation in developing a mutually acceptable agreement or MOU related to ownership, finance, design and construction of water system facilities, governance, use, operation, maintenance repair and replacement of those facilities.

The “bridge” MOU recognizes and acknowledges that each participant agency, based upon a determination of its own needs and resources, will evaluate the benefits of becoming a party to any future agreements should the city find it is in its best interests to do so. Through this MOU, the city will be able to continue in future discussions relating to resolving issues regarding the future WWSP expansion.

The WWSP is a cooperative project to produce and transmit finished drinking water from the WRWTP to TVWD and Hillsboro and other municipalities as may elect to participate in the program. All parties, except Wilsonville and Sherwood, have entered into an intergovernmental agreement regarding predesign, design, public affairs and public outreach in the WWSP.

Tigard city charter requires city voter approval to use Willamette River as a water supply source. Signing the MOU and continuing city participation regarding governance and future agreements does not commit Tigard to use the Willamette River as a water source.

The city attorney has reviewed the MOU.

## **OTHER ALTERNATIVES**

The council could decide not to authorize city manager to sign the agreement. Should the council decide not to approve the agreement, this may affect city participation in future governance discussions and agreements regarding Willamette River water supply with other participating agencies.

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

None

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

The council was briefed on this agreement at its February 17, 2015, meeting.

Council has been briefed numerous times regarding other Willamette River water supply issues and items:

- On October 14, 2014, the council was briefed on an MOU regarding Tigard’s

participation in the master planning process for the Willamette River Water Treatment Plant located in Wilsonville.

- On May 27, 2014, the council was briefed on the development of a Willamette River water supply.
- On October 22, 2013, the council adopted the fiscal year 2014 First Quarter Supplemental Budget via Resolution No. 13-44. The supplemental budget included the allocation of \$100,000 from the water fund to participate in the preliminary design of the TVWD/Hillsboro Willamette Water Supply Program.
- At its July 16, 2013, workshop meeting, the council discussed and elected to participate in the preliminary design of the TVWD/Hillsboro Willamette Water Supply Program; the council limited Tigard's financial contribution to \$100,000.
- On June 15, 2010, the council discussed an agreement with Sherwood to develop a water supply pipeline and other improvements. This agreement was never finalized.

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### **Fiscal Impact**

#### **Fiscal Information:**

The agreement refers to future costs regarding an outside consultant facilitator to help develop future governance agreements. There is no direct cost to Tigard. As a member of the Willamette River Water Coalition (WRWC), Tigard costs associated with participation through this agreement are covered through WRWC. These costs are indirect to Tigard through membership fees, which are budgeted each fiscal year.

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### **Attachments**

Bridge MOU

Exhibits to Bridge MOU

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## BRIDGE MEMORANDUM OF UNDERSTANDING

This Bridge Memorandum of Understanding (MOU) is effective this \_\_\_\_ day of \_\_\_\_\_, 2014 by and between Tualatin Valley Water District, a domestic water supply district organized under ORS Chapter 264 (TVWD) the City of Wilsonville, an Oregon municipal corporation (Wilsonville), the City of Beaverton, an Oregon Municipal Corporation (Beaverton), the City of Hillsboro, an Oregon municipal corporation, acting by and through its Utilities Commission (Hillsboro), the City of Sherwood, an Oregon municipal corporation (Sherwood), the City of Tigard, an Oregon municipal corporation, (Tigard), and the City of Tualatin, an Oregon municipal corporation (Tualatin).

### RECITALS

TVWD, the City of Wilsonville (Wilsonville) and the City of Sherwood (Sherwood) own varied interests in land, water rights, water system assets and capacity in water system assets as part of the existing Willamette River Water Treatment Plant (WRWTP) in Wilsonville.

The original design of the WRWTP Lower Plant allowed for expansion from its current capacity of 15 million gallons per day to produce up to 70 million gallons per day in the future. The real property upon which the Lower Plant is situated could accommodate a second water treatment plant, Upper Plant, with capacity to be determined.

TVWD, Wilsonville and Sherwood have been engaged in discussions with the cities of Beaverton, Hillsboro, Tigard and Tualatin regarding planning and evaluation of use of the Willamette River to jointly meet future water supply demands, the evaluation of existing water system assets including the Lower Plant and future water system assets such as the Upper Plant, the sizing and location of transmission pipeline(s) and reservoirs and discussion concerning ownership, governance and operation of the Lower and Upper Plants and other facilities.

A Master Plan for the WRWTP was completed in December, 2006. In order to facilitate the evaluation of existing and planning for future water system facilities, and to assist in future decision-making by the above named entities, all parties except Tualatin have entered into separate MOUs with TVWD to solicit and negotiate a contract with a consultant to update the Master Plan for the WRWTP and develop a Master Plan for the proposed Upper Plant (collectively referenced hereinafter as the “Master Plan”).

The Willamette Water Supply Program (WWSP) is a cooperative project to produce and transmit finished drinking water from the WRWTP to TVWD and Hillsboro and such other municipalities as may elect to participate in the program. All parties, except Wilsonville and Sherwood, have entered into an Intergovernmental Agreement regarding Predesign, Design, Public Affairs and Public Outreach in Furtherance of the Willamette Water Supply Program (Supply Agreement). The Supply Agreement is comprehensive in all aspects to accomplish tasks to achieve preliminary design of the WWSP and final design of the S.W. 124<sup>th</sup> Avenue Pipeline Project.

The Parties have been engaged in mutual and cooperative discussions regarding the WRWTP, the WWSP, the Master Plan and other issues relating to meeting the Parties' long-term need for finished drinking water. The purpose of this Bridge MOU is to reaffirm the Parties' commitment to continue to participate in the discussions with the goal of developing mutually acceptable Agreement(s) or MOUs related to ownership, finance, design and construction of water system facilities, including the Upper and Lower Plants and the governance, use, operation, maintenance repair and replacement of those facilities (collectively referred to as "Future Agreements"). The Parties recognize and acknowledge that each Party, based upon a determination of its own needs and resources, will evaluate the benefits of becoming a party to those Future Agreements and preserve the opportunity to fully participate with the other Parties if the individual Party finds it is in its best interests to do so.

**THE PARTIES AGREES AS FOLLOWS:**

1. **Participation.** The Parties recognize and agree that each Party may participate in some, all or none of the Future Agreements. To that end, the Parties anticipate that the Future Agreement(s), if any, will contain a provision that allows a Party to participate upon giving notice with participation to be effective at an agreed upon date.
2. **Tigard and Tualatin Participation.** All Parties recognize and agree that the Tigard and Tualatin Charters require voter approval prior to using the Willamette River as a drinking water source. All Parties recognize and agree that Tigard's or Tualatin's participation in this MOU does not evidence a decision to use the Willamette River as a drinking water source, nor does it require their respective city councils to authorize an election to vote on whether to use the Willamette River as a drinking water source. All Parties recognize and agree that Tigard and Tualatin intend to participate in this MOU in an effort to develop Future Agreements that will provide a mechanism for either to join with the other Parties, if a decision is made by their city councils and voters to use the Willamette River as a drinking water source.
3. **Future Agreements.** The Parties agree to continue to meet, discuss and develop the Future Agreement(s). Development of the Future Agreement(s) does not obligate a Party to approve and enter into Future Agreement(s). The obligation of this MOU is for all Parties to continue to work in good faith and cooperation to allow those Parties that so desire to achieve their water supply system goals and complete construction by 2025. Each Party specifically recognizes that ultimately it or another Party may decline to approve and participate in the future agreement(s) but, until that decision is made, each Party will continue to participate in a cooperative and timely manner.

- 3.1 **Governance Agreement.** All Parties agree to make reasonable and good faith efforts to develop a Governance Agreement that is mutually beneficial and suitable for submission and recommendation to the Parties governing bodies by the end of 2016. Among other things, the Governance Agreement shall provide methods for identifying and describing ownership of existing assets; construction and contribution of new assets; fair and equitable decision making; management, operation, maintenance, repair and replacement of assets; cost of service rate - making principles integration and system operation, so that existing assets and new assets work together in an efficient and effective manner; internal dispute resolution processes; progressive methods to achieve compliance with the Governance Agreement; and a provision to allow joinder of local government water providers including, but not limited to, a provision to address equitable cost recovery.
- 3.2 **Other Future Agreements.** Other Future Agreements may include, but not be limited to, topics such as the S.W. 124<sup>th</sup> Avenue Pipeline Project, the Transmission Pipeline Agreement, Reservoir Agreement, Willamette River Water Treatment Plant Agreement(s) and Right of Way Usage Agreements for City rights of way occupied by water facilities.
4. **Anticipated Schedule.** The Parties will make reasonable good faith efforts to complete the final draft of the Governance Agreement by December 31, 2016 and other Future Agreements as necessary to complete the Willamette Water Supply Program by 2025, as set forth in Exhibits 1 and 2, attached hereto and incorporated by reference as though fully set forth.
5. **Protocols for Development of the Governance Agreement.** The Parties goal is to develop a mutually acceptable Governance Agreement while recognizing that approval by a Party's governing body is completely discretionary. To reach this goal, each Party agrees:
- 5.1 To share in the costs of facilitating the discussions for the Future Agreement(s) according to the current cost share formula attached hereto as Ex. 3 and incorporated by reference herein as though fully set forth. The estimated cost of future facilitation services is \$209,400, and the Parties agree to update and review the cost share formula if necessary. While a Party is not obligated to execute the Governance Agreement, it is obligated to pay its share of facilitation costs. Reimbursement of facilitation or negotiation costs will not be made.

- 5.2 To follow the facilitator's rules of conduct during project meetings and to provide information to all Parties as to the results of any discussion of issues between less than all Parties when such limited discussions could have an impact on the terms of the Governance Agreement.
  - 5.3 To use best efforts to avoid hindering the schedule to enable the water supply project to be built and on line by 2025.
  - 5.4 To commit staff to attend meetings as appropriate and staff members shall be prepared to discuss and apply the information from the HDR Preliminary Design, the WRWTP Master Plan Update, other studies and work product of the Parties or consultants regarding meeting topics.
  - 5.5 To identify information necessary to enable staff or the governing body of a Party to review, consider and make decisions in a timely manner.
6. **Cooperation By All Parties.** The Parties agree that each will cooperate with the other Parties as reasonably necessary to:
- 6.1 Provide advice and comment on the Willamette Water Supply Program as it affects a Party and its residents and customers.
  - 6.2 Provide advice, suggested solutions and comment on methods or strategies to protect a Party's interests or reasonable actions to mitigate impacts to the Party's interests.
  - 6.3 Recognize and assist in reasonable mitigation strategies during temporary construction activities within a Party's boundary that may impact the community.
  - 6.4 Assist in developing and implementing a public information and outreach process regarding WWSP activities to residents within the Party's boundary.
  - 6.5 To evaluate the Upper Plant and Lower Plant site configuration and, if requested, to assist in developing Upper Plant site layout alternatives for consideration by those Parties that will use water from the Upper Plant.
  - 6.6 If the preferred Upper Plant site layout requires acquisition of additional property, exchange of property or other action to accommodate the preferred alternative, the affected Parties will cooperate in contacting property owners and affected neighbors, provide detail of the WWSP site needs and otherwise cooperate to

facilitate discussions. However, nothing in this MOU is intended to prevent or hinder Wilsonville from performing its government function in evaluating and issuing development applications or permits.

- 6.7 The Parties to this Agreement recognize the position of Wilsonville and Sherwood as the only Parties currently using water from the WRWTP. Therefore, any water supply facilities that may be designed and constructed to divert and treat raw water and to convey finished drinking water from the Upper Plant or Lower Plant to a Party's service area must function in a manner that does not adversely impact or impair Wilsonville's or Sherwood's ability to obtain water and serve their respective users, except for temporary impacts during construction that are reasonably mitigated.

## 7. **General Provisions.**

- 7.1 **Future Agreements.** The Parties acknowledge that some or all of the terms and conditions of this MOU may be superseded or replaced by the Future Agreement(s).
- 7.2 **Withdrawal.** Effective 90 days after written notice to all other Parties, a Party may withdraw from this MOU. The withdrawing Party will be obligated to pay its share of facilitation costs under Section 5.1 through the effective date of withdrawal with no refund. The Parties may mutually agree to another withdrawal date.
- 7.3 **Assignment.** No Party to this MOU may assign its interest in this MOU (or any portion thereof) without the prior written consent of the other Parties.
- 7.4 **Counterparts.** This Agreement may be executed in any number of counterparts by the parties which shall constitute an agreement between and among the parties.
- 7.5 **Notices.** Any notice herein required and permitted to be given shall be given in writing, shall be effective when actually received, and may be given by hand delivery or by United States mail, first class postage prepaid, addressed to the parties as follows:

City of Wilsonville  
Delora Kerber, P.E.  
Public Works Director  
29799 SW Town Center Loop E  
Wilsonville, OR 97070

Tualatin Valley Water District  
Mark Knudson, P.E., CEO  
1850 S.W. 170<sup>th</sup>  
Beaverton, Oregon 97003

City of Sherwood  
Craig Sheldon  
Public Works Director  
15527 Southwest Willamette Street  
Sherwood, OR 97140

City of Hillsboro  
Kevin Hanway  
Water Department Director  
150 E. Main Street  
Hillsboro, Oregon 97123

City of Beaverton  
David Winship, P.E.  
City Utilities Engineer  
P.O. Box 4755  
Beaverton, OR 97076

City of Tigard  
Dennis Koellermeier  
Public Works Director  
13125 SW Hall Blvd.  
Tigard, OR 97223

City of Tualatin  
Jerry Postema  
Public Works Director  
City Administration  
18880 SW Martinazzi Avenue #200  
Tualatin, OR 97062

- 7.6 **Amendment.** This MOU may be amended only by mutual written agreement of all Parties, signed by an authorized representative of each Party.
  
- 7.7 **Books, Reports and Accounting.** TVWD, as the contracting party, shall maintain books and records which shall show all income, receipts, expenses and costs in connection with any Consultant contract and this MOU. All such books of account or other records may be examined and copies of books and records made by TVWD staff at reasonable times upon reasonable notice. TVWD will provide a report at least semi-annually showing receipts and expenditures hereunder.
  
- 7.8 **Waiver.** The failure of a Party to insist on the strict performance of any provision of this MOU or to exercise any right, power or remedy upon a breach of any provision of this MOU shall not constitute a waiver of any provision of this MOU or limit the Party's right thereafter to enforce any provision or exercise any right.
  
- 7.9 **Governing Law.** This MOU shall be governed by and interpreted in accordance with the laws of the State of Oregon.
  
- 7.10 **Time is of the Essence.** A material consideration of the Parties entering into this MOU is that the Parties will make all payments as and when due and will perform all other obligations under this MOU in a timely manner. Time is of the essence of each and every provision of this Agreement.

7.11 **Term.** This MOU shall be in effect until the earlier of the execution of the Governance Agreement or December 31, 2016.

THE UNDERSIGNED, PURSUANT TO AUTHORIZATION FROM THE GOVERNING BODY, HEREBY EXECUTES THIS MEMORANDUM OF UNDERSTANDING ON BEHALF OF HIS/HER RESPECTIVE ENTITY

**CITY OF WILSONVILLE**  
An Oregon Municipal Corporation

**TUALATIN VALLEY WATER DISTRICT**  
A Domestic Water Supply District

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

\_\_\_\_\_

Its: \_\_\_\_\_

Chief Executive Officer

APPROVED AS TO FORM

APPROVED AS TO FORM

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

\_\_\_\_\_  
District Counsel

**CITY OF TUALATIN**  
An Oregon Municipal Corporation

**CITY OF SHERWOOD**  
An Oregon Municipal Corporation

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

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

Its: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

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

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

**CITY OF BEAVERTON**  
An Oregon Municipal Corporation

**CITY OF HILLSBORO**  
An Oregon Municipal Corporation

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

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

Its: \_\_\_\_\_

Its: \_\_\_\_\_

APPROVED AS TO FORM

APPROVED AS TO FORM

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

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

**CITY OF TIGARD**  
An Oregon Municipal Corporation

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

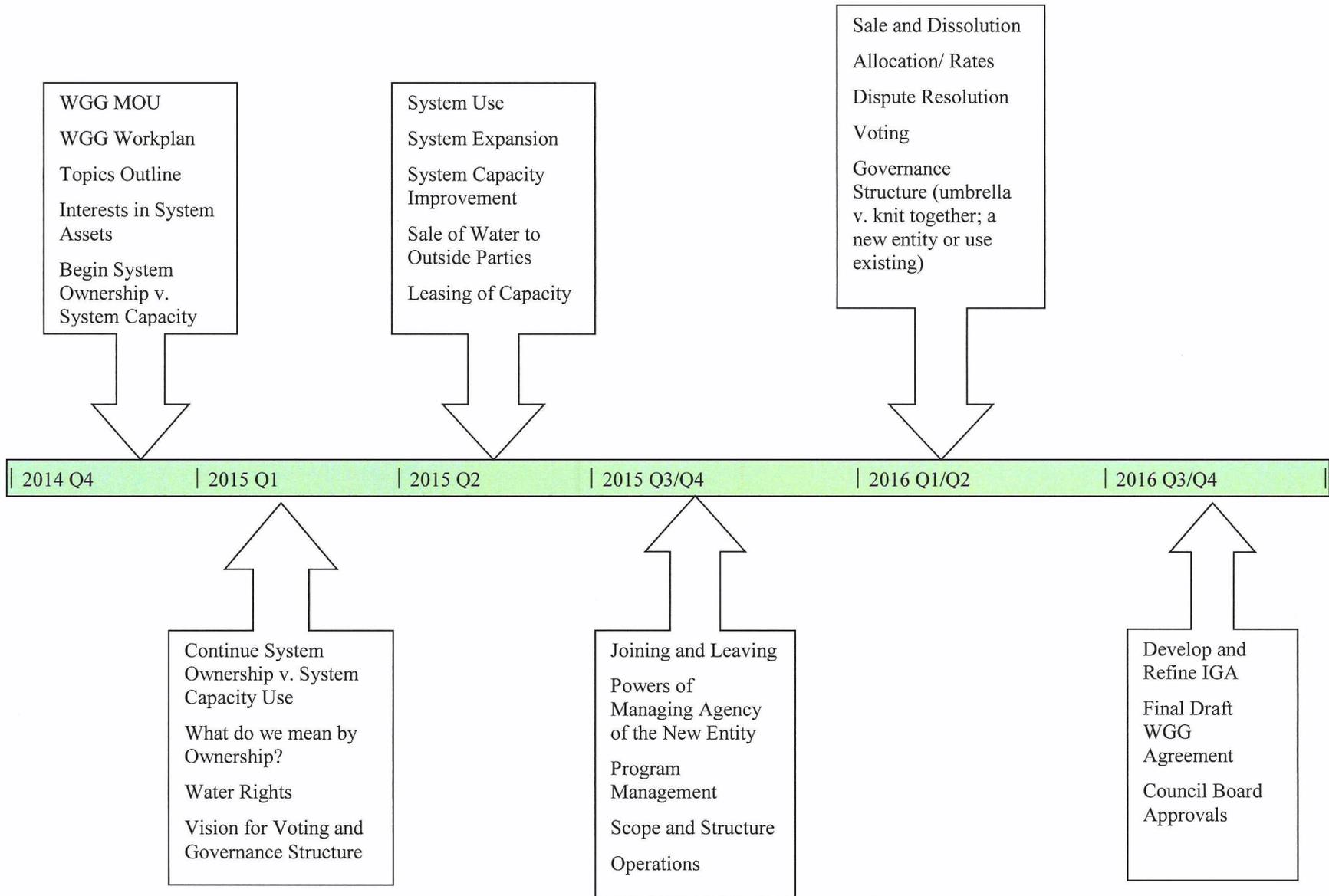
Its: \_\_\_\_\_

APPROVED AS TO FORM

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

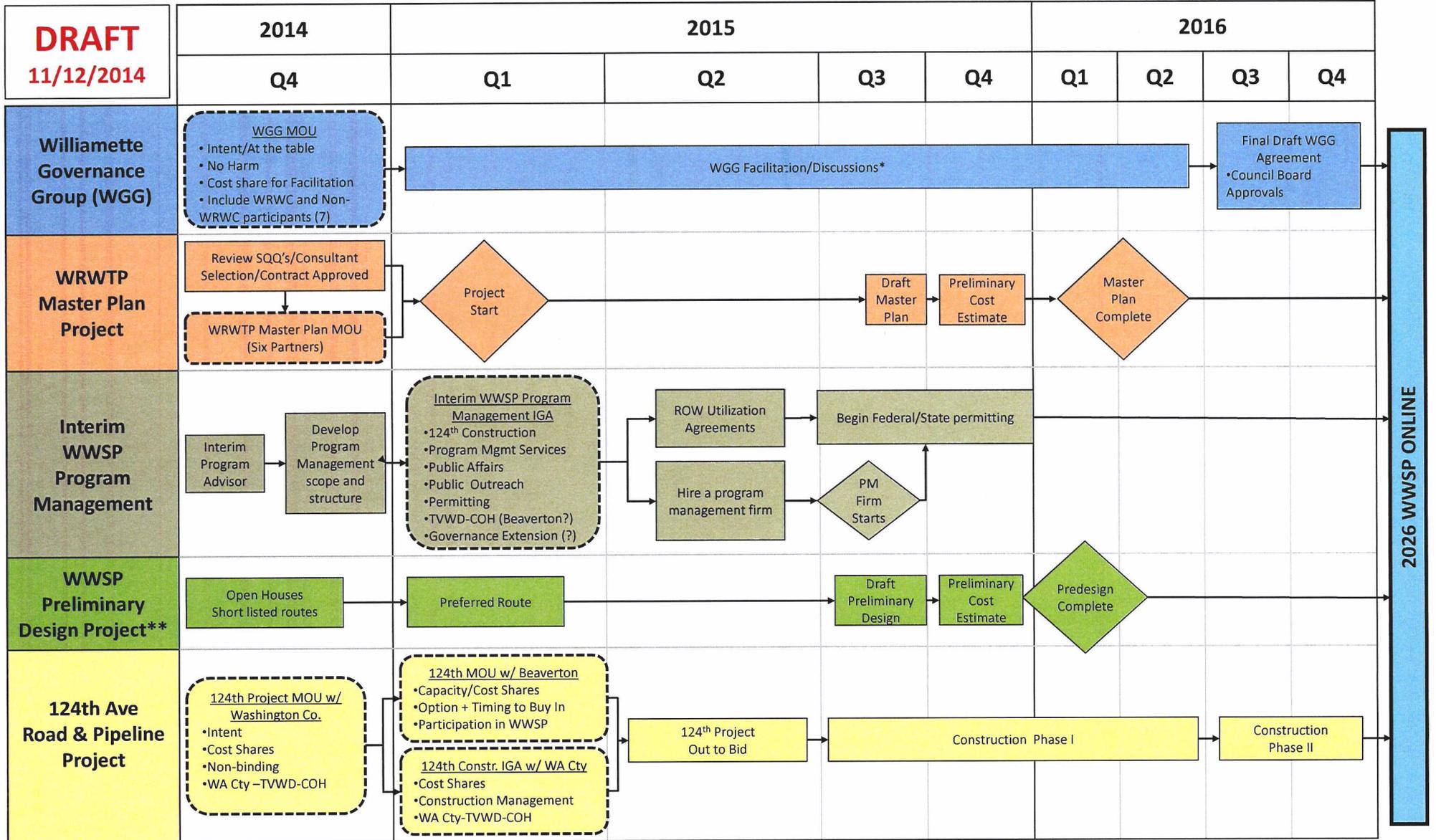


**Willamette Governance Group  
Proposed Topics Timeline  
12.10.14**



# 2026 WWSP Online Planning Schedule

# Exhibit 2



2026 WWSP ONLINE

\* See WGG Topics Outline  
 \*\* See Detailed Project Schedule

**Willamette Governance Facilitation Cost Shares:**

**Exhibit 3**

**Current Cost Distribution (Total Project)**

Facilitation Fee:	<b>\$ 209,400.00</b>			
	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 13,550.87	\$ 14,957.14
Hillsboro	24,793	18.1%	\$ 18,981.17	\$ 14,957.14
Sherwood	5,610	4.1%	\$ 4,294.94	\$ 14,957.14
Tigard	18,035	13.2%	\$ 13,807.34	\$ 14,957.14
Tualatin	6,668	4.9%	\$ 5,104.93	\$ 14,957.14
TVWD	58,883	43.1%	\$ 45,080.00	\$ 14,957.14
Wilsonville	5,069	3.7%	\$ 3,880.76	\$ 14,957.14
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 104,700.00</b>	<b>\$ 104,700.00</b>

**Amount for Phase 3 of Governance Process (December 2014 through December 2016)**

<u>Total Amount</u>	
\$ 28,508.01	Beaverton
\$ 33,938.31	Hillsboro
\$ 19,252.08	Sherwood*
\$ 28,764.49	Tigard*
\$ 20,062.07	Tualatin*
\$ 60,037.14	TVWD*
\$ 18,837.90	Wilsonville

**\$ 209,400.00**  
 \* \$ 128,115.77 Amount to be Paid by WRWC

**Estimate of Additional FY 2014-2015 Amount Using Cost Distribution**

Facilitation Fee:	<b>\$ 58,650.00</b>			
	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 3,795.41	\$ 4,189.29
Hillsboro	24,793	18.1%	\$ 5,316.36	\$ 4,189.29
Sherwood	5,610	4.1%	\$ 1,202.95	\$ 4,189.29
Tigard	18,035	13.2%	\$ 3,867.24	\$ 4,189.29
Tualatin	6,668	4.9%	\$ 1,429.82	\$ 4,189.29
TVWD	58,883	43.1%	\$ 12,626.27	\$ 4,189.29
Wilsonville	5,069	3.7%	\$ 1,086.95	\$ 4,189.29
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 29,325.00</b>	<b>\$ 29,325.00</b>

**Amount for Phase 3 of Governance Process (December 2014 through December 2016)**

<u>Total Amount</u>	
\$ 7,984.69	Beaverton
\$ 9,505.65	Hillsboro
\$ 5,392.24	Sherwood*
\$ 8,056.53	Tigard*
\$ 5,619.10	Tualatin*
\$ 16,815.56	TVWD*
\$ 5,276.23	Wilsonville

**\$ 58,650.00**  
 \* \$ 35,883.43 Amount to be Paid by WRWC

**Estimate of FY 2015-2016 Amount Using Cost Distribution**

Facilitation Fee:	<b>\$ 100,500.00</b>			
	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 6,503.64	\$ 7,178.57
Hillsboro	24,793	18.1%	\$ 9,109.87	\$ 7,178.57
Sherwood	5,610	4.1%	\$ 2,061.32	\$ 7,178.57
Tigard	18,035	13.2%	\$ 6,626.73	\$ 7,178.57
Tualatin	6,668	4.9%	\$ 2,450.07	\$ 7,178.57
TVWD	58,883	43.1%	\$ 21,635.81	\$ 7,178.57
Wilsonville	5,069	3.7%	\$ 1,862.54	\$ 7,178.57
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 50,250.00</b>	<b>\$ 50,250.00</b>

**Amount for Phase 3 of Governance Process (December 2014 through December 2016)**

<u>Total Amount</u>	
\$ 13,682.21	Beaverton
\$ 16,288.45	Hillsboro
\$ 9,239.90	Sherwood*
\$ 13,805.30	Tigard*
\$ 9,628.64	Tualatin*
\$ 28,814.39	TVWD*
\$ 9,041.11	Wilsonville

**\$ 100,500.00**  
 \* \$ 61,488.23 Amount to be Paid by WRWC

**Estimate of FY 2016-2017 Amount Using Cost Distribution**

Facilitation Fee:	<b>\$ 50,250.00</b>			
	<u>Connections</u>	<u>Portion of Connections</u>	<u>Connection Amount</u>	<u>Equal Amount</u>
Beaverton	17,700	12.9%	\$ 3,251.82	\$ 3,589.29
Hillsboro	24,793	18.1%	\$ 4,554.94	\$ 3,589.29
Sherwood	5,610	4.1%	\$ 1,030.66	\$ 3,589.29
Tigard	18,035	13.2%	\$ 3,313.37	\$ 3,589.29
Tualatin	6,668	4.9%	\$ 1,225.04	\$ 3,589.29
TVWD	58,883	43.1%	\$ 10,817.91	\$ 3,589.29
Wilsonville	5,069	3.7%	\$ 931.27	\$ 3,589.29
<b>Total Connections</b>	<b>136,758</b>		<b>\$ 25,125.00</b>	<b>\$ 25,125.00</b>

**Amount for Phase 3 of Governance Process (December 2014 through December 2016)**

<u>Total Amount</u>	
\$ 6,841.11	Beaverton
\$ 8,144.22	Hillsboro
\$ 4,619.95	Sherwood*
\$ 6,902.65	Tigard*
\$ 4,814.32	Tualatin*
\$ 14,407.19	TVWD*
\$ 4,520.56	Wilsonville

**\$ 50,250.00**  
 \* \$ 30,744.11 Amount to be Paid by WRWC

**AIS-2056**

**3. D.**

**Business Meeting**

**Meeting Date:** 02/24/2015

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

**Agenda Title:** Authorize the City Manager to Sign an Agreement with CWS Regarding the Right of Way at the Southern End of 85th Avenue

**Prepared For:** Mike McCarthy      **Submitted By:** Judy Lawhead, Public Works

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

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Shall council authorize the city manager to sign an agreement with Clean Water Services (CWS) regarding the right of way at the southern end of 85th Avenue?

**STAFF RECOMMENDATION / ACTION REQUEST**

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

**KEY FACTS AND INFORMATION SUMMARY**

Authorize the City Manager to Sign an Agreement with CWS Regarding the Right of Way at the Southern End of 85th Avenue This is an intergovernmental agreement (IGA) between the city and CWS regarding the south end of 85th Avenue, which bisects the property of the CWS Durham Advanced Wastewater Treatment Facility.

Key elements of the agreement are:

- CWS wishes to modify the southern portion of 85th Avenue in order to improve facility efficiency and public safety by restricting vehicular traffic to facility traffic only.
- CWS regularly operates large facility equipment on and across 85th Avenue, and will be constructing significant pipeline crossings of 85th Avenue. CWS desires these vehicular restrictions to reduce the probability of a collision between a public vehicle and this equipment.
- Exhibit A shows a schematic of the proposed changes including the location of the proposed new cul-de-sac just south of the existing business park. CWS will provide any

additional right of way necessary for a standard cul-de-sac at this location.

- CWS will design and construct the project and bear all costs associated with it. Plans will be provided for public facility improvement permit review, and will address city concerns through design and construction.
- The project design will include continued bicycle and pedestrian access from the new vehicular traffic terminus to the existing Cook Park trail, and will include new landscaping and planted medians to enhance the pedestrian experience.
- The project design will maintain the emergency access to Waverley Drive to Tualatin Valley Fire and Rescue (TVF&R) standards. Removable bollards will be placed at the terminus of 85th for TVF&R emergency access.
- 85th Avenue will remain public right of way and the city can require CWS, at CWS's sole cost, to return this section of street to its current configuration.

## **OTHER ALTERNATIVES**

The council could propose changes to the agreement or could decide not to approve the agreement.

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

None

## **DATES OF PREVIOUS CONSIDERATION**

The council was briefed on this agreement at its February 17, 2015, meeting.

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### **Fiscal Impact**

**Cost:** \$0  
**Budgeted (yes or no):** N/A  
**Where Budgeted (department/program):** N/A

### **Additional Fiscal Notes:**

There would be no cost to the city for this project or from this agreement.

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### **Attachments**

IGA for 85th Ave

Exhibit A to IGA - Project Drawing

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**INTERGOVERNMENTAL AGREEMENT  
BETWEEN CITY OF TIGARD AND CLEAN WATER SERVICES  
FOR MODIFICATIONS TO SOUTHWEST 85TH AVENUE WITHIN THE  
DURHAM ADVANCED WASTEWATER FACILITY PLAN DISTRICT**

This Agreement, dated \_\_\_\_\_, 2015, is between Clean Water Services (District) and the City of Tigard (City).

**A. RECITALS**

WHEREAS, ORS 190.003 - 190.110 encourages intergovernmental cooperation and authorizes local governments to delegate to each other authority to perform their respective functions as necessary; and

WHEREAS, District and City collaborate on projects that involve wastewater treatment, stormwater and erosion control, and general civil engineering projects in an effort to improve water quality in the Tualatin Basin; and

WHEREAS, District and City entered into an Intergovernmental Agreement dated January 25, 2005 (2005 IGA) that articulates the procedures for working together on projects; and

WHEREAS, District and City entered into an Intergovernmental Agreement dated June 12, 2012 where District and City agreed to work together to establish a City Plan District associated with the Durham Advanced Wastewater Treatment Facility (Durham Facility); and

WHEREAS, District and City worked together to establish the Durham Facility Plan District pursuant to Chapter 18.650 of City's Development Code (Plan District); and

WHEREAS, District and City desire to enhance security and public safety within and in the vicinity of the Durham Facility; and

WHEREAS, District and City wish to maintain and improve safety of pedestrian and bicycle access to Cook Park via SW 85<sup>th</sup> Avenue and the existing Cook Park pathway; and

WHEREAS, District is in the process of designing the Durham Facility Phase 5B2 plant improvements project that will require construction of utilities across SW 85<sup>th</sup> Avenue within the Plan District; and

WHEREAS, District and City wish to work cooperatively in modifying the southern portion of SW 85<sup>th</sup> Avenue within the Plan District to restrict vehicular access to achieve

the goals of increased Durham Facility security and safety of District staff and the general public;

NOW, THEREFORE, it is agreed by and between the parties hereto as follows:

## **B. PROJECT DESCRIPTION AND BACKGROUND**

The Durham Facility Phase 5B2 Project (Project) will primarily include hydraulic and odor control improvements for the treatment facility. The Project impacts SW 85<sup>th</sup> Avenue in that there will be significant pipeline crossings of the street that will require the street to be torn up at times and not accessible. During the preliminary planning for this Project District and City Planning and Engineering staff met several times to discuss the upcoming Project. During these meetings District and City Engineering staff developed a concept to address the concerns of Durham Facility security and safety for both the general public and District employees. The general concept is to limit vehicular traffic on that portion of SW 85<sup>th</sup> Avenue located within the Plan District and that bisects the treatment facilities within the Operations Subdistrict as shown in Map 18.650.A of City's Development Code. The concept also includes traffic calming and redirection at the point where access will be restricted through the use of a cul-de-sac type terminus of regular vehicle traffic while maintaining pedestrian and bicycle access along SW 85<sup>th</sup> Avenue and the Cook Park path. Finally, the Project will result in access improvements off of SW 85<sup>th</sup> Avenue to the RV dump station that the Durham Facility provides for the community. The concept is generally depicted in Exhibit A.

## **C. DISTRICT OBLIGATIONS**

District will construct its Project to include modifying SW 85<sup>th</sup> Avenue within City's right-of-way, by completing the following activities:

1. Design and construct the Project.
2. Provide, for City review, progress submittals of the design at the 60 percent, 90 percent, and final bidding document production milestones for the Project.
3. Provide a design that allows continued pedestrian and bicycle access from the new vehicular traffic terminus (new cul-de-sac) to the existing Cook Park path that includes the following features (generally as shown in Exhibit A): a) a planted median in section 1 of the modified street, and b) a reduced section of planted median in section 2 of the modified street that will allow convenient District access to the Facility's existing Headworks building.
4. Commit to providing similar planted median in section 3 of the street (Exhibit A) at a future time that is convenient to District and is in conjunction with future Durham Facility construction projects that would impact this section of street.

5. Coordinate with City on the design details of the new offset cul-de-sac that will be the terminus of regular vehicular traffic, including any appropriate traffic calming features and appropriate signage and barricading.
6. Cooperate with City and Tualatin Valley Fire & Rescue (TVF&R) to ensure that TVF&R emergency access is maintained to the existing Waverly Drive emergency access road.
7. Acknowledge City's existing SW 85<sup>th</sup> Avenue right-of-way and that City may, upon two years' notice, require District, at the District's sole cost, to return this section of street to its current configuration (see D.5 below). District will provide City any additional Right of Way needed as a result of the new cul-de-sac.
8. Maintain the section of street south of the new cul-de-sac in a manner acceptable to City.
9. District's Project manager shall be Randy Naef, Principal Engineer, or as assigned.

#### **D. CITY OBLIGATIONS**

City will:

1. Review and provide input into the 60% and 90% design submittals within 10 working days of receipt, unless otherwise discussed, and consider the Project a Public Facilities Improvement.
2. Provide design assistance including meeting with District's designer during the design phase regarding the design details of the new cul-de-sac, and associated street closure, traffic calming, signage and barricading design details.
3. Allow District the following restricted access provisions during construction of its Project: a) total closure of the portion of SW 85<sup>th</sup> Avenue within the Plan District during a two-week period for construction of the pipelines that cross the street, and b) allow continuous access for only pedestrian and bicycle for all other times with the exception of sporadic closures during the workday necessitated by construction or for public safety reasons. No restriction of pedestrian or bicycle access will be allowed during special occasions such as the Tigard Balloon Festival as directed by City.
4. Cooperate with District and TVF&R in determining TVF&R's emergency access requirements to the existing Waverly Drive emergency access road.
5. Make a finding that the proposal is in the public interest prior to directing the District to return this section of SW 85<sup>th</sup> Avenue back to its pre-modified condition.

6. Give the District two years' notice prior to requiring the District, at the District's sole cost, to return this section of street to its current configuration (see D.5 above)
7. City's project manager shall be Kim McMillan, Assistant City Engineer, or as assigned.

#### **E. COMPENSATION**

The Project as outlined above will be funded by the District. Standard permit and plan review fees, as specified in the 2005 IGA Section 3.C.8, will apply.

#### **F. GENERAL TERMS**

1. Laws and Regulations. City and District agree to abide by all applicable laws and regulations.
2. Term of this Agreement. This Agreement is effective from the date the last party signs it and shall remain in effect until the Project is complete and the parties' obligations have been fully performed or the Agreement is terminated as provided herein.
3. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the parties shall indemnify and defend the others and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.
4. Integration. This document constitutes the entire agreement between the parties on the subject matter hereof and supersedes all prior or contemporaneous written or oral understandings, representations or communications of every kind on the subject. No course of dealing between the parties and no usage of trade shall be relevant to supplement any term used in this Agreement. Acceptance or acquiescence in a course of performance rendered under this Agreement shall not be relevant to determine the meaning of this Agreement and no waiver by a party of any right under this Agreement shall prejudice the waiving party's exercise of the right in the future.

5. Termination. This Agreement may be terminated immediately by mutual written agreement of both parties, or by either of the parties notifying the other in writing prior to award of a construction contract, with the termination being effective in 30 days. The obligations contained in sections C.7, D.5 and D.6 shall survive the termination or expiration of this Agreement.
6. Resolution of Disputes. If any dispute out of this Agreement cannot be resolved by the project managers from each party, the Mayor and Clean Water Service's General Manager will attempt to resolve the issue. If the Mayor and Clean Water Service's General Manager are not able to resolve the dispute, the parties will submit the matter to mediation, each party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the parties will submit the matter to arbitration. The decision of the arbitrator shall be final, binding and conclusive upon the parties and subject to appeal only as otherwise provided in Oregon law.
7. Interpretation of Agreement.
  - A. This Agreement shall not be construed for or against any party by reason of the authorship or alleged authorship of any provision.
  - B. The paragraph headings contained in this Agreement are for ease of reference only and shall not be used in constructing or interpreting this Agreement.
8. Severability/Survival. If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired. In addition to the obligations contained in section F.5, all provisions concerning the limitation of liability, indemnity and conflicts of interest shall survive the termination of this Agreement for any cause.
9. Approval Required. This Agreement and all amendments, modifications or waivers of any portion thereof shall not be effective until approved by 1) District's General Manager or the General Manager's designee and, when required by applicable District rules, District's Board of Directors and 2) the Tigard City Council.

10. Choice of Law/Venue. This Agreement and all rights, obligations and disputes arising out of the Agreement shall be governed by Oregon law. All disputes and litigation arising out of this Agreement shall be decided by the state courts in Oregon. Venue for all disputes and litigation shall be in Washington County, Oregon.

**CLEAN WATER SERVICES**

**CITY OF TIGARD, OREGON**

By: \_\_\_\_\_  
Bill Gaffi, General Manager

By: \_\_\_\_\_  
Marty Wine, City Manager

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

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

APPROVED AS TO FORM

APPROVED AS TO FORM

\_\_\_\_\_  
District Counsel

\_\_\_\_\_  
Tigard Attorney

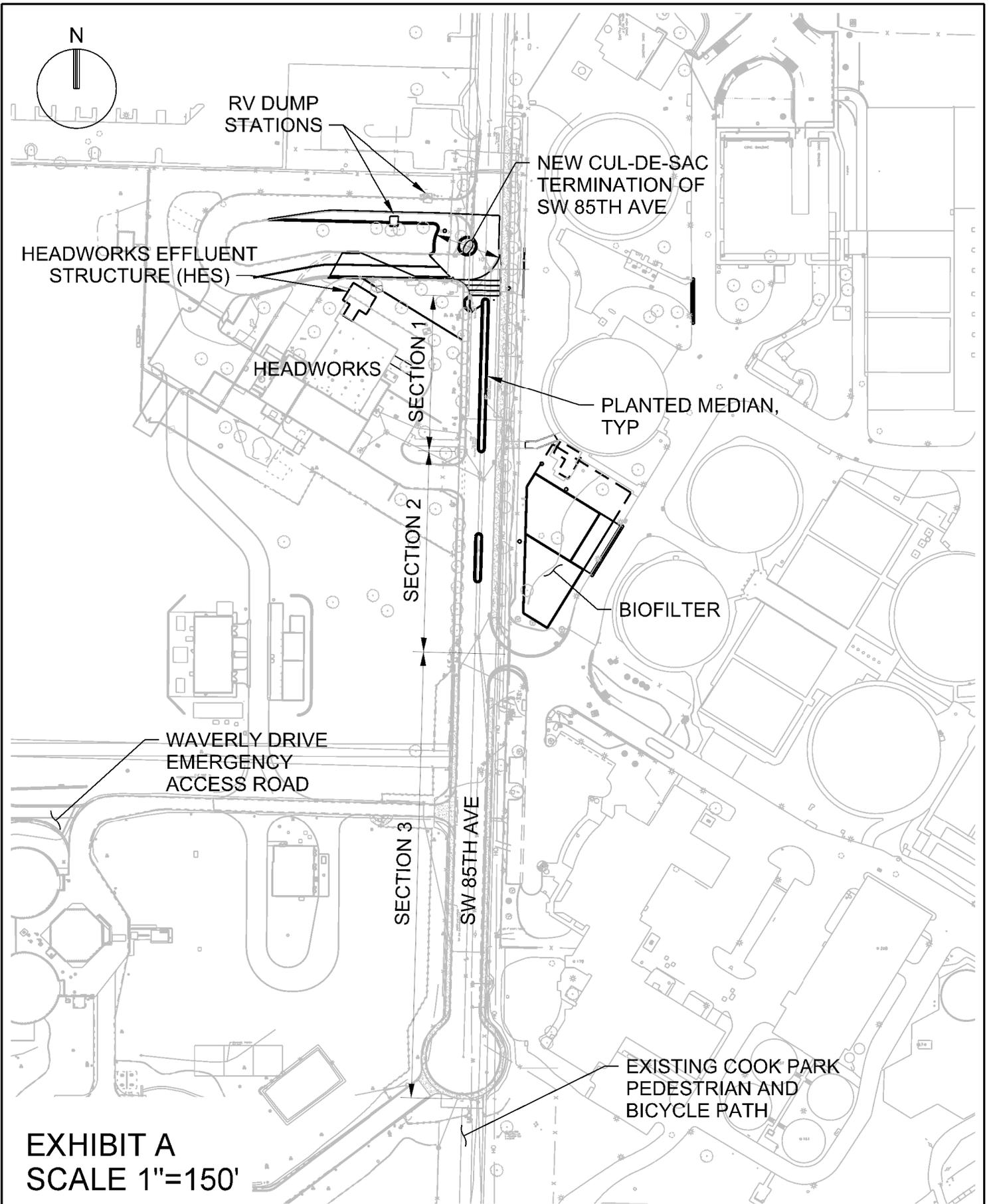


EXHIBIT A  
SCALE 1"=150'

**CLEAN WATER SERVICES**  
DURHAM AWWTF  
PHASE 5B2

**AIS-2106**

**3. E.**

**Business Meeting**

**Meeting Date:** 02/24/2015  
**Length (in minutes):** Consent Item  
**Agenda Title:** Contract Award - Pacific Highway/Gaarde/McDonald Waterline  
**Prepared For:** Joseph Barrett  
**Submitted By:** Joseph Barrett, Financial and Information Services  
**Item Type:** Motion Requested      **Meeting Type:** Local Contract Review Board

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

**Information**

**ISSUE**

Shall the Local Contract Review Board award a contract for the city's Pacific Highway / Gaarde / McDonald waterline project to Kerr Contractors.

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends the Local Contract Review Board award a contract for the city's Pacific Highway / Gaarde / McDonald waterline project to Kerr Contractors in the amount of \$237,985 and authorize the City Manager to take the necessary steps to execute the contract.

**KEY FACTS AND INFORMATION SUMMARY**

Project Background and Development:

This project is included as Project #96036 in the adopted Capital Improvement Program as a project to integrate water from the Lake Oswego/Tigard Water Partnership into Tigard's water supply system. The original project was to install a 36-inch casing for a future waterline to cross under Pacific Highway near the intersection of Pacific Highway / Gaarde Street / McDonald Street. To take advantage of economies of scale, it was proposed that the casing be installed as part of the road construction project at the intersection.

As the Oregon Department of Transportation (ODOT) was designing their project at the intersection, they decided that the work to install this large pipe casing would be too large and too different from the highway work for ODOT to include it with the intersection project. Consequently, it became a City of Tigard project. It is still necessary to bore the casing under the road, as traditional trench-construction of a water line would necessitate significant

highway closures with unacceptable traffic impacts.

Staff then considered other necessary water work in the area and decided to add two elements: a) construction of the water line within the casing; and b) relocation of an existing water line that would conflict with the intersection project. Each of these are similar types of work, and a combined project would be more efficient and less disruptive to the community than separate projects.

Schedule of Project:

This work needs to progress quickly so that a contract can be awarded in time for the contractor to complete the water work in March in order to not delay the major intersection construction work that will start in April.

Project Scope:

The project scope consist of the following:

- Boring a casing approximately 120 linear feet under Oregon State Highway 99W at the intersection of SW Gaarde/McDonald Streets including furnishing and installing 16-inch diameter ductile iron carrier pipe, complete with spacers, grout fill and all work required to complete the waterline highway crossing as shown;
- Furnishing and installing approximately 130 linear feet of 16-inch diameter and 315 linear feet of 8-inch diameter ductile iron, trench installed and buried waterline including valves, fittings, and connections to existing waterlines;
- Disposal of contaminated media from excavations;
- Provision of traffic control, surface restoration, erosion control, and all work required to complete the waterline crossing;
- Coordination with others working adjacent to project including the ODOT OR99W highway improvements project.

Solicitation Process:

The City issued an Invitation to Bid for the work on January 26<sup>th</sup> with public notice placed in both the Daily Journal of Commerce and The Oregonian. The Engineer's Estimate for the work was \$346,950. During the two weeks the Invitation to Bid was open, staff heard from a number of interested firms and ultimately received submitted bids from five firms:

<b>Contractor</b>	<b>Bid</b>
Kerr Contractors	\$237,895
3 Kings Environmental	\$356,530
Rio Underground Construction	\$367,350
Moore Excavation	\$483,775
PCR, Inc.	\$617,475

Kerr was able to submit such a lower cost as they are also the contractor for ODOT's street project in the same intersection and likely does not have the same mobilization, coordination, or machine costs as the other firms. They also may be able to purchase in higher quantities, and therefore discounted prices, due to their work on the street project. As Kerr Contractors is responsive bidder with no flags from the State or city and as they submitted the lowest

responsible bid, staff is recommending the LCRB award a contract for this project to them in the amount of \$237,895.

### **OTHER ALTERNATIVES**

The Local Contract Review Board may elect to shelve this contract and project for a later date. Doing so would likely result in much higher costs and cutting into a recently reconstructed intersection.

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

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

This contract was discussed by the Local Contract Review Board at their February 17, 2015 workshop.

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#### **Fiscal Impact**

**Cost:** 237,895

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

**Where budgeted?:** Water CIP

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

The estimated total cost of project #96036 is \$536,000 with this proposed contract being the bulk of that cost. The original casing project has a current budget of \$286,000. Additional funding for the waterline installation and relocation will come, if needed, from the following programs which have adequate funds available in the current fiscal year: \$100,000 from 96034; New Water Source Systemwide Improvements Program \$50,000 from 96024; Water Line Replacement Program \$100,000 from 96028; Fire Hydrant Replacement Program numbers 96034 and 96024 are intended to fund this type of waterline work. The planned hydrant replacement work (project number 96028) for this fiscal year has been completed, leaving adequate funds available to cover this portion of the work.

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#### **Attachments**

*No file(s) attached.*

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**AIS-1977**

**4.**

**Business Meeting**

**Meeting Date:** 02/24/2015

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

**Agenda Title:** Request for Permit Fee Refund on Stevie Levin Eagle Project

**Prepared For:** Liz Newton

**Submitted By:** Joanne Bengtson, City Management

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

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

**Public Hearing** No

**Newspaper Legal Ad Required?:**

**Public Hearing Publication**

**Date in Newspaper:**

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**Information**

**ISSUE**

Eagle Scout Stevie Ray Levin with Troop 419 is asking City Council to refund \$192 permit fee he paid for his Eagle Scout project benefiting the Good Neighbor Center.

**STAFF RECOMMENDATION / ACTION REQUEST**

N/A

**KEY FACTS AND INFORMATION SUMMARY**

Stevie Ray Levin, a Boy Scout with Troop 419 needed to perform a service project to attain the rank of Eagle Scout. Mr. Levin chose to replace the Good Neighbor Center sign, plant new plants along the facility's entrance, install shelves to organize donations, fix their gutter and repair & repaint the gates.

Mr. Levin obtained a permit for the new sign and paid the full fee of \$192 when he learned that he would not be able to reuse the existing sign permit issued in 1999 and that the city couldn't waive the permit fees. He was told that he could request a refund of the fees from City Council, as in this request.

A letter requesting the refund is attached (from Boy Scouts of America) in accordance with Tigard Municipal Code **3.32.070 Exemptions:** The City Council is authorized to waive or

exempt the fee or charge imposed upon an application or for the use of City facilities and services, if a nonprofit organization requests such a waiver in writing and the Council determines that community benefit from the proposed activity outweighs the financial burden on the City.

### **OTHER ALTERNATIVES**

Not refund the permit fee.

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

N/A

### **DATES OF PREVIOUS CONSIDERATION**

This is the first time Mr. Levin has requested a refund of his permit fee.

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#### **Fiscal Impact**

**Cost:** 192.00  
**Budgeted (yes or no):** no  
**Where Budgeted (department/program):** 2303100

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

Mr. Levin is requesting a refund of sign permit fees in the amount of \$192.00.

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#### **Attachments**

Stevie Ray Levin Eagle Project Flyer

Refund Request from Boy Scouts of America

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# Stevie Ray's Eagle Project to benefit the *Good Neighbor Center*

For my Eagle project, we will be replacing their sign, planting new plants along the entrance, installing shelves to organize donations, fixing their gutter and repairing and painting their gates.

**Volunteers: Please bring shovels and/or work gloves. Parking: across the street at Sky High**

## September 20 & 21

### 9am to 5pm

**(coffee & donuts in the morning and lunch will be provided)**



11130 SW Greenburg Rd, Tigard, OR 97223  
(directly across Sky High on Greenburg Rd)

#### **NEEDED:**

- **Volunteers to help with the project on Sep 20 & 21**
- **Donations (monetary &/or materials for the project)**
- **Supplies for the Good Neighbor Center (this is their NEEDS List):**
  - New or barely used twin/full size sheets
  - Canned food for food boxes
  - New/Used light weight blankets
  - Clothing (all sizes)
  - Indiv. wrapped healthy kids snacks
  - Large trash bags
  - Windex
  - Clear packing tape
  - Towels (all sizes)
  - Toilet paper
  - Pillow (new or used)
  - Lysol spray/wipes
  - Laundry Soap
  - Shampoo & Conditioner
  - Paper Towels
  - Zip Loc bags (quart & gallon)
  - Butter & Eggs
  - Mayonnaise
  - Milk/Juice
  - Cheese/lunch meat
  - Bleach
  - Plastic mattress covers (zipped) twin/full size

**For more information or to donate, contact Stevie at:**

**(503) 998-0587 or [stevieray419@comcast.net](mailto:stevieray419@comcast.net)**

**<http://www.gofundme.com/Stevies-eagle-project>**



BOY SCOUTS OF AMERICA®  
CASCADE PACIFIC COUNCIL

January 21, 2015

Joanne Bengtson  
City of Tigard  
Exec. Asst. to City Mgr. & Mayor  
City Management  
13125 SW Hall Blvd.  
Tigard, OR 97223

Dear Ms. Bengtson:

I would like to request a refund of the sign permit fees on behalf of Stephen Levin, Troop 419. Mr. Levin as part of his Eagle project replaced the Good Neighbor Center sign, planted new plants along the facilities entrance, installed shelving to organize donations, fixed the gutter, and repaired and repainted the gates. A new permit was needed to replace the sign since the old permit could not be used. The scout paid for the new permit and is now asking for a refund of the funds used for the new permit. I feel that the scout deserves the refund because the service he and his unit provided was done for the betterment of the Good Neighbor Center as well as for the betterment of the neighborhood in which it resides in and it was something that the facility possibly could not do for them. Should have any questions or concerns please do not hesitate to contact me.

Yours in Scouting:

Michelle L. Baumann  
Eagles and Advancement  
Cascade Pacific Council  
Boy Scouts of America  
503-225-5714  
Email: mbaumann@cpcbsa.org



**AIS-1986**

**5.**

**Business Meeting**

**Meeting Date:** 02/24/2015

**Length (in minutes):** 90 Minutes

**Agenda Title:** River Terrace Map and Code Amendments

**Prepared For:** Susan Shanks, Community Development

**Submitted By:** Agnes Kowacz, Community Development

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

**Public Hearing:** Yes

**Publication Date:** 01/15/2015

**Information**

**ISSUE**

Shall the City Council approve a Zone Change (ZON 2014-00002) and a Development Code Amendment (DCA 2014-00001) to assign zoning districts on the city's Zoning Map to the approximately 490 acres of land in River Terrace and create a new River Terrace Plan District chapter in the Community Development Code to regulate development in River Terrace and ensure that public facilities are built and adequately funded?

**STAFF RECOMMENDATION / ACTION REQUEST**

Staff recommends approval of the attached ordinance that adopts the map and code amendments proposed in ZON 2014-00002 and DCA 2014-00001.

**KEY FACTS AND INFORMATION SUMMARY**

In 2014, City Council adopted the River Terrace Community Plan, River Terrace Funding Strategy, and various River Terrace infrastructure master plans. These plans were developed to guide investment and development in River Terrace over the next several decades as it transitions from rural to urban land use to accommodate needed housing in the region. Council is now being asked to consider adoption of an ordinance that would serve as the first step in the implementation of these plans. In response to Council's desire to see development commence as soon as possible within this construction season, the ordinance has been drafted to take effect immediately.

The attached ordinance includes both map and code amendments. Adoption of the map amendment would result in the assignment of city zoning districts to all land within River Terrace. Adoption of the code amendment would result in the application of a new set of development code regulations to all land within River Terrace. Both of these amendments are described below in more detail.

The proposed amendments were presented to the Planning Commission at a public hearing on February 2, 2015. Public testimony was received and considered by the Planning Commission as part of their deliberations. At the conclusion of their deliberations, the Planning Commission made a unanimous recommendation to Council that the entire package of amendments be approved and adopted with minor modifications. See Attachment 1 for the Planning Commission's recommendation.

The full set of attachments for your consideration is as follows:

- Attachment 1: Planning Commission Recommendation
- Attachment 2: Code Amendment Summary
- Attachment 3: Ordinance and Exhibits (i.e. Map Amendment, Code Amendment, and Findings and Conclusions)
- Attachment 4: Written Public Comments
- Attachment 5: PowerPoint Presentation

#### MAP AMENDMENT: ZONING DISTRICTS MAP

When Council adopted the River Terrace Community Plan, Council also adopted Comprehensive Plan designations for all land within River Terrace. Comprehensive Plan designations determine where certain kinds of land uses, such as residential and commercial uses, are allowed. Zoning district designations build upon and implement these land use designations and determine where specific development regulations apply. Such regulations include, but are not limited to, lot sizes and dimensions, building heights and setbacks, and parking requirements.

There is one commercial zone and four residential zones proposed in River Terrace. The location and size of each zone was determined through a community planning process that culminated in the Stakeholder Working Group's unanimous approval of the proposed Zoning Districts Map. The residential zones range from low-density residential (R-4.5) to medium high-density residential (R-25). Higher density zones are proposed near commercial uses and along major travel corridors. Lower density zones are proposed in areas with steep slopes and along the area's eastern and northern edges to provide a buffer between existing lower density neighborhoods and future higher density neighborhoods.

The zoning district designations being proposed are consistent with the Comprehensive Plan designations recently adopted by Council. Once zoning district designations are adopted for this area, land use applications for development may be submitted to the city for review.

#### CODE AMENDMENT: RIVER TERRACE PLAN DISTRICT CHAPTER

A new plan district chapter is proposed in the Community Development Code to implement key aspects of the River Terrace Community Plan. Plan districts provide a means to create a unique set of development regulations for specific areas to ensure that community expectations are met. The city currently has five plan districts that include such diverse areas as downtown Tigard, Washington Square Mall, and the Tigard Triangle. The intent of the River Terrace Plan District is to address those development conditions that are unique to River Terrace and that were identified through the community planning process. Key

elements include:

- Implementation of the River Terrace Boulevard design concept.
- Alignment of the Planned Development open space requirements with the adopted parks master plan for River Terrace.
- Provision or assurance of adequate public facilities prior to specific development approvals from the city.

In summary, adoption of the proposed map and code amendments would further the city's goal of facilitating development in River Terrace in a timely manner.

## **OTHER ALTERNATIVES**

Council could choose to not approve the ordinance and not adopt the proposed map and code amendments. In the alternative, Council could choose to direct staff to make modifications to either or both of these documents.

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

River Terrace Community Plan Implementation  
River Terrace Permitting and Development

## **DATES OF PREVIOUS COUNCIL CONSIDERATION**

Council adopted the River Terrace Community Plan, River Terrace Funding Strategy, River Terrace Transportation System Plan Addendum, and River Terrace Park System Master Plan Addendum on December 16, 2014. Council adopted the River Terrace Sanitary Sewer Master Plan Addendum, River Terrace Water System Master Plan Addendum, and River Terrace Stormwater Master Plan earlier in 2014.

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## **Attachments**

[ATT 1 Planning Commission Recommendation](#)

[ATT 2 Code Amendment Summary](#)

[ATT 3 Ordinance and Exhibits](#)

[ATT 4 Written Comments](#)

[ATT 5 Public Hearing Presentation](#)

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## City of Tigard Memorandum

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**To:** Mayor John Cook and Members of Council

**From:** Calista Fitzgerald, Vice President, Tigard Planning Commission

**Re:** Planning Commission Recommendation on the River Terrace Community Plan Implementation Proposal

**Date:** February 3, 2015

On February 2, 2015, the Tigard Planning Commission held a public hearing on the River Terrace Code Amendments (DCA 2014-00001) and Zoning Districts Map (ZON 2014-00002). After listening to staff's presentation and public testimony, followed by careful deliberations, the Planning Commission made a unanimous recommendation that the Tigard City Council approve the River Terrace Code Amendments and Zoning Districts Map.

There were approximately ten members of the public at the hearing and the comments were positive and supportive overall. During staff's presentation it was noted that Section 18.660.060 needed more refinement in order to better address access and design issues related to various conditional uses, including the school site, that could potentially front River Terrace Blvd. The Commission was supportive of the suggested refinements.

Only two members of the public provided verbal testimony. One developer noted that the city's current code language only allows one model home per subdivision and that it would be desirable to allow more since their development will include a variety of housing products designed for different buyers. The Commission was open to the idea of allowing more than one model home per subdivision; however, the ensuing discussion raised concerns about the legality and risk to the city behind such a policy. The same developer also requested the option of a private street where a public street was currently required by the proposed code and the ability to eliminate the landscape strip on streets where the proximity of driveways in a row house development would preclude enough soil volume to support a street tree, as required by the city's Urban Forestry Plan. At the close of the meeting the Commission directed staff to look into the model home and landscape strip issues further and prepare a recommendation for the City Council to review during the scheduled City Council meeting on February 24, 2015.

The Planning Commission is pleased to forward its recommendation on the River Terrace Code Amendments and Zoning Districts Map. Our recommendation included careful review of all public comments and a thorough deliberation of all the issues raised. We look forward to your adoption process and the development of Tigard's newest neighborhood.

# RIVER TERRACE PLAN DISTRICT

## Chapter Summary

This document summarizes the proposed new River Terrace Plan District chapter (Chapter 18.660) in the Tigard Community Development Code on a section by section basis.

### 18.660.010 Purpose

#### Summary

The purpose of the proposed amendments is to:

- Implement the city’s River Terrace Community Plan and associated infrastructure master plans related to commercial and residential design, transportation facilities, and park and trail development; and
- Ensure that public facilities will be adequate to serve new development.

### 18.660.020 Applicability

#### Summary

The proposed amendments apply to the River Terrace area and are in addition to all other applicable provisions of the Tigard Community Development Code.

### 18.660.030 Provision of Adequate Public Facilities

#### Summary

The proposed amendments allow development to move forward with the adoption of zoning and protect the community’s interests by ensuring that needed facilities are built and/or adequately funded before final development approvals are issued.

#### Details

- Requires adoption of the fees and charges identified in the River Terrace Funding Strategy prior to land use approval.
- Allows applicants the ability to propose funding alternatives if new fees and/or charges are not adopted by the time final land use approvals are desired.

#### Supporting Policy

Tigard Comprehensive Plan (Policy 2.1.8): *The City shall require that appropriate public facilities are made available, or committed, prior to development approval and are constructed prior to, or concurrently with, development occupancy.*

## 18.660.040 Approval Criteria

### Summary

The proposed amendments require conformance with the River Terrace Transportation System Plan and other applicable street standards. In addition, preliminary plats shall not impede the future use or development of neighboring properties, and phased developments must show how future phases will conform to all applicable standards.

## 18.660.050 Community Commercial Development Standards [Placeholder Section]

## 18.660.060 River Terrace Boulevard Development Standards

### Summary

The proposed amendments regulate building placement and design for all residential development and conditional uses abutting River Terrace Boulevard. A density bonus for residential development is also provided along the boulevard to help offset the land and development costs of the boulevard.

### Details

Density bonus provisions allow smaller and narrower lots along River Terrace Boulevard. Building placement and design standards address:

- Lot orientation
- Fence height
- Vehicle access
- Façade design

### Supporting Policy

River Terrace Community Plan (Action Measure 12-4): *Amend the Community Development Code and the Public Improvement Design Standards to allow for needed zoning and design flexibility along the entire length of River Terrace Boulevard while staying true to the design concept.*

## 18.660.070 Planned Developments

### Summary

The proposed amendments include standards and incentives to encourage development that is consistent with the River Terrace Community Plan and the River Terrace Park System Master Plan.

### Details

Proposed standards and incentives include:

- Alignment of open space requirements with the River Terrace Park System Master Plan.

- Additional development enhancement requirements such as nature trails, intersection treatments, and architectural design features.
- Allowance to limit rights-of-way to 20% of gross site area for density calculation purposes.
- Additional lot, height, and setback flexibility.

**Supporting Policy**

River Terrace Community Plan (Action Measure 8-3): *Amend the Community Development Code to better align the open space requirements for Planned Developments in River Terrace with the River Terrace Park System Master Plan Addendum.*

**18.660.080 Street Design**

**Summary**

The proposed amendments include street design standards for River Terrace Boulevard and the collector within the Community Commercial Zone, with allowances for modifications that are consistent with the River Terrace Community Plan. They also indicate where alleys, skinny streets, and private streets may be proposed.

**Supporting Policy**

River Terrace Community Plan (Action Measure 12-4): *Amend the Community Development Code and the Public Improvement Design Standards to allow for needed zoning and design flexibility along the entire length of River Terrace Boulevard while staying true to the design concept.*

**18.660.090 Street Connectivity**

**Summary**

The proposed amendments include street connection and block perimeter exceptions to minimize the number of trail crossings along River Terrace Boulevard, without compromising bicycle and pedestrian connections.

**Supporting Policy**

River Terrace Community Plan (Action Measure 12-4): *Amend the Community Development Code and the Public Improvement Design Standards to allow for needed zoning and design flexibility along the entire length of River Terrace Boulevard while staying true to the design concept.*

**18.660.100 On-Street Parking**

**Summary**

The proposed amendments include on-street parking standards for single-family and duplex

development that are clear and objective, work in tandem with existing off-street parking requirements, and allow for small parking pockets in lieu of traditional on-street parking spaces.

## **18.660.110 Temporary Sales Offices and Model Homes**

### **Summary**

The proposed amendments describe how many model homes are allowed based on the type and size of the development being proposed.

### **Details**

Proposed requirements include:

- Allowance for construction prior to final plat approval.
- Compliance with all applicable development standards prior to final plat approval.
- Requirement to provide all necessary utilities, access, and parking to accommodate temporary sales use.
- Requirement to remove if final plat not recorded within a certain period of time.

CITY OF TIGARD, OREGON  
TIGARD CITY COUNCIL  
ORDINANCE NO. 15-\_\_\_\_\_

AN ORDINANCE ADOPTING ZONING DISTRICTS AND AMENDMENTS TO THE TIGARD MUNICIPAL CODE TITLE 18 (COMMUNITY DEVELOPMENT CODE) TO IMPLEMENT THE RIVER TERRACE COMMUNITY PLAN, RIVER TERRACE FUNDING STRATEGY, AND RIVER TERRACE INFRASTRUCTURE MASTER PLANS AND DECLARING AN EMERGENCY (LAND USE FILES DCA2014-00001 AND ZON2014-00002)

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WHEREAS the City of Tigard annexed the properties in River Terrace in 2011 and 2013; and

WHEREAS the City of Tigard adopted the River Terrace Community Plan (Ordinance No. 14-15) on December 16, 2014 to guide future development in this area; and

WHEREAS the City of Tigard adopted the River Terrace Transportation System Plan Addendum (Ordinance 14-16); River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25); River Terrace Water System Master Plan Addendum (Resolution 14-35); River Terrace Stormwater Master Plan (Resolution 14-42); River Terrace Park System Master Plan Addendum (Resolution 14-65); and the River Terrace Funding Strategy (Resolution 14-66) specifying key infrastructure necessary to serve new development planned for River Terrace and identifying funding mechanisms to provide such infrastructure; and

WHEREAS it is necessary to adopt zoning districts and Tigard Community Development Code amendments to implement the Tigard Comprehensive Plan, River Terrace Community Plan, River Terrace Funding Strategy, and River Terrace Master Plans for transportation, sewer, water, stormwater, and parks; and

WHEREAS adoption of zoning districts allows development applications to be filed and reviewed for compliance with all applicable standards and criteria; and

WHEREAS it is the intent of the City Council that no development application be granted final approval until such time as the infrastructure funding mechanisms are in effect or infrastructure is otherwise assured or provided as set forth in the development code amendments, River Terrace Funding Strategy, and River Terrace Master Plans; and

WHEREAS, on February 2, 2015, the Tigard Planning Commission held a public hearing, which was noticed in accordance with city standards, and recommended approval of the zoning districts and development code amendments by motion and with vote in support; and

WHEREAS, on February 24, 2014, the Tigard City Council held a public hearing, which was noticed in accordance with city standards, to consider the Planning Commission's recommendation, hear

public testimony, apply applicable decision-making criteria, and to consider appropriate findings and conclusions in support of adoption.

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

SECTION 1. The Zoning Districts Map set forth in Exhibit 'A' is hereby adopted designating the zoning for each property shown therein.

SECTION 2: The amendments to the Tigard Municipal Code, Title 18 Community Development Code set forth in Exhibit 'B' are hereby adopted.

SECTION 3: The findings and conclusions contained in Exhibit 'C' are hereby adopted as the basis in support of this Ordinance; and.

SECTION 4: This Ordinance being necessary to allow development applications to be filed and review to commence within the constraints of the construction season and development cycle, an emergency is declared and this Ordinance shall take effect immediately upon signing by the City Recorder and the Mayor.

PASSED: By \_\_\_\_\_ vote of all Council members present after being read by number and title only, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Carol Krager, City Recorder

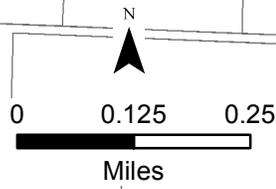
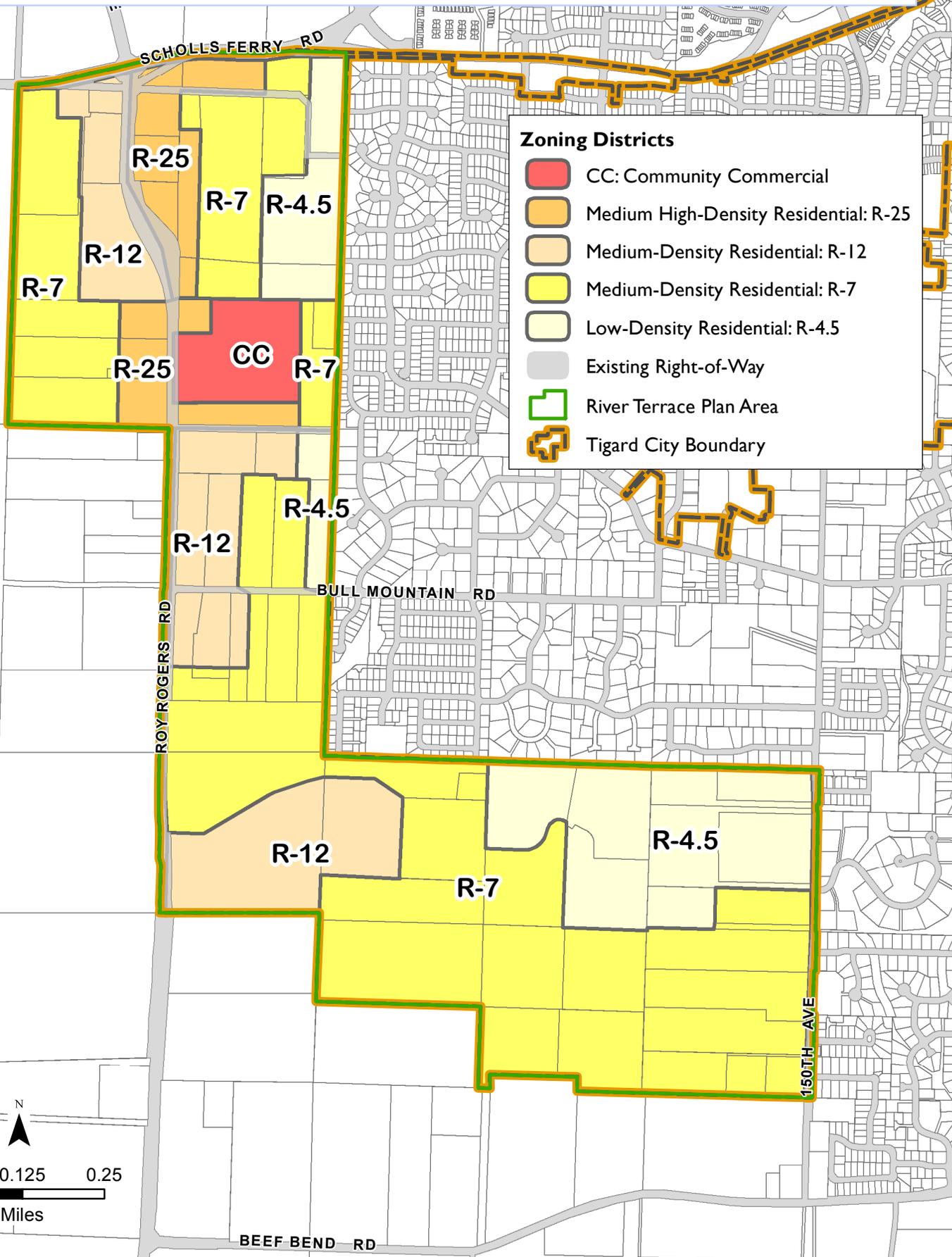
APPROVED: By Tigard City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

Approved as to form:

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

# Zoning Districts



**Chapter 18.660  
RIVER TERRACE PLAN DISTRICT**

**Sections:**

- 18.660.010 Purpose**
- 18.660.020 Applicability**
- 18.660.030 Provision of Adequate Public Facilities**
- 18.660.040 Approval Criteria**
- 18.660.050 Community Commercial Development Standards**
- 18.660.060 River Terrace Boulevard Development Standards**
- 18.660.070 Planned Developments**
- 18.660.080 Street Design**
- 18.660.090 Street Connectivity**
- 18.660.100 On-Street Parking**
- 18.660.110 Temporary Sales Offices and Model Homes**

**18.660.010 Purpose**

The River Terrace Community Plan provides for a variety of land uses and residential densities consistent with the city’s desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks, and recreational opportunities. The purpose of the River Terrace Plan District is to implement the adopted River Terrace Community Plan, River Terrace Funding Strategy, and associated infrastructure Master Plans for water, sewer, stormwater, parks, and transportation. The titles of these plans and the numbers of their adopting ordinances and resolutions are as follows:

- River Terrace Community Plan (Ordinance 14-15)
- River Terrace Transportation System Plan Addendum (Ordinance 14-16)
- River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25)
- River Terrace Water System Master Plan Addendum (Resolution 14-35)
- River Terrace Stormwater Master Plan (Resolution 14-42)
- River Terrace Park System Master Plan Addendum (Resolution 14-65)
- River Terrace Funding Strategy (Resolution 14-66)

This chapter ensures that public facilities are adequate to serve the anticipated levels of development throughout River Terrace by:

- Implementing the River Terrace Community Plan and associated infrastructure Master Plans.
- Facilitating the transition of River Terrace from rural to urban land use through the timely, orderly, and efficient provision of public facilities.
- Ensuring that public facilities are available in advance of or concurrent with development.
- Safeguarding the River Terrace community’s health, safety, and welfare.

This chapter also implements those unique aspects of the River Terrace Community Plan and associated infrastructure Master Plans related to commercial and residential design, transportation facilities, and park and trail development.

- The commercial area is envisioned as a vibrant mixed-use center with pedestrian-scale street and building amenities and high-quality design features.
- The transportation system is designed as a network of multi-modal streets that connects residents to trails, schools, parks, and services. One that conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort, and mobility through thoughtful and location-specific street and intersection design.
- River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments that defines it as the neighborhood's signature street.
- Parks and trails are distributed throughout the area to provide a variety of convenient recreational opportunities for residents and visitors.

The statements in this section do not constitute distinct approval criteria, but they shall guide and inform the interpretation and application of the provisions in this chapter.

### **18.660.020 Applicability**

This chapter applies to all property that is located in the River Terrace Plan District. The boundaries of the plan district are shown on Map 18.660.A, which is located at the end of this chapter. The standards and requirements in this chapter apply in addition to, and not in lieu of, all other applicable provisions of the Tigard Community Development Code (TCDC). Compliance with all applicable standards and requirements must be demonstrated in order to obtain development approval. The standards and requirements in this chapter shall govern in the event of a conflict.

### **18.660.030 Provision of Adequate Public Facilities**

- A. Intent. The intent of this section is to address the provision of the infrastructure systems necessary to benefit and serve all property in River Terrace as provided for in the River Terrace Community Plan, River Terrace Funding Strategy, and related infrastructure Master Plans, in light of the desire of property owners to commence preliminary development prior to full implementation of these plans and with the understanding that no development rights vest and no development approvals can be granted until the infrastructure systems are in place or assured.
- B. Approval Standard. Land use applications for Subdivisions, Partitions, Planned Developments, Site Development Reviews, and Conditional Uses may be approved when the applicable standards in Subsection 18.660.030.E are met by the applicant and when all of the following funding components of the River Terrace Funding Strategy have been adopted by the city and are in effect:
1. Transportation: A citywide transportation system development charge (SDC), a River Terrace transportation SDC, and a River Terrace transportation utility fee surcharge.
  2. Sewer: A citywide utility fee surcharge.
  3. Stormwater: A River Terrace stormwater utility fee surcharge.
- C. Deferral of Compliance.
1. The applicant may request to defer demonstrating compliance with one or more of the standards in Subsections 18.660.030.B and E as provided for below:

- a. Preliminary Plat: Deferral of compliance to Final Plat approval.
  - b. Planned Development Concept Plan (without a land division proposal): Deferral of compliance to Detailed Development Plan approval.
  - c. All other development applications: A condition of development approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for building or public facility improvement permits, whichever occurs first.
2. Deferral of compliance as provided for in Subsection C.1 above shall be granted only if:
- a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for Final Plat or Detailed Development Plan approval, or prior to expiration of the condition of approval described in Subsection C.1.c above. A determination by the approval authority that it is likely that the standard will be met shall be for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant; and
  - b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement shall waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards in Subsection 18.660.030.B, without regard to fault. Nothing in this section shall preclude the applicant from seeking review of any land use decision in accordance with ORS Chapters 197, 215, 227, or equitable relief in a court of competent jurisdiction.

D. Exception.

- 1. An exception to one or more of the standards in Subsection 18.660.030.B may be obtained through a Type II procedure as governed by Subsection 18.390.040.
- 2. An exception shall be granted only if the applicant:
  - a. Demonstrates that the exception will not materially impact implementation of the River Terrace Sanitary Sewer Master Plan Addendum, River Terrace Water System Master Plan Addendum, River Terrace Stormwater Master Plan, River Terrace Transportation System Plan Addendum, and River Terrace Funding Strategy; and
  - b. Has proposed alternative(s) that ensures that the applicant will provide its proportional share of the funding and construction of the facilities in a timely manner as identified in the River Terrace Funding Strategy and related infrastructure Master Plans. This may include, but is not limited to, a development agreement or reimbursement district; and
  - c. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject to future utility fees or SDCs as described in the River Terrace Funding Strategy; and
  - d. Executes an agreement prepared by the city agreeing that, if the new transportation SDCs described in Subsection 18.660.030.B.1 are not in effect at the time of building permit

issuance, the applicant shall pay an amount equal to the SDC amount assumed in the River Terrace Funding Strategy. No credits shall be issued against this payment, but the city shall issue a refund if:

- i. The applicant made improvements to a facility that is eligible for credit under an adopted SDC credit, up to the amount of the credit, or
  - ii. An SDC is adopted and paid by the applicant or its successor, up to the amount of such payment, or
  - iii. The city has not adopted the SDCs within two years of the effective date of this ordinance.
3. An exception shall be granted only if the city finds that there is adequate funding in place for the infrastructure that is needed to serve the proposed development.

E. Additional Standards.

1. Infrastructure improvements for water, sewer, stormwater, and transportation systems, including but not limited to pump stations and trunk lines, shall be located and designed to serve the proposed development and not unduly or unnecessarily restrict the ability of any other property to develop in accordance with the applicable River Terrace infrastructure Master Plan. Infrastructure improvements shall be evaluated for conformance with this standard during the land use review process. The city shall take into account the topography, size, and shape of the development site; the impact of the improvement on the development site; and, the reasonableness of available options during its review. The applicant shall not be required to reduce otherwise permitted density or obtain a variance to demonstrate compliance, but this standard may be considered in reviewing a Variance application.
2. Infrastructure improvements for water, sewer, and stormwater shall be placed in easements that are located, wherever possible, within existing or future rights-of-way. Easements and rights-of-way shall extend through and to the edge of the development site at such locations that would maximize the function and availability of the easement and right-of-way to serve adjacent and surrounding properties. Easements and rights-of-way shall be evaluated for conformance with this standard during the land use review process. Dedications of easements and rights-of-way shall be required as a condition of land use approval, except where the approval is for a future phase of a Planned Development or land division approval.
3. Development in water pressure zone 550 shall either provide or demonstrate that there is sufficient water capacity in water pressure zone 550 to serve the proposed development, or that it can be served by another water pressure zone that has sufficient capacity, to the satisfaction of the City Engineer and Tualatin Valley Fire and Rescue during the land use review process.
4. Development in the north and south sewer sub-basins shall demonstrate, where applicable, that there is sufficient pump station capacity and associated force mains to serve the proposed development, or that it can be served by other system improvements, to the satisfaction of the City Engineer and Clean Water Services during the land use review process.
5. If compliance with storm water management standards is dependent upon an off-site conveyance system or an on- or off-site regional facility that has not yet been provided, the applicant may propose alternative and/or interim systems and facilities as described in the River Terrace

Stormwater Master Plan.

- a. Development approval for an interim facility shall include a condition to decommission the interim facility, connect it to the permanent facility when it becomes available to serve the development, and assurance that adequate financial resources are available to decommission the interim facility when the permanent facility becomes available.
- b. Development approval for an alternative or on- or off-site regional system or facility may include a condition to form a reimbursement district.
- c. No storm water management system or facility shall be approved if it would prevent or significantly impact the ability of other properties to implement and comply with the River Terrace Stormwater Master Plan or other applicable standards.

F. Other Provisions.

1. Unless expressly authorized in a development approval, no person shall impose a private fee or any charge whatsoever that prohibits, restricts, or impairs adjacent or surrounding properties from accessing a public easement, facility, or service.
2. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to fund public facilities and/or services described in this section shall be deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided.

**18.660.040 Approval Criteria**

A. Preliminary Plat Approval Criteria. In addition to the approval criteria in Sections 18.420.050 and 18.430.040, the following approval criteria shall apply to all Partition and Subdivision Preliminary Plat applications in River Terrace.

1. Unless the applicable approval authority determines it is in the public interest to make modifications, the applicant shall design and construct all streets, street extensions, and intersections to conform to:
  - a. The River Terrace Transportation System Plan Addendum; and
  - b. The street spacing and connectivity standards of this chapter, the TCDC, and Washington County, where applicable; and
  - c. The approved plats of subdivisions and maps of partitions of abutting properties, if any, as to width and general direction.
2. The preliminary plat shall not impede the future use or development of adjacent property in River Terrace not under the control or ownership of the applicant proposing the preliminary plat.
3. Where future re-division is proposed pursuant to Subsections 18.420.020.D or 18.430.020.C, a plan for future phases shall show the location of lot lines, rights-of-way, easements, and other details of layout that demonstrates that future division may readily occur without violating applicable zoning district requirements and development standards of the TCDC.

- B. Conditional Use, Planned Development, and Site Development Review Approval Criteria. In addition to the approval criteria in Section 18.330.030, Sections 18.350.050 and 070, and Section 18.360.090, the following approval criterion shall apply to all Conditional Use, Planned Development, and Site Development Review applications in River Terrace.
1. Unless the applicable approval authority determines it is in the public interest to make modifications, the applicant shall design construct all streets, street extensions, and intersections to conform to:
    - a. The River Terrace Transportation System Plan Addendum; and
    - b. The street spacing and connectivity standards of this chapter, the TCDC, and Washington County, where applicable; and
    - c. The approved plats of subdivisions and maps of partitions of abutting properties, if any, as to width and general direction.
  2. The development shall not impede the future use or development of adjacent property in River Terrace not under the control or ownership of the applicant proposing the conditional use, planned development, multifamily, or commercial development.
- C. Conditions of Approval. The approval authority may attach such conditions as are necessary to comply with the River Terrace Community Plan, related infrastructure Master Plans, this chapter, and other applicable provisions of the TCDC.

**18.660.050 Community Commercial Development Standards [PLACEHOLDER]**

**18.660.060 River Terrace Boulevard Development Standards**

- A. Applicability. The applicable development standards contained in the underlying base zone shall apply to all development in River Terrace, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370 or Subsection 18.660.060.D, and except as specified below.

The development standards in this section shall apply to the types of development listed below on lots abutting the River Terrace Boulevard right-of-way (ROW). The general location of the River Terrace Boulevard ROW is shown on Map 18.660.B, which is located at the end of this chapter. The Public Works Director, in consultation with the Community Development Director, shall approve the final ROW alignment.

1. All single-family attached, single-family detached, and duplex development.
2. All multifamily residential development.
3. All development subject to conditional use approval.

- B. Building Placement and Design.

1. The following standards shall apply to all single-family, duplex, and multifamily residential development that is located on the side of the River Terrace Boulevard ROW opposite the trail

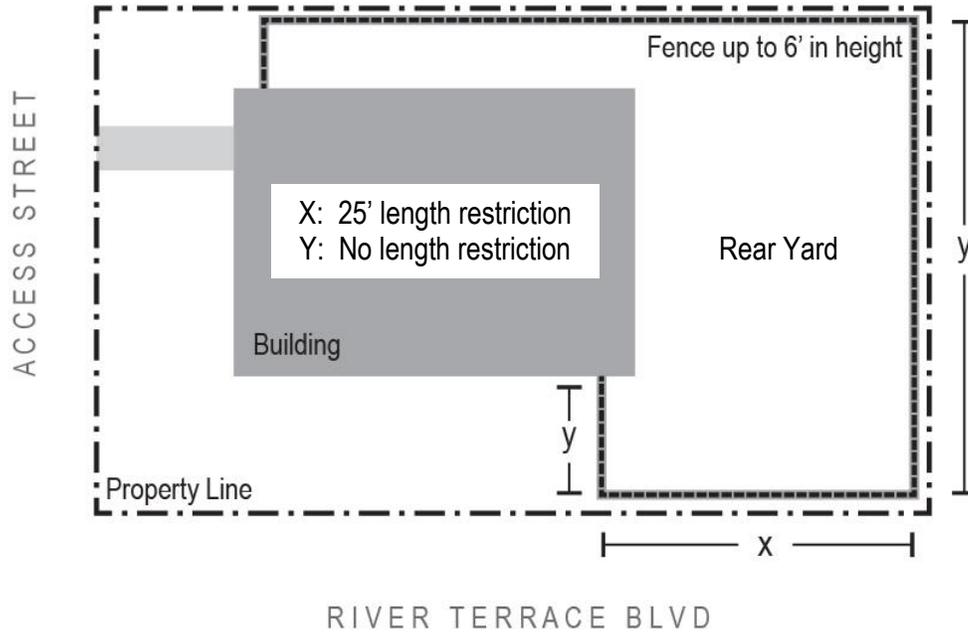
corridor, except as approved through the adjustment process in accordance with Subsection 18.660.060.D.

- a. Single-family and duplex development lots shall abut the River Terrace Boulevard ROW with their front or side lot lines.
    - i. Lots with front lot lines abutting the River Terrace Boulevard ROW shall meet all of the building design standards in Subsection 18.660.070.I.
    - ii. Lots with side lot lines abutting the River Terrace Boulevard ROW shall meet the building design standards for Articulation, Eyes on the Street, Detailed Design, and Garages and Carports in Subsections 18.660.070.I.1, 2, 4, and 5 for the façade that faces the River Terrace Boulevard ROW.
  - b. Any building designed for residential use on a multifamily residential development site that is located within 40 feet of the River Terrace Boulevard ROW shall meet all of the building design standards in Subsection 18.660.070.I for the entire elevation that faces the River Terrace Boulevard ROW, including those portions of the building façade that may be further than 40 feet from the ROW.
  - c. Multifamily residential development sites shall not include non-residential buildings or uses (e.g. parking lots, detached garages or carports, and utility or storage buildings) within 40 feet of the River Terrace Boulevard ROW.
2. The following standards shall apply to all single-family, duplex, and multifamily residential development that is located on the side of the River Terrace Boulevard ROW with the trail corridor, except as approved through the adjustment process in accordance with Subsection 18.660.060.D.
- a. Single-family and duplex development lots shall abut the River Terrace Boulevard ROW with their front, side, or rear lot lines.
    - i. Lots with front lot lines abutting the River Terrace Boulevard ROW shall meet all of the building design standards in Subsection 18.660.070.I.
    - ii. Lots with side or rear lot lines abutting the River Terrace Boulevard ROW shall meet the building design standards for Articulation, Eyes on the Street, Detailed Design, and Garages and Carports in Subsections 18.660.070.I.1, 2, 4, and 5 for the façade that faces the River Terrace Boulevard ROW.
    - iii. All development shall provide at least one walkway connection between the development and the trail a minimum of every 200 feet of River Terrace Boulevard ROW length, or as otherwise required by the City Engineer for connectivity purposes.
  - b. Any building designed for residential use on a multifamily residential development site that is located within 40 feet of the River Terrace Boulevard ROW shall meet all of the building design standards in Subsection 18.660.070.I for the entire elevation that faces the River Terrace Boulevard ROW, including those portions of the building façade that may be further than 40 feet from the ROW.

- c. Multifamily residential development sites shall not include non-residential buildings or uses (e.g. parking lots, detached garages or carports, and utility or storage buildings) within 40 feet of the River Terrace Boulevard ROW.
3. The following standards shall apply to all development subject to conditional use approval that is located on either side of the River Terrace Boulevard ROW, except as approved through the adjustment process in accordance with Subsection 18.660.060.D.
  - a. Any building that is located within 40 feet of the River Terrace Boulevard ROW shall meet all of the building design standards in Subsection 18.660.070.I for the entire elevation that faces the River Terrace Boulevard ROW, including those portions of the building façade that may be further than 40 feet from the ROW, or as otherwise determined by the approval authority through the conditional use review process.
  - b. Any landscape element or structure, including an accessory structure or fence, that is located in a yard abutting the River Terrace Boulevard ROW shall be located and designed to support and reinforce a positive pedestrian streetscape experience.
  - c. Conditional use development located on the side of the River Terrace Boulevard ROW with the trail corridor shall provide at least one walkway connection between the development and the trail a minimum of every 200 feet of River Terrace Boulevard ROW length, or as otherwise determined by the approval authority through the conditional use review process.
  - d. Conditional use development shall not include parking lots within 40 feet of the River Terrace Boulevard ROW.
4. Direct individual access to River Terrace Boulevard from single-family and duplex development sites is not permitted along the River Terrace Boulevard ROW, except as approved through the adjustment process in accordance with Subsection 18.660.060.D. Direct access to River Terrace Boulevard from multifamily residential, conditional use, and commercial development sites are allowed where no other practicable alternatives exist. If direct access is permitted by the city through the site development or conditional use review process, the applicant shall be required to mitigate for any safety or traffic management impacts identified by the City Engineer. This may include, but is not limited to, the construction of an on-site vehicle turnaround to eliminate the need for any vehicle turning or backing movements in the public right-of-way.
5. Fences, walls, hedges, or any combination thereof, such as a fence on top of a retaining wall, over 3 feet in height are not permitted in any front, side, or rear yard that lies between any single-family, duplex, or multifamily residential development site and the River Terrace Boulevard ROW, except as allowed below or as approved through the adjustment process in accordance with Subsection 18.660.060.D. Unstained wood, unfaced concrete masonry units (CMU), and chain link fencing are not permitted, except as required for wetlands or other sensitive areas.
  - a. Fences or walls that are an integral part of an entry, such as on a porch or stoop, are allowed subject to the underlying base zone's setback standards.
  - b. Single-family and duplex development sites with side lot lines abutting the River Terrace Boulevard ROW may have a fence, wall, or hedge up to 6 feet in height and 25 feet in length along the side lot line for the purpose of enclosing a rear yard. Additionally, a fence, wall, or hedge up to 6 feet in height may be of any length along the rear lot line and in the side yard

abutting the River Terrace Boulevard ROW for the purpose of enclosing the same rear yard. See Figure 18.660.1 below for an illustration of this fence allowance.

**Figure 18.660.1: Fence Allowance for Side Lot Lines Abutting River Terrace Boulevard**



- C. Density Bonus. In order to help offset the land and development costs associated with the construction of River Terrace Boulevard, residential development sites abutting River Terrace Boulevard ROW that are not proposing a Planned Development may choose to propose smaller and narrower lots along River Terrace Boulevard in accordance with Table 18.660.1 below. The reduced lot sizes and lot areas per dwelling unit that are described below shall be used to calculate the maximum and minimum number of residential units allowed in accordance with Subsections 18.715.020.B and C. This density bonus shall only apply to those proposed residential lots within a subdivision that will have a front, side, or rear lot line abutting the River Terrace Boulevard ROW. All other proposed lots within the subdivision shall be subject to the minimum lot size and width standards of the underlying base zone.

**Table 18.660.1  
Reduced Minimum Lot Size and Width for Residential Lots  
Abutting River Terrace Boulevard**

	Minimum Lot Size	Minimum Lot Width
<b>R-4.5 Zone</b>		
Single-family detached lots	4,500 sf	40 ft
Duplex lots	7,000 sf	80 ft
<b>R-7 Zone</b>		
Single-family detached lots	3,500 sf	35 ft
Duplex lots	7,000 sf	50 ft
Single family attached lots	2,500 sf	25 ft

	Minimum Lot Size	Minimum Lot Width
<b>R-12 Zone</b>		
Multifamily	2,000 sf*	NA
Single-family detached, duplex, and single-family attached lots	2,500 sf	NA

\* Minimum lot area per dwelling unit for multifamily developments

D. Adjustments. Adjustments shall be processed through a Type II procedure, as governed by Section 18.390.040. The applicable approval authority may grant an adjustment to a standard(s) in this section if all of the following approval criteria can be met.

1. The standard(s) cannot be met due to:
  - a. Topography or other natural constraints associated with the specific development site, or
  - b. Public safety concerns or other legitimate considerations associated with the specific use.
2. The proposed design provides safe and convenient vehicle and pedestrian connections to River Terrace Boulevard.
3. If fences or walls, including retaining walls, over 3 feet in height are proposed, they are constructed of high-quality materials including, but not limited to, brick, stone, or wrought iron. Unstained wood, unfaced concrete masonry units (CMU), and chain link are not permitted, except as required for wetlands or other sensitive areas.

#### **18.660.070 Planned Developments**

The requirements of Chapter 18.350 shall apply to all planned developments in River Terrace, except as modified below.

- A. Density Calculation. To encourage development that is consistent with the design concept for River Terrace Boulevard, the River Terrace Community Plan, and the building design standards in this chapter, planned developments in River Terrace may limit the land dedicated for public or private rights-of-way, including tracts for vehicle access, to 20% of gross site acreage for the purpose of calculating net development area and density as described in Subsections 18.715.020.A.3 and 4.
- B. Development Standards. The provisions of the underlying base zone(s) shall apply except as modified by this section. The specific development standards contained in Subsection 18.350.060.C shall not apply. The following specific development standards shall apply in their place.
  1. Lot dimensions. The minimum lot area and lot width standards of the underlying base zone shall not apply to any lots, including those lots abutting right-of-way, with the following exception:
    - a. Lots along the eastern and northern perimeter of the River Terrace Plan District abutting existing residential development, or residentially-zoned land that is undeveloped or is in an easement or tract, shall meet the minimum lot area and lot width standards of the underlying base zone.
  2. Building height. The maximum building height standard of the underlying base zone shall not apply to any building on any lot, including those lots abutting right-of-way, with the following

exception:

- a. Buildings on lots along the eastern and northern perimeter of the River Terrace Plan District abutting existing residential development, or residentially-zoned land that is undeveloped or is in an easement or tract, shall be set back 1 additional foot for every 2 feet of height above the maximum height allowed on the side of the lot abutting the perimeter.
3. Setbacks. The setback standards of the underlying base zone shall not apply to any building on any lot, including those lots abutting right-of-way, except as follows:
    - a. All buildings on lots along the eastern and northern perimeter of the River Terrace Plan District abutting existing residential development, or residentially-zoned land that is undeveloped or is in an easement or tract, shall meet the setback standard of the underlying base zone or the abutting zone, whichever provides the greater setback, on the side of the lot abutting the perimeter. This standard may be met by proposing an open space tract between the proposed development and the abutting development or land.
    - b. All buildings shall meet the minimum requirements of the Oregon Specialty Codes and the Oregon Fire Code.
    - c. All garages and carports shall be set back a minimum of 20 feet on the side of the lot from which vehicle access is taken from a public right-of-way. If vehicle access is taken from a private street or alley, this setback may be reduced to 0 feet where proper clearances for turning and backing movements are provided.
    - d. Where the applicant proposes to reduce the underlying base zone setbacks for buildings on lots not included in Subsection B.3.a above, the applicant shall specify the proposed setbacks on either a lot-by-lot or area-wide basis.
  4. Planning Commission Discretion. The Planning Commission may approve a smaller perimeter lot and/or a lesser perimeter setback where the applicant demonstrates that a smaller lot or lesser setback will have no greater impact on abutting development or land than the minimum standards for perimeter lots described above in Subsections B.1 – 3 above.
- C. Private Outdoor Area—Residential Use. The private outdoor area requirements of 18.350.070.D.5 shall only apply to multifamily development.
- D. Shared Outdoor Recreation and Open Space Facility Areas—Residential Use. The shared outdoor recreation and open space requirements of 18.350.070.D.6 shall only apply to multifamily development.
- E. Shared Open Space Facilities. The shared open space facility requirements of Subsection 18.350.070.D.13 shall not apply. In lieu of these requirements, the following open space requirements and development enhancements shall apply. These requirements are intended to provide the community with added benefits that are consistent with the overall development vision for River Terrace as described in the River Terrace Community Plan and River Terrace Park System Master Plan Addendum.
1. The development shall provide parks, trails, and/or open space that:
    - a. Meets a need for neighborhood parks, linear parks, open space, and/or trails that is identified

in the River Terrace Park System Master Plan Addendum with respect to both location and the plan's level of service standard; and

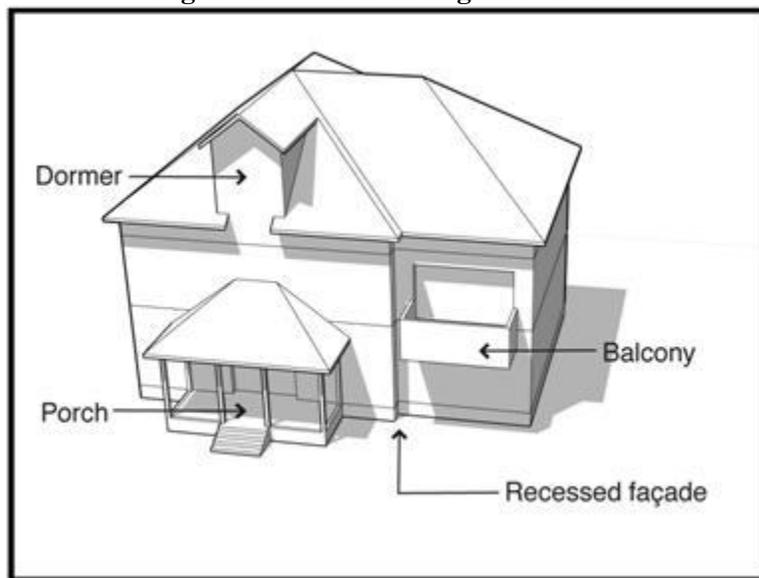
- b. Will be dedicated to the public if the proposal is for a neighborhood park, linear park, or trail.
2. The development shall include at least three (3) of the following development enhancements:
    - a. Trails or paths that augment the public sidewalk system and facilitate access to parks, schools, trails, open spaces, commercial areas, and similar destinations. Trails and paths shall meet all applicable ADA standards and be dedicated to the public or placed in a public access easement. Trails and paths in a public access easement shall be maintained by a homeowner association.
    - b. Nature trails along or through natural resource areas or open spaces. Trails through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards. Trails shall meet all applicable ADA standards and be dedicated to the public or placed in a public access easement. Trails in a public access easement shall be maintained by a homeowner association.
    - c. Trails, paths, or sidewalks that provide direct access to a public park or recreation area that is no further than one-quarter mile from the development site. Trails and paths shall meet all applicable ADA standards and be dedicated to the public or placed in a public access easement. Trails and paths in a public access easement shall be maintained by a homeowner association.
    - d. Intersection treatments that are acceptable to the City Engineer and that elevate the pedestrian experience through art, landscaping, signage, enhanced crossings, and/or other similar treatments.
    - e. High-quality architectural features on attached and detached single-family dwelling units and duplexes that meet the building design standards in Subsection 18.660.070.I.
  3. For those properties abutting Roy Rogers Road or River Terrace Boulevard, one or more of the following enhancements may be provided in lieu of one or more of the enhancements listed in Subsection E.2 above:
    - a. Long-term maintenance plan administered by a homeowner association that is acceptable to the applicable road authority for any proposed and/or required landscaping in or adjacent to the Roy Rogers Road or River Terrace Boulevard right-of-way that is not part of a stormwater management facility.
    - b. High-quality visual and noise buffer along Roy Rogers Road that includes both a vegetative and solid barrier component outside of the public right-of-way.
    - c. Park facilities in the River Terrace Trail corridor, including but not limited to benches, picnic tables, lighting, and/or small playground areas (i.e. tot lots or pocket parks). Provision of such facilities may allow the applicant to count the trail corridor as a linear park facility, thus contributing to meeting the city's level of service standards in the River Terrace Park System Master Plan Addendum for both linear parks and trails. The Public Works Director shall determine whether the proposed facilities elevate the trail corridor to a linear park facility.

- F. Open Space Conveyance. The standards of Subsection 18.350.070.D.14 shall apply to the conveyance of open space in River Terrace. The standards of Subsection 18.810.080.B shall not apply.
- G. Street Design Standards. The standards of Chapter 18.810 shall apply in addition to the specific provisions for public skinny streets, private streets, and private alleys in Subsections 18.660.080.D and E.
- H. Phased Development. The provision for phased development allowed by Subsection 18.350.030.D.1 is modified as follows to clarify the total time period allowed for developing a site in phases: Any additional required land use approvals shall be obtained, e.g. partition or subdivision, and a complete building permit application(s) for the final proposed phase of development shall be submitted to the city within seven years of the Detailed Development Plan approval in order to be issued under the original approval.
- I. Design Standards for Single-Family Dwelling Units and Duplexes. The following design standards apply only when the applicant chooses to provide them under Subsection 18.660.070.E.2.e or where otherwise specified in this chapter.

These standards apply to attached and detached single-family dwelling units and duplexes. They are intended to promote architectural detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

- 1. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 18.660.2 below for an illustration of articulation.

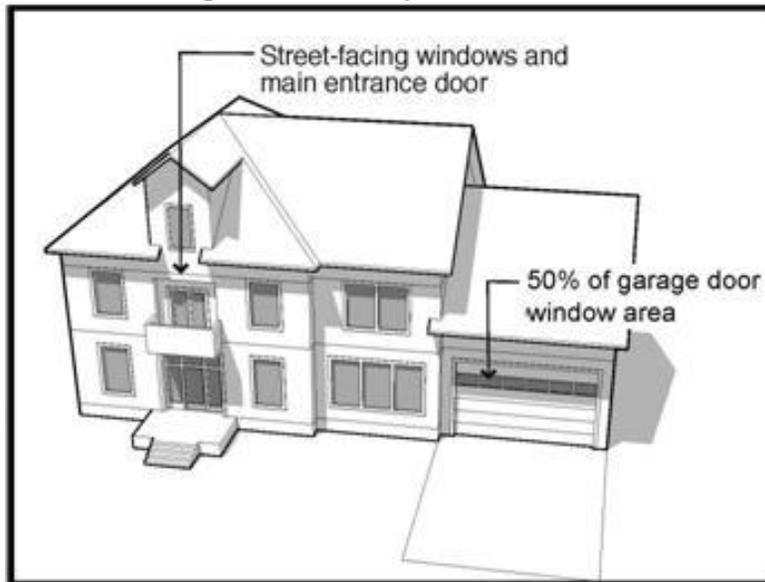
**Figure 18.660.2: Building Articulation**



- a. This standard does not apply to buildings on lots that have less than 30 feet of street frontage.

- b. For buildings on lots with 30 – 60 feet of street frontage, a minimum of one of the following elements shall be provided on each street-facing façade that has 30 – 60 feet of street frontage.
    - i. A porch that is at least 5 feet deep.
    - ii. A balcony that is at least 2 feet deep and is accessible from an interior room.
    - iii. A window that projects at least 2 feet from the street-facing façade and is at least 5 feet wide (e.g. bay window).
    - iv. A vertical wall section that is offset by at least 2 feet from the street facing façade and is at least 6 feet wide.
    - v. A gabled dormer.
  - c. For buildings on lots with over 60 feet of street frontage, a minimum of one additional element from Subsection I.1.b above shall be provided for every 30 feet of street frontage over 60 feet, on each street-facing façade that has over 60 feet of street frontage. Elements shall be distributed along the length of the façade so that there is no more than 30 feet between elements.
2. Eyes on the Street. At least 12% of the area of each street-facing façade must include windows or entrance doors. See Figure 18.660.3 below for an illustration of eyes on the street. Street facing-façade is defined as the aggregate area of all vertical exterior walls measured from top of finished floor at lowest level to top plate or roof eave at highest level, including areas of exterior walls above top plate or roof eave, such as areas within gables, dormers, and clerestories.

**Figure 18.660.3: Eyes on the Street**

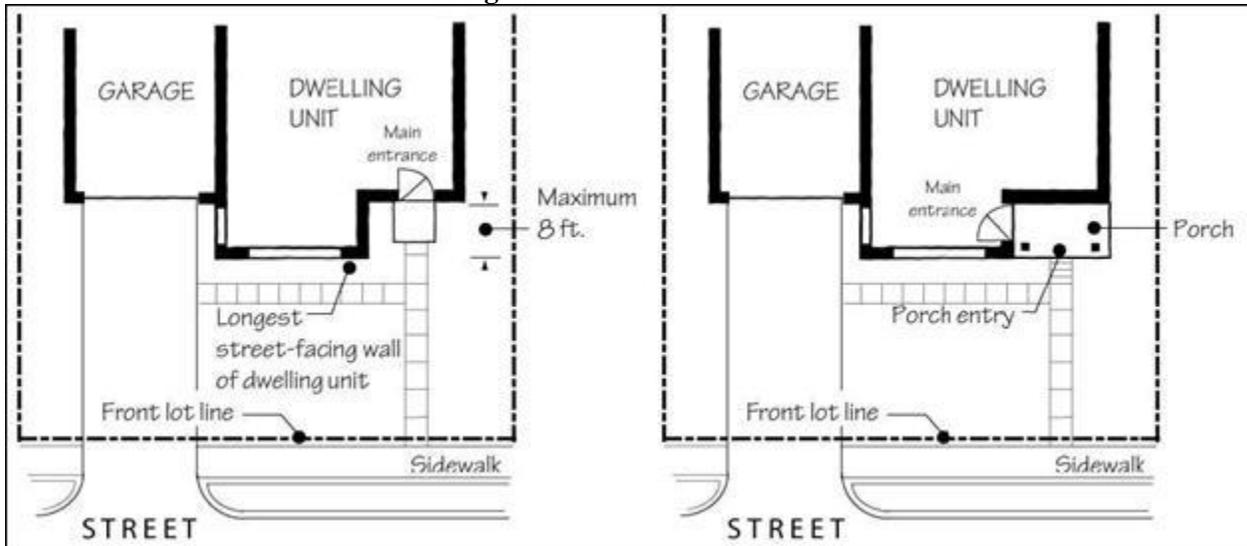


- a. Windows. Window area is the aggregate area of each window unit measured around the visible perimeter of the window, including the outer window frame and any interior grids,

mullions, or transoms.

- i. Wall Windows. All of the window area in a street-facing façade wall, including the side wall of a garage, may count toward meeting this standard provided that the windows are transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not count toward meeting this standard.
  - ii. Garage Door Windows. Half of the window area in the door(s) of an attached garage may count toward meeting this standard.
  - b. Entrance Doors. Door area is considered the portion of the door that moves. Door frames do not count toward this standard. Entrance doors used to meet this standard must be parallel to the street or at an angle that is no more than 45 degrees from the street.
3. Entrances. At least one entrance must meet both of the following standards. See Figure 18.660.4 below for an illustration of entrances. The entrance must be:
- a. Set back no further than 8 feet beyond the longest street-facing wall of the building; and
  - b. Parallel to the street, at an angle that is no more than 45 degrees from the street, or open onto a porch. If the entrance opens onto a porch, the porch must meet the following standards:
    - i. Have a minimum area of 25 square feet and a minimum depth of 5 feet; and
    - ii. Have at least one porch entry facing the street; and
    - iii. Have a roof that is no more than 12 feet above the floor of the porch; and
    - iv. Have a roof that covers at least 30% of the porch area.

**Figure 18.660.4: Entrances**

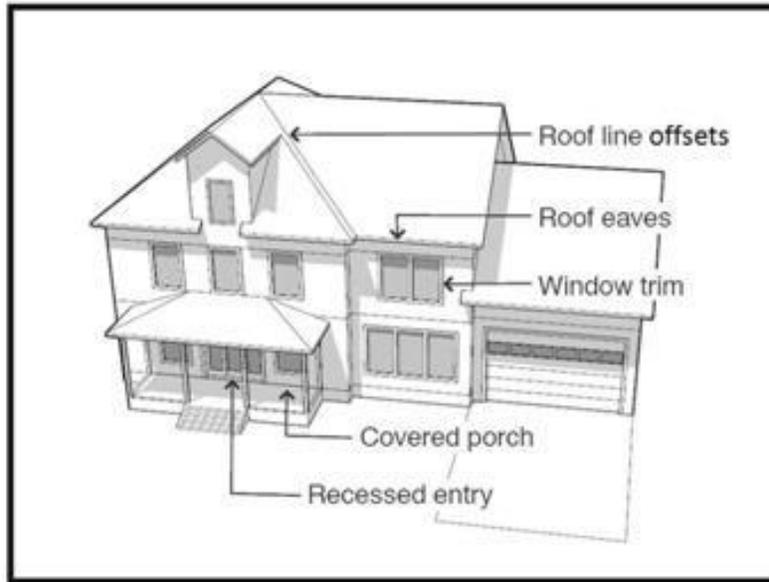


4. Detailed Design. All buildings shall include at least five (5) of the following elements on all

street-facing façades. See Figure 18.660.5 below for an illustration of detailed design elements.

- a. Covered porch: A minimum depth of 5 feet, as measured horizontally from the face of the building wall, and a minimum width of 5 feet.
- b. Recessed entry area: A minimum depth of 2 feet, as measured horizontally from the face of the building wall, and a minimum width of 5 feet.

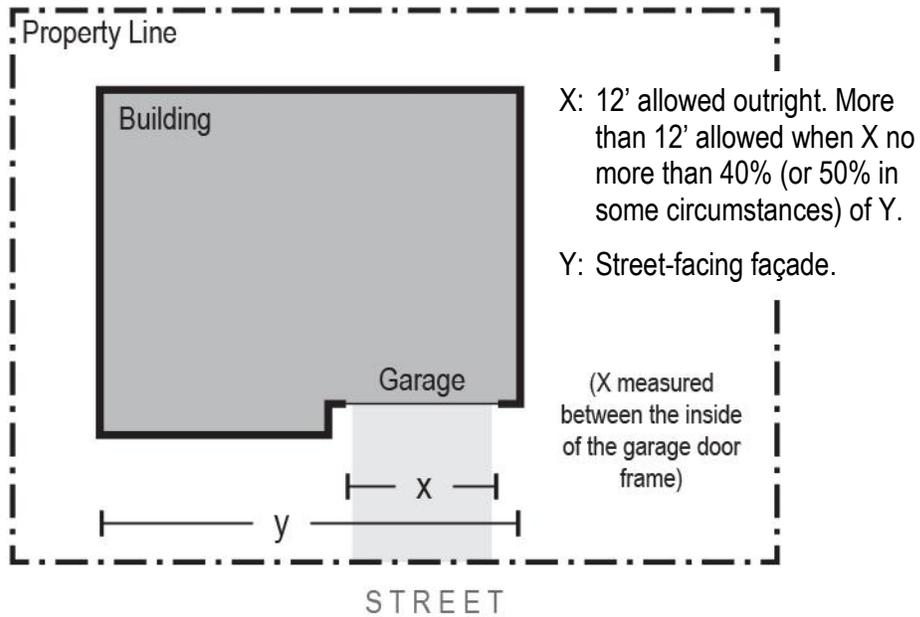
**Figure 18.660.5: Detailed Design Elements**



- c. Wall offset: A minimum offset of 16 inches from one exterior wall surface to the other.
- d. Dormer: A minimum width of 4 feet that is integrated into the roof form.
- e. Roof eave: A minimum projection of 12 inches from the intersection of the roof and the building walls.
- f. Roof offset: A minimum offset of 2 feet from the top surface of one roof to the top surface of the other.
- g. Roof shingles: Tile or wood shingle roofing material.
- h. Roof design: Gable roof, hip roof, or gambrel roof design.
- i. Roof pitch: One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
- j. Horizontal lap siding: A minimum visible lap width of 3 to 7 inches once installed. The siding material must be wood, fiber-cement, or vinyl to meet this standard.
- k. Accent siding: Brick, cedar shingles, stucco, or other accent material that covers a minimum of 40% of the street-facing façade.

- l. Window trim: A minimum width of 2.5 inches and a minimum depth of 5/8 inches around all street-facing windows.
  - m. Window recess: A minimum depth of 3 inches, as measured horizontally from the face of the building wall, for all street-facing windows except where a bay window is proposed that meets the standard in Subsection I.4.n below.
  - n. Window projection (e.g. bay window): A minimum depth of 2 feet, as measured horizontally from the face of the building wall, and a minimum width of 5 feet.
  - o. Balcony: A minimum depth of 3 feet and a minimum width of 5 feet that is accessible from an interior room.
  - p. Attached garage: 35% or less of the street-facing façade width, as measured between the inside of the garage door frame.
5. Garages and Carports. These standards are intended to prevent garages from obscuring or dominating the street-facing façade of residential buildings. See Figure 18.660.6 below for an illustration of garage door width.
- a. Garage Setback: A garage or carport shall be no closer to the front or side lot line than the longest street-facing wall of the building that encloses living area, except as follows:
    - i. A garage or carport may extend up to 5 feet in front of the longest street-facing wall if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
    - ii. A garage or carport may extend up to 5 feet in front of the longest street-facing wall where the garage is part of a 2-story building and there is a window on the second story above the garage that faces the street with a minimum area of 12 square feet.
  - b. Garage Door Width: The width of a garage door is the width of the opening as measured from inside the garage door frame.
    - i. A dwelling is allowed one 12-foot-wide garage door, regardless of the total width of the street-facing facade.
    - ii. A dwelling may have a garage door wider than 12 feet provided that it does not exceed 40% of the total width of the street-facing façade on which the garage door is located.
    - iii. The maximum allowed garage door width may be increased to 50% of the total width of the street-facing façade provided that a total of seven (7) detailed design elements from Subsection 18.660.070.I.4 are included on the street-facing façade on which the garage door is located.
  - c. Garage Orientation: A garage may face the front or side lot line on a corner lot provided that the Eyes on the Street standard in Subsection 18.660.070.I.2 is met for both street-facing facades.

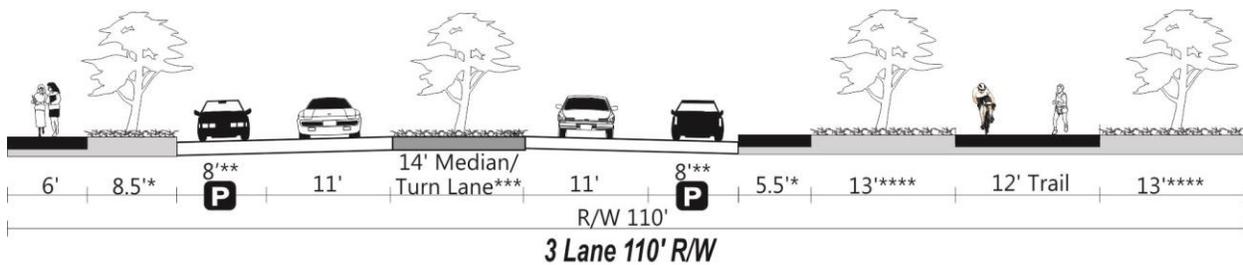
**Figure 18.660.6: Garage Door Width**



**18.660.080 Street Design**

A. River Terrace Boulevard. The following street design standards apply to River Terrace Boulevard as shown in Figure 18.660.7 below. The general location of River Terrace Boulevard is shown on Map 18.660.B, which is located at the end of this chapter.

**Figure 18.660.7: River Terrace Boulevard Cross-Section**



\* Includes 0.5' curb  
 \*\* Interspersed with 6' landscape strip extensions  
 \*\*\* Includes 2' clearance from travel lanes and 0.5' curb on both sides  
 \*\*\*\* 26' minimum width of landscaping unequally distributed on both sides of the trail

1. Design Standards for River Terrace Boulevard. Right-of-way width shall be 110 feet, plus additional right-of-way as needed for slopes, retaining walls, etc. Right-of-way width may be reduced to lessen impacts on protected natural resource areas. Right-of way width may also be reduced where the city determines that on-street parking adjacent to the trail corridor is not feasible or necessary or where a reduction is otherwise in the public interest as described in the River Terrace Community Plan, River Terrace Transportation System Plan Addendum, or River Terrace Park System Master Plan Addendum. Given the unique nature of this street, the Public Works Director, in consultation with the Community Development Director, shall determine the

final alignment and right-of-way width using the following standards as guidelines unless the applicant requests a formal adjustment through a Type II procedure, as governed by Section 18.390.040 and using approval criteria from Subsection 18.370.020.C.9. All landscaped areas shall meet the Public Improvement Design Standards for River Terrace Boulevard.

a. Sidewalks:

- i. With or without on-street parking, and not adjacent to trail corridor: 6-foot minimum width.
- ii. With on-street parking, and adjacent to trail corridor: 5.5-foot minimum width (includes 0.5-foot curb).
- iii. Without on-street parking, and adjacent to trail corridor: No sidewalk required.

b. Landscape Strips:

- i. With or without on-street parking, and not adjacent to trail corridor: 8.5-foot minimum width (includes 0.5-foot curb).
- ii. With on-street parking, and adjacent to trail corridor: No landscape strip required.
- iii. Without on-street parking, and adjacent to trail corridor: 8.5-foot minimum width (includes 0.5-foot curb) between travel lane and trail. This width may also be used to meet the trail corridor landscaping requirement in Subsection A.1.f.ii below.

c. Bike Facilities: Accommodated within trail corridor described in Subsection A.1.f below.

d. On-Street Parking: 8-foot minimum width where provided, interspersed with 6-foot minimum width landscape strip extensions.

e. Travel Lanes:

- i. Through Lanes: One 11-foot travel lane in each direction.
- ii. Median: 14 feet between travel lanes to be used for landscaping, pedestrian crossing refuge, or left-turn lane (includes 2-foot clearance from travel lanes and 0.5-foot curb on both sides).
- iii. Left-Turn Lane: 11-foot minimum width where left turns are allowed, as determined by the City Engineer.

f. Trail Corridor: 38 feet minimum width on one side of the street.

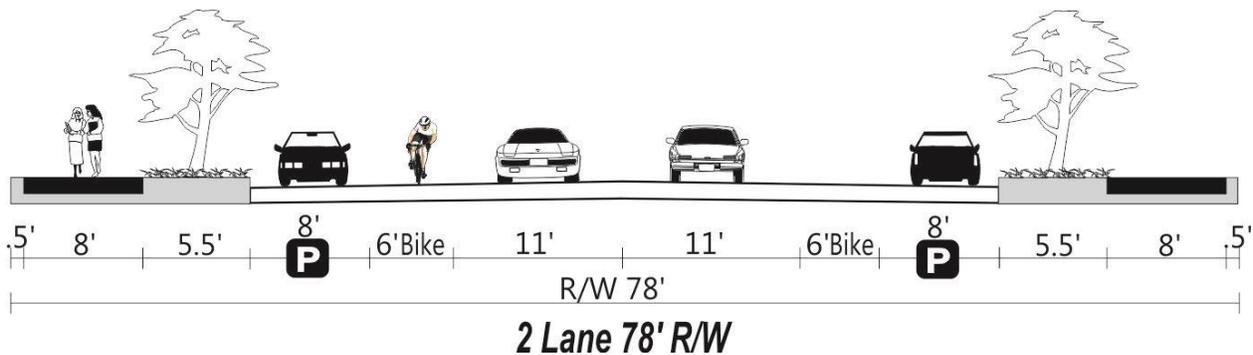
- i. Trail: 12 feet minimum width of paving.
- ii. Trail Corridor Landscaping: 26 feet minimum width of landscaping unequally distributed on both sides of the trail to facilitate trail curvature. This width may be reduced if adjacent to a public park or other open space easement or tract and may be used for stormwater management purposes with the approval of the City Engineer.

g. Required Street Lighting: Intersection safety lighting and basic street lighting per Public Improvement Design Standards.

h. Vehicle Access: See Subsection 18.660.060.B.4.

B. **Commercial Collector.** The following street design standards apply to the Commercial Collector as shown in Figure 18.660.8 below. These standards apply to the Collector Street located in the Community Commercial Zone as shown on the city's Zoning Map. The general location of the Commercial Collector is shown on Map 18.660.B, which is located at the end of this chapter.

**Figure 18.660.8: Commercial Collector Cross-Section**



1. Design Standards for Commercial Collector. Right-of-way width shall be 78 feet, plus additional right-of-way as needed for slopes, retaining walls, etc. Right-of-way width may be reduced to lessen impacts on protected natural resource areas. Right-of way width may also be reduced where the city determines that a reduction is in the public interest as described in the River Terrace Community Plan, River Terrace Transportation System Plan Addendum, or River Terrace Park System Master Plan Addendum. The City Engineer shall determine the final alignment and right-of-way width using the following standards as guidelines unless the applicant requests a formal adjustment through a Type II procedure, as governed by Section 18.390.040 and using approval criteria from Subsection 18.370.020.C.9.
  - a. Sidewalks: 8-foot minimum width on both sides of the street.
  - b. Landscape Strips/Furnishing Zones/Tree Wells: 5.5-foot minimum width on both sides of the street (includes 0.5-foot curb).
  - c. Bike Facilities: 6-foot minimum width bike lanes on both sides of the street.
  - d. On-Street Parking: 8-foot minimum width on both sides of the street.
  - e. Travel Lanes:
    - i. Through Lanes: One 11-foot lane in each direction.
    - ii. Left-Turn Lane: 11-foot minimum width where left-turns are allowed, as determined by the City Engineer.

- f. **Required Street Lighting:** Intersection safety lighting, basic street lighting, and pedestrian-scale lighting.
  - g. **Pedestrian Street Crossings:** Curb extensions shall be provided at all pedestrian street crossings (midblock or at intersections) unless the City Engineer finds it is in the public interest not to require curb extensions (e.g., to facilitate truck turning movements).
- C. **Arterial Streets.** The following street design standards apply to the Arterial Streets in the River Terrace Plan District as shown on Map 18.660.B, which is located at the end of this chapter. [PLACEHOLDER FOR ROY ROGERS ROAD AND SCHOLLS FERRY ROAD CROSS SECTIONS]
- D. **Public Skinny Streets and Private Streets.** Development sites that have public street frontage on an Arterial Street upon which they cannot take vehicle access shall take access from a private street that meets city standards or from another public street that, at a minimum, meets the skinny street option as shown in Figure 18.810.6.B. Private street standards are established by the City Engineer pursuant to Subsection 18.810.030.T.
1. The skinny street option in Figure 18.810.6.B may be used:
    - a. Regardless of the expected number of vehicles per day; and
    - b. When the applicant can demonstrate that the development fronting the proposed skinny street meets the on-street parking standards in Section 18.660.100; and
    - c. When the proposed skinny street is located in a Planned Development.
  2. A private street option may be used:
    - a. When the applicant can demonstrate that a public street option is appropriate for the development being proposed and/or is not practicable due to topography or other natural constraints associated with the specific development site; and
    - b. When the applicant can demonstrate that the proposed private street design provides safe and convenient vehicle and pedestrian connections to the public street network; and
    - c. When the applicant can demonstrate that the development fronting the proposed private street meets the on-street parking standards in Section 18.660.100; and
    - d. When the proposed private street is located in a Planned Development; and
    - e. When the proposed private street will be managed by a homeowner association into perpetuity. For each private street there shall be a legal recorded document that includes the following at a minimum:
      - i. A legal description; and
      - ii. Ownership; and
      - iii. Use rights, including responsibility for enforcement; and

- iv. A maintenance agreement, including an allocation or method of determining liability for a failure to maintain.
  - 3. Private streets that are proposed in locations others than those described in Subsection D.2 above shall meet all of the standards in Subsection 18.810.030.T.
  - 4. Adjustments to any of these standards shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria from Subsection 18.370.020.C.9.
- E. Private Alleys. Development sites that have public street frontage on a Local Street, Neighborhood Route, or Collector Street may choose to provide vehicle access through a private alley provided that the alley meets all of the standards below and in Subsection 18.810.030.R. Adjustments to any of these standards shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria from Subsection 18.370.020.C.9.
- 1. The proposed alley is located in a tract for private access purposes; and
  - 2. The proposed alley is managed by a homeowner association into perpetuity. For each alley there shall be a legal recorded document that includes the following at a minimum:
    - a. A legal description; and
    - b. Ownership; and
    - c. Use rights, including responsibility for enforcement; and
    - d. A maintenance agreement, including an allocation or method of determining liability for a failure to maintain.

**18.660.090 Street Connectivity**

- A. Street Alignment and Connections. In addition to the exceptions already allowed in Subsection 18.810.030.H, the following exceptions shall also apply to development in River Terrace.
- 1. For development sites located on the side of the River Terrace Boulevard right-of-way with the trail corridor, an additional exception to the street spacing requirement is allowed and encouraged to minimize the number of trail crossings, provided that there are bicycle and pedestrian connections in public easements or rights-of-way a minimum of every 330 feet.
  - 2. For public or private school sites, an additional exception to the street spacing requirement is allowed, provided that there is adequate internal circulation for pedestrians, cyclists, and vehicles within and through the site and a sufficient number and distribution of public access points from the site to public streets, sidewalks, and trails as determined by the approval authority.
- B. Block Perimeter. The perimeter of blocks formed by streets shall not exceed a total of 1,600 feet measured along the centerline of the streets except where street location is precluded by natural topography, wetlands, significant habitat areas, bodies of water, pre-existing development, or an arterial or collector street along which the city has identified a need to minimize the number of intersections.

**18.660.100 On-Street Parking**

- A. Applicability. In addition to the standards in Chapter 18.765 for off-street parking, the following on-street parking standards shall also apply to all residential single-family attached, single-family detached, and duplex development in River Terrace with individual off-street parking and vehicle access on a Local Street, Neighborhood Route, or private street or alley.
- B. Quantity Standards. All single-family and duplex development described in Subsection A above shall provide the following number of on-street parking spaces:
1. For a dwelling with 1 off-street parking space, a minimum of 2 on-street parking spaces shall be provided.
  2. For a dwelling with 2 off-street parking spaces, a minimum of 1 on-street parking space shall be provided.
  3. For dwellings with more than 2 off-street parking spaces, a minimum of 1 on-street parking space shall be provided for every 2 lots with more than 2 off-street parking spaces that are adjacent to each other.
- C. Dimensional Standards. Parking spaces shall be at least 20 feet in length. Parking spaces may not utilize street frontage that contains a driveway, driveway apron, crosswalk, congregate mailbox structure, or fire hydrant to meet the required dimensional standard.
- D. Location Standards. Required on-street parking spaces shall be provided within the development site and along the affected lot's street frontage by parallel parking, except as provided below.
1. All or some of the on-street parking spaces required in Subsections B.1 – 3 above may be provided on a street frontage not associated with the affected lot provided that the required parking space(s) is located on the same block and within 200 feet of the affected lot.
  2. All or some of the on-street parking spaces required in Subsections B.1 – 3 above may be provided in parking courts that are interspersed throughout the development when all of the following standards are met:
    - a. A parking court shall contain no more than 8 parking spaces.
    - b. A parking court shall be located within 200 feet of the affected lots.
    - c. Parking courts within the same block and on the same side of the street shall be separated by at least 200 feet of street frontage.
    - d. A parking court shall be paved and comply with all applicable grading and drainage standards in the TCDC.
    - e. A parking court shall have a landscape strip around its perimeter that is at least 5 feet wide and contains living ground cover and trees spaced every 15 – 40 feet on center. The ground cover shall include shrubs of an appropriate height to minimize headlight glare impacts on adjacent residential uses.
    - f. A parking court shall be illuminated. All lighting shall be shielded and directed away from

adjacent residential uses.

- g. A parking court that takes access on a public or private Local Street or alley may be designed to allow vehicle turning or backing movements within the street or alley. A parking court that takes access on a public Neighborhood Route may be designed to allow vehicle turning or backing movements within the public right-of-way with the approval of the City Engineer.
- h. All parking spaces in a parking court shall be clearly marked.
- i. A parking court shall be privately owned and maintained by a homeowner association into perpetuity. For each parking court there shall be a legal recorded document that includes, at a minimum, the following:
  - i. A legal description; and
  - ii. Ownership; and
  - iii. Use rights, including responsibility for enforcement; and
  - iv. A maintenance agreement, including an allocation or method of determining liability for a failure to maintain.
- j. No portion of a parking court, including landscaped areas, shall be used to satisfy any requirement for open space or recreation. Additionally, no paved portion of a parking court shall be used as a development's stormwater management facility where it would interfere with the use of the court for parking.
- k. A parking court shall be used solely for the parking of operable passenger vehicles.

E. Adjustments. Adjustments to these standards shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria from Subsection 18.370.020.C.6.a.

#### **18.660.110 Temporary Sales Offices and Model Homes**

One temporary sales office and one or more model homes may be located and used prior to final plat approval when proposed by the applicant in conjunction with a preliminary plat application for a subdivision. Any such proposal and approval shall be processed in accordance with Subsection 18.785.030, meet the approval criteria in Subsection 18.785.040.C, and comply with the provisions in this section. If the applicant does not propose a temporary sales office or model home in conjunction with a preliminary plat application for a subdivision, one or both may be proposed at a later date in accordance with Chapter 18.785.

##### **A. Temporary Sales Office.**

- 1. No more than one temporary sales office, not including a sales office in a model home, per subdivision may be approved for placement on a lot intended for a dwelling unit as shown on the preliminary plat.
- 2. Conditions of approval for a temporary sales office shall protect the public's health, safety, and welfare. Conditions of approval shall include, but are not limited to, the following:

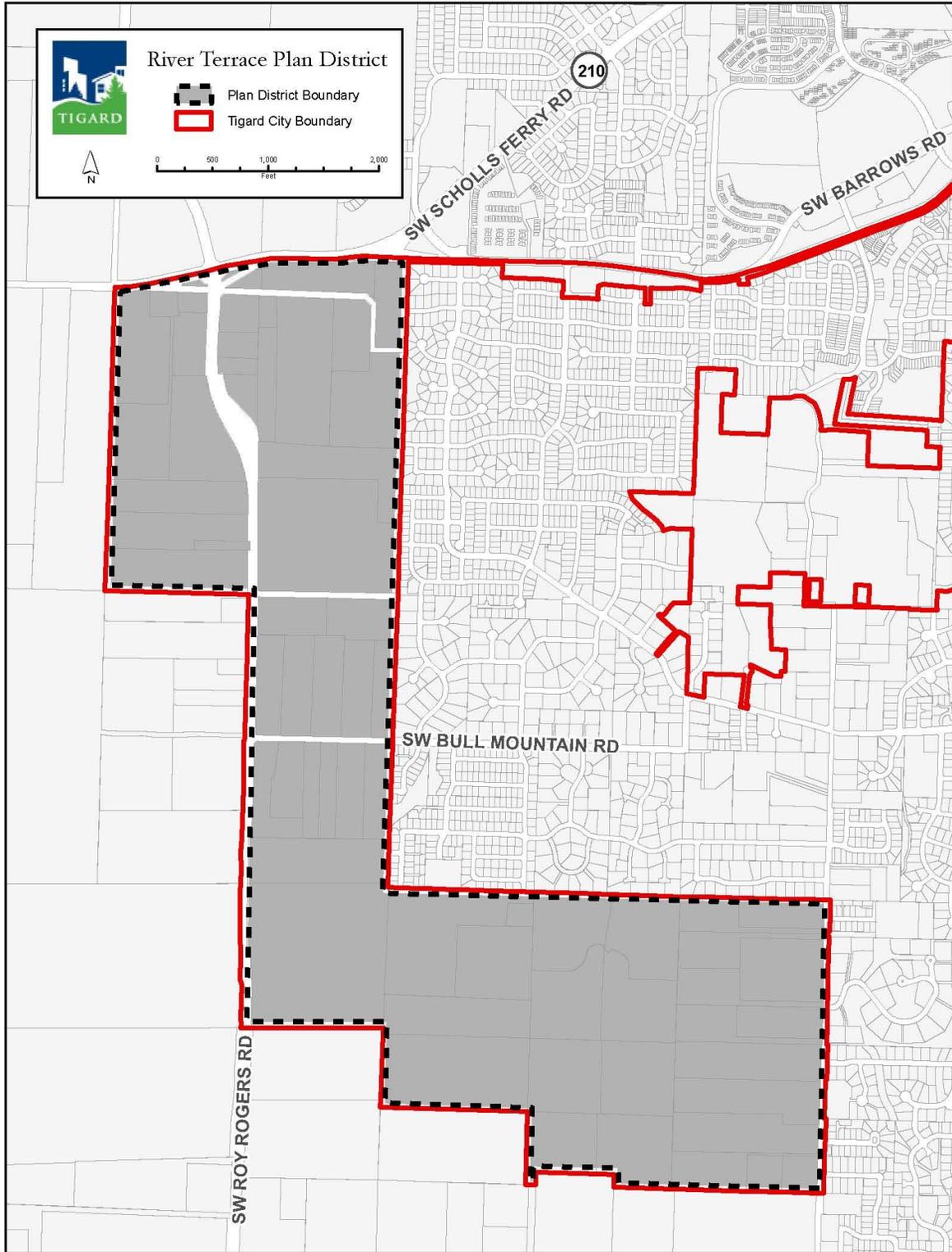
- a. Provision of adequate fire access and water supply, including fire hydrants.
  - b. Provision of safe and adequate pedestrian and vehicle access, including a sidewalk along the frontage of each sales office lot and curbs and the first lift of asphalt on all streets proposed to serve the sales office lot.
  - c. Installation of utilities within all streets proposed to serve the sales office lot.
  - d. Provision of adequate parking.
3. Any improvements to the property shall be designed and constructed so as to not preclude future use of the property as zoned.

B. Model Homes.

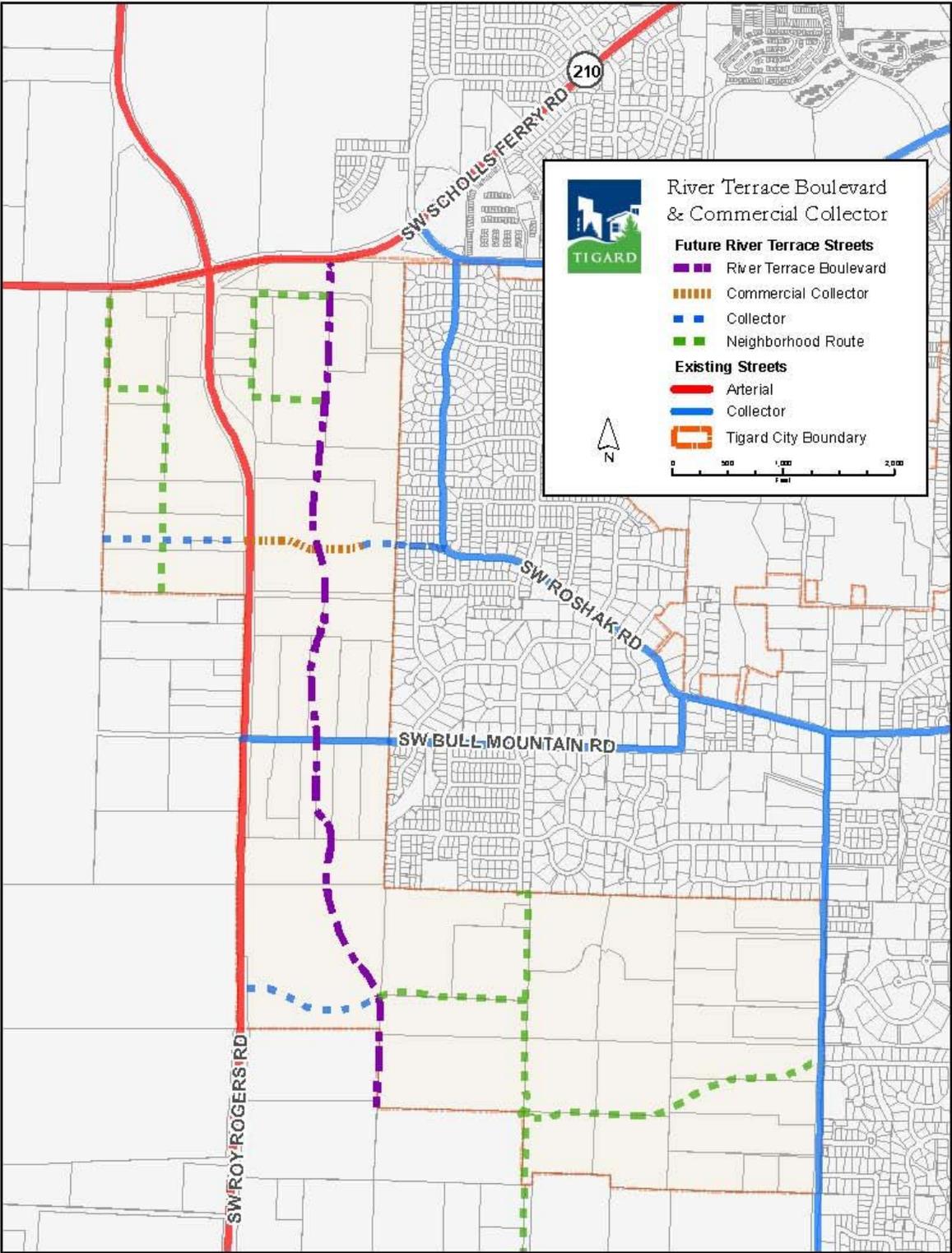
1. The number of model homes shall be limited to:
  - a. Three, or one for every 6 acres of land proposed for subdivision in a preliminary plat, whichever is greater, if the preliminary plat application is proposed in conjunction with a Planned Development application.
  - b. One, or one for every 6 acres of land proposed for subdivision in a preliminary plat, whichever is greater, if the preliminary plat application is not proposed in conjunction with a Planned Development application.
2. Conditions of approval for a model home shall protect the public's health, safety, and welfare. Conditions of approval shall include, but are not limited to, the following:
  - a. Provision of adequate fire access and water supply, including fire hydrants.
  - b. Provision of safe and adequate pedestrian and vehicle access, including a sidewalk along the frontage of each model home lot and curbs and the first lift of asphalt on all streets proposed to serve each model home lot.
  - c. Installation of utilities within all streets proposed to serve each model home lot.
  - d. Provision of adequate parking.
3. Any improvement to the property shall be designed and constructed so as to not preclude full compliance with all applicable development standards upon final plat approval. The applicant bears the sole and complete risk of altering and/or relocating the model home prior to final plat approval if such actions are necessary for it to comply with all applicable development standards upon final plat approval.
4. Each model home shall be located and constructed on a separate preliminary lot intended for a dwelling unit as shown on the preliminary plat and in conformance with all applicable development standards, including but not limited to: setbacks, lot coverage, height, façade design, and access. Nothing in this section shall be construed as recognizing the lot on which the model home is located as a final approved lot for any purpose. Nor shall the model home approval be the basis for a variance, exception, vested right or nonconforming use.

5. No model home may be occupied except during established business hours and in no event shall be used as an overnight accommodation.
  6. One model home may be used as a temporary sales office in lieu of a temporary sales office approved in accordance with either Subsection 18.660.110.A or Subsection 17.785.020.C.
- C. Owner Authorization and Performance Bond. The temporary use application for the sales office and/or model home(s) shall include authorization from the owner, binding its successors and assigns, for the city to enter the property and take such actions as are necessary to demolish and remove any temporary sales office or model home that has been declared a nuisance pursuant to Subsection D.2 below. The applicant shall post a performance bond in favor of the city in an amount designated in the temporary use approval as a reasonable estimate of the cost sufficient for this purpose. The bond shall be released upon final plat approval.
- D. Removal of Model Home or Temporary Sales Office.
1. If final plat approval is not obtained prior to the lapse of the preliminary plat approval, each model home or temporary sales office shall be removed and the property restored and made safe by the applicant or owner. This shall occur no later than 60 days after the lapse of the preliminary plat approval in accordance with Section 18.430.030, including any approved extension.
  2. A model home or temporary sales office not removed in accordance with Subsection D.1 above shall be declared a nuisance. The city shall enter the property and abate the nuisance by taking such actions as are necessary to demolish and remove the structure(s) in accordance with the owner authorization and performance bond required in Subsection C above.

**Map 18.660.A: River Terrace Plan District Boundary**



**Map 18.660.B: River Terrace Boulevard and Commercial Collector Location**



<p><b>PLANNING COMMISSION RECOMMENDATION TO THE CITY COUNCIL FOR THE CITY OF TIGARD, OREGON</b></p>	
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120 DAYS = N/A

**SECTION I. APPLICATION SUMMARY**

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**FILE NAME:** RIVER TERRACE PLAN DISTRICT & ZONING MAP AMENDMENTS

**FILE NO.:** Development Code Amendment (DCA) 2014-00001  
Zone Map Amendment (ZON) 2014-00002

**PROPOSAL:** Tigard Community Development Code text amendments and Zoning Map amendments necessary to implement the River Terrace Community Plan, recently adopted by Tigard City Council on December 16, 2014. Proposed changes include the adoption of a new chapter (18.660) within the Community Development Code to create the River Terrace Plan District and the assignment of zoning districts on the city’s Zoning Map to the approximately 490 acres of land within River Terrace.

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

**OWNER:** N/A

**LOCATION:** River Terrace Plan Area

**APPLICABLE REVIEW CRITERIA:**  
Tigard Community Development Code Subsection 18.390.060.G; Comprehensive Plan Goals 1, 2, 6, 7, 8, 10, 11, 12, 13 and 14; River Terrace Community Plan; Metro’s Urban Growth Management Functional Plan Titles 1 and 11; Metro’s Regional Transportation Function Plan Title 1; and Statewide Planning Goals 1, 2, 6, 7, 8, 10, 11, 12, 13 and 14.

**SECTION II. PLANNING COMMISSION RECOMMENDATION**

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Planning Commission recommends approval by ordinance of the River Terrace Plan District and River Terrace Zoning Map Amendments, as determined through the public hearing process.

## **SECTION III. BACKGROUND INFORMATION**

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### **Project History**

On December 16, 2014, the City of Tigard adopted the River Terrace Community Plan, a long-range planning document that supplements the Tigard Comprehensive Plan. It is designed to guide development and investment in River Terrace over the next several decades as it transitions from rural to urban land uses. It is the result of many years of analysis and visioning by the community, City of Tigard leadership and staff, Washington County leadership and staff, and numerous partner agencies.

### **Proposal Description**

This proposal includes text amendments to the Community Development Code (CDC), and associated Zoning Map Amendments necessary to implement the River Terrace Community Plan. Proposed changes include the adoption of a new chapter (18.660) within the Community Development Code to create the River Terrace Plan District and the assignment of zoning districts on the city's Zoning Map to the approximately 490 acres of land within River Terrace.

#### River Terrace Plan District Chapter

A new plan district chapter is proposed in the Community Development Code to implement key aspects of the River Terrace Community Plan. Plan districts provide a means to create a unique set of development regulations for specific areas that are defined in special plans or studies that work in tandem with base zone regulations to create desired outcomes. The city currently has five plan districts that include such diverse areas as downtown Tigard, Washington Square Mall, and the Tigard Triangle. The intent of the River Terrace Plan District is to address those development conditions that are unique to River Terrace and that were identified through the community planning process. Key elements include:

- Implementation of the River Terrace Boulevard design concept.
- Alignment of the Planned Development open space requirements with the adopted parks master plan for River Terrace.
- Provision or assurance of adequate public facilities prior to specific development approvals from the city.

#### Zoning District Designations

When Tigard City Council adopted the River Terrace Community Plan, it also adopted Comprehensive Plan designations for all land within River Terrace. Comprehensive Plan designations determine where certain kinds of land uses—such as residential and commercial uses—are allowed. Zoning district designations build upon and implement these land use designations and determine where specific development regulations apply. Such regulations include, but are not limited to, lot sizes and dimensions, building heights and setbacks, and parking requirements.

In River Terrace, the proposal contains one commercial zone and four residential zones. The residential zones range from low-density residential (R-4.5) to medium high-density residential (R-25). Higher density zones are proposed near commercial uses and along major travel corridors. Lower density zones are proposed in areas with steep slopes and along the area's eastern and northern edges to provide a buffer between existing lower density neighborhoods and future higher density neighborhoods.

The proposed Zoning District designations are consistent with the recently adopted Comprehensive Plan designations. Once Zoning District designations are adopted, land use applications for development in River Terrace may be submitted to the city for review. According to the proposed code, however, final development approval cannot be granted until public facilities are provided or assured.

### **Planning Commission Recommendation**

On February 2, 2015, Tigard Planning Commission held a public hearing on the River Terrace Code Amendments (DCA 2014-00001) and Zoning Districts Map (ZON 2014-00002). After listening to staff's presentation and public testimony, followed by careful deliberations, the Planning Commission made a unanimous recommendation to Tigard City Council to adopt the River Terrace Code Amendments and Zoning Districts Map.

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

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This section contains all the applicable city, state and metro policies, provisions, and criteria that apply to the proposed comprehensive plan amendment. Each section is addressed demonstrating how each requirement is met.

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

#### **Chapter 18.380: Zoning and Text Amendments**

**18.380.020.A Legislative Amendments**      **Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 18.309.060G**

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

#### **Chapter 18.390: Decision-Making Procedures**

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

**FINDING:**      This text amendment to the Tigard Comprehensive Plan and map amendments to the Tigard Zoning Map establish standards and procedures to be applied generally across the River Terrace Plan area, an area approximately 490 acres in size. These amendments will be reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendment is initially being considered by the Planning Commission with City Council making the final decision.

- 18.390.060.G. Decision-making considerations.** The recommendation by the Commission and the decision by the Council shall be based on consideration of the following factors:
- 1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;**
  - 2. Any federal or state statutes or regulations found applicable;**
  - 3. Any applicable Metro regulations;**
  - 4. Any applicable comprehensive plan policies; and**
  - 5. Any applicable provisions of the City’s implementing ordinances.**

**FINDING:** Findings and conclusions addressing the applicable criteria above for the proposed text amendments to the Tigard Community Development Code, and map amendments to the Tigard Zoning Map, are provided within this report.

**CONCLUSION:** Based on the findings above and below, approval criteria for a Type IV decision are satisfied.

## APPLICABLE GOALS/POLICIES OF THE TIGARD COMPREHENSIVE PLAN

### Chapter 1: Citizen Involvement

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

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

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

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

**FINDING:** The proposed text and map amendments implement the River Terrace Community Plan. Citizens, affected agencies, and other jurisdictions were given the opportunity to participate in all phases of the River Terrace Community Plan process. The plan describes opportunities like:

- Advisory committees – a Stakeholder Working Group (SWG), Technical Advisory Committee (TAC), and Implementation Subcommittee were formed to advise the process.
- Community meetings – Eight were held prior to the adoption process.
- Online Tools – A blog and online forum were set up for public participation

The proposed Zoning Map Amendments were revised and reviewed as part of the Community Plan process. The Stakeholder Working Group made up of River Terrace project stakeholders reviewed and recommended the proposed Zoning map to City Council.

The River Terrace Plan District Chapter directly implements the adopted Community Plan and associated infrastructure master plans for water sewer, stormwater, parks, and transportation. For example, such policy considerations include:

- “Amend the Community Development Code and the Public Improvement Design Standards to implement the commercial area vision and design concept for River Terrace Boulevard.” (Action Measure 3-2, RTCP)
- “Amend the Community Development Code to better align the open space requirements for Planned Developments in River Terrace with the River Terrace PSMP Addendum.” (Action Measure 5-3, RTCP)

Project stakeholders were invited to two meetings to discuss the draft Plan District Chapter, and the draft was available online for review and comment.

In addition, several opportunities for participation are also built into the text and map amendment process, including:

- Public Hearing notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code and Measure 56. Public hearing notice of the Planning Commission and City Council public hearings was sent to the interested parties list and all River Terrace property owners.
- A notice was published in the January 15, 2015 issue of The Tigard Times (in accordance with Tigard Development Code Chapter 18.390). The notice invited public input and included the phone number of a contact person to answer questions. The notice also included the address of the City’s webpage where the entire draft of the text changes could be viewed.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 1.1 Policies 2, 3 and 5 are met.

**Goal 1.2**      *Ensure all citizens have access to:*  
*A. opportunities to communicate directly to the City; and*  
*B. information on issues in an understandable form.*

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

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

effectiveness of methods used.

**Policy 4**            **The City shall ensure citizens receive a timely response from policymakers regarding recommendations made through the citizen involvement program.**

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

**Policy 6**            **The City shall provide opportunities for citizens to communicate to Council, boards and commissions, and staff regarding issues that concern them.**

**FINDING:**            The proposed text and map amendments implement the River Terrace Community Plan, and were discussed during development of the plan. The adopted River Terrace Community Plan describes how citizens could communicate directly to the city about the project and receive information on issues in an understandable form. Community Plan Goal 1: Public involvement lists opportunities like:

- Updates to City boards and commissions
- Presentations to neighborhood and special interest groups
- River Terrace project website, blog, and interactive maps
- Printed informational material and mailings

Citizen involvement led to several key River Terrace Community Plan refinements, including the type and location of Comprehensive Plan Designations which the proposed Zoning Map amendments will implement.

**CONCLUSION:**        Based on the above findings, Tigard Comprehensive Plan Goal 1.2 Policies 1, 2, 4, 5 and 6 are met.

## **Chapter 2: Land Use Planning**

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

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

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

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

jurisdictions and agencies.

- Policy 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.**
- Policy 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.**
- Policy 20**                    **The City shall periodically review and if necessary update its Comprehensive Plan and regulatory maps and implementing measures to ensure they are current and responsive to community needs, provide reliable information, and conform to applicable state law, administrative rules, and regional requirements.**
- Policy 21**                    **The City shall establish design standards to promote quality urban development and to enhance the community’s value, livability, and attractiveness.**

**FINDING:**                    The goals and policies contained in the Tigard Comprehensive Plan provide the basis for the city’s land use planning program. The River Terrace Community Plan is a product of this program and an ancillary Comprehensive Plan document. The proposed text and map amendments implement the goals and policies of these two documents for the River Terrace plan area. Together they provide for a variety of land uses and residential densities consistent with the community’s desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks and recreational opportunities. The proposed amendments create tools to achieve this through a mixture of zoning designations and new plan district standards including new planned development options and design standards.

As described in this staff report, the text and map amendments complies with all applicable statewide planning goals, regional regulations, Comprehensive Plan goals and policies, the Comprehensive Plan

Designations Map, and serves the interest of the citizens. The amendment ensures that the River Terrace area is urbanized efficiently.

Potentially affected jurisdictions and agencies were given an opportunity to comment on the proposal. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policies 1, 2, 3, 7, 12, 20 and 21 are met.

**Policy 6** **The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community’s social and fiscal stability.**

**Policy 8** **The City shall require that appropriate public facilities are made available, or committed, prior to development approval and are constructed prior to, or concurrently with, development occupancy.**

**Policy 9** **The City may, upon determining it is in the public interest, enter into development agreements to phase the provision of required public facilities and services and/or payment of impact fees and/or other arrangements that assure the integrity of the infrastructure system and public safety.**

**Policy 10** **The City shall institute fees and charges to ensure development pays for development related services and assumes the appropriate costs for impacts on the transportation and other public facility systems.**

**Policy 13** **The City shall plan for future public facility expansion for those areas within its Urban Planning Area that can realistically be expected to be within the City limits during the planning period.**

**FINDING:** This text and map amendment proposal provides for a variety of land uses and residential densities consistent with the community’s desire to create a community of great neighborhoods that includes needed housing, neighborhood-scale commercial businesses, schools, parks and recreational opportunities.

The River Terrace area is predominantly agricultural with some scattered single-family homes served by minimal public services. As a result, the plan area does not yet contain infrastructure capable of supporting urban level development. City policies listed above require that appropriate public facilities be made available or committed to, prior to development approval, and are constructed before or concurrent with development occupancy. City policies also require the adoption of fees and charges necessary to ensure development pays for development-related services to mitigate impacts on public facility systems.

In response to these and other policies and requirements, the following master plan documents were developed and adopted to facilitate the urbanization of the River Terrace area.

- River Terrace Park System Master Plan Addendum
- River Terrace Water System Master Plan Addendum
- River Terrace Sanitary Sewer Master Plan Addendum
- River Terrace Stormwater Master Plan
- River Terrace Transportation System Plan Addendum

These plans include a list of infrastructure improvements necessary to accommodate the River Terrace area. A funding strategy for the implementation of these master plans was developed concurrently with the Community Plan and master plans, pursuant to state and regional requirements, and was adopted on December 16, 2014 alongside the River Terrace Community Plan. Additionally, a Citywide Infrastructure Financing Project is underway to update the city's existing utility fees and System Development Charges to fund projects listed in the five master plans.

In order to ensure required public infrastructure is available prior to or concurrent with development, the proposed amendments include procedures and standards pertaining to the adequacy of public facilities within River Terrace (Section 18.660.033 of the proposed plan district chapter).

Tigard City Council hereby interprets Policy 8 to permit development applications to be filed in advance of full implementation of the Master Plans and Funding Strategy. An applicant may seek preliminary approval by qualifying to defer application of certain public facility standards until the final approval stage. Policy 8, and Section 18.660, however, prohibit final development approvals from being issued until public facilities as identified in the Master Plans or otherwise required under the Community Development Code are in place or assured. This interpretation balances the desire of some property owners and development interests to commence preliminary activities prior to full implementation of these plans to avoid losing a construction season with the requirement that no development rights vest or be granted until public facilities are assured or in place.

In addition to compliance with all other Community Development Code provisions relating to providing public facilities, within River Terrace an applicant would be required to demonstrate that the infrastructure financing components have been adopted and/or facilities are available to serve the proposed development. Should services or financing components not be in place, the applicant could request preliminary or conceptual approval, could build the required infrastructure, or request an exception to be considered through a land use procedure.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policies 6, 8, 9, 10, and 13 are met.

**Policy 15**

**In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:**

- A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;**
- B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services;**
- C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;**
- D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;**
- E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled;**
- F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses; and**
- G. Demonstration that the amendment does not detract from the viability of the City's natural systems.**

**FINDING:**

The proposed amendments to Tigard's Zoning Map meets the following specific criteria:

- Sufficient capacity/not negatively impact: As described previously in this report, the proposed map amendments are being adopted concurrently with plan district approval standards and review processes that will ensure adequate facilities will be made available or assured prior to or concurrent with development, as set forth in the River Terrace Community Plan and five infrastructure master plans.
- Fulfills a proven community need: A majority of the land in River Terrace is proposed for new housing. A citywide analysis of housing needs and capacity in 2012 found that Tigard has an estimated need for just over 6,500 new housing units over the next 20 years. Over 50% of the city's overall need (3,744 housing units) could be absorbed by River Terrace development.
- Demonstration of inadequacy: A significant portion of the city's estimated capacity for needed housing is assumed to come from River Terrace.
- Demonstration of compliance: The River Terrace Community Plan utilizes the city's existing Comprehensive Plan and zoning district designations.
- Compatibility: Higher residential densities are planned near

commercial and institutional uses and along major transportation corridors. Lower residential densities are planned in areas with steep slopes and along the area's eastern edge to provide a buffer between existing lower density neighborhoods and future higher density neighborhoods.

- Viability of natural systems: The city's natural resource maps were updated in 2014 to ensure that these areas are protected. The city's existing protection programs for natural resources will apply to all development within the newly zoned areas.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 2.1 Policy 15 is met.

### **Chapter 6: Environmental Quality**

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

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

**Policy 6** The City shall encourage the maintenance and improvement of open spaces, natural resources, and the City's tree canopy to sustain their positive contribution to air quality.

FINDING: The proposed plan district standards and map amendments support the city's adopted environmental quality goals and policies. Specifically:

- Land use patterns: The River Terrace zoning designations will allow for more intense urban land uses that reduce the dependency on the automobile and increase opportunities for walking, biking, and public transit.
- Multi-modal travel options: River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments. The River Terrace Plan District chapter will implement these changes through boulevard design standards and street design standards set forth in the proposed plan district.
- Open Space: The River Terrace Boulevard cross section requires an 8.5-foot planter strip in addition to a 38-foot wide trail section. Planned development standards encourage the dedication of neighborhood or linear parks, open space, and/or trails identified in the River Terrace Park System Master Plan Addendum. Additional open space and corridor enhancements not included in the Park System Master Plan are also encouraged.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 6.1 Policies 3 and 6 are met.

## Chapter 7: Hazards

*Goal 7.1 Protect people and property from flood, landslide, earthquake, wildfire, and severe weather hazards.*

**Policy 3** The City shall coordinate land use and public facility planning with public safety providers (law enforcement, fire safety, and emergency service providers) to ensure their capability to respond to hazard events.

**FINDING:** The city's public safety providers (law enforcement and Tualatin Valley Fire and Rescue) served as members of the Technical Advisory Committee for the Rive Terrace Community Plan. Both agencies had an opportunity to comment on this proposal. Any comments received are addressed in Section VI of this staff report.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 7.1 Policy 3 is met.

## Chapter 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.*

**Policy 3** The City shall seek to achieve or exceed the ideal park service level standard of 11.0 acres of parkland per thousand population.

**Policy 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.

**Policy 21** Acceptance of any land donated for park purposes shall be based upon its usefulness and adaptability to the Park System Master Plan.

**FINDING:** The city's adopted Level of service (LOS) standards for parks were used in planning for River Terrace. Overall, the city is proposing to exceed the city's (updated) core standard by over 37 acres as set forth in the recently adopted River Terrace Park System Master Plan. The full range of park types is envisioned in River Terrace to provide access for both active and passive recreation. In lieu of identifying specific park locations, parks are conceptually located within service areas to show where community and neighborhood parks would be needed to meet LOS standards and to achieve the goal of having an equitable distribution of parks in the area.

The proposed text amendments would incentivize the development of park facilities through the adoption of new planned development approval standards allowing for a reduction in private open space dedication (normally 20%), when the proposed dedication meets a park, open space, or trail need identified in the River Terrace Park System Master Plan; will be dedicated to the public; and meets both the location and level of service standard. Additional enhancements are also required such as the construction of park facilities along the trail corridor.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 8.1 Policies 3, 4 and 21 are met.

**Goal 8.2** *Create a Citywide network of interconnected on- and off-road pedestrian and bicycle trails.*

**Policy 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 River Terrace Community Plan addresses trails in two sections: *Goal 8: Parks, Recreation, Trails, and Open Space* and *Goal 12: Transportation*. As stated in the Community Plan, the River Terrace Transportation System Plan Addendum envisions a comprehensive trail system for pedestrians and cyclists that link the many existing natural resources areas, proposed parks, future schools and services, and other planned regional trails in the area. The trail system is consistent with the River Terrace Park System Master Plan Addendum, the city's Strategic Plan for walkability, and the Metro Regional Trails and Greenways Plan.

Proposed text amendments are intended to implement the trail goals of the River Terrace Community Plan through several mechanisms. Design standards for River Terrace Boulevard include a 38-foot wide regional trail corridor in addition to sidewalks, and pedestrian connections between this trail and adjacent residential development. Planned Development standards incentivize the creation, dedication, and/or enhancement of enhanced pedestrian connections and public trails.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 8.2 Policy 1 is met.

## **Chapter 10: Housing**

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

**Policy 1** **The City shall adopt and maintain land use policies, codes, and standards that provide opportunities to develop a variety of housing**

**types that meet the needs, preferences and financial capabilities of Tigard’s present and future residents.**

**FINDING:**

Proposed zoning map amendments are consistent with goals of the River Terrace Community Plan. River Terrace stakeholders prioritized a range of residential densities to provide diverse housing types, a variety of housing choices, and integration with existing adjacent Bull Mountain neighborhoods when designing the land use framework for River Terrace. The proposed land uses meet state and Metro requirements for density and the opportunity for attached housing. Approximate acreages, estimated capacity, and allowed housing types are as follows:

<b>Zone</b>	<b>Approximate Acres</b>	<b>Estimated Capacity (Units)</b>
<b>R-4</b>	51.03	296
<b>R-7</b>	190.02	1654
<b>R-12</b>	64.04	914
<b>R-25</b>	29.93	880

<b>Zones</b>	<b>Single-Family Detached</b>	<b>Single-Family Attached</b>	<b>Duplexes</b>	<b>Multifamily</b>
<b>R-4.5</b>	Permitted	Restricted	Conditional	No
<b>R-7</b>	Permitted	Restricted/Conditional	Permitted	No
<b>R-12</b>	Permitted	Permitted	Permitted	Permitted
<b>R-25</b>	Permitted	Permitted	Permitted	Permitted

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

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

**Policy 2** The City shall seek to provide multi-modal transportation access from residential neighborhoods to transit stops, commercial services, employment, and other activity centers.

**Policy 5** The City shall encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources.

**Policy 6** The City shall promote innovative and well-designed housing development through application of planned developments and community design standards for multi-family housing.

**Policy 7** The City shall ensure that residential densities are appropriately

related to locational characteristics and site conditions such as the presence of natural hazards and natural resources, availability of public facilities and services, and existing land use patterns.

**Policy 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 ensure development complies with the multi-modal transportation goals and placemaking visions of the River Terrace Community Plan and Transportation System Plan Addendum. The proposed plan district will establish transportation improvement standards to help established a multi-modal transportation system that is designed to connect River Terrace to existing and future neighborhoods, services, parks, schools and regional destinations through a hierarchy of streets and trails that provide residents and visitors with convenient, safe and comfortable travel options. This network of multi-modal streets conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort and mobility.

The proposed zoning designations place higher residential densities near commercial and institutional uses and along major corridors in order to reduce dependency on vehicles. Lower residential densities are planned in areas with steep slopes and along the area's eastern edge to provide a buffer between existing lower density neighborhoods and future higher density neighborhoods. The River Terrace Community plan encourages the co-location of land uses (e.g. parks and trails), public facilities (e.g. stormwater facilities and pump stations), and natural resource areas to maximize the efficient use of land and to create opportunities for community amenities.

The city's current development code, specifically relating to buffering and screening, will apply to the River Terrace plan area ensuring orderly transition of residential densities. The city's current planned development code will also apply to River Terrace, and will be enhanced through the proposed text amendment to implement the vision and goals of the River Terrace Community Plan. Design standards proposed in the River Terrace Plan District, particularly along River Terrace Boulevard, will result in high-quality residential and civic development that will enhance the public realm and provide for enhanced livability.

**CONCLUSION:**

Based on the above findings, Tigard Comprehensive Plan Goal 10.2 Policies 2, 5, 6, 7 and 8 are met.

## Chapter 11: Public Facilities and Services

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

**Policy 1**            **The City shall require that all new development:**

- A. construct the appropriate stormwater facilities or ensure construction by paying their fair share of the cost;**
- B. comply with adopted plans and standards for stormwater management; and**
- C. meet or exceed regional, state, and federal standards for water quality and flood protection.**

**Policy 8**            **The City shall develop sustainable funding mechanisms:**

- A. for stormwater system maintenance;**
- B. to improve deficiencies within the existing system; and**
- C. to implement stormwater system improvements identified in the Capital Improvement Plan.**

**FINDING:**            The adopted River Terrace Stormwater Master Plan Addendum, and by extension, the River Terrace Community Plan, support the city's stormwater management goals and policies. As described more fully in findings pertaining to Tigard Comprehensive Goal 2.1, the proposed text amendments will ensure that future development within River Terrace does not precede the construction of necessary stormwater facilities set forth in the Stormwater Master Plan Addendum, or without adequate funding mechanisms in place to support future stormwater infrastructure.

**CONCLUSION:**        Based on the above findings, Tigard Comprehensive Plan Goal 11.1 Policies 1 and 8 are met.

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

**Policy 6**            **The City shall require all new connections within the Tigard Water Service Area to pay a system development charge.**

**Policy 8**            **The City shall require all new development needing a water supply to :**

- A. connect to a public water system;**
- B. pay a system development charge and other costs associated with extending service;**
- C. ensure adequate pressure and volume to meet consumption and fire protection needs; and**
- D. extend adequately sized water lines with sufficient pressure to the boundaries of the property for anticipated future extension.**

**FINDING:**            The River Terrace Water System Master Plan Addendum and, by extension, the River Terrace Community Plan support the city's water supply goals and policies. As described more fully in findings pertaining to Tigard

Comprehensive Goal 2.1, the proposed text amendments will ensure that future development within River Terrace does not precede the construction of necessary potable water facilities set forth in the Water System Master Plan Addendum, or without adequate funding mechanisms in place to support future water delivery infrastructure.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 11.2 Policies 6 and 8 are met.

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

**Policy 1**            **The City shall require that all new development:**  
                          **A. connect to the public wastewater system and pay a connection fee;**  
                          **B. construct the appropriate wastewater infrastructure; and**  
                          **C. comply with adopted plans and standards for wastewater management.**

FINDING:            The River Terrace Sanitary Sewer Master Plan Addendum and, by extension, the River Terrace Community Plan support the city’s adopted sanitary sewer goals and policies. As described more fully in findings pertaining to Tigard Comprehensive Goal 2.1, the proposed text amendments will ensure that future development within River Terrace does not precede the construction of necessary sanitary sewer facilities set forth in the Sanitary Sewer Master Plan Addendum, or without adequate funding mechanisms in place to support future stormwater infrastructure.

CONCLUSION:        Based on the above findings, Tigard Comprehensive Plan Goal 11.3 Policy 1 is met.

**Chapter 12: Transportation**

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

**Policy 1**            **The City shall plan for a transportation system that meets current community needs and anticipated growth and development.**

**Policy 3**            **The City shall maintain and enhance transportation functionality by emphasizing multi-modal travel options for all types of land uses.**

**Policy 4**            **The City shall promote land uses and transportation investments that promote balanced transportation options.**

**Policy 5**            **The City shall develop plans for major transportation corridors and provide appropriate land uses in and adjacent to those corridors.**

**Policy 6**            **The City shall support land use patterns that reduce greenhouse gas**

**emissions and preserve the function of the transportation system.**

**Policy 7                   The City shall strive to protect the natural environment from impacts derived from transportation facilities.**

**Policy 9                   The City shall coordinate with private and public developers to provide access via a safe, efficient, and balanced transportation system.**

**FINDING:**               The proposed River Terrace Plan District includes approval criteria, street and alley design standards, requirements and incentives for trail connections, and adjustment processes to respond to environmental features. These designs are based on the goals and findings of the River Terrace Community Plan and River Terrace Transportation Master Plan Addendum, and are intended to accommodate all modes of travel for users of all ages and abilities where possible. They are also designed to safely connect people to where they need to go, providing residents and visitors with a number of travel choices to their destinations. The streets are also envisioned to be more than just places for automobile travel, recognizing that they are also where people gather, walk, bike, access transit, and park their vehicles.

The proposed zoning map amendments place higher residential densities near commercial and institutional uses and along major corridors to reduce dependency on vehicles.

The River Terrace TSP Addendum envisions a comprehensive trail system for pedestrians and cyclists that link the many existing natural resource areas, proposed parks, future schools and services, and other planned regional trails in the area. The proposed plan district standards include space for the River Terrace Trail in the River Terrace Boulevard cross-section, require connections to the trail from adjacent land uses, and provide incentives for trail construction within the Planned Development standards proposed for the plan district.

The plan district language recognizes that street alignments and intersections should avoid and/or minimize impacts to identified natural resource areas wherever possible, and an adjustment process is also included to minimize or avoid resource impacts.

Proposed street design standards are based on input and recommendations documented during the River Terrace Community Plan process. Potentially affected jurisdictions, agencies, and other stakeholders were given an opportunity to collaborate with staff. In addition, the city sent out a request for comments to all potentially affected jurisdictions, agencies, and stakeholders. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments.

**CONCLUSION:**           Based on the above findings, Tigard Comprehensive Plan Goal 12.1 Policies 1, 3, 4, 5, 6, 7, 8 and 9 are met.

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

**Policy 3** The City shall design streets to encourage a reduction in trip length by improving arterial, collector, and local street connections.

**Policy 4** The City shall design arterial routes, highway access, and adjacent land uses in ways that facilitate the efficient movement of people, goods and services.

**FINDING:** The proposed text amendments include street connectivity standards intended to reduce trip lengths and increase the efficient movement of people for all modes of transportation. To facilitate connections for development adjacent to River Terrace Boulevard, a primary multi-modal transportation corridor within the plan area, the proposed standards allow development to increase street spacing beyond the 530-foot standard applicable in the rest of the city. The purpose of this exception is to reduce the number of street crossings for pedestrian and bicycle users utilizing River Terrace Boulevard. Mitigating the increased distance between intersections is a requirement for a bicycle or pedestrian easements to connect to River Terrace Boulevard at an increased spacing of one connection every 330 feet and a reduction in maximum block perimeter length.

**CONCLUSION:** Based on the above findings, Tigard Comprehensive Plan Goal 12.2 Policies 3 and 4 are met.

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

**Policy 4** The City shall support and prioritize bicycle, pedestrian, and transit improvements for transportation disadvantaged populations who may be dependent on travel modes other than private automobile.

**Policy 5** The City shall develop and maintain neighborhood and local connections to provide efficient circulation in and out of the neighborhoods.

**Policy 8** The City shall design all projects on Tigard city streets to encourage pedestrian and bicycle travel.

**Policy 10** The City shall require and/or facilitate the construction of off-street trails to develop pedestrian and bicycle connections that cannot be provided by a street.

**Policy 11** The City shall require appropriate access to bicycle and pedestrian facilities for all schools, parks, public facilities, and commercial areas.

**FINDING:** The proposed River Terrace Plan District Chapter includes approval criteria,

street and alley design standards, requirements and incentives for active use trail connections within the River Terrace Plan Area and connections to regional trails that continue beyond the plan area. These designs are based on the goals and findings of the River Terrace Community Plan and River Terrace Transportation System Plan Addendum, and are intended to accommodate all modes of travel for users of all ages and abilities where possible. Designs also safely connect people to where they need to go, providing residents and visitors with a number of travel choices to their destinations. The streets are also envisioned to be more than just places for automobile travel, recognizing that they are also where people gather, walk, bike, access transit, and park their vehicles.

The River Terrace Transportation System Plan Addendum envisions a comprehensive trail system for pedestrians and cyclists that link the many existing natural resource areas, proposed parks, future schools and services, and other planned regional trails in the area. The proposed plan district standards include space for the River Terrace Trail in the River Terrace Boulevard cross-section, a separate active use trail, required connections to the River Terrace trail from adjacent land uses, and incentives for trail construction within the Planned Development standards proposed for the plan district.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.3 Policies 4, 5, 8, 10 and 11 are met.

***Goal 12.4 Maintain and improve transportation system safety.***

**Policy 1**            **The City shall consider the intended uses of a street during the design to promote safety, efficiency, and multi-modal needs.**

**Policy 2**            **The City shall coordinate with appropriate agencies to provide safe, secure, connected, and desirable pedestrian, bicycle, and public transit facilities.**

FINDING:            The River Terrace Plan District establishes design standards for streets within the plan district. The River Terrace Boulevard cross-section requires sidewalks separated by planter strips, bike lanes, and a regional trail in a 38-foot right-of-way. Proposed design standards for collectors include a sidewalk separated by a planter strip and dedicated bike lanes. These design features promote safety, efficiency, and enhance the user experience along the main north-south access road for the plan area.

The design standards proposed in the River Terrace Plan District are based on recommendations provided during the River Terrace Community Plan process, which included guidance from a Technical Advisory Committee (TAC). The TAC included members from Metro, Oregon Department of Transportation, the City of Beaverton, and Washington County, as well as other affected agencies and jurisdictions.

The City sent out a request for comments on the proposed text amendments to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VII of this Staff Report.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.4 Policies 1 and 2 are met.

**Goal 12.5** *Coordinate planning, development, operation, and maintenance of the transportation system with appropriate agencies.*

**Policy 1** **The City shall coordinate and cooperate with adjacent agencies and service providers—including Metro, TriMet, ODOT, Washington County, and neighboring cities—when appropriate, to develop transportation projects which benefit the region as a whole, in addition to the City of Tigard.**

FINDING: The design standards proposed in the River Terrace Plan District are based on recommendations provided during the River Terrace Community Plan process, which included guidance from a Technical Advisory Committee (TAC). The TAC included members from Metro, the Oregon Department of Transportation, City of Beaverton, and Washington County, as well as other affected agencies and jurisdictions.

The City sent out a request for comments on the proposed amendments to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VI of this Staff Report.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.5 Policy 1 is met.

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

**Goal 13.1** *Reduce energy consumption.*

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

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

FINDING: The proposed text and map amendments support the city's adopted energy conservation goals and policies.

The River Terrace Plan District and associated zoning map amendments are intended to enable residents in the River Terrace area to safely and efficiently travel between destinations via any number of active

transportation modes, such as walking and biking. A system of sidewalks, bikeways, and trails will provide access to key destinations such as parks, schools, and commercial areas.

The zoning designations place higher residential densities near commercial and institutional uses and along major corridors reducing the dependency on vehicles. The proposed zone designations also make transit a viable option in the future.

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

## APPLICABLE PROVISIONS OF THE RIVER TERRACE COMMUNITY PLAN

### *Goal 2: Land Use Planning*

**Action Measure 1** Adopt the Comprehensive Plan and zoning district designations shown on Maps 1 and 2 respectively.

**Action Measure 2** Amend the Community Development Code and the Public Improvement Design Standards to implement the commercial area vision and design concept for River Terrace Boulevard.

FINDING: The proposed map amendments would adopt zoning designations consistent with Maps 1 and 2 of the River Terrace Community Plan.

The proposed text amendments would adopt design standards for River Terrace Boulevard and adjacent development (18.660.040-080). A placeholder within the proposed code creates a space and context for the future adoption of commercial area design standards.

CONCLUSION: Based on the findings above, Action Measure 1 and 2 of Goal 2 of the River Terrace Community Plan are satisfied.

### *Goal 8: Parks, Recreation, Trail, and Open Space*

**Action Measure 3** Amend the Community Development Code to better align the open space requirements for Planned Developments in River Terrace with the River Terrace PSMP Addendum.

**Action Measure 6** Amend the Community Development Code and the Public Improvement Design Standards to implement the design concept for River Terrace Boulevard, which includes the River Terrace Trail.

FINDING: The proposed River Terrace Plan District standards (18.660.060) provide greater flexibility to developers through changes to the planned development process (18.660.060) and encourage the dedication or enhancement of public parks, open space, and trails consistent with the

River Terrace Park System Master Plan Addendum.

The proposed River Terrace Plan District standards implement the River Terrace Boulevard and River Terrace Trail design concepts, as set forth in proposed sections 18.660.050 through 18.660.080.

CONCLUSION: Based on the findings above, Action Measures 3 and 6 of Goal 8 of the River Terrace Community Plan are satisfied.

**Goal 10: Housing**

**Action Measure 1 Adopt the Comprehensive Plan and zoning district designations described in the section on Land Use to facilitate a mix of residential densities that allows for a variety of housing types in order to comply with the Metropolitan Housing Rule and to meet a wide range of housing needs.**

FINDING: Proposed amendments to the Tigard Zoning Map are consistent with Maps 1 and 2 of the River Terrace Community Plan, and are intended to provide a variety of housing types consistent with the goals of the Community Plan and Metropolitan Housing Rule.

CONCLUSION: Based on the findings above, Action Measure 1 of Goal 10 of the River Terrace Community Plan is satisfied.

**Goal 12: Transportation**

**Action Measure 4 Amend the Community Development Code and the Public Improvement Design Standards to allow for needed zoning and design flexibility along the entire length of River Terrace Boulevard while staying true to the design concept.**

FINDING: An adjustment process has been incorporated into the River Terrace Boulevard Design Standards (18.660.060) and Street Design standards (18.660.070). Exceptions to street connections and block perimeter standards are also proposed in plan district standards regarding Street Connectivity (18.660.080). Together, these will help implement the design concept.

CONCLUSION: Based on the findings above, Action Measure 4 of Goal 12 of the River Terrace Community Plan is satisfied.

**Goal 14: Urbanization**

**Action Measure 2 Adopt the Comprehensive Plan and zoning district designations shown on Maps 1 and 2 respectively.**

**Action Measure 3 Work with the development community and affected service providers to fund and construct the public facilities needed in River**

**Terrace in accordance with the recommendations in the various River Terrace infrastructure master plans and the River Terrace Funding Strategy.**

FINDING: Proposed changes to the Tigard Zoning Map are consistent with maps 1 and 2 of the River Terrace Community Plan.

As discussed in greater detail under findings pertaining to Comprehensive Plan Goal 2.1, the proposed River Terrace Plan District includes standards and procedures relating to the adequacy of needed public facilities. The City has engaged the development community and affected service providers in a collaborative process to develop clear and objective standards and flexible options to ensure infrastructure is constructed and funded in accordance with the five master plans and the River Terrace Funding Strategy.

CONCLUSION: Based on the findings above, Action Measures 2 and 3 of the River Terrace Community Plan is satisfied.

APPLICABLE PROVISIONS OF METRO FUNCTIONAL PLANS

**Urban Growth Management Functional Plan**

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

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

Proposed map changes will establish housing capacity within the River Terrace area, by assigning zoning consistent with the Comprehensive Plan Designations Map and Maps 1 and 2 of the River Terrace Community Plan. These text and map amendments were completed following the rules outlined in OAR 660, Division 7 (Metropolitan Housing). The proposed text and map amendments will implement policy related to a 20-year supply of land, and do not affect compliance with Title 1. Both Metro and Oregon Department of Land Conservation and Development staff were provided the opportunity to review and comment on all work leading up to the adoption of the River Terrace Community Plan, as members of the Technical Advisory Committee.

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



to Title 3 of the UGMFP cannot be constructed in centers as defined in Title 6 of the UGMFP or Main Streets shown on the 2040 Growth Concept Map, or if spacing of full street connections exceeds 1,200 feet, provides bike and pedestrian crossings at an average of 530 feet between accessways unless habitat quality or the length of the crossing prevents a connection;

7. Limits cul-de-sac designs or other closed-end street designs to circumstances in which barriers prevent full street extensions and limits the length of such streets to 200 feet and the number of dwellings along the street to no more than 25; and
8. Provides street cross-sections showing dimensions of right-of-way improvements and posted or expected speed limits.

FINDING:

Proposed River Terrace Plan District standards include plan area specific standards for street connections and block perimeter standards. This includes an exception to allow an increase in spacing standards beyond the regional standard of 5300 feet, and a reduction in maximum block perimeters from 2,000 to 1,600 feet.

To improve local access and circulation, and preserve capacity on the region's arterial system, each local Transportation System Plan must include a conceptual map of new streets for all contiguous areas of vacant and redevelopable lots and parcels of five or more acres that are zoned to allow residential or mixed-use development. Full street connections should be provided at least every 530 feet (or 1/10th of a mile) or pedestrian and bicycle connections every 330 feet if a full-street connection is not possible. Cul-de-sac or other closed-end street designs are also restricted to circumstances in which barriers prevent full street extensions and such streets are limited in length to 200 feet and the number of dwellings along the street to no more than 25.

The City of Tigard street spacing standards in Tigard Community Development Code Section 18.810 are consistent with the Metro Regional Transportation Functional Plan, requiring full street connections every 530 feet. City standards also require the perimeter of blocks not exceed 2,000 feet in length, and requires pedestrian and bicycle connections every 330 feet if full street connections are not possible, consistent with the regional standard.

River Terrace Boulevard, which is parallel to and east of Roy Rogers Road, is envisioned as a boulevard that seamlessly integrates the River Terrace Trail into its design. In order to successfully balance vehicle mobility with safety and comfort of pedestrian and bicycle users on the River Terrace Trail, motor vehicle crossings of the trail will be limited. The trail and associated drainage/bioswale surrounding it provides a barrier to complying with the Metro and City street spacing standard of 530 feet. Coordination with Metro staff indicated that these conditions provide valid justification to deviate from these standards. Where spacing between full street connections exceeds 530 feet, midblock pedestrian and bicycle connections must be provided

every 330 feet, to be consistent with the City and regional standard.

Overall, the deviation from the street spacing standard will have little impact on motor vehicle circulation, since the proposed River Terrace Boulevard is less than 700 feet east of Roy Rogers Road, leaving little room for continuous blocks. In addition, Washington County restricts direct access to arterial streets (such as Roy Rogers Road) to other arterial or collector streets. Therefore, east-to-west motor vehicle circulation will be limited to neighborhood traffic.

To encourage multi-modal travel within River Terrace and to help mitigate for the extended street spacing allowed on River Terrace Boulevard, the City standard for block perimeter length (currently at 2,000 feet) is recommended to be reduced to 1,600 feet. In locations where the block perimeters must exceed 1,600 feet, midblock pedestrian and bicycle connections must be provided at least every 330 feet, to be consistent with the city and regional street spacing standard. Overall, longer street blocks are inconvenient and unsafe for pedestrians, indirectly encouraging mid-street crossings as the only practical means to access places directly across the street and often requiring pedestrians to go out of their way to get to their destination. Longer blocks also encourage higher vehicle speeds due to fewer traffic calming mechanisms that shorter blocks with more frequent intersections provide. Shorter blocks also provide flexibility and options for pedestrians and bicyclists, allowing for more direct and convenient travel, while offering more opportunities to safely access destinations.

**CONCLUSION:** Based on the above findings, Metro's Regional Transportation Functional Plan Street System Design standards are met.

#### APPLICABLE PROVISIONS OF STATEWIDE PLANNING GOALS ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197

The City's Comprehensive Plan incorporated the Statewide Planning Goals and was acknowledged by the state as being in compliance with state law; therefore, the Statewide Goals are addressed under the Comprehensive Plan Policy Sections. The following Statewide Planning Goals are applicable:

Goal 1: Citizen Involvement; Goal 2: Land Use Planning; Goal 6: Air, Water and Land Resources Quality; Goal 7: Areas subject to Natural Hazards; Goal 8: Recreational Needs; Goal 10: Housing; Goal 11: Public Facilities and Services; Goal 12: Transportation; Goal 13: Energy Conservation; Goal 14: Urbanization.

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

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

## **SECTION VI. OUTSIDE AGENCY COMMENTS**

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

**Washington County, Department of Land Use and Transportation**  
**City of King City**  
**Beaverton School District #48**  
**Metro Land Use and Planning**  
**Oregon Department of Land Conservation and Development**  
**Oregon Department of Transportation, Region 1**  
**Oregon Department of Environmental Quality**  
**Oregon Department of Fish and Wildlife**  
**Oregon Public Utilities Commission**  
**US Army Corps of Engineers**  
**Century Link**  
**Clean Water Services**  
**Comcast Cable**  
**Metro Area Communications Commission**  
**NW Natural**  
**Portland General Electric**  
**Tri-Met**  
**Verizon**

**City of Beaverton** had an opportunity to review this proposal and suggested edits for clarity. Suggested changes were reviewed and incorporated into the proposed draft where appropriate.

**Tualatin Valley Fire & Rescue** had an opportunity to review this proposal and had no objections.

**Department of State Lands** had an opportunity to review this proposal and had no objections.

**Tigard-Tualatin School District** had an opportunity to review the proposal and requested the following changes:

- Exempt school sites within the River Terrace Plan District from Tigard Community Development Code Section 18.810.030.H, which regulates street alignments and connections. As communicated in emails from Kelly Hossaini on January 22, 2015, the District has found this subsection difficult to meet without bisecting a school facility with a public street, citing Alberta Rider Elementary School as a specific example. In recognition of the unique campus needs for schools, as well as the need for neighborhood connectivity, the proposal was amended to include an exemption to street spacing requirements for

public and private schools, provided there is adequate internal circulation within and through the site and a sufficient number and distribution of external access points.

- Exempt Conditional Use buildings, such as school buildings, along River Terrace Boulevard from the proposed building design standards. As communicated in emails from Kelly Hossaini on January 27, 2015, the District does not believe that residential building design standards are appropriate to apply to school buildings. However, in recognition of the variety of Conditional Uses that may be proposed along River Terrace Boulevard, e.g. churches, substations, and schools, the proposal was amended to allow the Conditional Use approval authority the discretion to determine which, if any, building design standards are appropriate.
- Remove the prohibition on direct access to River Terrace Boulevard for non-residential uses. As communicated in emails from Kelly Hossaini on January 27, 2015, the District believes that they should not be required to go through an Adjustment process to be able to take direct access from the boulevard. In recognition of the unique access needs for multi-family, conditional use, and commercial development, the proposal was amended to allow direct access from the boulevard for these types of uses where no other practicable alternative exists.

## **SECTION VII. PUBLIC COMMENTS**

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The Planning Commission received and considered both written and oral comments from interested parties as part of their deliberations on February 2, 2015.

In addition to the agency comments summarized in Section VI above, written comments were submitted by the following interested parties prior to the public hearing on February 2, 2015:

- Jamie Morgan-Stasny; Metropolitan Land Group
- Jim Lange and Stacy Connery; Pacific Community Design on behalf of Polygon Homes
- Michael C. Robinson; Perkins Coie on behalf of West Hills Development Company

Oral and written comments were submitted by the following interested parties at or after the public hearing on February 2, 2015:

- Jim Lange; Pacific Community Design on behalf of Polygon Homes
- Don Hanson; OTAK on behalf of West Hills Development Company
- Jamie Morgan-Stasny; Metropolitan Land Group

Listed below are the main highlights from all oral and written comments received. The full text of all comments can be found in the project file and Planning Commission minutes of February 2, 2015.

- During staff's presentation it was noted that Section 18.660.060 (River Terrace Boulevard Design Standards) needed more refinement in order to better address access and building design issues related to various conditional uses that could potentially abut River Terrace Boulevard. The Commission was supportive of the suggested refinements.
- Jim Lange requested the following three changes to the proposal:
  - Allow additional model homes beyond the current limit of one model home per subdivision. The Commission was supportive of the idea of allowing more than one

model home per subdivision; however, the ensuing discussion raised concerns about the legality and risk to the city behind such a policy.

- Allow the option of a private street where a public street is currently required for those homes that abut Roy Rogers Road.
- Allow elimination of the landscape strip on streets where the proximity of driveways in a row house development would preclude enough soil volume to support a street tree, as required by the city's Urban Forestry Plan.

The Commission directed staff to look into the model home and landscape strip issues further and prepare a recommendation for City Council to review. No changes to private street standards were included in the Planning Commission's recommendation

The Planning Commission was presented copies of all written comments and heard all oral testimony before rendering a motion to recommend approval of the zoning district designations as proposed, and a second motion to recommend approval of the text amendments with refinements made to building design and access standards along River Terrace Boulevard, model home allowances, and landscape strip requirements adjacent to row-house developments.

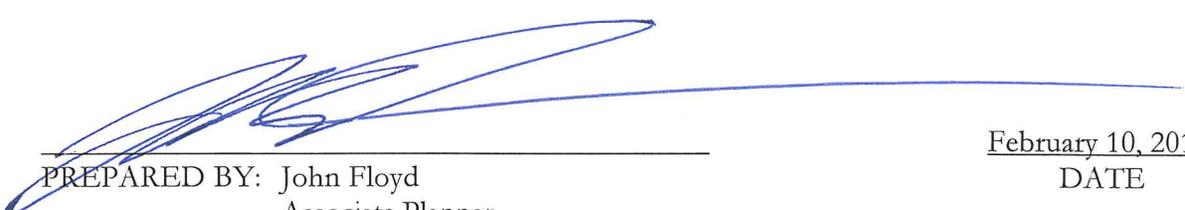
## **SECTION VIII. CONCLUSION**

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

Therefore, the Planning Commission recommends that the City Council approve an Ordinance for a Zoning Map Amendment and Development Code Amendment that adopts the following documents as determined through the public hearing process:

1. River Terrace Zoning Districts Map
2. River Terrace Community Development Code Amendment creating Chapter 18.660 River Terrace Plan District

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

February 10, 2015  
DATE

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

February 10, 2015  
DATE



# City of Tigard

## ATTACHMENT 4: WRITTEN COMMENTS

### Agency Comments

- Tigard Tualatin School District – 1/27/15.....Attachment 4.1
- Tigard Tualatin School District – 1/22/15.....Attachment 4.2
- Oregon Department of State Lands – 1/21/15.....Attachment 4.3
- City of Beaverton – 1/9/15.....Attachment 4.4
- Tualatin Valley Fire and Rescue District – 1/8/15.....Attachment 4.5

### Public Comments (At or After 2/2/15 Planning Commission Hearing)

- Metropolitan Land Group – 2/6/15.....Attachment 4.6
- Pacific Community Design (for Polygon) – 2/2/15.....Attachment 4.7

### Public Comments (Before 2/2/15 Planning Commission Hearing)

- Summary of Public Comments.....Attachment 4.8
  - Metropolitan Land Group – 1/13/15.....Attachment 4.8.A
  - Michael Robinson (for West Hills) – 1/13/15.....Attachment 4.8.B
  - Pacific Community Design (for Polygon) – 1/12/15...Attachment 4.8.C

**Susan Shanks**

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**From:** Hossaini, Kelly <Kelly.Hossaini@MillerNash.com>  
**Sent:** Tuesday, January 27, 2015 3:37 PM  
**To:** Susan Shanks  
**Cc:** Steve Olson (steve.olson@IBIGroup.com); Matt Lewis (matt.lewis@cardno.com)  
**Subject:** RE: River Terrace Plan District -- PC Draft

Correction - It looks like 18.660.060(B)(3) would require a variance regardless of which side of the street the trail is on.

**Kelly Hossaini**

Partner, Real Estate, Land Use, and Environmental Team Leader

**Miller Nash Graham & Dunn LLP**

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**From:** Hossaini, Kelly  
**Sent:** Tuesday, January 27, 2015 3:28 PM  
**To:** 'Susan Shanks'  
**Cc:** Steve Olson (steve.olson@IBIGroup.com); Matt Lewis (matt.lewis@cardno.com)  
**Subject:** RE: River Terrace Plan District -- PC Draft

Hi, Susan -

I note that in the previous version of the 18.660, the school site wouldn't have been subject to the River Terrace Boulevard Development Standards, 18.660.050, because those standards applied to commercial and residential development sites - not institutional. It looks like now the school site would be subject to 18.660.050 to the extent that any building on the property is within 40 feet of River Terrace Boulevard, because school buildings would be a "building designed for a conditional use." I first wanted to see if that was the intent of the code revisions. If so, the impact is that such a school building would have to meet "all of the building design standards in Subsection 18.660.070(G)," which contains design standards for single-family dwelling units and duplexes. Much of what is in there would simply be inapplicable or unworkable on a school building, e.g., porches, dormers, etc. So, I'm not sure it is intended that these provisions apply to a school.

Also, do we know yet which side of River Terrace Boulevard the River Terrace Trail is going to be on as it abuts the school site? It looks like if the trail is going to be on the school side of the street, which makes some sense, 18.660.060(B)(3) will require the District to get one or more variances for the needed driveway(s)/vehicle access(es). As you know, we're likely going to have no other access to the school site, at least for a while, so it's not clear why we would have to get a variance for what we can't avoid.

Thanks much - Kelly

**Susan Shanks**

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**From:** Hossaini, Kelly <Kelly.Hossaini@MillerNash.com>  
**Sent:** Thursday, January 22, 2015 2:51 PM  
**To:** Kim McMillan  
**Cc:** Susan Shanks  
**Subject:** RE: River Terrace Plan District  
**Attachments:** scan.pdf

Kim and Susan -

During this e-mail exchange I was having a foggy recollection of having run into 18.810.030(H) before in the development of a school site. So, I did some research and was able to dig out of my old files what I was remembering. In 2003/2004, TTSD was developing the Alberta Rider Elementary School site. I only got involved in that effort after the hearings officer at the time approved the CUP for the school and the neighbors appealed that decision to city council. (The neighbors subsequently dropped the appeal.) One of the big issues with respect to the CUP was the fact that the school development was not going to meet 18.810.030(H) and so had to get a variance approved. As you will see from the attached hearings officer decision, the variance was a complicated, messy bone of contention. While the circumstances surrounding the school site in River Terrace are somewhat different from those surrounding Alberta Rider, the important fact is that staff applied 18.810.030(H) to the school site and took the position that nothing exempted the school site from that provision. I would like to avoid the possibility of another go-around with 18.810.030(H) and a school site. I don't think anyone would seriously argue that school campuses should have public streets gridded through them. As we planned for River Terrace, I don't think anyone assumed or expected that the school site would have an east-west public street running through it.

Adding an exemption in the new River Terrace development code section would not run afoul of either the TPR or the Metro Regional Transportation Functional Plan. The TPR requires connectivity, but does not spell out exact standards for connectivity. That is left to the local jurisdiction's discretion. The Metro Regional Transportation Function Plan requires the 530-foot spacing requirement, but only for residential and mixed use developments. (Metro Code 3.08.110(2), (5), and (6).) I didn't find anything in the City's comprehensive plan or TSP that would preclude the exemption. I think everyone would probably agree that the most important thing for a school site is to have adequate vehicular, pedestrian, and bicycle access to the school site, and then probably to have adequate pedestrian and bicycle access through it. I think the transportation planning done in conjunction with the River Terrace community planning effort assures that.

Let me know what you think after you review this information.

Thanks much - Kelly

**Kelly Hossaini**

Partner, Real Estate, Land Use, and Environmental Team Leader

**Miller Nash Graham & Dunn LLP**

---

**From:** Hossaini, Kelly  
**Sent:** Thursday, January 15, 2015 9:27 AM  
**To:** 'Kim McMillan'  
**Cc:** 'Susan Shanks'  
**Subject:** RE: River Terrace Plan District

Hi, Kim -

Thanks for the response. So, it sounds like it is the City's interpretation that 18.810.040(B) trumps 18.810.030(H)? If so, my only lingering concern about 18.810.040(B) is that (1)(c) allows an exception for nonresidential blocks for which internal public circulation provides "equivalent access." I'm not sure that's going to be true in this case. The school site will have internal vehicular access, but it won't be for the public to get from River Terrace Boulevard to the extension of 161st. It will have bike and pedestrian access open to the public, but I think it can be argued that that doesn't provide public circulation equivalent to a street. It may be that we need an exception in 18.660 for clarity. I'm not worried so much about City staff imposing some requirement that the District put a public street through the middle of its campus - it's more to guard against some possible opponent to the school site development in the future making an issue of it. I would hope no one would do that, but I've seen opponents use all kinds of things to their advantage as long as there's a plausible argument they can make.

Thanks much - Kelly

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**From:** Kim McMillan [<mailto:KIM@tigard-or.gov>]  
**Sent:** Wednesday, January 14, 2015 3:27 PM  
**To:** Hossaini, Kelly  
**Cc:** Susan Shanks  
**Subject:** FW: River Terrace Plan District

Hi Kelly,

In reading your email below, I don't know that we need an exception to the code for street spacing for the school property. I would suggest your application address TDC 18.810.040 Blocks. Section B1.a provides an exception to blocks greater than 2000 feet for nonresidential blocks in which internal public circulation provides equivalent access. I hope this helps, but if you need more clarification please don't hesitate to give me a call.  
Kim



**From:** Susan Shanks <[SusanS@tigard-or.gov](mailto:SusanS@tigard-or.gov)>  
**Date:** January 13, 2015 at 1:12:08 PM PST  
**To:** Mike McCarthy <[MikeM@tigard-or.gov](mailto:MikeM@tigard-or.gov)>  
**Cc:** "Kelly Hossaini Esq, Miller Nash (Land use) for TTSD ([Kelly.Hossaini@MillerNash.com](mailto:Kelly.Hossaini@MillerNash.com))" <[Kelly.Hossaini@MillerNash.com](mailto:Kelly.Hossaini@MillerNash.com)>  
**Subject:** FW: River Terrace Plan District

Hi Mike – Can you answer Kelly's question and copy me so I know if we need some kind of exception in the RT code for schools.

Thanks!

Susan P Shanks | Senior Planner

Community Development Department | City of Tigard

**Email** [susans@tigard-or.gov](mailto:susans@tigard-or.gov)

**Phone** [503-718-2454](tel:503-718-2454)

**Fax** [503-718-2748](tel:503-718-2748)

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**From:** Hossaini, Kelly [<mailto:Kelly.Hossaini@MillerNash.com>]

**Sent:** Tuesday, January 13, 2015 10:59 AM

**To:** Susan Shanks

**Subject:** River Terrace Plan District

Hi, Susan -

Happy 2015! I took a look at the proposed Chapter 18.660, River Terrace Plan District, and don't really have any issues with respect to TTSD. I do have a question, though. The District's property is approximately 660 by 1300 feet. I know the Tigard Development Code wants to see streets spaced at no more than 530 feet. Should there be some exception in Chapter 18.660 for the school property with respect to the 530 feet? I don't believe that the City has interpreted its code in the past to apply the 530 feet standard to school sites (for obvious reasons), but it might be a good idea to make that clear in 18.660 so there are no hang-ups later. There may be something already in the code that has been relied on in the past to exempt school sites from the 530-foot spacing requirement and I'm just not aware of it.

Thanks much - Kelly

**Kelly Hossaini**

Partner, Real Estate, Land Use, and Environmental Team Leader

**Miller Nash Graham & Dunn LLP**

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Comments: Thank you for notification of the City of Tigard Planning Division's proposal to Adopt Community Development Code (CDC) text amendments and Zoning map amendments necessary to implement the River Terrace Community Plan. We have no specific comments regarding this proposal.

However, please remember that through the Wetland Land Use Notification Process, the city will need to provide notice to the Department within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the State-wide Wetlands Inventory:

- a. Subdivisions;
- b. Building permits for new structures;
- c. Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
- d. Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
- e. Planned unit development approvals.

Thank you for your participation in the Wetland Land Use Notification process.

Response by:  \_\_\_\_\_ date: 01/21/2015

**Susan Shanks**

---

**From:** Leigh Crabtree <lcrabtree@beavertonoregon.gov>  
**Sent:** Friday, January 09, 2015 12:59 PM  
**To:** Susan Shanks  
**Subject:** FW: DRAFT River Terrace Plan District 18-Dec-2014 - LC  
**Attachments:** DRAFT River Terrace Plan District 18-Dec-2014 - LC.docx

Susan,

Attached is my review of the River Terrace Plan, which ended up being more editing for clarity than anything else.

I did not comment on:

18.660.033 Adequacy of Public Facilities (it seems as though this would be better suited in the engineering manual or city code, but this is based off my knowledge of Beaverton's ordinance structure, not Tigard's)  
18.660.035 Preliminary Plat Approval Criteria

If you would like something more formal, please let me know.

Thank you for providing us with the opportunity to review the plan.

Please let me know if you have any questions.

Sincerely,

Leigh  
(503) 526-2458

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**Chapter 18.660**  
**RIVER TERRACE PLAN DISTRICT**

**Sections:**

<b>18.660.010</b>	<b>Purpose</b>
<b>18.660.020</b>	<b>Where These Regulations Apply</b>
<b>18.660.030</b>	<b>Applicability</b>
<b>18.660.033</b>	<b>Adequacy of Public Facilities</b>
<b>18.660.035</b>	<b>Preliminary Plat Approval Criteria</b>
<b>18.660.040</b>	<b>Community Commercial Development Standards</b>
<b>18.660.050</b>	<b>River Terrace Boulevard Development Standards</b>
<b>18.660.060</b>	<b>Planned Developments</b>
<b>18.660.070</b>	<b>Street Design</b>
<b>18.660.080</b>	<b>Street Connectivity</b>

**18.660.010 Purpose**

The River Terrace Community Plan provides for a variety of land uses and residential densities consistent with the community's desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks, and recreational opportunities. The purpose of the River Terrace Plan District is to implement the adopted River Terrace Community Plan and associated infrastructure master plans for water, sewer, stormwater, parks, and transportation.

This chapter is intended to ensure that public facilities are adequate to serve the anticipated levels of development throughout River Terrace by:

- Implementing the River Terrace Community Plan and associated infrastructure master plans
- Facilitating the transition of River Terrace from rural to urban land use through the timely, orderly, and efficient provision of public facilities
- Ensuring that public facilities are adequate to support new development and are available concurrent with the impacts of such development
- Safeguarding the community's health, safety, and welfare

This chapter is also intended to implement those unique aspects of the River Terrace Community Plan and associated infrastructure master plans related to commercial and residential design, transportation facilities, and park and trail development.

- The commercial area is envisioned as a vibrant mixed-use center with pedestrian-scale street and building amenities and high-quality design features.
- The transportation system is designed as a network of multi-modal streets that connects residents to trails, schools, parks, and services. One that conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort, and mobility through thoughtful and location-specific street and intersection design.
- River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments that defines it as the neighborhood's signature street.
- Parks and trails are distributed throughout the area to provide a variety of convenient recreational opportunities for residents and visitors.

### 18.660.020 Where These Regulations Apply

The regulations of this chapter apply to the River Terrace Plan District. The boundaries of this plan district are shown on Map 18.660.A located at the end of this chapter.

### 18.660.030 Applicability

This chapter applies to all property that is located within the River Terrace Plan District. The standards and requirements of this chapter apply in addition to, and not in lieu of, all other applicable provisions of the Tigard Community Development Code (TCDC). Compliance with all applicable standards and requirements must be demonstrated in order to obtain a development approval. The standards in this chapter shall govern in the event of a conflict.

### 18.660.033 Adequacy of Public Facilities

- A. Intent. The intent of this section is to address the provision of the infrastructure system necessary to benefit and serve all property within River Terrace as provided for in the River Terrace Community Plan, related infrastructure master plans, and the River Terrace Funding Strategy, in light of the desire of property owners to commence preliminary development prior to full implementation of those plans and with the understanding that no development rights vest and no development approvals can be granted until the infrastructure system is in place or assured.
- B. Approval Standard. Development may be approved only if the applicant demonstrates that each of the following components of the River Terrace Funding Strategy adopted by Resolution 14-66 (December 16, 2014) has been adopted and is in effect:
1. Transportation: A citywide transportation system development charge (SDC), a River Terrace specific transportation SDC, and a River Terrace transportation utility fee surcharge is in effect.
  2. Water: For development in water pressure zone 550, a minimum of 3 million gallons in new firm water storage capacity and associated pump station with a minimum firm capacity of 1400 gallons per minute or piping improvements that provide sufficient water capacity in water pressure zone 550 to serve the proposed development.
  3. Sewer: A citywide utility fee surcharge.
  4. Stormwater: A River Terrace storm water utility fee surcharge.
- C. Deferral of Compliance.
1. An applicant may request deferral of the requirement to demonstrate compliance with one or more of the approval standards set forth in subsection B as provided for in this subsection C:
    - a. Preliminary land division plat approval to final land division plat review.
    - b. Planned development concept plan approval to detailed development plan review where no land division is proposed.
    - c. All other development applications: A condition of development approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for utility or building permits, whichever occurs first.
  2. Deferral of compliance shall be granted only if:
    - a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for final land division plat approval, detailed development plan approval, or expiration of the condition of approval. A determination by the review authority that it is

**Comment [C1]:** Should we call this section "Provision of Adequate Public Facilities" since it only addresses financial adequacy not "physical" adequacy (e.g., that there are services to the development)?

likely that the standard will be met shall be for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant or any party; and

- b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement shall waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards in subsection B, without regard to fault. Nothing in this section shall preclude the applicant from seeking review of any land use decision in accordance with ORS chapter 197, 215 or 227 or equitable relief in a court of competent jurisdiction.

D. Exception.

1. An exception to one or more of the standards in subsection B may be obtained through a Type II procedure as governed by Subsection 18.390.040.
2. An exception shall be granted only if the applicant:
  - a. Demonstrates that the exception will not materially impact implementation of the River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25); River Terrace Water System Master Plan Addendum (Resolution 14-35); River Terrace Stormwater Master Plan (Resolution 14-42); River Terrace Transportation System Plan Addendum (Ordinance 14-16); and, the River Terrace Funding Strategy (Resolution 14-66); and
  - b. Has proposed alternatives that will ensure that it will provide its proportionate share of the facilities and the funding for facilitates as identified in the River Terrace infrastructure master plans and Funding Strategy.
  - c. Executes an agreement prepared by the city agreeing that, if the new SDCs are not in effect at the time of building permit issuance, the applicant will pay an amount equal to the SDCs assumed by the River Terrace Funding Strategy. No credits will be issued against this payment, but the city will refund such payment if the SDC is in effect and paid in accordance with the terms of the applicable SDC ordinance or the applicable SDC has not taken effect within two years of the effective date of this Code.
  - d. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject in the future to utility fees or SDCs as described in the River Terrace Funding Strategy.

E. Additional Standards.

1. A water transmission or sewer trunk line constructed by one or more applicants shall:
  - a. Be placed in a public easement within the transmission line corridor and alignment identified in the water or sanitary sewer master plans. The exact location and route shall be approved by the City Engineer. If a transmission or trunk line corridor and alignment have not been adopted, the applicant may file a Type IV application to establish the corridor and alignment. This application shall be processed prior to or concurrently with the development application and is not subject to the timing limits in Subsection 18.390.060.B.
  - b. Be sized, designed, constructed, and placed in accordance with city specifications and as approved by the City Engineer; and
  - c. If the transmission or trunk line enters the property that is the subject of the development application, a public easement for the line shall be granted to extend through the property that is the subject of the application and terminate at such location as the review authority

determines will maximize the function and availability of the easement to serve additional properties, taking into account the impact of the easement on the subject property.

2. If compliance with storm water management standards is dependent on a publicly funded conveyance system or regional facility that has not been provided, the applicant may propose interim facilities and systems, such as on-site detention. The detention shall meet all applicable standards. Unless otherwise provided in the development approval, the applicant shall provide an assurance that adequate financial resources are available to decommission the interim facility and connect to the public storm water management system when it becomes available. No storm water management system shall be approved if it would prevent or significantly impact the ability of other properties to implement and comply with the River Terrace Stormwater Master Plan or other applicable standards.
3. Development shall be located and designed so as to not unduly or unnecessarily restrict the ability of any other property to provide or access a public easement or facility required for the property to develop in accordance with this Code, taking into account the topography, size and, shape of the property that is the subject of the application, impact on the applicant, and the reasonableness of available options. An applicant shall not be required to reduce otherwise permitted density or to obtain a variance to demonstrate compliance but this standard may be considered in considering a variance requested by the applicant.

F. Other Provisions.

1. Unless expressly authorized in a development approval, no person shall impose a private fee or any charge whatsoever that prohibits, restricts, or impairs an adjoining property from accessing a public easement, facility, or service or denies access to such public easement, facility, or service.
2. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to finance public facilities and services described in this section shall be deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided.

**18.660.035 Preliminary Plat Approval Criteria**

A. Additional Approval Criteria. In addition to the approval criteria in Section 18.430.040 (Approval Criteria: Preliminary Plat), the following approval criteria shall apply to all preliminary plat applications within River Terrace.

1. The streets, street extensions, and intersections conform to the River Terrace Transportation System Plan Addendum, the street spacing and connectivity standards of this chapter and the TCDC, and the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction, and in all other respects unless the city determines it is in the public interest to modify the street, street extension, and/or intersection locations, widths, or pattern; and
2. The preliminary plat does not impede the future use or development of adjacent property within River Terrace not under the control or ownership of the applicant proposing the preliminary plat.
3. Where phased development is proposed, a plan for future phases shows the location of lot lines, rights-of-way, and other details of layout and demonstrates that future division of the entire site may readily occur without violating the development standards of the TCDC; and

4. Where phased development is proposed, the preliminary plat dedicates rights-of-way for all arterials, collectors, and neighborhood routes as shown in the River Terrace Transportation System Plan Addendum for all phases to allow for the timely and orderly extension and connection of adjacent streets and utilities.

B. Conditions of approval. The approval authority may attach such conditions as are necessary to carry out the goals and policies of the Tigard Comprehensive Plan, River Terrace Community Plan, and other applicable ordinances and regulations and may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

**Comment [C2]:** Here's where we would add what is basically a reverse of this requirement

#### 18.660.040 Community Commercial Development Standards [PLACEHOLDER]

#### 18.660.050 River Terrace Boulevard Development Standards

A. Applicability. The applicable development standards contained in the underlying zoning district shall apply to all development within River Terrace, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370, and except as specified below.

The general location of the River Terrace Boulevard right-of-way is shown on Map 18.660.B; the City Engineer shall approve the final alignment. The following standards outlined in Section 18.660.050 apply to commercial and residential development sites abutting both sides of the River Terrace Boulevard right-of-way, as follows:

1. ~~For Residential single-family attached, single-family detached, and duplex development, the following standards apply to all development on those lots abutting the River Terrace Boulevard right of way (ROW).~~

2. ~~Commercial and Multifamily Residential development that includes multiple buildings For multi-building developments (commercial or multifamily) on a single lot, the following standards apply to all development except for those buildings that have with less than fifteen (15) feet of building elevation visible from the River Terrace Boulevard right-of-way (see Figure 18.660.1).~~

**Comment [LC3]:** Lot or development site?

3. ~~The standards apply development abutting both sides of the right of way. The general location of the River Terrace Boulevard right of way is shown on Map 18.660.B. The City Engineer shall approve the final alignment.~~

**Comment [LC4]:** is there an applicable distance from the right-of-way that assists in determining the visibility of the 15 feet of elevation?

B. Building Placement and Design.

~~1. Primary buildings shall have their front façade and front entry door oriented to River Terrace Boulevard.~~

~~2.~~  
1. At least one front entry door:

~~a.~~ a. is required for each business or dwelling with a ground floor frontage.

~~b.~~

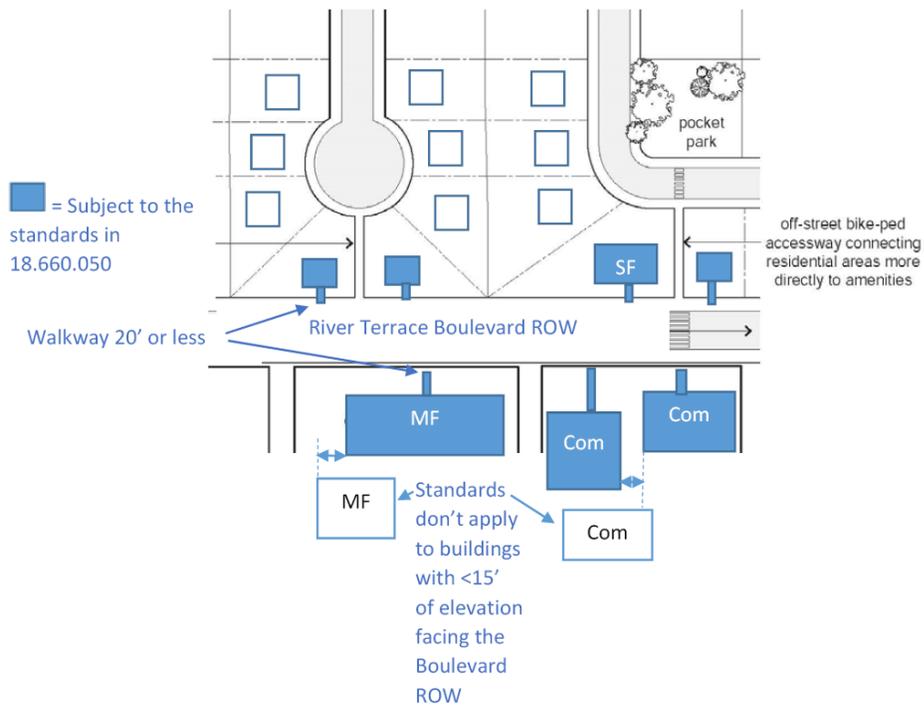
~~e.b.~~ At least one front entry door shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

2. For those properties that do not abut the trail side of the right-of-way, one walkway connection is required between the front entry door and the public sidewalk. For those buildings with 100% of their elevation visible from the River Terrace Boulevard right-of-way, the walkway may not be more than 20 feet in length for the portion of the walkway that lies outside the public right-of-way (see Figure 18.660.1). All walkways shall be ADA accessible.

**Comment [LC5]:** Is this meant to be a maximum 20 foot building setback? If not, then what else can be developed at the end of the 20 feet of walkway?

~~d. For those properties that abut the trail side of the right of way, one walkway connection is required between the development and the trail for every 5 single family detached lots (including duplex lots) that are located within a single block. All walkways shall be ADA accessible.~~

**Figure 18.660.1: Applicability of Development Standards for Sites Abutting River Terrace Boulevard Right-of-Way**



3. For those properties that abut the trail side of the right-of-way, one walkway connection is required between the development and the trail for every:

a. 5 single-family detached lots (including duplex lots) that are located within a single block. All walkways shall be ADA accessible.

~~a.b. For those properties that abut the trail, one walkway connection is required between the development and the trail for every~~ 10 single-family attached dwelling units that are located within a single block but that are not necessarily all attached together. All walkways shall be ADA accessible.

~~b.c. For those properties that abut the trail, one walkway connection is required between the development and the trail for every~~ 200 feet of frontage of multifamily development. All walkways shall be ADA accessible.

~~3.4.~~ No accessory structures, garages, carports, driveways or vehicle access are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

~~4.5.~~ No fences, walls or hedges over three (3) feet in height are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

C. Density Bonus. In order to help offset the land and development costs associated with the construction of River Terrace Boulevard, residential development sites abutting River Terrace Boulevard right-of-way may choose to propose smaller and narrower lots along River Terrace Boulevard than otherwise allowed by zoning. The resulting increase in the number of dwelling units along River Terrace Boulevard shall be allowed in addition to any density bonus approved through the Planned Development review process in accordance with Chapter 18.350 (Planned Developments). Where more dwelling units are proposed, the reduced lots sizes or lot areas per dwelling unit that are described below shall be used to calculate the maximum and minimum number of residential units allowed in accordance with Subsections 18.715.020.B and C (Density Computations). ~~This d~~

Density bonuses shall only apply to residential lots that are proposed to abut the River Terrace Boulevard right-of-way with subdivision, as follows: once the larger development site has been subdivided for urban development purposes.

1. Land zoned R-4.5:

~~a.~~ Single-family detached lots ~~that are proposed to abut River Terrace Boulevard right of way~~ may be reduced to a minimum lot size ~~to of~~ 4,500 square feet and ~~the a~~ minimum lot width to 40 feet.

~~a.b.~~ Duplex lots ~~that are proposed to abut River Terrace Boulevard right of way~~ may be reduced the to a minimum lot size ~~to of~~ 7,000 square feet and ~~the a~~ minimum lot width to 80 feet.

2. Land zoned R-7:

~~a.~~ Single-family detached lots ~~that are proposed to abut River Terrace Boulevard right of way~~ may be reduced the to a minimum lot size ~~to of~~ 3,500 square feet and ~~the a~~ minimum lot width ~~to of~~ 35 feet.

~~b.~~ Duplex lots ~~that are proposed to abut River Terrace Boulevard right of way~~ may be reduced the to a minimum lot size ~~to of~~ 7,000 square feet.

~~b.c.~~ Single-family attached lots ~~that are proposed to abut River Terrace Boulevard right of way~~ may be reduced the to a minimum lot size ~~to of~~ 2,500 square feet and ~~the a~~ minimum lot width to 25 feet.

3. Land zoned R-12:

**Comment [C6]:** Here's an example of how this should work:

On a 10 acre site (80% net to gross) with 700' of frontage on RTB it would work like this:

**R-4.5**

Standard = 46 du @ 7500 sf; there would be 14 lots with 50' width along RTB

With Bonus: 17 du @ 4500 sf with 40' width along RTB plus 36 standard lots at 7500 sf on remainder = 53 lots total.

**R-7**

Standard = 70 du @ 5000 sf; there would be 14 lots with 50' width along RTB

With Bonus: 23 du @ 3000 sf with 30' width along RTB plus 56 standard lots at 5000 sf on remainder = 79 lots total.

**Comment [LC7]:** do you intend to have a minimum lot width, say 70 feet?

~~a.~~ Multifamily development ~~on lots that are proposed to abut River Terrace Boulevard right-of-way~~ may reduce the minimum lot area ~~per dwelling unit~~ to 2,000 square feet ~~per dwelling unit~~.

~~e.b.~~ Single-family attached and detached lots and duplex lots ~~that are proposed to abut River Terrace Boulevard right-of-way~~ may reduce the minimum lot area ~~per dwelling unit~~ to 2,500 square feet ~~per dwelling unit~~.

~~C.D.~~ Adjustments. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040. The director may grant an adjustment to ~~the a~~ standard(s) of this section based on findings that:

1. The standard(s) cannot be met due to topography or other natural constraints associated with the specific development site;
2. The proposed design provides safe and convenient pedestrian connections to the pedestrian facilities within the River Terrace Boulevard right-of-way; and
3. If fences or walls over three (3) feet in height are proposed, they will be constructed of high-quality materials. Wood or chain link fencing is not permitted.

#### **18.660.060 Planned Developments**

The requirements of Chapter 18.350 shall apply to all planned developments in River Terrace, except as modified below.

A. ~~Private outdoor area—Residential use~~. The private outdoor area requirements of 18.350.070.D.5 shall only apply to multifamily development.

B. ~~Shared outdoor recreation and open space facility areas—Residential use~~. The shared outdoor recreation and open space requirements of 18.350.070.D.6 shall only apply to multifamily development.

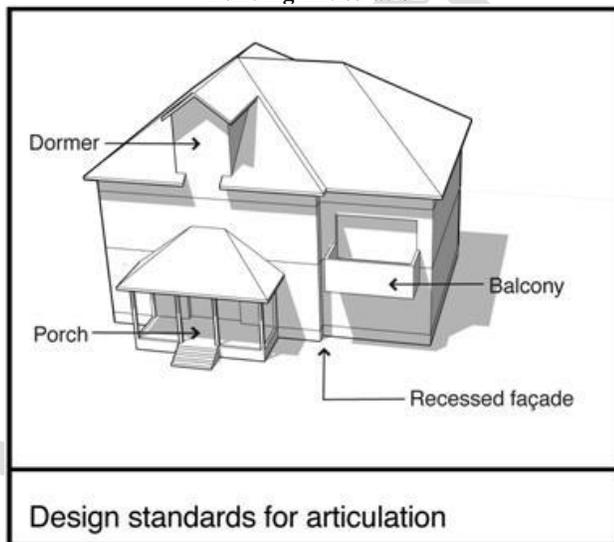
C. Shared open space facilities. As an alternative to providing the 20% open space required by Subsection 18.350.070.D.13, the city may accept a lesser amount of open space where the applicant can meet the requirements of 1, 2, and 3 below and where the applicant provides an analysis that demonstrates that the proposed open space and enhancements are roughly proportional to the 20% of open space that would otherwise be required. The applicant may use multiple quantitative metrics to demonstrate how their alternative proposal for shared open space facilities is roughly proportional, e.g. cost, square footage, accessibility, etc.

1. The city may accept ~~an lesser~~ amount of open space that is less than 20 percent where the proposed open space:
  - a. Meets the need for neighborhood or linear public parks, open space, ~~and/or~~ trails, or a combination thereof, identified in the River Terrace Park System Master Plan Addendum with respect to both location and the city's level of service standard; and
  - b. Will be dedicated to the public.
2. The city may accept ~~an lesser~~ amount of open space that is less than 20 percent in exchange for additional development enhancements where such enhancements provide a community benefit and where the development provides at least three (3) of the following:

- a. ~~Provide a~~A comprehensive network of public pedestrian connections that complements the public sidewalk system and that facilitates access to parks, schools, trails, open spaces, commercial areas, and similar destinations.
  - b. ~~Provide p~~Public nature trails along or through natural resource areas or open spaces. All trails through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards.
  - c. ~~Provide or s~~Show that the proposed development has direct access to and is within a ~~¼-one-quarter~~ mile of a public park or recreation area via a public or private trail, path, or walkway.
  - d. ~~Provide i~~Intersection treatments that are acceptable to the City Engineer and that elevate the pedestrian experience through art, landscaping, signage, enhanced crossings, and/or other similar treatments.
  - e. ~~Provide h~~High-quality architectural features on attached and detached single-family dwelling units and duplexes that meet the design standards in accordance with Subsection 18.660.060.E below.
3. For those properties that abut Roy Rogers Road or River Terrace Boulevard, one or more of the following enhancements may be provided in lieu of one or more of the enhancements listed in 2 above:
- a. ~~Provide for the h~~Long-term maintenance of any proposed and/or required landscaping in or adjacent to the Roy Rogers Road or River Terrace Boulevard rights-of-way through the formation of a homeowners' association or other comparable organization that is acceptable to the applicable road authority. The installation and maintenance of stormwater facilities is not required.
  - b. ~~Provide a h~~High-quality visual and noise buffer along Roy Rogers Road that includes both a vegetative and solid barrier component outside of the public right-of-way.
  - c. ~~Provide p~~Park facilities in the River Terrace Trail corridor, including but not limited to benches, picnic tables, lighting, and/or small playground areas (i.e. tot lots or pocket parks). Provision of such facilities may allow the applicant to count the trail corridor as a linear park facility, thus contributing to meeting the city's level of service standards for both linear parks and trails. The city's Parks Manager shall decide whether the proposed facilities elevate the trail corridor to a linear park facility.
- D. Open space conveyance. The standards of Subsection 18.350.070.D.14 shall apply to the conveyance of open space within River Terrace. The standards of Subsection 18.810.080.B shall not apply.
- E. Design Standards for Single-Family Dwelling Units and Duplexes. These design standards apply only when the applicant chooses to provide them per Subsection 18.660.060.C.2.e. above, to meet the alternative requirement for shared open space facilities in accordance with Subsection 18.660.060.C.
- These standards apply to attached and detached single-family dwelling units and duplexes. They are intended to promote ~~attention to architectural~~ detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.
- 1. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 18.660.2 for an illustration of articulation.
    - a. For buildings with 30-60 feet of street frontage, a minimum of ~~1-one~~ of the following elements shall be provided along the street-facing façades.
      - i. A porch at least 5 feet deep.

- ii. A balcony that is at least 2 feet deep and is accessible from an interior room.
  - iii. A bay window that extends at least 2 feet ~~wide~~deep.
  - iv. A section of the façade, a minimum of six feet wide, that is recessed ~~by at least a minimum of 2 feet deep and 6 feet long~~.
  - v. A gabled dormer.
- b. For buildings with over 60 feet of street frontage, at least ~~+~~one element in Subsection 18.660.060.E.1.a.i-v above shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between 2 elements.
- c. For buildings with less than 30 feet of street frontage, the building articulation standard is not applicable.

**Figure 18.660.2  
Building Articulation**

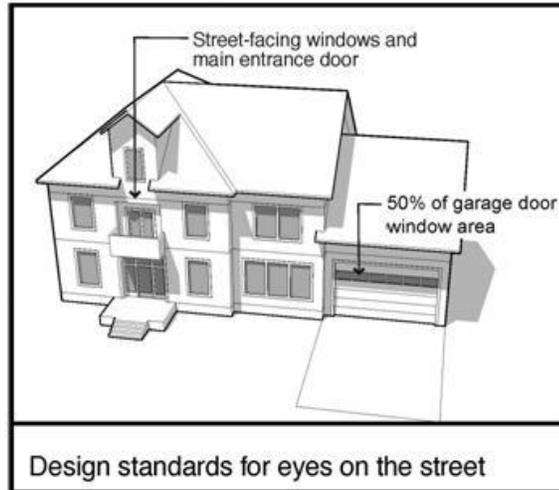


2. Eyes on the Street. At least 12% of the area of each street-facing façade must ~~be include~~ include windows or entrance doors. See Figure 18.660.3 for an illustration of eyes on the street.
- a. Windows. All of the window area in the street-facing wall(s) of a building(s) may be calculated. Windows used to meet this standard so long as the windows are must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - b. Garage Door Windows. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard.
  - ~~b. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.~~
  - c. Window area is considered the entire area within the outer window frame, including any interior window grid.
  - d. Entrance Doors. Doors area calculated used to meet this standard must be parallel to ~~fae~~ the street or be at an angle of no greater than 45 degrees from the street.
  - e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

**Comment [LC8]:** add to definitions?

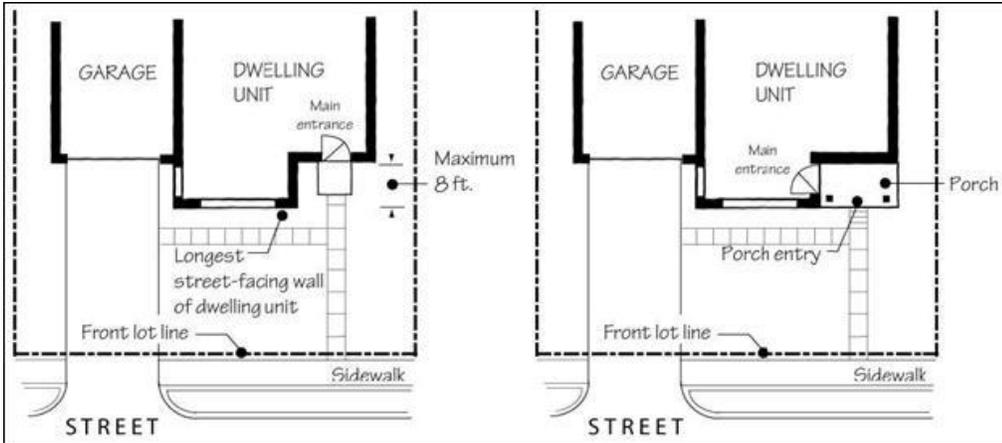
**Comment [LC9]:** add to definitions?

**Figure 18.660.3  
Eyes on the Street**



3. Main Entrance. See Figure 18.660.4 for an illustration of main entrances. At least ~~1~~one main entrance must meet ~~both of~~ the following standards. The entrance must be: ~~See Figure 18.660.4 for an illustration of main entrances.~~
- ~~Be Set back~~ no further than 8 feet ~~behind~~beyond the longest street-facing wall of the building; ~~and;~~
  - ~~Face Parallel to the street~~right-of-way or, ~~be~~ at an angle that is no more than of up to 45 degrees from parallel with the right-of-way the street; or,
  - ~~b.c. Open onto a porch. If the entrance opens up onto a porch, the porch must meet all of satisfy these following additional standards;~~
    - Be at least 25 square feet in area with a minimum 4-foot depth; ~~and;~~
    - Have at least 1 porch entry facing the street; ~~and;~~
    - Have a roof that is no more than 12 feet above the floor of the porch; ~~and;~~
    - Have a roof that covers at least 30% of the porch area.

**Figure 18.660.4  
Main Entrances**

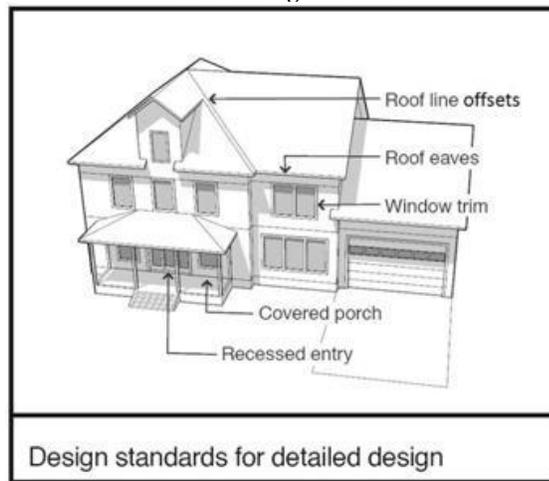


4. Detailed Design. See Figure 18.660.5 for illustration of detailed design elements. All buildings shall include at least five (5) of the following features on any street-facing ~~façade~~elevation. ~~See Figure 18.660.5 for illustration of detailed design elements.~~
- Covered porch: ~~at~~A minimum of at least 5 feet deep, as measured horizontally from the face of the main building ~~façade~~elevation to the opposite edge of the deck, and ~~at least~~a minimum of 5 feet wide.
  - Recessed entry area: A minimum of at least 2 feet deep, as measured horizontally from the face of the main building ~~façade~~elevation, and A minimum of at least 5 feet wide.
  - Offset: ~~on the building face of at least~~A minimum of 16 inches of setback (depth) difference from ~~one~~one exterior wall surface to the other.
  - Dormer: A minimum of that is at least 4 feet wide and integrated into the roof form.
  - Roof eaves: with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - Roof line variation: ~~A minimum offsets of at least~~A minimum offsets of at least 2 feet of offset from the top surface of ~~one~~one roof to the top surface of the other.
  - Shingles: Tile or wood shingle roofs.
  - Siding: ~~Horizontal lap siding:~~ between 3 to 7 inches wide laps (in the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
  - Siding: Brick, cedar shingles, stucco, or other ~~similar decorative accent~~similar decorative accent materials covering ~~at least~~a minimum of 40% of the street-facing ~~façade~~elevation.
  - Roof: Gable roof, hip roof, or gambrel roof design.
  - Window trim: ~~A minimum of around all windows at least~~A minimum of around all windows at least 3 inches wide and 5/8 in deep around all windows.
  - Window recesses: ~~A minimum of , in all windows, of at least~~A minimum of , in all windows, of at least 3 inches as measured horizontally from the face of the building ~~elevation~~façade in all windows.
  - Balcony: ~~A minimum of that is at least~~A minimum of that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
  - Roof, solar: One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
  - Window, Bay: ~~A minimum of window at least~~A minimum of window at least 2 feet deep and 5 feet long.

**Comment [LC10]:** Is this meant to provide a surface for solar panels?

- p. Attached garage: ~~width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade elevation width, as measured between the inside of the garage door frame.~~

**Figure 18.660.5  
Detailed Design Elements**



5. Garages and Carports. These standards are intended to prevent garages from obscuring or dominating the street-facing façade of a dwelling and provide for a pleasant pedestrian environment in residential areas.
- a. Garage Front Setback: The front of a garage or carport can be no closer to the front lot line than the longest street-facing ~~wall elevation of the a house building~~ that encloses living area. The following exceptions apply:
    - i. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
    - ii. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.
  - b. Garage Door: See Figure 19.505.2.C.2.
    - i. A dwelling is allowed one 12-ft-wide garage door, regardless of the total width of street-facing elevation, as measured between the inside of the garage door frame.
    - ii. Beyond 12-feet, as noted in i., above. The width of a street-facing garage door(s), may not exceed 40% of the total width of the street-facing elevation on the same street frontage as the garage door, as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft wide garage door, regardless of the total width of street-facing façades.

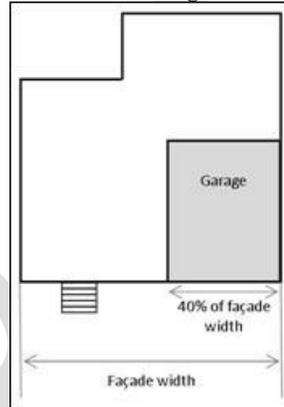
~~b.c. Garage Width:~~ The maximum allowed garage width may be increased to 50% of the total width of the street-facing ~~façade elevation~~ if a total of 7 detailed design elements in Subsection 18.660.060.E.4 are included on the street-facing ~~façade elevation~~.

**Comment [LC11]:** Garage or garage door?

~~6.d. Garage Front:~~ A garage door may face the side lot line. ~~Garages may be side-oriented to the front lot line~~ if the eyes on the street standard in Subsection 18.660.060.E.2 is met.

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**Figure 18.660.5**  
**Maximum Garage Width**



## 18.660.070 Street Design

- A. River Terrace Boulevard. The following street design standards apply to River Terrace Boulevard as shown on Map 18.660.B and in Figure 18.660.6 below.

**Figure 18.660.6 River Terrace Boulevard Cross-Section**



1. Design Standards for River Terrace Boulevard.
  - a. Right-of-Way Width: 110 feet plus addition ROW as needed for slopes, retaining walls, etc.
  - b. Sidewalk:
    - i. With or without on-street parking, and not adjacent to trail: 6-foot sidewalk.
    - ii. With on-street parking, and adjacent to trail: 5-foot sidewalk.
    - iii. Without on-street parking, and adjacent to trail: No sidewalk required.
  - c. Landscape Strip:
    - i. With or without on-street parking, and no adjacent to trail: 8.5-foot landscape strip (includes 0.5-foot curb).
    - ii. With on-street parking, and adjacent to trail: No landscape strip required.
    - iii. Without on-street parking, and adjacent to trail: Minimum 8.5-foot landscape strip. (includes 0.5-foot curb) between travel way and trail. (This width can be reduced from the trail landscape requirements below.)
  - d. Bike Facilities: 12-foot trail on west side of street in accordance with design standards below.
  - e. On-Street Parking: ~~On-Street Parking~~: Optional 8 feet, as determined by the City Engineer.
  - f. Travel Lanes:
    - i. Through Lanes: One 11-foot travel lane in each direction.
    - ii. Median: 14 feet between travel lanes, to be used for landscaping, pedestrian crossing refuge, or left-turn lanes (includes 2-foot clearance between through lanes and curb and 0.5-foot curb on both sides).

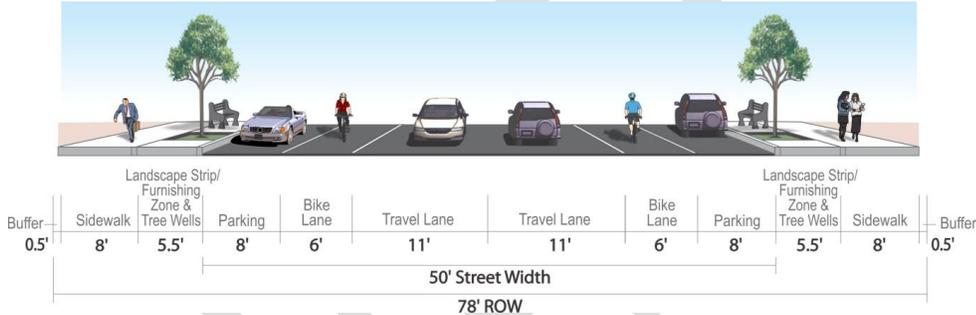
**Comment [LC12]:** Reference the section.

- iii. Left-Turn Lane: Required 11 feet where left-turns are allowed, as determined by the City Engineer.
- g. Trail Right-of-Way: 38 feet, on west side of street
  - i. Minimum 12-foot paved surface
  - ii. Minimum 26 feet of landscaping
- h. Required Street Lighting: Intersection safety lighting, basic street lighting, and pedestrian-scale lighting
- i. Access: Properties abutting both the trail side of River Terrace Boulevard and another street shall take access from the other street unless the other street is an Arterial.

**Comment [LC13]:** What other street? A separate street upon which the lot fronts?

B. Collector within Community Commercial Zone. The following street design standards apply to the Collector which extends through the Community Commercial zone as shown on Map 18.660.B and in Figure 18.660.7 below.

**Figure 18.660.7 Cross-Section for Collector within Community Commercial Zone**



1. Design Standards for Collector within the Community Commercial Zone
  - a. Right-of-Way Width: 78 feet plus additional right-of-way as needed for slopes, retaining walls, etc.
  - b. Sidewalk width: 8-foot sidewalk on both sides of the street.
  - c. Landscape Strip/Furnishing Zone and Tree Wells width: 5.5 feet on both sides of the street (includes 0.5-foot curb).
  - d. Bike Facilities/On-Street Parking:
    - i. Biking Facility: 6-foot bike lane on both sides of the street.
    - ii. On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - e. Travel Lanes:
    - i. Through Lanes: One 11-foot lane in each direction
    - ii. Left-Turn Lane: Optional 11 feet where left-turns are allowed, as determined by the City Engineer.
  - f. Required Street Lighting: Intersection safety lighting, basic street lighting, and pedestrian-scale lighting.
  - g. Street Crossings: All street crossings (midblock or at intersections) require curb extensions, ~~into the~~ for the width of the parking lane, unless the City Engineer finds it in the public interest that curb extensions not be provided (e.g., to facilitate truck turning movements).

**Comment [LC14]:** Is this meant to be a one or the other options? If so, be clear. If these are separate issues, just separate them.

C. Arterials within River Terrace Plan District. The following street design standards apply to the Arterials within the plan district as shown on Map 18.660. [PLACEHOLDER FOR ROY ROGERS ROAD AND SCHOLLS FERRY ROAD CROSS SECTIONS]

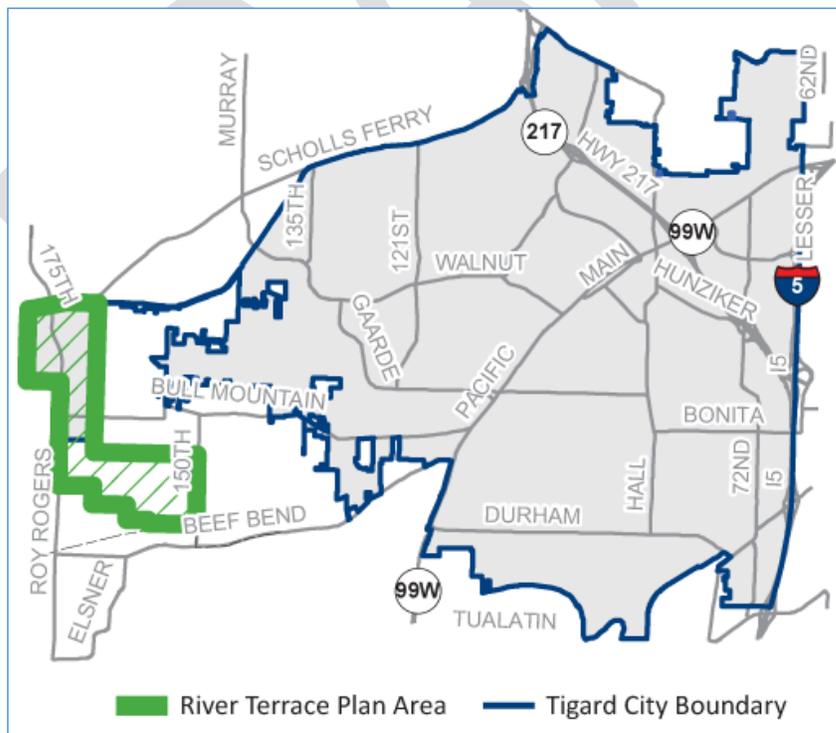
D. Adjustments. Adjustments to the street cross-sections described in this section, such as deletion of on-street parking and associated elements or width reduction of trail right-of-way or landscape median, may be granted upon finding that such adjustments are either needed to lessen impacts on natural resources or are otherwise in the public's interest as described in the River Terrace Community Plan and River Terrace Transportation System Plan Addendum. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Subsection 18.370.020.C.9.

**18.660.080 Street Connectivity**

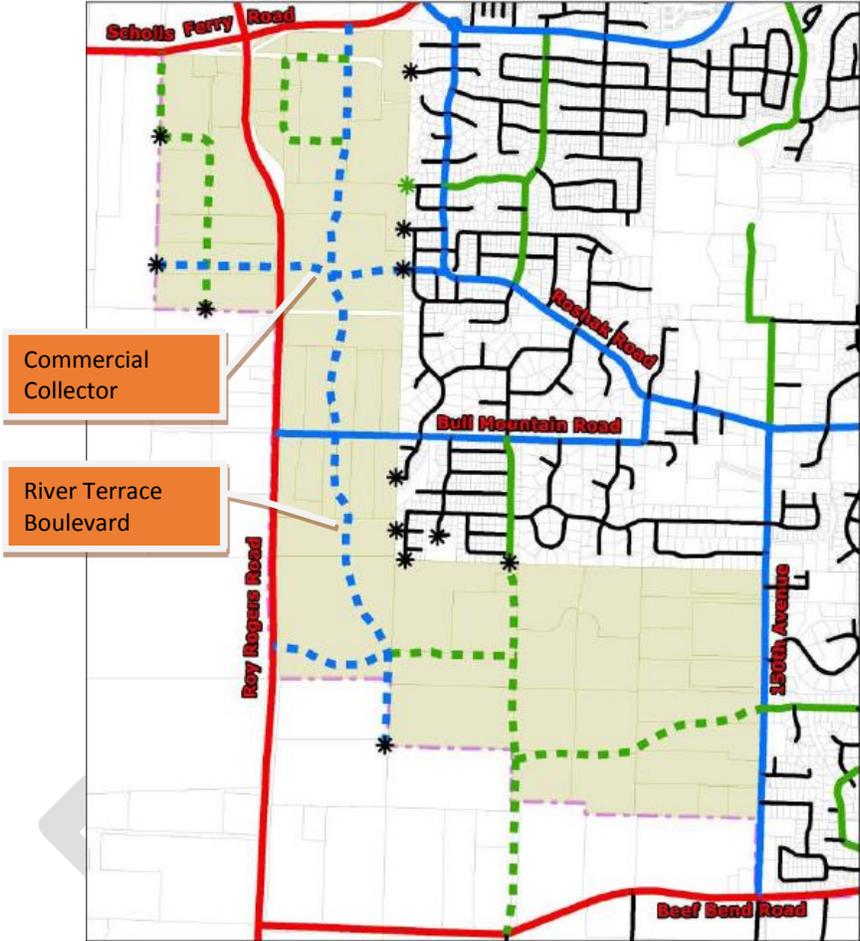
A. Street alignment and connections. For development abutting River Terrace Boulevard, an additional exception to the requirement in 18.810.030.H for full street connections to River Terrace Boulevard with spacing of no more than 530 feet between connections is allowed where the city has identified a need to minimize the number of trail crossings and provided that bicycle and pedestrian connections on public easements or right-of-ways shall be provided with a spacing of no more than 330 feet.

B. Block Perimeter. The perimeter of blocks formed by streets shall not exceed a total of 1,600 feet measured along the centerline of the streets except where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, pre-existing development, or an arterial or collector along which the city has identified a need to minimize the number of intersections.

**Map 18.660.A: River Terrace Plan District Boundary**



Map 18.660.B: River Terrace Boulevard and Commercial Collector



Commercial Collector

River Terrace Boulevard



# REQUEST FOR COMMENTS

DATE: December 23, 2014  
 TO: Interested and Affected Parties  
 FROM: City of Tigard Planning Division  
 STAFF: Susan P Shanks, Senior Planner  
 CONTACT: Phone: (503) 718-2454, Fax: (503) 718-2748, Email: [susans@tigard-or.gov](mailto:susans@tigard-or.gov)

**PROPOSAL:**  
**RIVER TERRACE PLAN DISTRICT**  
 Development Code Amendment (DCA) 2014-00001  
**RIVER TERRACE ZONING DISTRICTS MAP**  
 Zone Change (ZON) 2014-00002

**REQUEST:** Adopt Community Development Code (CDC) text amendments and Zoning map amendments necessary to implement the River Terrace Community Plan. Proposed changes include the adoption of a new CDC Chapter (18.660) to create the River Terrace Plan District and the assignment of zoning districts on the city's Zoning Map to approximately 490 acres of land within River Terrace.

**APPLICABLE REVIEW CRITERIA:** CDC Chapters 18.380.020 and 18.390.060.G; Comprehensive Plan Goals 1, 2, 8, 10, 11, 12, and 14; Statewide Planning Goals 1, 2, 8, 10, 11, 12, and 14; and Metro's Urban Growth Management Functional Plan Titles 1 and 11.

Attached are the **Proposed Amendments** for your review. From information supplied by various departments and agencies and from other information available to staff, a report and recommendation will be prepared and a decision will be rendered on the proposal in the near future. If you wish to comment on these amendments, **WE NEED YOUR COMMENTS BY: JANUARY 9, 2015.** 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 the Tigard Planning Division, 13125 SW Hall Boulevard, Tigard, OR 97223.

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

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



**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

our office.

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Name & Phone Number of Person Commenting: \_\_\_\_\_

**Susan Shanks**

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**From:** Susan Shanks  
**Sent:** Monday, February 09, 2015 7:56 AM  
**To:** Susan Shanks  
**Subject:** FW: Proposed language for 18.660.030)E)3

**From:** Jamie Morgan-Stasny [mailto:jamiem@metlandgroup.com]  
**Sent:** Friday, February 06, 2015 2:47 PM  
**To:** Susan Shanks  
**Cc:** 'Matt Sprague'  
**Subject:** RE: Proposed language for 18.660.030)E)3

Hi Susan,  
 This looks great, thank you for your help in getting the code updated ☺  
 We are comfortable with the language as proposed and will not plan to meet on Monday as previously discussed.  
 Thank you again.  
 Sincerely,  
 Jamie

Jamie Stasny | Project Planner  
 Metropolitan Land Group, LLC  
 17933 NW Evergreen Parkway, Suite 300 • Beaverton, OR 97006  
 V 503-597-7106 F 503-597-7149 C 503-752-5807  
[JamieM@metlandgroup.com](mailto:JamieM@metlandgroup.com)

---

**From:** Susan Shanks [mailto:[SusanS@tigard-or.gov](mailto:SusanS@tigard-or.gov)]  
**Sent:** Thursday, February 05, 2015 3:42 PM  
**To:** Jamie Morgan-Stasny  
**Subject:** RE: Proposed language for 18.660.030)E)3

Hi Jamie,

We're fine with your proposed language with just the tiniest of tweaks. How does this work for you?

3. Development in water pressure zone 550 shall either provide or demonstrate that there is sufficient water capacity in water pressure zone 550 to serve the proposed development, **or that it can be served by another water pressure zone that has sufficient capacity**, to the satisfaction of the City Engineer and Tualatin Valley Fire and Rescue during the land use review process.
4. Development in the north and south sewer sub-basins shall demonstrate, where applicable, that there is sufficient pump station capacity and associated force mains to serve the proposed development, **or that it can be served by other system improvements, to the satisfaction of the City Engineer and Clean Water Services** during the land use review process.

If you're good with this then I'll go ahead and cancel our meeting on Monday.

Thanks,

Susan P Shanks | Senior Planner  
 Community Development Department | City of Tigard

Email [susans@tigard-or.gov](mailto:susans@tigard-or.gov)

Phone [503-718-2454](tel:503-718-2454)

Fax [503-718-2748](tel:503-718-2748)

---

**From:** Jamie Morgan-Stasny [<mailto:jamiem@metlandgroup.com>]

**Sent:** Wednesday, February 04, 2015 9:49 AM

**To:** Susan Shanks

**Subject:** RE: Proposed language for 18.660.030)E)3

Hi Susan,

We would propose the following bold underlined changes to section 18.660.030)E)4

4. **During the land use review process**, development in the north and south sewer sub-basins shall demonstrate, where applicable, that there is sufficient pump station capacity and associated force mains to serve the proposed development **or that other system improvements can be made that are demonstrated to be adequate to serve the development.**

Please let me know if this is workable.

Many thanks!!

Sincerely,

Jamie

---

**From:** Susan Shanks [<mailto:SusanS@tigard-or.gov>]

**Sent:** Tuesday, February 03, 2015 5:32 PM

**To:** Jamie Morgan-Stasny

**Subject:** RE: Proposed language for 18.660.030)E)3

Ok. I'll stay tuned.

---

**From:** Jamie Morgan-Stasny [<mailto:jamiem@metlandgroup.com>]

**Sent:** Tuesday, February 03, 2015 5:02 PM

**To:** Susan Shanks

**Subject:** RE: Proposed language for 18.660.030)E)3

We are still discussing the sanitary language, i will let you know by tomorrow where we end up.

Thanks,

Jamie

----- Original message -----

From: Susan Shanks <[SusanS@tigard-or.gov](mailto:SusanS@tigard-or.gov)>

Date:02/03/2015 3:50 PM (GMT-08:00)

To: Jamie Morgan-Stasny <[jamiem@metlandgroup.com](mailto:jamiem@metlandgroup.com)>

Cc: 'Matt Sprague' <[msprague@sfadg.com](mailto:msprague@sfadg.com)>, John O'Neil <[johno@metlandgroup.com](mailto:johno@metlandgroup.com)>

Subject: RE: Proposed language for 18.660.030)E)3

Thanks, Jamie. I'll float this by staff. Any proposed changes to the sewer language or are you good with what's proposed?

---

**From:** Jamie Morgan-Stasny [<mailto:jamiem@metlandgroup.com>]

**Sent:** Tuesday, February 03, 2015 3:04 PM

**To:** Susan Shanks

Cc: 'Matt Sprague'; John O'Neil

Subject: Proposed language for 18.660.030)E)3

Hi Susan,

We would like to propose that the bold underlined language shown below be incorporated into section 18.660.030)E)3

*Development in water pressure zone 550 shall either provide or demonstrate that there is sufficient water capacity in water pressure zone 550 **or that the development can be served by another pressure zone that has adequate capacity** to serve the proposed development to the satisfaction of the City Engineer and Tualatin Valley Fire and Rescue during the land use review process.*

Please let me know if this addition is acceptable, and if we will still require the meeting next Monday.

Many thanks,

Sincerely,

Jamie Stasny | Project Planner

Metropolitan Land Group, LLC

17933 NW Evergreen Parkway, Suite 300 • Beaverton, OR 97006

V 503-597-7106 F 503-597-7149 C 503-752-5807

[JamieM@metlandgroup.com](mailto:JamieM@metlandgroup.com)

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## M E M O R A N D U M

DATE: February 2, 2015

TO: City of Tigard Planning Commission

FROM: Jim Lange, Pacific Community Design

RE: Proposed Code Amendment for Chapter 18.660 – River Terrace Plan District

This Memorandum is submitted on behalf of Polygon Homes to request the following edits to the proposed Chapter 18.660 - River Terrace Plan District.

Proposed edit to Section 18.660.080.D. is shown in bold underline, below.

- D. Skinny Streets. Development sites that have public street frontage on an Arterial Street upon which they cannot take vehicle access ~~shall~~ *may* take access from another public street that, at a minimum, meets the skinny street option as shown in Figure 18.810.6.B, **except that the planter strips can be eliminated from the segments of the street that have continuous, closely spaced driveways.** This option may be used:
1. Regardless of the expected number of vehicles per day; and
  2. Only when it is located in a Planned Development; and
  3. Only when it can be demonstrated that the development fronting the skinny street meets the on-street parking standards in Section 18.660.100 below.

Adjustments to these standards shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Subsection 18.370.020.C.9.

Proposed addition to allow for more than one model home within projects in the River Terrace Plan District shown in bold underline, below.

**18.660.110 Temporary Uses for Sales Office and Model Homes**

**Within residential developments in the River Terrace area, the number of model homes allowed through Section 18.785.020.C. is not limited to one.**

Thank you.



## City of Tigard Memorandum

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**To:** Tigard City Council

**From:** Susan P Shanks, River Terrace Project Manager  
Zechariah Heck, Project Planning Assistant

**Re:** Summary of Public Comments Received Prior to Planning Commission Hearing

**Date:** February 10, 2015

---

Staff received a number of detailed track change comments from the development community on the River Terrace Plan District code amendments prior to the Planning Commission hearing on February 2, 2015. These comments are attached to this memo as Attachments 4.8.A, B, and C. A summary of these comments and staff's response to them is provided below.

### COMMENTS FROM METROPOLITAN LAND GROUP (MLG)

#### 18.660.040 Approval Criteria

- Clarify whether phased development provisions apply to phased approvals or phased construction.
- Delete provision for right-of-way dedication during phased development.

#### 18.660.070 Planned Developments

- Clarify how perimeter lots are defined and where standards apply.
- Allow more lot dimension and setback flexibility for perimeter lots.
- Delete provision requiring applicant to provide an analysis that shows how an alternative open space proposal and development enhancements are equivalent to the standard 20% open space requirement.

*Staff Response: Staff agreed with each of the changes suggested by MLG and revised the December 18<sup>th</sup> draft of the code amendments accordingly.*

### COMMENTS FROM WEST HILLS

#### General

- Clarify procedures, terms, and standards throughout and make standards more clear and objective wherever possible.

#### 18.660.040 Approval Criteria

- Delete provision for right-of-way dedication during phased development.

#### 18.660.060 River Terrace Boulevard Development Standards

- Clarify how River Terrace Blvd development standards apply to side-oriented lots.
- Require design standards for facades facing River Terrace Blvd in lieu of front entries and walkways.

#### 18.660.070 Planned Developments

- Eliminate open space requirement altogether and focus on development enhancements.

#### 18.660.080 Street Design

- Allow more River Terrace Blvd design flexibility up front.

***Staff Response: Staff agreed with each of the changes suggested by West Hills and revised the December 18<sup>th</sup> draft of the code amendments accordingly, with one exception. Staff revised the Planned Development open space requirement, but did not eliminate it entirely.***

### **COMMENTS FROM POLYGON**

#### 18.660.030 Provision of Adequate Public Facilities

- Include Developer Agreement as an option for compliance deferral.

#### 18.660.060 River Terrace Boulevard Development Standards

- Clarify how River Terrace Blvd development standards apply to side-oriented lots.
- Require design standards for facades facing River Terrace Blvd in lieu of front entries and walkways.

#### 18.660.070 Planned Developments

- Clarify how perimeter lots are defined and where standards apply.
- Limit right-of-way reduction for Planned Development density calculations.
- Add definitions for how to measure street-facing facades and window area.

#### 18.660.080 Street Design

- Clarify where Community Commercial street standards apply.

***Staff Response: Staff agreed with each of the changes suggested by Polygon and revised the December 18<sup>th</sup> draft of the code amendments accordingly.***

**Susan Shanks**

---

**From:** Jamie Morgan-Stasny <jamiem@metlandgroup.com>  
**Sent:** Tuesday, January 13, 2015 4:24 PM  
**To:** Susan Shanks  
**Cc:** 'Matt Sprague'  
**Subject:** River Terrace Plan District Comments - MLG  
**Attachments:** 201501131444.pdf

Hi Susan,

Attached are our comments on the River Terrace Plan Code language.

A number of our concerns were addressed by Fred's group, but we did have a number of other ideas that should be considered, namely –

- Not requiring compliance with the following sections when applying for a Planned Development (as described on page 18.660-7 attached)
  - 18.350.060.C.1 (80% rule)
  - 18.350.060.C.3 (extreme rule)
  - Table 18.510.2
- Removal of the rough proportionality requirement within section 18.660.060, C on page 18.660-8
  - We feel that the guidelines set forth in 18.660.060 C 1, 2 & 3 will provide enough discretion to the Planning Commission and negate the need for a rough proportionality demonstration.

Please feel free to call if you would like to discuss our comments further.

Matt Sprague from SFA is our planner who is currently in process on two Planned Developments within the City of Tigard. He had some great insight and comments. Please also do not hesitate to call him directly if you have questions or would like more information. His direct number is (503) 332.8385.

Thank you for your consideration,

- Jamie

Jamie Stasny | Project Planner

Metropolitan Land Group, LLC

17933 NW Evergreen Parkway, Suite 300 • Beaverton, OR 97006

V 503-597-7106 F 503-597-7149 C 503-752-5807

[JamieM@metlandgroup.com](mailto:JamieM@metlandgroup.com)

SFA Design Group  
Code Review & Comment  
1/12/14  
Matt Sprague

Chapter 18.660  
RIVER TERRACE PLAN DISTRICT

Sections:

18.660.010	Purpose
18.660.020	Where These Regulations Apply
18.660.030	Applicability
18.660.033	Adequacy of Public Facilities
18.660.035	Preliminary Plat Approval Criteria
18.660.040	Community Commercial Development Standards
18.660.050	River Terrace Boulevard Development Standards
18.660.060	Planned Developments
18.660.070	Street Design
18.660.080	Street Connectivity

18.660.010 Purpose

The River Terrace Community Plan provides for a variety of land uses and residential densities consistent with the community's desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks, and recreational opportunities. The purpose of the River Terrace Plan District is to implement the adopted River Terrace Community Plan and associated infrastructure master plans for water, sewer, stormwater, parks, and transportation.

This chapter is intended to ensure that public facilities are adequate to serve the anticipated levels of development throughout River Terrace by:

- Implementing the River Terrace Community Plan and associated infrastructure master plans
- Facilitating the transition of River Terrace from rural to urban land use through the timely, orderly, and efficient provision of public facilities
- Ensuring that public facilities are adequate to support new development and are available concurrent with the impacts of such development
- Safeguarding the community's health, safety, and welfare

This chapter is also intended to implement those unique aspects of the River Terrace Community Plan and associated infrastructure master plans related to commercial and residential design, transportation facilities, and park and trail development.

- The commercial area is envisioned as a vibrant mixed-use center with pedestrian-scale street and building amenities and high-quality design features.
- The transportation system is designed as a network of multi-modal streets that connects residents to trails, schools, parks, and services. One that conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort, and mobility through thoughtful and location-specific street and intersection design.
- River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments that defines it as the neighborhood's signature street.
- Parks and trails are distributed throughout the area to provide a variety of convenient recreational opportunities for residents and visitors.

### **18.660.020 Where These Regulations Apply**

The regulations of this chapter apply to the River Terrace Plan District. The boundaries of this plan district are shown on Map 18.660.A located at the end of this chapter.

### **18.660.030 Applicability**

This chapter applies to all property that is located within the River Terrace Plan District. The standards and requirements of this chapter apply in addition to, and not in lieu of, all other applicable provisions of the Tigard Community Development Code (TCDC). Compliance with all applicable standards and requirements must be demonstrated in order to obtain a development approval. The standards in this chapter shall govern in the event of a conflict.

### **18.660.033 Adequacy of Public Facilities**

- A. Intent. The intent of this section is to address the provision of the infrastructure system necessary to benefit and serve all property within River Terrace as provided for in the River Terrace Community Plan, related infrastructure master plans, and the River Terrace Funding Strategy, in light of the desire of property owners to commence preliminary development prior to full implementation of those plans and with the understanding that no development rights vest and no development approvals can be granted until the infrastructure system is in place or assured.
- B. Approval Standard. Development may be approved only if the applicant demonstrates that each of the following components of the River Terrace Funding Strategy adopted by Resolution 14-66 (December 16, 2014) has been adopted and is in effect:
1. Transportation: A citywide transportation system development charge (SDC), a River Terrace specific transportation SDC, and a River Terrace transportation utility fee surcharge is in effect.
  2. Water: For development in water pressure zone 550, a minimum of 3 million gallons in new firm water storage capacity and associated pump station with a minimum firm capacity of 1400 gallons per minute or piping improvements that provide sufficient water capacity in water pressure zone 550 to serve the proposed development.
  3. Sewer: A citywide utility fee surcharge.
  4. Stormwater: A River Terrace storm water utility fee surcharge.
- C. Deferral of Compliance.
1. An applicant may request deferral of the requirement to demonstrate compliance with one or more of the approval standards set forth in subsection B as provided for in this subsection C:
    - a. Preliminary land division plat approval to final land division plat review.
    - b. Planned development concept plan approval to detailed development plan review where no land division is proposed.
    - c. All other development applications: A condition of development approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for utility or building permits, whichever occurs first.
  2. Deferral of compliance shall be granted only if:
    - a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for final land division plat approval, detailed development plan approval, or expiration of the condition of approval. A determination by the review authority that it is

likely that the standard will be met shall be for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant or any party; and

- b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement shall waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards in subsection B, without regard to fault. Nothing in this section shall preclude the applicant from seeking review of any land use decision in accordance with ORS chapter 197, 215 or 227 or equitable relief in a court of competent jurisdiction.

D. Exception.

1. An exception to one or more of the standards in subsection B may be obtained through a Type II procedure as governed by Subsection 18.390.040.
2. An exception shall be granted only if the applicant:
  - a. Demonstrates that the exception will not materially impact implementation of the River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25); River Terrace Water System Master Plan Addendum (Resolution 14-35); River Terrace Stormwater Master Plan (Resolution 14-42); River Terrace Transportation System Plan Addendum (Ordinance 14-16); and, the River Terrace Funding Strategy (Resolution 14-66); and
  - b. Has proposed alternatives that will ensure that it will provide its proportionate share of the facilities and the funding for facilities as identified in the River Terrace infrastructure master plans and Funding Strategy.
  - c. Executes an agreement prepared by the city agreeing that, if the new SDCs are not in effect at the time of building permit issuance, the applicant will pay an amount equal to the SDCs assumed by the River Terrace Funding Strategy. No credits will be issued against this payment, but the city will refund such payment if the SDC is in effect and paid in accordance with the terms of the applicable SDC ordinance or the applicable SDC has not taken effect within two years of the effective date of this Code.
  - d. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject in the future to utility fees or SDCs as described in the River Terrace Funding Strategy.

E. Additional Standards.

1. A water transmission or sewer trunk line constructed by one or more applicants shall:
  - a. Be placed in a public easement within the transmission line corridor and alignment identified in the water or sanitary sewer master plans. The exact location and route shall be approved by the City Engineer. If a transmission or trunk line corridor and alignment have not been adopted, the applicant may file a Type IV application to establish the corridor and alignment. This application shall be processed prior to or concurrently with the development application and is not subject to the timing limits in Subsection 18.390.060.B.
  - b. Be sized, designed, constructed, and placed in accordance with city specifications and as approved by the City Engineer; and
  - c. If the transmission or trunk line enters the property that is the subject of the development application, a public easement for the line shall be granted to extend through the property that is the subject of the application and terminate at such location as the review authority

determines will maximize the function and availability of the easement to serve additional properties, taking into account the impact of the easement on the subject property.

2. If compliance with storm water management standards is dependent on a publicly funded conveyance system or regional facility that has not been provided, the applicant may propose interim facilities and systems, such as on-site detention. The detention shall meet all applicable standards. Unless otherwise provided in the development approval, the applicant shall provide an assurance that adequate financial resources are available to decommission the interim facility and connect to the public storm water management system when it becomes available. No storm water management system shall be approved if it would prevent or significantly impact the ability of other properties to implement and comply with the River Terrace Stormwater Master Plan or other applicable standards.
3. Development shall be located and designed so as to not unduly or unnecessarily restrict the ability of any other property to provide or access a public easement or facility required for the property to develop in accordance with this Code, taking into account the topography, size and, shape of the property that is the subject of the application, impact on the applicant, and the reasonableness of available options. An applicant shall not be required to reduce otherwise permitted density or to obtain a variance to demonstrate compliance but this standard may be considered in considering a variance requested by the applicant.

F. Other Provisions.

1. Unless expressly authorized in a development approval, no person shall impose a private fee or any charge whatsoever that prohibits, restricts, or impairs an adjoining property from accessing a public easement, facility, or service or denies access to such public easement, facility, or service.
2. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to finance public facilities and services described in this section shall be deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided.

**18.660.035 Preliminary Plat Approval Criteria**

A. Additional Approval Criteria. In addition to the approval criteria in Section 18.430.040 (Approval Criteria: Preliminary Plat), the following approval criteria shall apply to all preliminary plat applications within River Terrace.

1. The streets, street extensions, and intersections conform to the River Terrace Transportation System Plan Addendum, the street spacing and connectivity standards of this chapter and the TCDC, and the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction, and in all other respects unless the city determines it is in the public interest to modify the street, street extension, and/or intersection locations, widths, or pattern; and
2. The preliminary plat does not impede the future use or development of adjacent property within River Terrace not under the control or ownership of the applicant proposing the preliminary plat.
3. Where phased development is proposed, a plan for future phases shows the location of lot lines, rights-of-way, and other details of layout and demonstrates that future division of the entire site may readily occur without violating the development standards of the TCDC; and

*Should clarification be needed noting the difference between phased approvals & phased construction? Item 3 is about phased approvals*

*I can't see this working based upon purchase & closing requirements in typical phased developments. MLC 1/12/14*

4. Where phased development is proposed, the preliminary plat dedicates rights-of-way for all arterials, collectors, and neighborhood routes as shown in the River Terrace Transportation System Plan Addendum for all phases to allow for the timely and orderly extension and connection of adjacent streets and utilities.

B. Conditions of approval. The approval authority may attach such conditions as are necessary to carry out the goals and policies of the Tigard Comprehensive Plan, River Terrace Community Plan, and other applicable ordinances and regulations and may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

#### **18.660.040 Community Commercial Development Standards [PLACEHOLDER]**

#### **18.660.050 River Terrace Boulevard Development Standards**

A. Applicability. The applicable development standards contained in the underlying zoning district shall apply to all development within River Terrace, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370, and except as specified below. The following standards apply to commercial and residential development sites abutting River Terrace Boulevard right-of-way as follows:

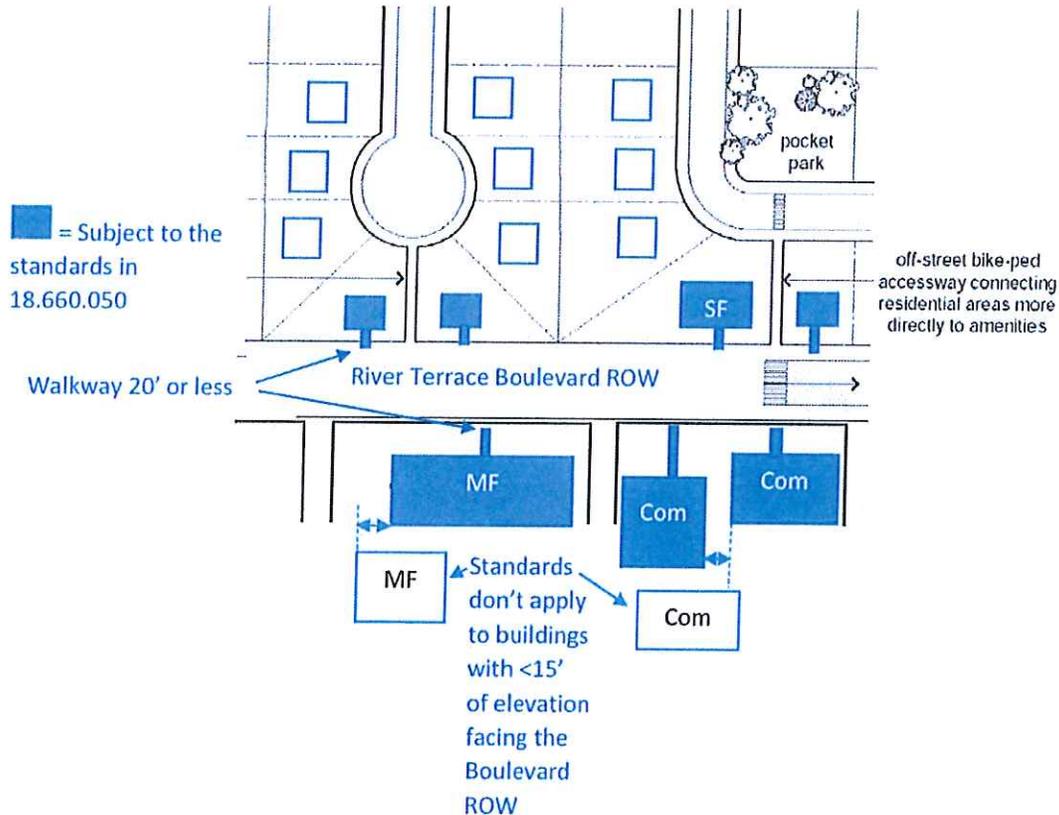
1. For single-family attached, single-family detached, and duplex development, the following standards apply to all development on those lots abutting the River Terrace Boulevard right-of-way (ROW).
2. For multi-building developments (commercial or multifamily) on a single lot, the following standards apply to all development except those buildings that have less than fifteen (15) feet of building elevation visible from the River Terrace Boulevard right-of-way (see Figure 18.660.1).
3. The standards apply development abutting both sides of the right-of-way. The general location of the River Terrace Boulevard right-of-way is shown on Map 18.660.B. The City Engineer shall approve the final alignment.

#### **B. Building Placement and Design**

1. Primary buildings shall have their front façade and front entry door oriented to River Terrace Boulevard.
2. At least one front entry door is required for each business or dwelling with a ground floor frontage.
3. At least one front entry door shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
4. For those properties that do not abut the trail side of the right-of-way, one walkway connection is required between the front entry door and the public sidewalk. For those buildings with 100% of their elevation visible from the River Terrace Boulevard right-of-way, the walkway may not be more than 20 feet in length for the portion of the walkway that lies outside the public right-of-way (see Figure 18.660.1). All walkways shall be ADA accessible.

- For those properties that abut the trail side of the right-of-way, one walkway connection is required between the development and the trail for every 5 single-family detached lots (including duplex lots) that are located within a single block. All walkways shall be ADA accessible.

**Figure 18.660.1: Applicability of Development Standards for Sites Abutting River Terrace Boulevard Right-of-Way**



- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 10 single-family attached dwelling units that are located within a single block but that are not necessarily all attached together. All walkways shall be ADA accessible.
- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 200 feet of frontage of multifamily development. All walkways shall be ADA accessible.
- No accessory structures, garages, carports, driveways or vehicle access are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.
- No fences, walls or hedges over three (3) feet in height are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

C. Density Bonus. In order to help offset the land and development costs associated with the construction of River Terrace Boulevard, residential development sites abutting River Terrace Boulevard right-of-way may choose to propose smaller and narrower lots along River Terrace Boulevard than otherwise allowed by zoning. The resulting increase in the number of dwelling units along River Terrace Boulevard shall be allowed in addition to any density bonus approved through the Planned Development review process in accordance with Chapter 18.350 (Planned Developments). Where more dwelling units are proposed, the reduced lots sizes or lot areas per dwelling unit that are described below shall be used to calculate the maximum and minimum number of residential units allowed in accordance with Subsections 18.715.020.B and C (Density Computations). This density bonus shall only apply to residential lots that are proposed to abut River Terrace Boulevard once the larger development site has been subdivided for urban development purposes.

1. Land zoned R-4.5: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 4,500 square feet and the minimum lot width to 40 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet and the minimum lot width to 80 feet.
2. Land zoned R-7: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 3500 square feet and the minimum lot width to 35 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet. Single-family attached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 2500 square feet and the minimum lot width to 25 feet.
3. Land zoned R-12: Multifamily development on lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2000 square feet. Single-family attached and detached lots and duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2500 square feet.

D. Adjustments. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040. The director may grant an adjustment to the standards of this section based on findings that:

1. The standards cannot be met due to topography or other natural constraints associated with the specific development site;
2. The proposed design provides safe and convenient pedestrian connections to the pedestrian facilities within the River Terrace Boulevard right-of-way; and
3. If fences or walls over three (3) feet in height are proposed, they will be constructed of high-quality materials. Wood or chain link fencing is not permitted.

**18.660.060 Planned Developments**

The requirements of Chapter 18.350 shall apply to all planned developments in River Terrace, except as modified below.

A. Private outdoor area—Residential use. The private outdoor area requirements of 18.350.070.D.5 shall only apply to multifamily development.

*The City needs to clarify setbacks adjacent to perimeters within this text. Currently it is up to staff interpretation & unclear with a "changing" perimeter*

*Also suggest adding language that a parcel adjacent to a public or private street is not considered a perimeter lot*

*Other code sections that should not apply: 18.350.060.C.1 (80% rule)  
18.350.060.C.3 (extreme)*

*11/2/14 mls*

*11/2/14 mls*

B. Shared outdoor recreation and open space facility areas—Residential use. The shared outdoor recreation and open space requirements of 18.350.070.D.6 shall only apply to multifamily development.

C. Shared open space facilities. As an alternative to providing the 20% open space required by Subsection 18.350.070.D.13, the city may accept a lesser amount of open space where the applicant can meet the requirements of 1, 2, and 3 below, ~~and where the applicant provides an analysis that demonstrates that the proposed open space and enhancements are roughly proportional to the 20% of open space that would otherwise be required. The applicant may use multiple quantitative metrics to demonstrate how their alternative proposal for shared open space facilities is roughly proportional, e.g. cost, square footage, accessibility, etc.~~

→ Remove as the requirements of 1, 2 and 3 shall ensure adequate OS  
1/13/15  
JMS

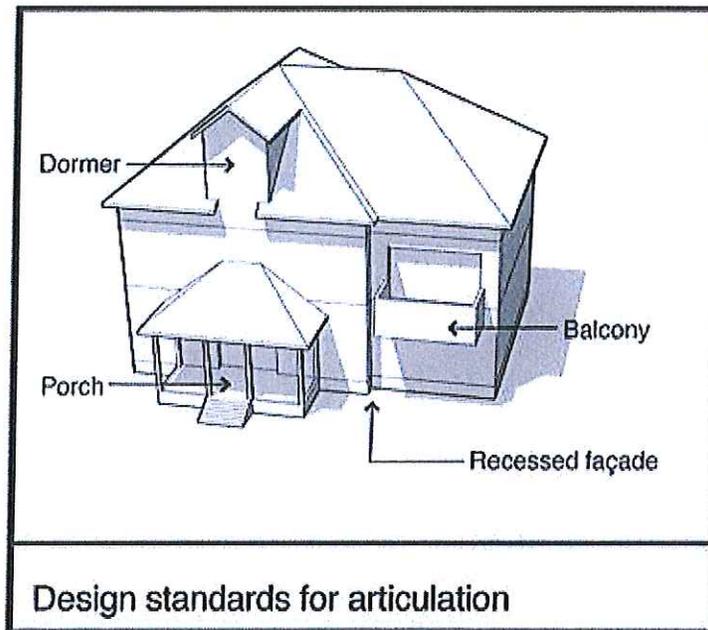
1. The city may accept a lesser amount of open space where the proposed open space:
  - a. Meets the need for neighborhood or linear public parks, open space, and/or trails identified in the River Terrace Park System Master Plan Addendum with respect to both location and the city's level of service standard; and
  - b. Will be dedicated to the public.
2. The city may accept a lesser amount of open space in exchange for additional development enhancements where such enhancements provide a community benefit and where the development provides at least three (3) of the following:
  - a. Provide a comprehensive network of public pedestrian connections that complements the public sidewalk system and that facilitates access to parks, schools, trails, open spaces, commercial areas, and similar destinations.
  - b. Provide public nature trails along or through natural resource areas or open spaces. All trails through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards.
  - c. Provide or show that the proposed development has direct access to and is within a ¼-mile of a public park or recreation area via a public or private trail, path, or walkway. Including sidewalks along streets.
  - d. Provide intersection treatments that are acceptable to the City Engineer and that elevate the pedestrian experience through art, landscaping, signage, enhanced crossings, and/or other similar treatments.
  - e. Provide high-quality architectural features on attached and detached single-family dwelling units and duplexes that meet the design standards in accordance with Subsection 18.660.060.E below.
3. For those properties that abut Roy Rogers Road or River Terrace Boulevard, one or more of the following enhancements may be provided in lieu of one or more of the enhancements listed in 2 above.
  - a. Provide for the long-term maintenance of any proposed and/or required landscaping in or adjacent to the Roy Rogers Road or River Terrace Boulevard rights-of-way through the formation of a homeowners' association or other comparable organization that is acceptable to the applicable road authority. The installation and maintenance of stormwater facilities is not required.
  - b. Provide a high-quality visual and noise buffer along Roy Rogers Road that includes both a vegetative and solid barrier component outside of the public right-of-way.
  - c. Provide park facilities in the River Terrace Trail corridor, including but not limited to benches, picnic tables, lighting, and/or small playground areas (i.e. tot lots or pocket parks). Provision of such facilities may allow the applicant to count the trail corridor as a linear park facility, thus contributing to meeting the city's level of service standards for both linear parks

1/12/14  
MLB

and trails. The city's Parks Manager shall decide whether the proposed facilities elevate the trail corridor to a linear park facility.

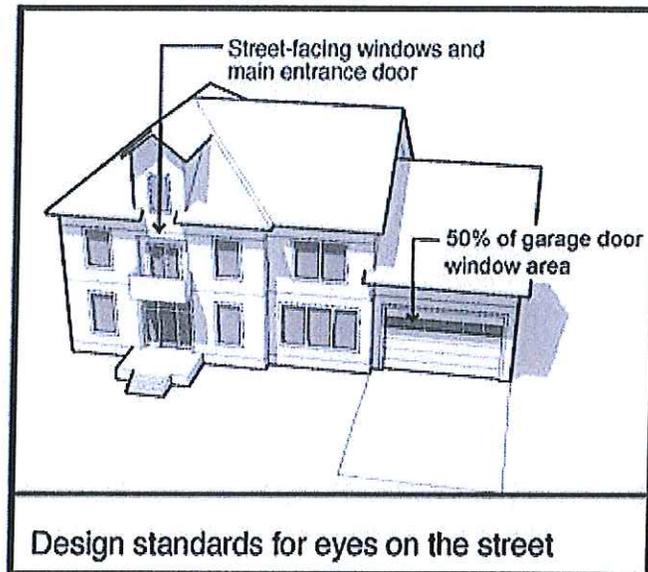
- D. Open space conveyance. The standards of Subsection 18.350.070.D.14 shall apply to the conveyance of open space within River Terrace. The standards of Subsection 18.810.080.B shall not apply.
- E. Design Standards for Single-Family Dwelling Units and Duplexes. These design standards apply only when the applicant chooses to provide them per Subsection 18.660.060.C.2.e above to meet the alternative requirement for shared open space facilities in accordance with Subsection 18.660.060.C. These standards apply to attached and detached single-family dwelling units and duplexes. They are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.
1. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 18.660.2 for an illustration of articulation.
- For buildings with 30-60 feet of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.
    - A porch at least 5 feet deep.
    - A balcony that is at least 2 feet deep and is accessible from an interior room.
    - A bay window that extends at least 2 feet wide.
    - A section of the façade that is recessed by at least 2 feet deep and 6 feet long.
    - A gabled dormer.
  - For buildings with over 60 feet of street frontage, at least 1 element in Subsection 18.660.060.E.1.a.i-v above shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between 2 elements.
  - For buildings with less than 30 feet of street frontage, the building articulation standard is not applicable.

**Figure 18.660.2**  
**Building Articulation**



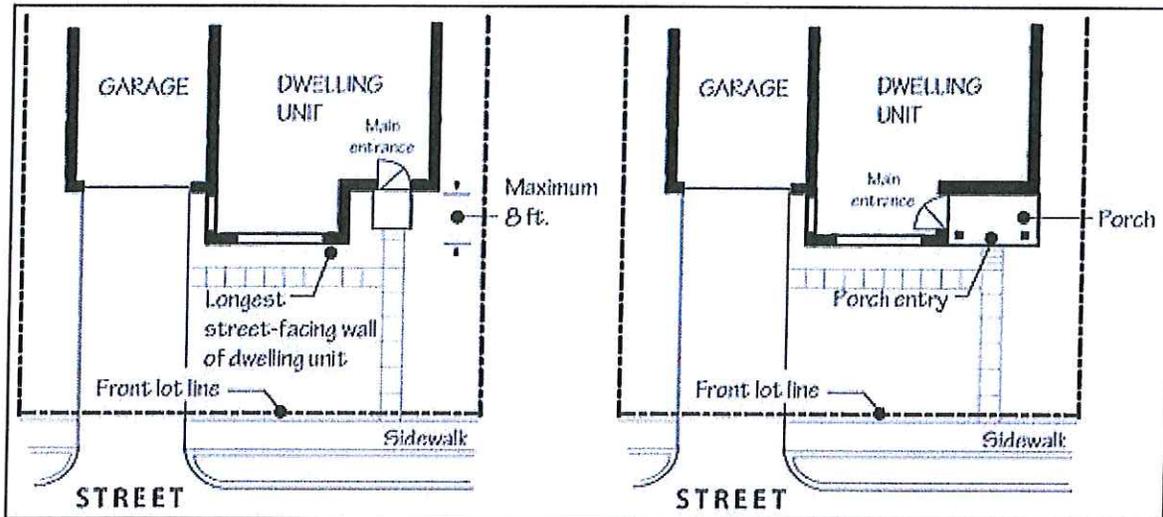
2. Eyes on the Street. At least 12% of the area of each street-facing façade must be windows or entrance doors. See Figure 18.660.3 for an illustration of eyes on the street.
  - a. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - b. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
  - c. Window area is considered the entire area within the outer window frame, including any interior window grid.
  - d. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
  - e. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

**Figure 18.660.3**  
**Eyes on the Street**



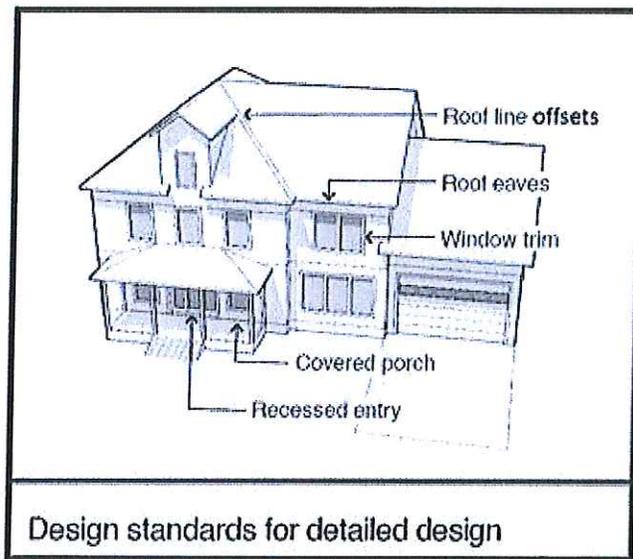
3. Main Entrance. At least 1 main entrance must meet both of the following standards. See Figure 18.660.4 for an illustration of main entrances.
  - a. Be no further than 8 feet behind the longest street-facing wall of the building.
  - b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
    - i. Be at least 25 square feet in area with a minimum 4-foot depth.
    - ii. Have at least 1 porch entry facing the street.
    - iii. Have a roof that is no more than 12 feet above the floor of the porch.
    - iv. Have a roof that covers at least 30% of the porch area.

**Figure 18.660.4**  
**Main Entrances**



4. Detailed Design. All buildings shall include at least five (5) of the following features on any street-facing façade. See Figure 18.660.5 for illustration of detailed design elements.
- a. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.
  - b. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.
  - c. Offset on the building face of at least 16 inches from 1 exterior wall surface to the other.
  - d. Dormer that is at least 4 feet wide and integrated into the roof form.
  - e. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - f. Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
  - g. Tile or wood shingle roofs.
  - h. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
  - i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
  - j. Gable roof, hip roof, or gambrel roof design.
  - k. Window trim around all windows at least 3 inches wide and 5/8 in deep.
  - l. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
  - m. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
  - n. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
  - o. Bay window at least 2 feet deep and 5 feet long.
  - p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

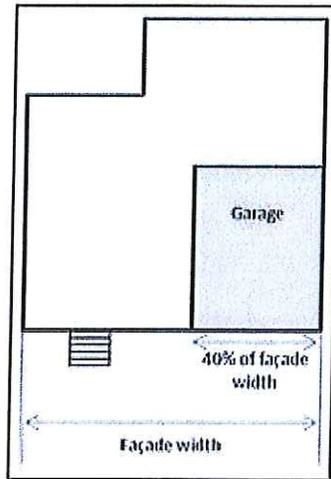
**Figure 18.660.5**  
**Detailed Design Elements**



5. Garages and Carports. These standards are intended to prevent garages from obscuring or dominating the street-facing façade of a dwelling and provide for a pleasant pedestrian environment in residential areas.
  - a. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
  - b. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
  - c. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.
  - d. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing façades.
6. The maximum allowed garage width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 18.660.060.E.4 are included on the street-facing façade.
7. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 18.660.060.E.2 is met.

Both requirements →  
 limit units in the  
 R-12 zone to  
 single car  
 garage  
 openings. →  
 11/2/14  
 mls

**Figure 18.660.5  
 Maximum Garage Width**



DRAFT

## 18.660.070 Street Design

- A. River Terrace Boulevard. The following street design standards apply to River Terrace Boulevard as shown on Map 18.660.B and in Figure 18.660.6 below.

**Figure 18.660.6 River Terrace Boulevard Cross-Section**

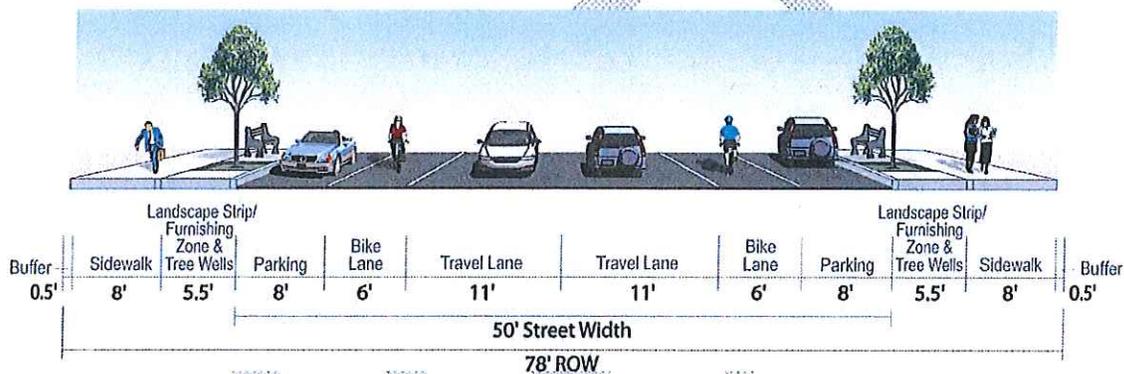


1. Design Standards for River Terrace Boulevard.
  - a. Right-of-Way Width: 110 feet plus addition ROW as needed for slopes, retaining walls, etc.
  - b. Sidewalk:
    - i. With or without on-street parking, and not adjacent to trail: 6-foot sidewalk.
    - ii. With on-street parking, and adjacent to trail: 5-foot sidewalk.
    - iii. Without on-street parking, and adjacent to trail: No sidewalk required.
  - c. Landscape Strip:
    - i. With or without on-street parking, and no adjacent to trail: 8.5-foot landscape strip (includes 0.5-foot curb).
    - ii. With on-street parking, and adjacent to trail: No landscape strip required.
    - iii. Without on-street parking, and adjacent to trail: Minimum 8.5-foot landscape strip. (includes 0.5-foot curb) between travel way and trail. (This width can be reduced from the trail landscape requirements below.)
  - d. Bike Facilities: 12-foot trail on west side of street in accordance with design standards below.
  - e. On-Street Parking: On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - f. Travel Lanes:
    - i. Through Lanes: One 11-foot travel lane in each direction.
    - ii. Median: 14 feet between travel lanes, to be used for landscaping, pedestrian crossing refuge, or left-turn lanes (includes 2-foot clearance between through lanes and curb and 0.5-foot curb on both sides).

- iii. Left-Turn Lane: Required 11 feet where left-turns are allowed , as determined by the City Engineer.
- g. Trail Right-of-Way: 38 feet, on west side of street
  - i. Minimum 12-foot paved surface
  - ii. Minimum 26 feet of landscaping
- h. Required Street Lighting: Intersection safety lighting, basic street lighting and pedestrian-scale lighting
- i. Access: Properties abutting both the trail side of River Terrace Boulevard and another street shall take access from the other street unless the other street is an Arterial.

B. Collector within Community Commercial Zone. The following street design standards apply to the Collector which extends through the Community Commercial zone as shown on Map 18.660.B and in Figure 18.660.7 below.

**Figure 18.660.7 Cross-Section for Collector within Community Commercial Zone**



1. Design Standards for Collector within the Community Commercial Zone
  - a. Right-of-Way Width: 78 feet plus additional right-of-way as needed for slopes, retaining walls, etc.
  - b. Sidewalk: 8-foot sidewalk on both sides of the street.
  - c. Landscape Strip/Furnishing Zone and Tree Wells: 5.5 feet on both sides of the street (includes 0.5-foot curb).
  - d. Bike Facilities/On-Street Parking:
    - i. Biking Facility: 6-foot bike lane on both sides of the street.
    - ii. On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - e. Travel Lanes:
    - i. Through Lanes: One 11-foot lane in each direction
    - ii. Left-Turn Lane: Optional 11 feet where left-turns are allowed, as determined by the City Engineer.
  - f. Required Street Lighting: Intersection safety lighting, basic street lighting and pedestrian-scale lighting.
  - g. Street Crossings: All street crossings (midblock or at intersections) require curb extensions into the parking lane unless the City Engineer finds it in the public interest that curb extensions not be provided (e.g., to facilitate truck turning movements).

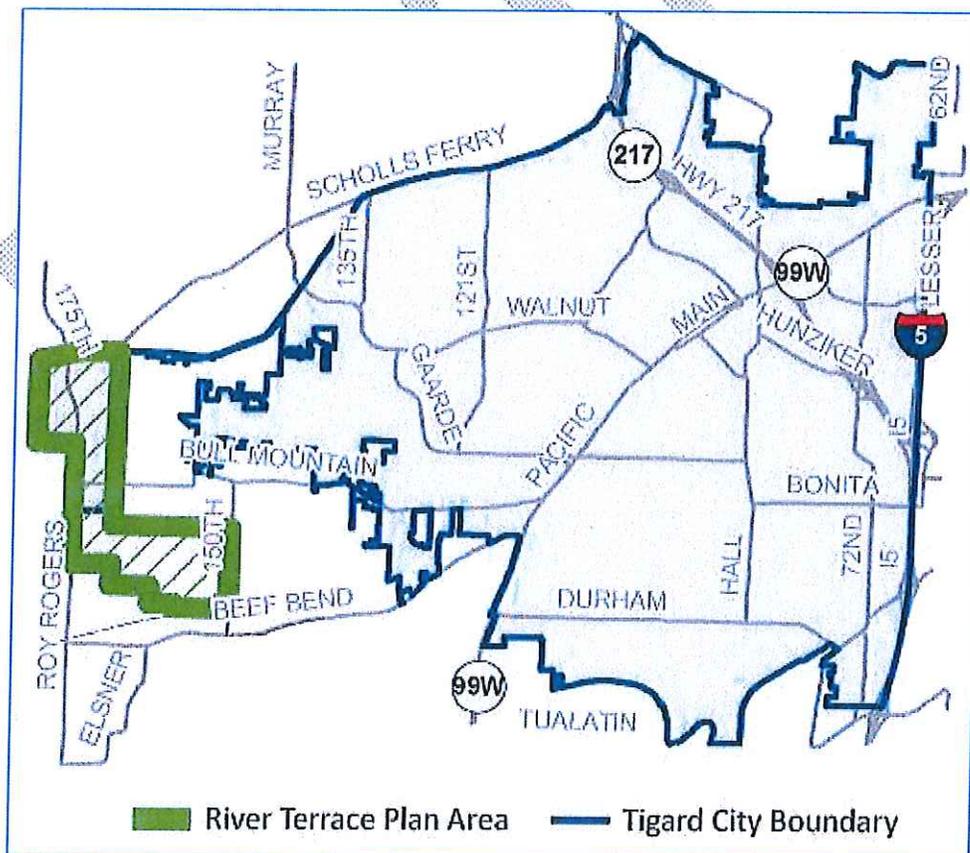
C. Arterials within River Terrace Plan District. The following street design standards apply to the Arterials within the plan district as shown on Map 18.660. [PLACEHOLDER FOR ROY ROGERS ROAD AND SCHOLLS FERRY ROAD CROSS SECTIONS]

- D. **Adjustments.** Adjustments to the street cross-sections described in this section, such as deletion of on-street parking and associated elements or width reduction of trail right-of-way or landscape median, may be granted upon finding that such adjustments are either needed to lessen impacts on natural resources or are otherwise in the public's interest as described in the River Terrace Community Plan and River Terrace Transportation System Plan Addendum. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Subsection 18.370.020.C.9.

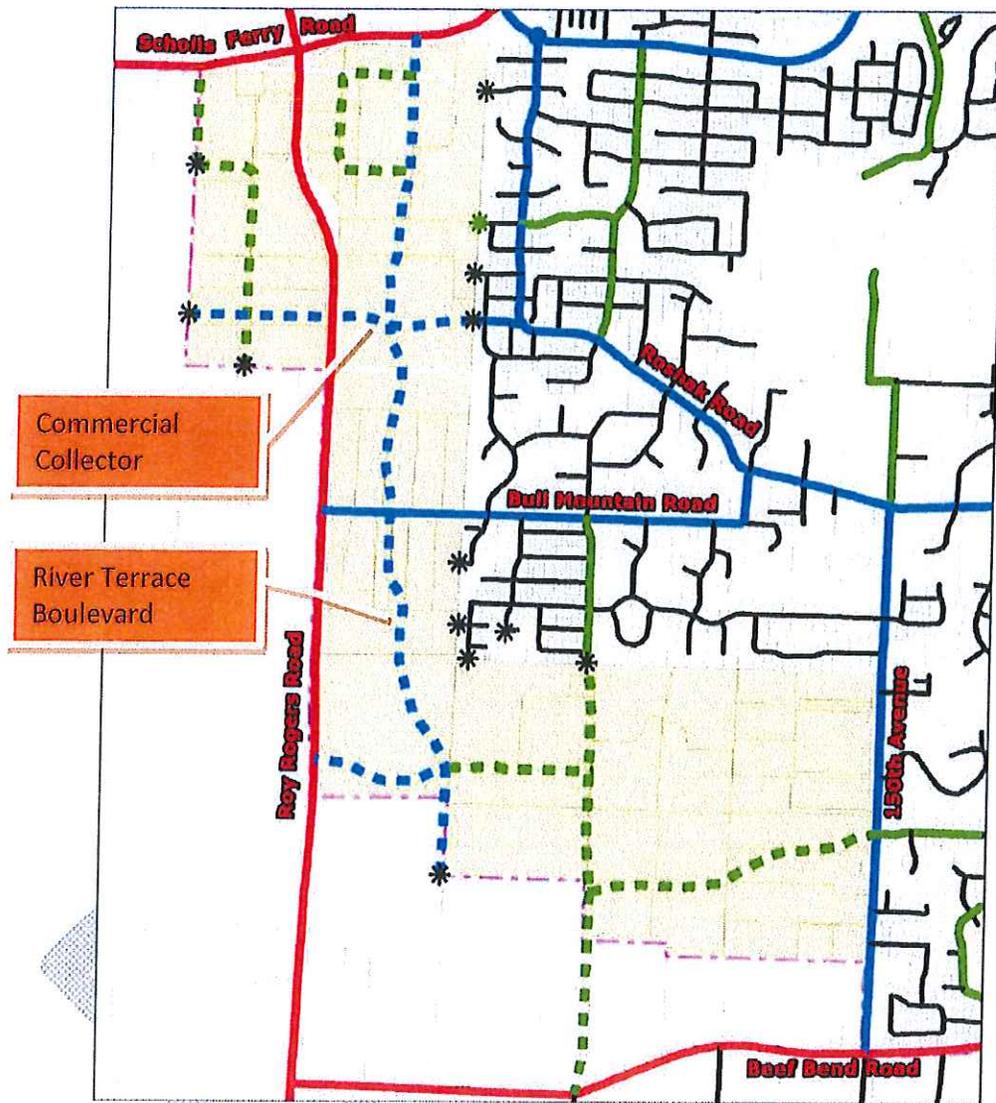
**18.660.080 Street Connectivity**

- A. **Street alignment and connections.** For development abutting River Terrace Boulevard, an additional exception to the requirement in 18.810.030.H for full street connections to River Terrace Boulevard with spacing of no more than 530 feet between connections is allowed where the city has identified a need to minimize the number of trail crossings and provided that bicycle and pedestrian connections on public easements or right-of-ways shall be provided with a spacing of no more than 330 feet.
- B. **Block Perimeter.** The perimeter of blocks formed by streets shall not exceed 1,600 feet measured along the centerline of the streets except where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, pre-existing development, or an arterial or collector along which the city has identified a need to minimize the number of intersections.

**Map 18.660.A: River Terrace Plan District Boundary**



Map 18.660.B: River Terrace Boulevard and Commercial Collector



January 13, 2015

Michael C. Robinson  
MRobinson@perkinscoie.com  
D. (503) 727-2264  
F. (503) 346-2264

**VIA EMAIL**

Susan Shanks, Project Manager  
City of Tigard Community Development Department  
Tigard City Hall  
13125 SW Hall Boulevard  
Tigard, OR 97223

**Re: River Terrace**

Dear Ms. Shanks:

This office represents West Hills Development Company (“West Hills”). This letter’s enclosures contain comments from West Hills and its representatives on the draft River Terrace Land Use Regulations (TCDC Chapter 18.660) amendments scheduled to be heard by the Tigard Planning Commission (the “Planning Commission”) on February 2, 2015.

This letter contains two (2) enclosures:

**Exhibit 1:** Comments from Michael C. Robinson.

**Exhibit 2:** Comments from West Hills and Otak.

My comments address four (4) main areas:

1. The Tigard Comprehensive Plan should not be an approval criterion by way of conditions of approval for land division applications. ORS 179.195(1).
2. Subjective approval standards should not apply to “needed housing” applications. ORS 197.303(1); 197.307(4).
3. The proposed land use regulations should clarify in what process and under what standards the Planning Director and the City Engineer exercise their discretion.
4. TCDC 18.660.035.A.4 should be eliminated. TCDC 18.660.035.A.3 requires that the preliminary plat show future phase information, including preliminary rights-of-way. Because an applicant cannot dedicate rights-of-way beyond a current phase, TCDC 18.660.035.A.4 is not possible to accomplish.

Please place this letter and its enclosures before the Planning Commission prior to the public hearing and in the official Planning Department file for this legislative amendment. Please add

Susan Shanks, Project Manager  
January 13, 2015  
Page 2

my name to the mailing list for receipt of the notice of decision by both the Planning Commission and the City Council on this amendment.

Thank you in advance for your courtesy and assistance. Please feel free to call me if you have any questions.

Very truly yours,



Michael C. Robinson

MCR:rsr  
Enclosures

cc: Mr. Dan Grimberg (via email) (w/ encls.)  
Mr. Don Hanson (via email) (w/ encls.)  
Mr. Mike Peebles (via email) (w/ encls.)  
Ms. Miriam Wilson (via email) (w/ encls.)  
Mr. Marc Butorac (via email) (w/ encls.)  
Mr. Garrett Stephenson (via email) (w/ encls.)

**Chapter 18.660  
RIVER TERRACE PLAN DISTRICT**

**Sections:**

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<b>18.660.070</b>	<b>Street Design</b>
<b>18.660.080</b>	<b>Street Connectivity</b>

**18.660.010 Purpose**

① PLAN'S (OR CITY'S)

The River Terrace Community Plan provides for a variety of land uses and residential densities consistent with the community's desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks, and recreational opportunities. The purpose of the River Terrace Plan District is to implement the adopted River Terrace Community Plan and associated infrastructure master plans for water, sewer, stormwater, parks, and transportation.

This chapter is ~~intended~~ <sup>② S</sup> to ensure that public facilities are adequate to serve the anticipated levels of development throughout River Terrace by:

- Implementing the River Terrace Community Plan and associated infrastructure master plans
- Facilitating the transition of River Terrace from rural to urban land use through the timely, orderly, and efficient provision of public facilities
- Ensuring that public facilities are adequate to support new development and are available concurrent with the impacts of such development
- Safeguarding the community's health, safety, and welfare

③ RIVER TERRACE

This chapter is also intended to implement those unique aspects of the River Terrace Community Plan and associated infrastructure master plans related to commercial and residential design, transportation facilities, and park and trail development.

- The commercial area is envisioned as a vibrant mixed-use center with pedestrian-scale street and building amenities and high-quality design features.
- The transportation system is designed as a network of multi-modal streets that connects residents to trails, schools, parks, and services. One that conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort, and mobility through thoughtful and location-specific street and intersection design.
- River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments that defines it as the neighborhood's signature street.
- Parks and trails are distributed throughout the area to provide a variety of convenient recreational opportunities for residents and visitors.

④ THE PURPOSE STATEMENT IS NOT AN APPROVAL CRITERION.

**18.660.020 Where These Regulations Apply**

The regulations of this chapter apply to the River Terrace Plan District. The boundaries of this plan district are shown on Map 18.660.A located at the end of this chapter.

**18.660.030 Applicability**

This chapter applies to all property that is located within the River Terrace Plan District. The standards and requirements of this chapter apply in addition to, and not in lieu of, all other applicable provisions of the Tigard Community Development Code (TCDC). Compliance with all applicable standards and requirements must be demonstrated in order to obtain a development approval. The standards in this chapter shall govern in the event of a conflict.

*(5) USE OTHER APPLICABLE TCDC STANDARDS*

**18.660.033 Adequacy of Public Facilities**

A. Intent. The intent of this section is to address the provision of the infrastructure system necessary to benefit and serve all property within River Terrace as provided for in the River Terrace Community Plan, related infrastructure master plans, and the River Terrace Funding Strategy, in light of the desire of property owners to commence preliminary development prior to full implementation of those plans and with the understanding that no development rights vest and no development approvals can be granted until the infrastructure system is in place or assured.

B. Approval Standard. Development may be approved only if the applicant demonstrates that each of the following components of the River Terrace Funding Strategy adopted by Resolution 14-66 (December 16, 2014) has been adopted and is in effect: *(6)?*

- 1. Transportation: A citywide transportation system development charge (SDC), a River Terrace specific transportation SDC, and a River Terrace transportation utility fee surcharge is in effect.
- 2. Water: For development in water pressure zone 550, a minimum of 3 million gallons in new firm water storage capacity and associated pump station with a minimum firm capacity of 1400 gallons per minute or piping improvements that provide sufficient water capacity in water pressure zone 550 to serve the proposed development.
- 3. Sewer: A citywide utility fee surcharge.
- 4. Stormwater: A River Terrace storm water utility fee surcharge.

C. Deferral of Compliance.

*(7) COMPONENTS*

*(8) FOR THE APPLICANTS*

- 1. An applicant may request deferral of the requirement to demonstrate compliance with one or more of the ~~approval standards~~ set forth in subsection B as provided for in this subsection *(9)*:
  - a. Preliminary land division plat approval to final land division plat review.
  - b. Planned development concept plan approval to detailed development plan review where no land division is proposed.
  - c. All other development applications: A condition of development approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for utility or building permits, whichever occurs first.

*(10) AS PROVIDED FOR IN SUBSECTION (C)(1)*

- 2. Deferral of compliance shall be granted only if:
  - a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for final land division plat approval, detailed development plan approval, or expiration of the condition of approval. A determination by the review authority that it is

likely that the standard will be met shall be for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant or any party; and

- b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement shall waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards in subsection B, without regard to fault. Nothing in this section shall preclude the applicant from seeking review of any land use decision in accordance with ORS chapter 197, 215, or 227, or equitable relief in a court of competent jurisdiction.

D. Exception.

1. An exception to one or more of the standards in subsection B may be obtained through a Type II procedure as governed by Subsection 18.390.040.
2. An exception shall be granted only if the applicant:
  - a. Demonstrates that the exception will not materially impact implementation of the River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25); River Terrace Water System Master Plan Addendum (Resolution 14-35); River Terrace Stormwater Master Plan (Resolution 14-42); River Terrace Transportation System Plan Addendum (Ordinance 14-16); and, the River Terrace Funding Strategy (Resolution 14-66); and
  - b. Has proposed alternatives that will ensure that it will provide its proportionate share of the facilities and the funding for facilities as identified in the River Terrace infrastructure master plans and Funding Strategy; and (12)
  - c. Executes an agreement prepared by the city agreeing that, if the new SDCs are not in effect at the time of building permit issuance, the applicant will pay an amount equal to the SDCs assumed by the River Terrace Funding Strategy. No credits will be issued against this payment, but the city will refund such payment if the SDC is in effect and paid in accordance with the terms of the applicable SDC ordinance or the applicable SDC has not taken effect within two years of the effective date of this Code; and (14)
  - d. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject in the future to utility fees or SDCs as described in the River Terrace Funding Strategy.

E. Additional Standards.

1. A water transmission or sewer trunk line constructed by one or more applicants shall:
  - a. Be placed in a public easement within the transmission line corridor and alignment identified in the water or sanitary sewer master plans. The exact location and route shall be approved by the City Engineer. If a transmission or trunk line corridor and alignment have not been adopted, the applicant may file a Type IV application to establish the corridor and alignment. This application shall be processed prior to or concurrently with the development application and is not subject to the timing limits in Subsection 18.390.060.B. (15) applicable
  - b. Be sized, designed, constructed, and placed in accordance with city specifications and as approved by the City Engineer; and same comment (17)
  - c. If the transmission or trunk line enters the property that is the subject of the development application, a public easement for the line shall be granted to extend through the property that is the subject of the application and terminate at such location as the review authority (18) in what process

determines will maximize the function and availability of the easement to serve additional properties, taking into account the impact of the easement on the subject property.

2. If compliance with storm water management standards is dependent on a publicly funded conveyance system or regional facility that has not been provided, the applicant may propose interim facilities and systems, such as on-site detention. The detention shall meet all applicable standards. Unless otherwise provided in the development approval, the applicant shall provide an assurance that adequate financial resources are available to decommission the interim facility and connect to the public storm water management system when it becomes available. No storm water management system shall be approved if it would prevent or significantly impact the ability of other properties to implement and comply with the River Terrace Stormwater Master Plan or other applicable standards.

(19) OR OFF-SITE (20) INTERIM ON-SITE OR OFF-SITE (21)

3. Development shall be located and designed so as to not unduly or unnecessarily restrict the ability of any other property to provide or access a public easement or facility required for the property to develop in accordance with this Code, taking into account the topography, size and, shape of the property that is the subject of the application, impact on the applicant, and the reasonableness of available options. An applicant shall not be required to reduce otherwise permitted density or to obtain a variance to demonstrate compliance but this standard may be considered in considering a variance requested by the applicant.

CHAPTER(?) (23) (22) UNLESS IT IS PART OF THE PERMANENT FACILITY.

F. Other Provisions.

1. Unless expressly authorized in a development approval, no person shall impose a private fee or any charge whatsoever that prohibits, restricts, or impairs an adjoining property from accessing a public easement, facility, or service or denies access to such public easement, facility, or service.
2. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to finance public facilities and services described in this section shall be deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided.

(24) ? (25) REFERENCE THIS SECTION ABOVE

**18.660.035 Preliminary Plat Approval Criteria**

A. Additional Approval Criteria. In addition to the approval criteria in Section 18.430.040 (Approval Criteria: Preliminary Plat), the following approval criteria shall apply to all preliminary plat applications within River Terrace.

1. The streets, street extensions, and intersections conform to the River Terrace Transportation System Plan Addendum, the street spacing and connectivity standards of this chapter and the TCDC, and the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction, and in all other respects unless the city determines it is in the public interest to modify the street, street extension, and/or intersection locations, widths, or pattern; and
2. The preliminary plat does not impede the future use or development of adjacent property within River Terrace not under the control or ownership of the applicant proposing the preliminary plat.
3. Where phased development is proposed, a plan for future phases shows the location of lot lines, rights-of-way, and other details of layout and demonstrates that future division of the entire site may readily occur without violating the development standards of the TCDC; and

(DATED) (26) BE CONSISTENT WITH (?) (27) THESE ARE THE APPROVAL STANDARDS

4. Where phased development is proposed, the preliminary plat dedicates rights-of-way for all arterials, collectors, and neighborhood routes as shown in the River Terrace Transportation System Plan Addendum for all phases to allow for the timely and orderly extension and connection of adjacent streets and utilities.

B. Conditions of approval. The approval authority may attach such conditions as are necessary to carry out the goals and policies of the Tigard Comprehensive Plan, River Terrace Community Plan, and other applicable ordinances and regulations and may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

TCP SHOULD NOT BE APPLICABLE OBS 197.195A UNLESS SPECIFIED

18.660.040 Community Commercial Development Standards [PLACEHOLDER]

18.660.050 River Terrace Boulevard Development Standards

A. Applicability. The applicable development standards contained in the underlying zoning district shall apply to all development within River Terrace, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370, and except as specified below. The following standards apply to commercial and residential development sites abutting River Terrace Boulevard right-of-way as follows:

1. For single-family attached, single-family detached, and duplex development, the following standards apply to all development on those lots abutting the River Terrace Boulevard right-of-way (ROW).

2. For multi-building developments (commercial or multifamily) on a single lot, the following standards apply to all development except those buildings that have less than fifteen (15) feet of building elevation visible from the River Terrace Boulevard right-of-way (see Figure 18.660.1).

NOT CTO, 197.303

3. The standards apply development abutting both sides of the right-of-way. The general location of the River Terrace Boulevard right-of-way is shown on Map 18.660.B. The City Engineer shall approve the final alignment.

By whom; at what point

B. Building Placement and Design.

1. Primary buildings shall have their front façade and front entry door oriented to River Terrace Boulevard.

define

197.303

2. At least one front entry door is required for each business or dwelling with a ground floor frontage (on what?)

34

3. At least one front entry door shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.

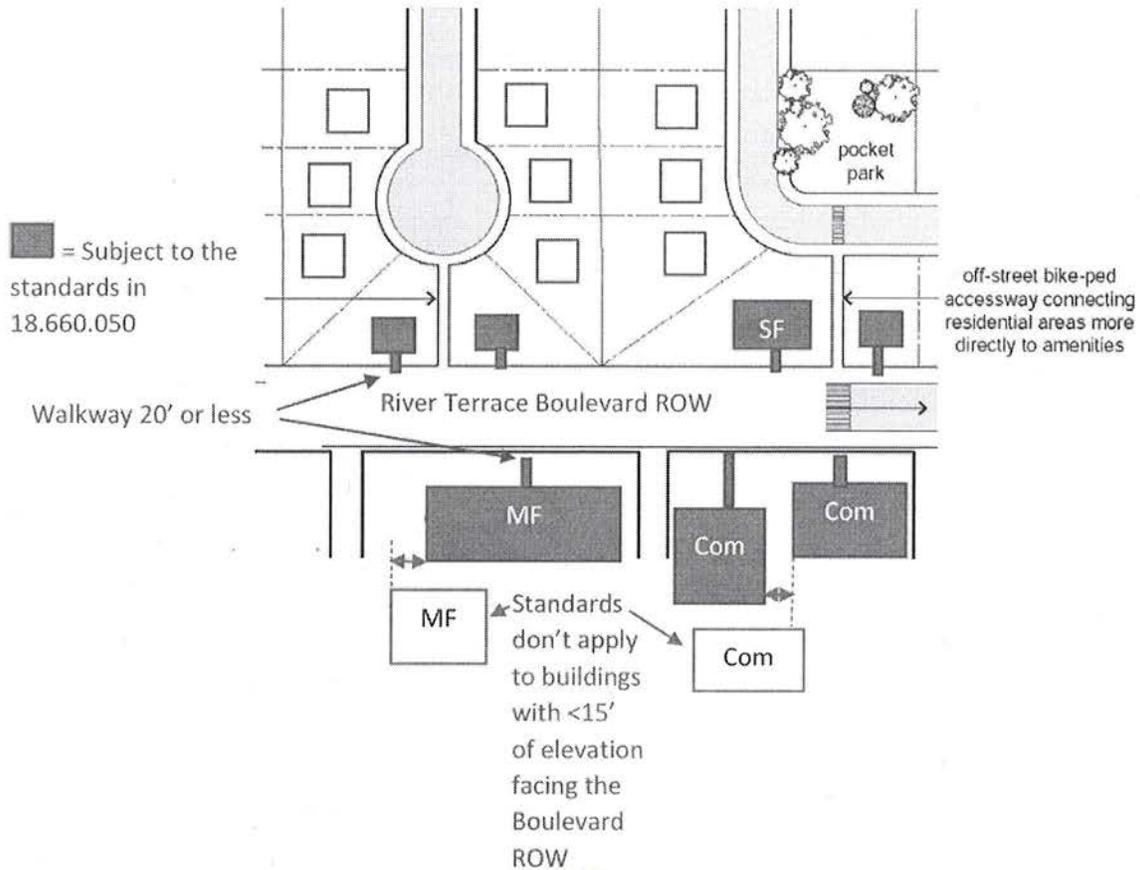
197.303

4. For those properties that do not abut the trail side of the right-of-way, one walkway connection is required between the front entry door and the public sidewalk. For those buildings with 100% of their elevation visible from the River Terrace Boulevard right-of-way, the walkway may not be more than 20 feet in length for the portion of the walkway that lies outside the public right-of-way (see Figure 18.660.1). All walkways shall be ADA accessible.

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- For those properties that abut the trail side of the right-of-way, one walkway connection is required between the development and the trail for every 5 single-family detached lots (including duplex lots) that are located within a single block. All walkways shall be ADA accessible.

**Figure 18.660.1: Applicability of Development Standards for Sites Abutting River Terrace Boulevard Right-of-Way**



- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 10 single-family attached dwelling units that are located within a single block but that are not necessarily all attached together. All walkways shall be ADA accessible.
- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 200 feet of frontage of multifamily development. All walkways shall be ADA accessible.
- No accessory structures, garages, carports, driveways or vehicle access are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.
- No fences, walls or hedges over three (3) feet in height are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

(42) \_\_\_\_\_ (SPECIFY)

C. Density Bonus. In order to help offset the land and development costs associated with the construction of River Terrace Boulevard, residential development sites abutting River Terrace Boulevard right-of-way may choose to propose smaller and narrower lots along River Terrace Boulevard than otherwise allowed by zoning. The resulting increase in the number of dwelling units along River Terrace Boulevard shall be allowed in addition to any density bonus approved through the Planned Development review process in accordance with Chapter 18.350 (Planned Developments). Where more dwelling units are proposed, the reduced lots sizes or lot areas per dwelling unit that are described below shall be used to calculate the maximum and minimum number of residential units allowed in accordance with Subsections 18.715.020.B and C (Density Computations). This density bonus shall only apply to residential lots that are proposed to abut River Terrace Boulevard once the larger development site has been subdivided for urban development purposes.

1. Land zoned R-4.5: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 4,500 square feet and the minimum lot width to 40 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet and the minimum lot width to 80 feet.
2. Land zoned R-7: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 3500 square feet and the minimum lot width to 35 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet. Single-family attached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 2500 square feet and the minimum lot width to 25 feet.
3. Land zoned R-12: Multifamily development on lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2000 square feet. Single-family attached and detached lots and duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2500 square feet.

D. Adjustments. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040. The director may grant an adjustment to the standards of this section based on findings that:

through the (B)

1. The standards cannot be met due to topography, or other natural constraints associated with the specific development site;
2. The proposed design provides safe and convenient pedestrian connections to the pedestrian facilities within the River Terrace Boulevard right-of-way; and
3. If fences or walls over three (3) feet in height are proposed, they will be constructed of high-quality materials. Wood or chain link fencing is not permitted.

shall (A)

**18.660.060 Planned Developments**

The requirements of Chapter 18.350 shall apply to all planned developments in River Terrace, except as modified below.

A. Private outdoor area—Residential use. The private outdoor area requirements of 18.350.070.D.5 shall only apply to multifamily development.

B. Shared outdoor recreation and open space facility areas—Residential use. The shared outdoor recreation and open space requirements of 18.350.070.D.6 shall only apply to multifamily development.

C. Shared open space facilities. As an alternative to providing the 20% open space required by Subsection 18.350.070.D.13, the city may accept a lesser amount of open space where the applicant can meet the requirements of 1, 2, and 3 below and where the applicant provides an analysis that demonstrates that the proposed open space and enhancements are roughly proportional to the 20% of open space that would otherwise be required. The applicant may use multiple quantitative metrics to demonstrate how their alternative proposal for shared open space facilities is roughly proportional, e.g. cost, square footage, accessibility, etc.

1. The city may accept a lesser amount of open space where the proposed open space:

a. Meets the need for neighborhood or linear public parks, open space, and/or trails identified in the River Terrace Park System Master Plan Addendum, with respect to both location and the city's level of service standard; and

b. Will be dedicated to the public. in (47) (46) (permed —)

2. The city may accept a lesser amount of open space in exchange for additional development enhancements where such enhancements provide a community benefit and where the development provides at least three (3) of the following:

a. Provide a comprehensive network of public pedestrian connections that complements the public sidewalk system and that facilitates access to parks, schools, trails, open spaces, commercial areas, and similar destinations. IS THIS DEFINED (48)

b. Provide public nature trails along or through natural resource areas or open spaces. All trails through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards. (50)

c. Provide or show that the proposed development has direct access to and is within a 1/4-mile of a public park or recreation area via a public or private trail, path, or walkway. are these terms defined (49) IS THIS DEFINED

d. Provide intersection treatments that are acceptable to the City Engineer and that elevate the pedestrian experience through art, landscaping, signage, enhanced crossings, and/or other similar treatments.

e. Provide high-quality architectural features on attached and detached single-family dwelling units and duplexes that meet the design standards in accordance with Subsection 18.660.060.E below. 197.303 (51)

3. For those properties that abut Roy Rogers Road or River Terrace Boulevard, one or more of the following enhancements may be provided in lieu of one or more of the enhancements listed in 2, above. (52) ✓

a. Provide for the long-term maintenance of any proposed and/or required landscaping in or adjacent to the Roy Rogers Road or River Terrace Boulevard rights-of-way through the formation of a homeowners' association or other comparable organization that is acceptable to the applicable road authority. The installation and maintenance of stormwater facilities is not required. (53)

b. Provide a high-quality visual and noise buffer along Roy Rogers Road that includes both a vegetative and solid barrier component outside of the public right-of-way. 197.303 (54)

c. Provide park facilities in the River Terrace Trail corridor, including but not limited to benches, picnic tables, lighting, and/or small playground areas (i.e. tot lots or pocket parks). Provision of such facilities may allow the applicant to count the trail corridor as a linear park facility, thus contributing to meeting the city's level of service standards for both linear parks

in (55)

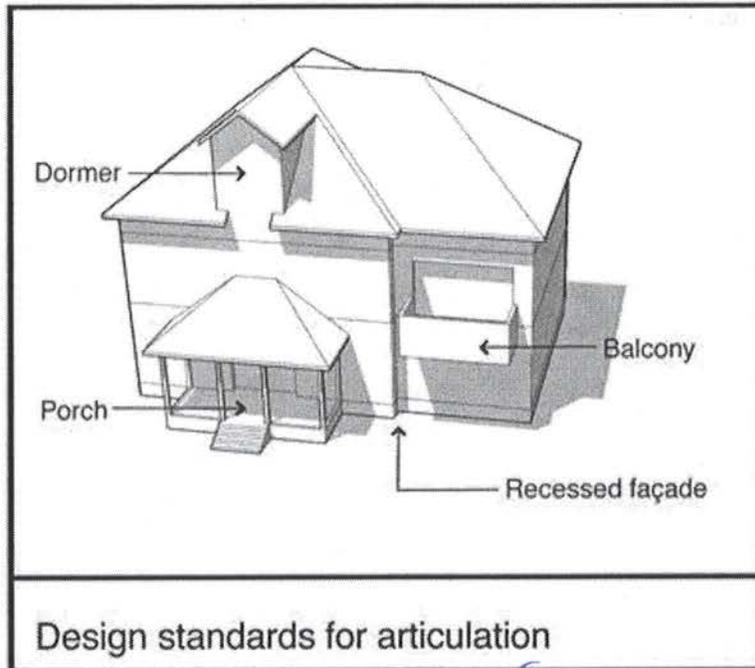
and trails. The city's Parks Manager shall decide whether the proposed facilities elevate the trail corridor to a linear park facility.

D. Open space conveyance. The standards of Subsection 18.350.070.D.14 shall apply to the conveyance of open space within River Terrace. The standards of Subsection 18.810.080.B shall not apply.

E. Design Standards for Single-Family Dwelling Units and Duplexes. These design standards apply only when the applicant chooses to provide them ~~per~~ <sup>UNDER (56)</sup> Subsection 18.660.060.C.2.e above to meet the alternative requirement for shared open space facilities in accordance with Subsection 18.660.060.C. These standards apply to attached and detached single-family dwelling units and duplexes. They are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. The graphics provided ~~are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style.~~ <sup>(57) P.T. 503</sup> An architectural feature may be used to comply with more than one standard. <sup>DO NOT (58)</sup>

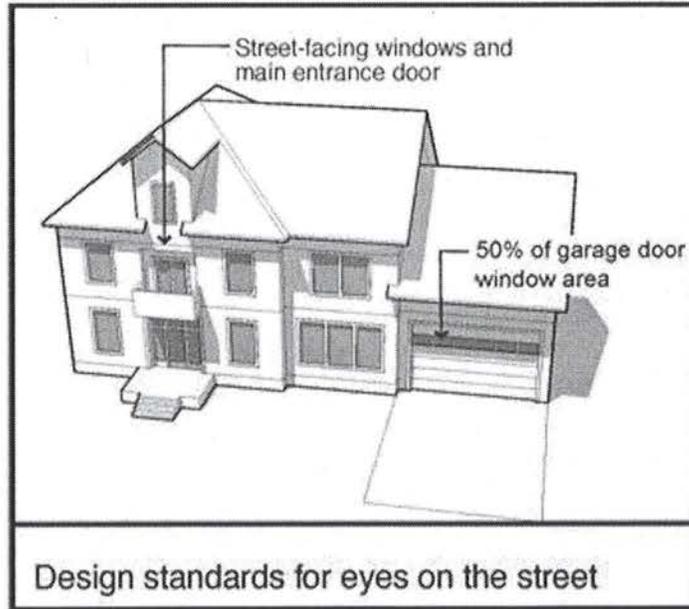
1. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 18.660.2 for an illustration of articulation.
  - a. For buildings with 30-60 feet of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.
    - i. A porch at least 5 feet deep.
    - ii. A balcony that is at least 2 feet deep and is accessible from an interior room.
    - iii. A bay window that extends at least 2 feet wide.
    - iv. A section of the façade that is recessed by at least 2 feet deep and 6 feet long.
    - v. A gabled dormer.
  - b. For buildings with over 60 feet of street frontage, at least 1 element in Subsection 18.660.060.E.1.a.i-v above shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between 2 elements.
  - c. For buildings with less than 30 feet of street frontage, the building articulation standard is not applicable.

**Figure 18.660.2  
Building Articulation**



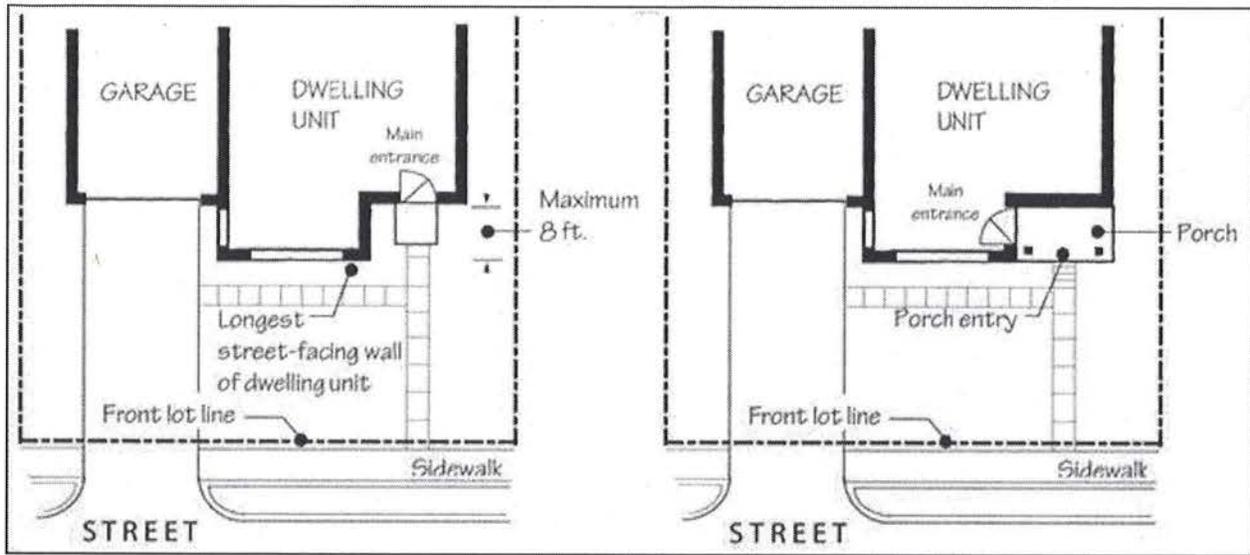
2. Eyes on the Street. At least <sup>how measured?</sup> 12% of the area of each <sup>GA</sup> street-facing façade must be windows or entrance doors. See Figure 18.660.3 for an illustration of eyes on the street.
- Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
  - Window area is considered the entire area within the outer window frame, including any interior window grid.
  - Doors used to meet this standard must face the street, or be at an angle of no greater than 45 degrees from the street. ✓ (P)
  - Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

**Figure 18.660.3**  
**Eyes on the Street**



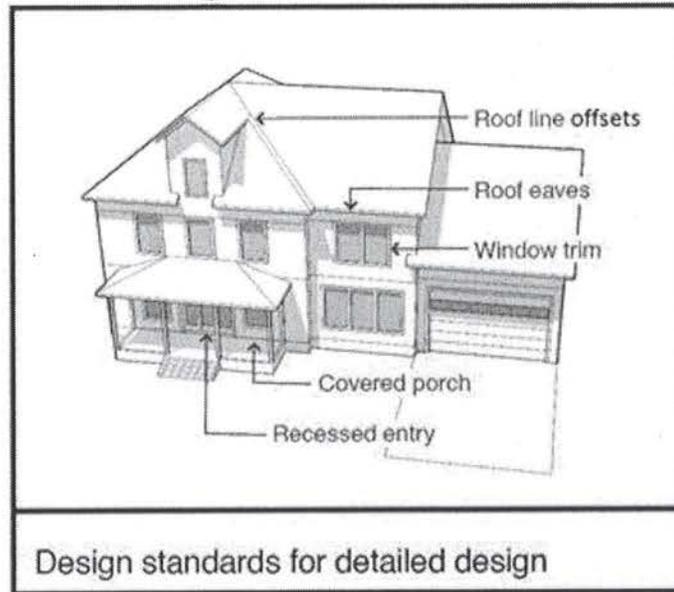
3. Main Entrance. At least 1 main entrance must meet both of the following standards. See Figure 18.660.4 for an illustration of main entrances.
  - a. Be no further than 8 feet behind the longest street-facing wall of the building.
  - b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
    - i. Be at least 25 square feet in area with a minimum 4-foot depth.
    - ii. Have at least 1 porch entry facing the street.
    - iii. Have a roof that is no more than 12 feet above the floor of the porch.
    - iv. Have a roof that covers at least 30% of the porch area.

**Figure 18.660.4**  
**Main Entrances**



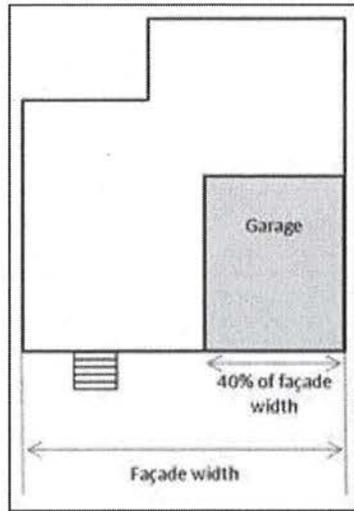
4. Detailed Design. All buildings shall include at least five (5) of the following features on any street-facing façade. See Figure 18.660.5 for illustration of detailed design elements.
- a. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.
  - b. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.
  - c. Offset on the building face of at least 16 inches from 1 exterior wall surface to the other.
  - d. Dormer that is at least 4 feet wide and integrated into the roof form.
  - e. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - f. Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
  - g. Tile or wood shingle roofs.
  - h. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
  - i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
  - j. Gable roof, hip roof, or gambrel roof design.
  - k. Window trim around all windows at least 3 inches wide and 5/8 in deep.
  - l. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
  - m. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
  - n. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
  - o. Bay window at least 2 feet deep and 5 feet long.
  - p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

**Figure 18.660.5**  
**Detailed Design Elements**



5. Garages and Carports. These standards are intended to prevent garages from obscuring or dominating the street-facing façade of a dwelling and provide for a pleasant pedestrian environment in residential areas. (61)  
197.303
- a. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
  - b. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
  - c. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.
  - d. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing façades.
6. The maximum allowed garage width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 18.660.060.E.4 are included on the street-facing façade.
7. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 18.660.060.E.2 is met.

**Figure 18.660.5**  
**Maximum Garage Width**



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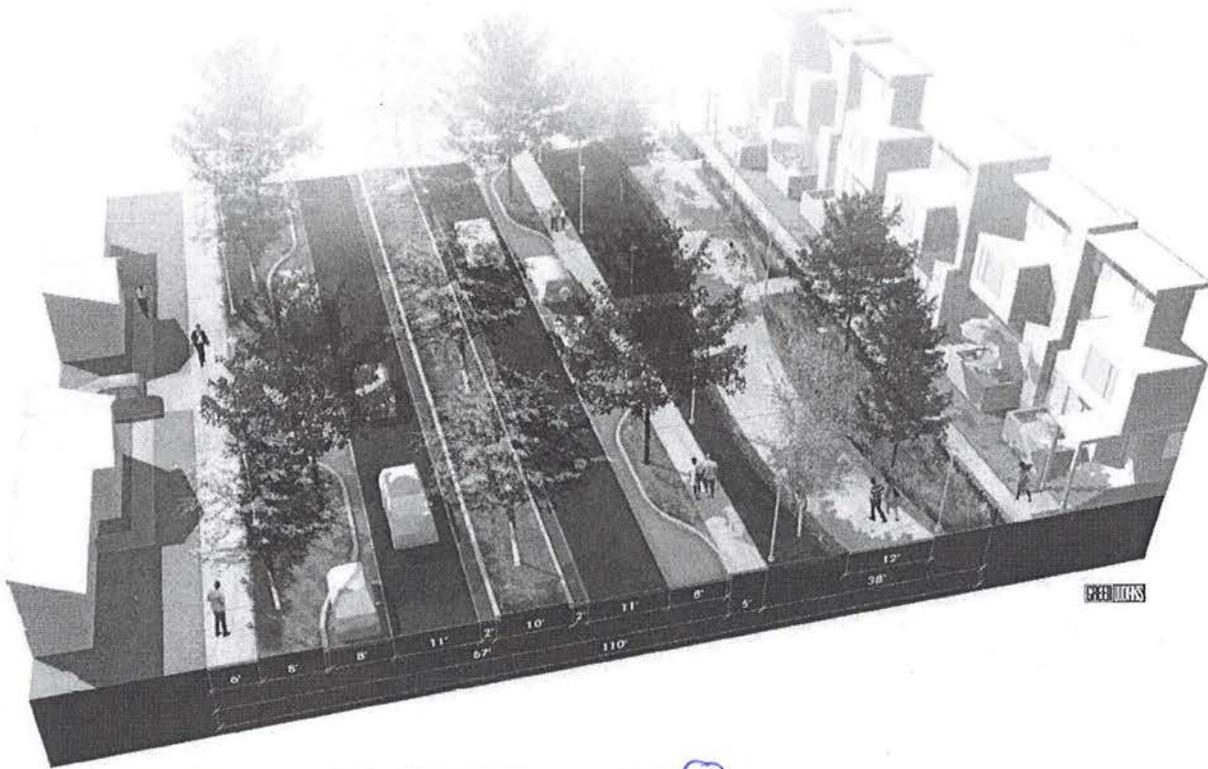
## 18.660.070 Street Design

- A. River Terrace Boulevard. The following street design standards apply to River Terrace Boulevard as shown on Map 18.660.B and in Figure 18.660.6 below.

*HOW APPLIED?*

Figure 18.660.6 River Terrace Boulevard Cross-Section

*(B2)*



1. Design Standards for River Terrace Boulevard.
  - a. Right-of-Way Width: 110 feet plus additional ROW as needed for slopes, retaining walls, etc.
  - b. Sidewalk:
    - i. With or without on-street parking, and not adjacent to trail: 6-foot sidewalk.
    - ii. With on-street parking, and adjacent to trail: 5-foot sidewalk.
    - iii. Without on-street parking, and adjacent to trail: No sidewalk required.
  - c. Landscape Strip:
    - i. With or without on-street parking, and no adjacent to trail: 8.5-foot landscape strip (includes 0.5-foot curb).
    - ii. With on-street parking, and adjacent to trail: No landscape strip required.
    - iii. Without on-street parking, and adjacent to trail: Minimum 8.5-foot landscape strip. (includes 0.5-foot curb) between travel way and trail. (This width can be reduced from the trail landscape requirements below.)
  - d. Bike Facilities: 12-foot trail on west side of street in accordance with design standards below.
  - e. On-Street Parking: On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - f. Travel Lanes:
    - i. Through Lanes: One 11-foot travel lane in each direction.
    - ii. Median: 14 feet between travel lanes, to be used for landscaping, pedestrian crossing refuge, or left-turn lanes (includes 2-foot clearance between through lanes and curb and 0.5-foot curb on both sides).

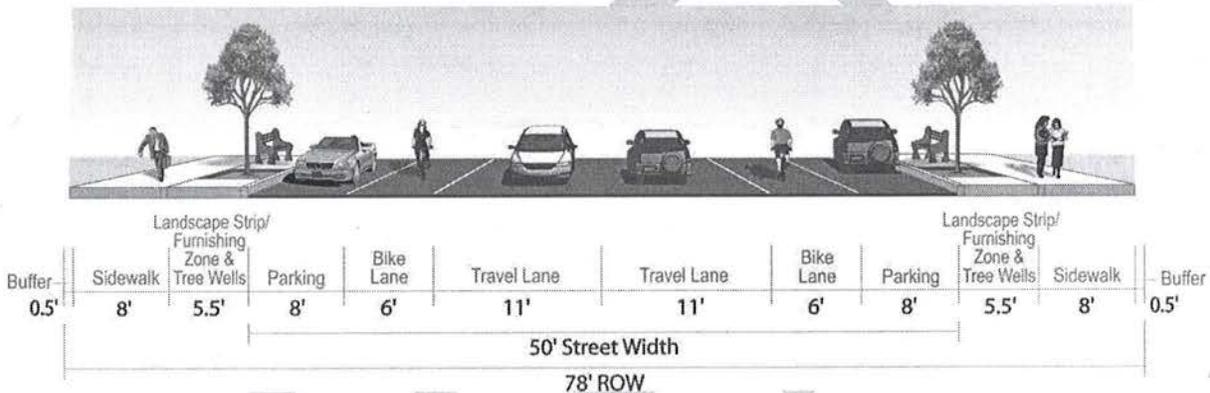
*(B2)*

*spell out*

- iii. Left-Turn Lane: Required 11 feet where left-turns are allowed , as determined by the City Engineer.
- g. Trail Right-of-Way: 38 feet, on west side of street
  - i. Minimum 12-foot paved surface
  - ii. Minimum 26 feet of landscaping
- h. Required Street Lighting: Intersection safety lighting, basic street lighting and pedestrian-scale lighting
- i. Access: Properties abutting both the trail side of River Terrace Boulevard and another street shall take access from the other street unless the other street is an Arterial.

B. Collector within Community Commercial Zone. The following street design standards apply to the Collector which extends through the Community Commercial zone as shown on Map 18.660.B and in Figure 18.660.7 below.

**Figure 18.660.7 Cross-Section for Collector within Community Commercial Zone**



1. Design Standards for Collector within the Community Commercial Zone
  - a. Right-of-Way Width: 78 feet plus additional right-of-way as needed for slopes, retaining walls, etc.
  - b. Sidewalk: 8-foot sidewalk on both sides of the street.
  - c. Landscape Strip/Furnishing Zone and Tree Wells: 5.5 feet on both sides of the street (includes 0.5-foot curb).
  - d. Bike Facilities/On-Street Parking:
    - i. Biking Facility: 6-foot bike lane on both sides of the street.
    - ii. On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - e. Travel Lanes:
    - i. Through Lanes: One 11-foot lane in each direction
    - ii. Left-Turn Lane: Optional 11 feet where left-turns are allowed, as determined by the City Engineer.
  - f. Required Street Lighting: Intersection safety lighting, basic street lighting and pedestrian-scale lighting.
  - g. Street Crossings: All street crossings (midblock or at intersections) require curb extensions into the parking lane unless the City Engineer finds it in the public interest that curb extensions not be provided (e.g., to facilitate truck turning movements).

C. Arterials within River Terrace Plan District. The following street design standards apply to the Arterials within the plan district as shown on Map 18.660. [PLACEHOLDER FOR ROY ROGERS ROAD AND SCHOLLS FERRY ROAD CROSS SECTIONS]

D. Adjustments. Adjustments to the street cross-sections described in this section, such as deletion of on-street parking and associated elements, ~~or~~ width reduction of trail right-of-way, or landscape median, may be granted upon finding that such adjustments are either needed to lessen impacts on natural resources or are otherwise in the public interest as described in the River Terrace Community Plan and River Terrace Transportation System Plan Addendum. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Subsection 18.370.020.C.9.

*through the* (CA)

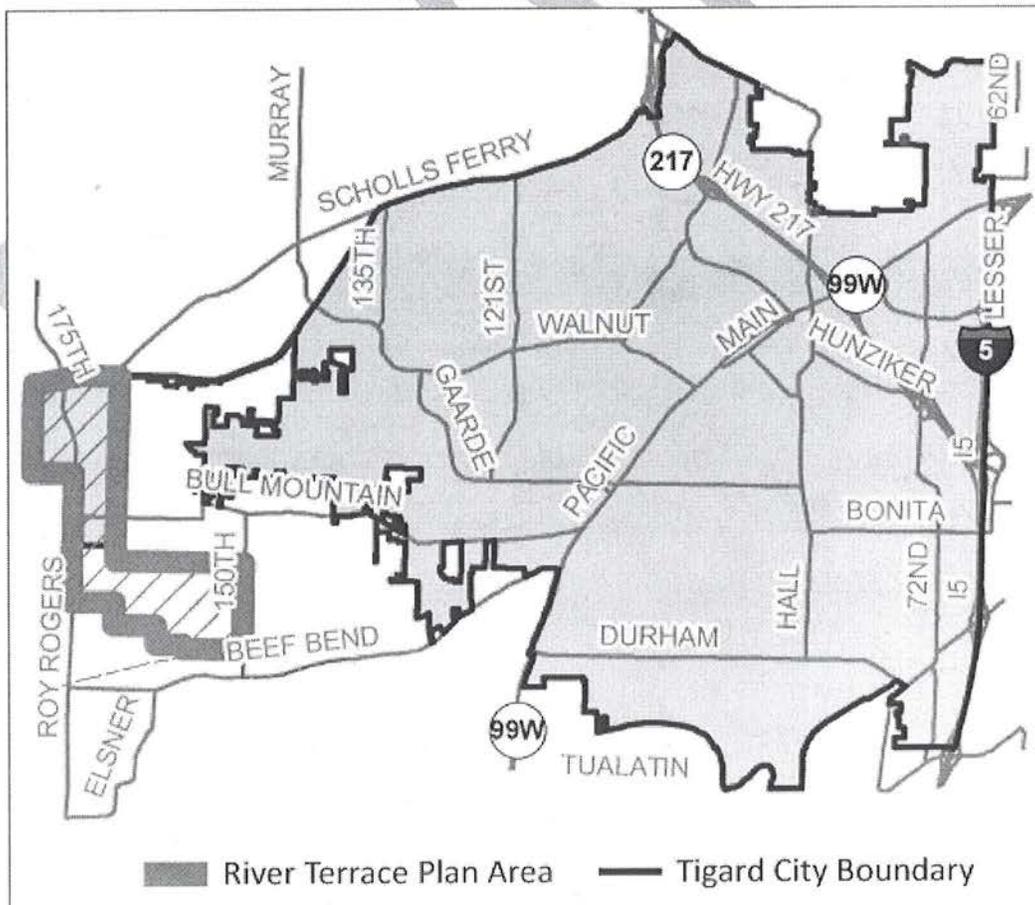
(BO) (DEAD →)

**18.660.080 Street Connectivity**

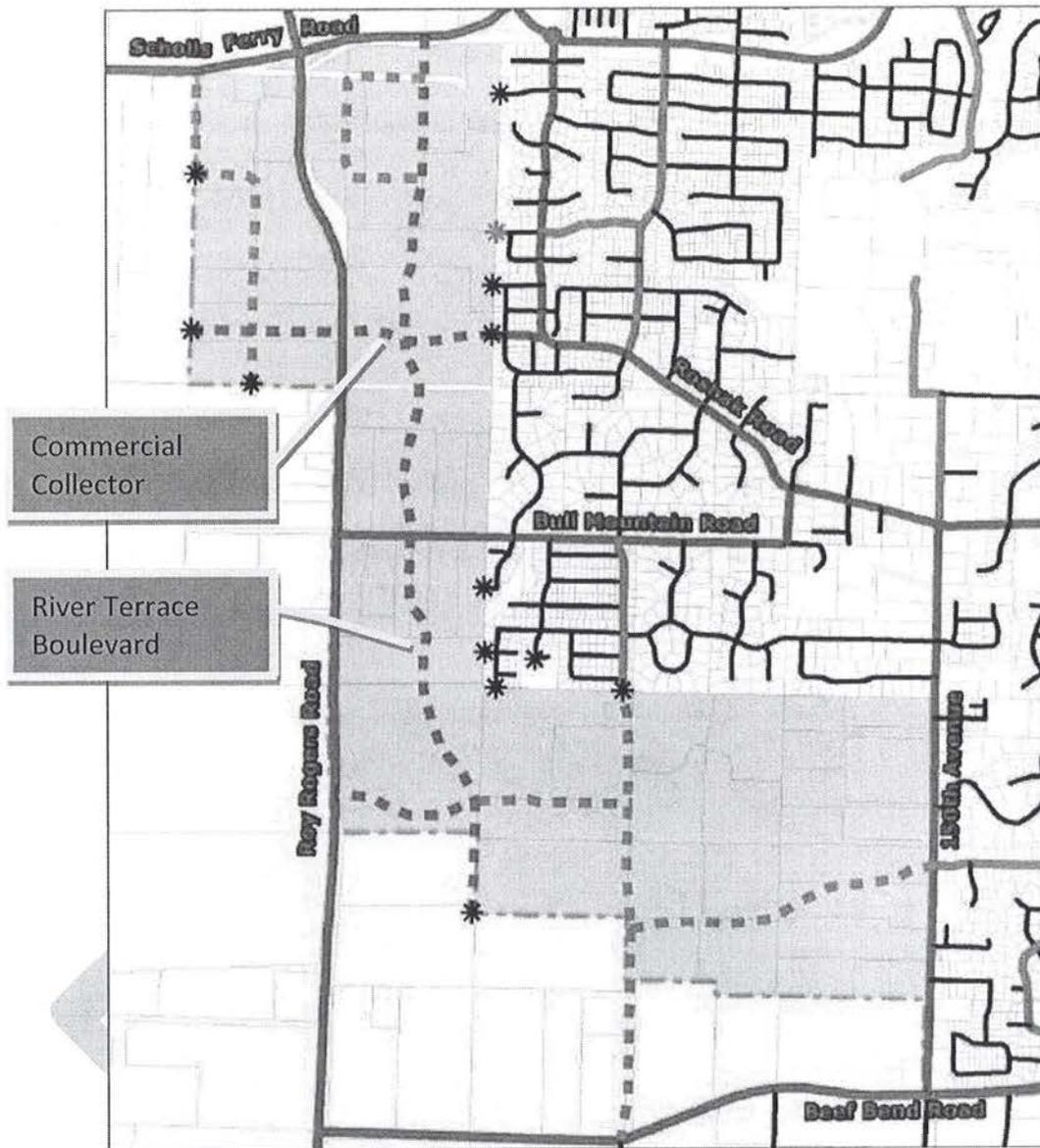
- A. Street alignment and connections. For development abutting River Terrace Boulevard, an additional exception to the requirement in 18.810.030.H for full street connections to River Terrace Boulevard with spacing of no more than 530 feet between connections is allowed where the city has identified a need to minimize the number of trail crossings and provided that bicycle and pedestrian connections on public easements or right-of-ways shall be provided with a spacing of no more than 330 feet.
- B. Block Perimeter. The perimeter of blocks formed by streets shall not exceed 1,600 feet measured along the centerline of the streets except where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, pre-existing development, or an arterial or collector along which the city has identified a need to minimize the number of intersections.

*where?  
How?*  
(70)

**Map 18.660.A: River Terrace Plan District Boundary**



Map 18.660.B: River Terrace Boulevard and Commercial Collector



Polygon  
Revisions  
w/ West Hills  
additional  
Comments

atk  
Green- ~~Atk~~  
1/12/15

Chapter 18.660  
RIVER TERRACE PLAN DISTRICT

Sections:

- 18.660.010 Purpose
- 18.660.020 Where These Regulations Apply
- 18.660.030 Applicability
- 18.660.033 Adequacy of Public Facilities
- 18.660.035 Preliminary Plat Approval Criteria
- 18.660.040 Community Commercial Development Standards
- 18.660.050 River Terrace Boulevard Development Standards
- 18.660.060 Planned Developments
- 18.660.070 Street Design
- 18.660.080 Street Connectivity

18.660.010 Purpose

The River Terrace Community Plan provides for a variety of land uses and residential densities consistent with the community's desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks, and recreational opportunities. The purpose of the River Terrace Plan District is to implement the adopted River Terrace Community Plan and associated infrastructure master plans for water, sewer, stormwater, parks, and transportation.

This chapter is intended to ensure that public facilities are adequate to serve the anticipated levels of development throughout River Terrace by:

- Implementing the River Terrace Community Plan and associated infrastructure master plans
- Facilitating the transition of River Terrace from rural to urban land use through the timely, orderly, and efficient provision of public facilities
- Ensuring that public facilities are adequate to support new development and are available concurrent with the impacts of such development
- Safeguarding the community's health, safety, and welfare

This chapter is also intended to implement those unique aspects of the River Terrace Community Plan and associated infrastructure master plans related to commercial and residential design, transportation facilities, and park and trail development.

- The commercial area is envisioned as a vibrant mixed-use center with pedestrian-scale street and building amenities and high-quality design features.
- The transportation system is designed as a network of multi-modal streets that connects residents to trails, schools, parks, and services. One that conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort, and mobility through thoughtful and location-specific street and intersection design.
- River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments that defines it as the neighborhood's signature street.
- Parks and trails are distributed throughout the area to provide a variety of convenient recreational opportunities for residents and visitors.

#### 18.660.020 Where These Regulations Apply

The regulations of this chapter apply to the River Terrace Plan District. The boundaries of this plan district are shown on Map 18.660.A located at the end of this chapter.

#### 18.660.030 Applicability

This chapter applies to all property that is located within the River Terrace Plan District. The standards and requirements of this chapter apply in addition to, and not in lieu of, all other applicable provisions of the Tigard Community Development Code (TCDC). Compliance with all applicable standards and requirements must be demonstrated in order to obtain a development approval. The standards in this chapter shall govern in the event of a conflict.

#### 18.660.033 Adequacy of Public Facilities

- A. Intent. The intent of this section is to address the provision of the infrastructure system necessary to benefit and serve all property within River Terrace as provided for in the River Terrace Community Plan, related infrastructure master plans, and the River Terrace Funding Strategy, in light of the desire of property owners to commence preliminary development prior to full implementation of those plans and with the understanding that no development rights vest and no development approvals can be granted until the infrastructure system is in place or assured.
- B. Approval Standard. Development may be approved only if the applicant demonstrates that each of the following components of the River Terrace Funding Strategy adopted by Resolution 14-66 (December 16, 2014) has been adopted and is in effect:
1. Transportation: A citywide transportation system development charge (SDC), a River Terrace specific transportation SDC, and a River Terrace transportation utility fee surcharge is in effect.
  2. Water: For development in water pressure zone 550, a minimum of 3 million gallons in new firm water storage capacity and associated pump station with a minimum firm capacity of 1400 gallons per minute or piping improvements that provide sufficient water capacity in water pressure zone 550 to serve the proposed development.
  3. Sewer: A citywide utility fee surcharge.
  4. Stormwater: A River Terrace storm water utility fee surcharge.
- C. Deferral of Compliance.
1. An applicant may request deferral of the requirement to demonstrate compliance with one or more of the approval standards set forth in subsection B as provided for in this subsection C:
    - a. Preliminary land division plat approval to final land division plat review.
    - b. Planned development concept plan approval to detailed development plan review where no land division is proposed.
    - c. All other development applications: A condition of development approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for utility or building permits, whichever occurs first.
    - d. Development Agreement. A Development Agreement between the City and the developer/applicant may establish alternative schedules for meeting compliance with the criteria in subsection B. ✓
  2. Deferral of compliance shall be granted only if:

- a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for final land division plat approval, detailed development plan approval, or expiration of the condition of approval. A determination by the review authority that it is likely that the standard will be met shall be for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant or any party; and
- b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement shall waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards in subsection B, without regard to fault. Nothing in this section shall preclude the applicant from seeking review of any land use decision in accordance with ORS chapter 197, 215 or 227 or equitable relief in a court of competent jurisdiction.

D. Exception.

1. An exception to one or more of the standards in subsection B may be obtained through a Type II procedure as governed by Subsection 18.390.040.
2. An exception shall be granted only if the applicant:
  - a. Demonstrates that the exception will not materially impact implementation of the River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25); River Terrace Water System Master Plan Addendum (Resolution 14-35); River Terrace Stormwater Master Plan (Resolution 14-42); River Terrace Transportation System Plan Addendum (Ordinance 14-16); and, the River Terrace Funding Strategy (Resolution 14-66); and
  - b. Has proposed alternatives that will ensure that it will provide its proportionate share of the facilities and the funding for facilities as identified in the River Terrace infrastructure master plans and Funding Strategy.
  - c. Executes an agreement prepared by the city agreeing that, if the new SDCs are not in effect at the time of building permit issuance, the applicant will pay an amount equal to the SDCs assumed by the River Terrace Funding Strategy. No credits will be issued against this payment, but the city will refund such payment if the SDC is in effect and paid in accordance with the terms of the applicable SDC ordinance or the applicable SDC has not taken effect within two years of the effective date of this Code.
  - d. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject in the future to utility fees or SDCs as described in the River Terrace Funding Strategy.

E. Additional Standards.

1. A water transmission or sewer trunk line constructed by one or more applicants shall:
  - a. Be placed in a public easement within the transmission line corridor and alignment identified in the water or sanitary sewer master plans. The exact location and route shall be approved by the City Engineer. If a transmission or trunk line corridor and alignment have not been adopted, the applicant may file a Type IV application to establish the corridor and alignment. This application shall be processed prior to or concurrently with the development application and is not subject to the timing limits in Subsection 18.390.060.B
  - b. Be sized, designed, constructed, and placed in accordance with city specifications and as approved by the City Engineer; and

- c. If the transmission or trunk line enters the property that is the subject of the development application, a public easement for the line shall be granted to extend through the property that is the subject of the application and terminate at such location as the review authority determines will maximize the function and availability of the easement to serve additional properties, taking into account the impact of the easement on the subject property.
2. If compliance with storm water management standards is dependent on a publicly funded conveyance system or regional facility that has not been provided, the applicant may propose interim facilities and systems, such as on-site detention. The detention shall meet all applicable standards. Unless otherwise provided in the development approval, the applicant shall provide an assurance that adequate financial resources are available to decommission the interim facility and connect to the public storm water management system when it becomes available. No storm water management system shall be approved if it would prevent or significantly impact the ability of other properties to implement and comply with the River Terrace Stormwater Master Plan or other applicable standards.
3. Development shall be located and designed so as to not unduly or unnecessarily restrict the ability of any other property to provide or access a public easement or facility required for the property to develop in accordance with this Code, taking into account the topography, size and, shape of the property that is the subject of the application, impact on the applicant, and the reasonableness of available options. An applicant shall not be required to reduce otherwise permitted density or to obtain a variance to demonstrate compliance but this standard may be considered in considering a variance requested by the applicant.

F. Other Provisions.

1. Unless expressly authorized in a development approval, no person shall impose a private fee or any charge whatsoever that prohibits, restricts, or impairs an adjoining property from accessing a public easement, facility, or service or denies access to such public easement, facility, or service.
2. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to finance public facilities and services described in this section shall be deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided.

**18.660.035 Preliminary Plat Approval Criteria**

- A. Additional Approval Criteria. In addition to the approval criteria in Section 18.430.040 (Approval Criteria: Preliminary Plat), the following approval criteria shall apply to all preliminary plat applications within River Terrace.
1. The streets, street extensions, and intersections conform to the River Terrace Transportation System Plan Addendum, the street spacing and connectivity standards of this chapter and the TCDC, and the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction, and in all other respects unless the city determines it is in the public interest to modify the street, street extension, and/or intersection locations, widths, or pattern; and
  2. The preliminary plat does not impede the future use or development of adjacent property within River Terrace not under the control or ownership of the applicant proposing the preliminary plat.
  3. Where phased development is proposed, a plan for future phases shows the location of lot lines,

rights-of-way, and other details of layout and demonstrates that future division of the entire site may readily occur without violating the development standards of the TCDC; and

4. Where phased development is proposed, the preliminary plat dedicates rights-of-way for all arterials, collectors, and neighborhood routes as shown in the River Terrace Transportation System Plan Addendum for all phases to allow for the timely and orderly extension and connection of adjacent streets and utilities.

B. Conditions of approval. The approval authority may attach such conditions as are necessary to carry out the goals and policies of the Tigard Comprehensive Plan, River Terrace Community Plan, and other applicable ordinances and regulations and may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

18.660.040 Community Commercial Development Standards [PLACEHOLDER]

18.660.050 River Terrace Boulevard Development Standards

A. Applicability. The applicable development standards contained in the underlying zoning district shall apply to all development within River Terrace, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370, and except as specified below. The following standards apply to commercial and residential development sites abutting River Terrace Boulevard right-of-way as follows:

1. For single-family attached, single-family detached, and duplex development, the following standards apply to all development on those lots abutting the River Terrace Boulevard right-of-way (ROW).
2. For multi-building developments (commercial or multifamily) on a single lot, the following standards apply to all development except those buildings that have less than fifteen (15) feet of building elevation visible from the River Terrace Boulevard right-of-way (see Figure 18.660.1).
3. The standards apply development abutting both sides of the right-of-way. The general location of the River Terrace Boulevard right-of-way is shown on Map 18.660.B. The City Engineer shall approve the final alignment.

B. Building Placement and Design.

1. Primary buildings shall ~~have their front facade and front entry door oriented to River Terrace Boulevard, except as approved through the adjustment process in accordance with Subsection 18.660.050 D.~~
2. At least one front entry door is required for each business ~~building~~ with a ground floor frontage.
3. ~~At least one~~ front entry door shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
4. For those properties that do not abut the trail side of the right-of-way, one walkway connection is required ~~between the front entry door and the public sidewalk, except as approved through the adjustment process in accordance with Subsection 18.660.050 D.~~ For those buildings with 100% of their elevation visible from the River Terrace Boulevard right-of-way, the walkway may not be more than 20 feet in length for the portion of the walkway that lies outside the public right-of-way

\* Doesn't work for phased development  
a) Had Pickup Schedule  
b) Property ownership  
c) Need flexibility for future revisions/alignment issues

Language about access options? i.e. if development land locked based on phased development

Require Enhanced elevations

Front Door necessary

Adjust Fenery Requirement

DELETE

ENHANCE THE FACADE ORIENTED TO RIVER TERRACE BLVD PER REQUIREMENTS LIST IN XXX.XX

DELETE RESIDENTIAL REF. IF THE DOOR IS FACING RIVER TERRACE BLVD.

IF THE FRONT DOOR IS PLANNED TO BE ORIENTED TO RIVER TERRACE BLVD.

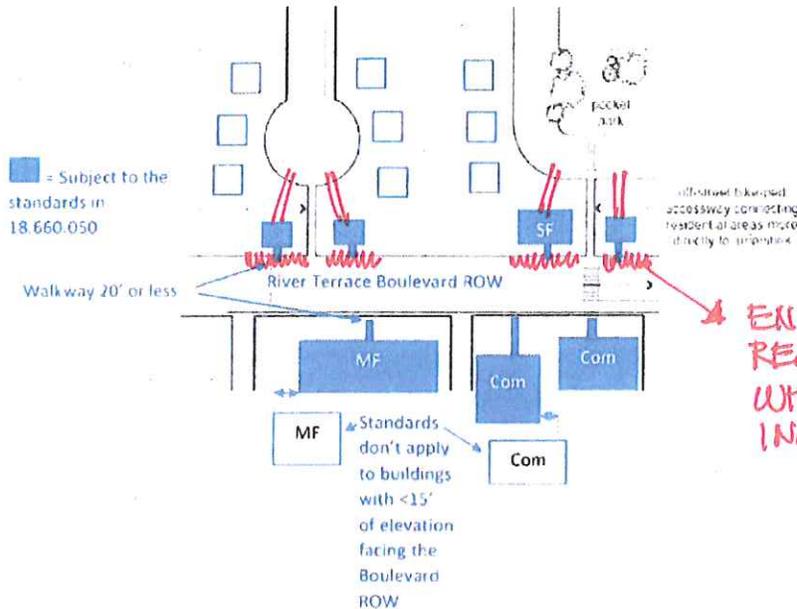
exclude side load - access to RT Blvd trail not to be required

(see Figure 18.660.1). ~~All for multi-family and commercial buildings, this walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.~~

Not Necessary  
BUILDING CODE ADDRESSES THIS ALREADY.  
Topography

- For those properties that abut the trail side of the right-of-way, one walkway connection is required between the development and the trail for every 5 single-family detached lots (including duplex lots) that are located within a single block. ~~All This walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.~~

Figure 18.660.1: Applicability of Development Standards for Sites Abutting River Terrace Boulevard Right-of-Way



- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 10 single-family attached dwelling units that are located within a single block but that are not necessarily all attached together. ~~All this walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.~~
- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 200 feet of frontage of multifamily development. ~~All this walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.~~

BLDG. CODE ALREADY ADDRESSES THIS REQUIRMT.

18.660.060 Planned Developments

The requirements of Chapter 18.350 shall apply to all planned developments in River Terrace, except as modified below.

A. Density Calculation. ~~To encourage alley loaded development and developments with shorter block lengths, as well as to encourage development consistent with the Goals of the River Terrace Community Plan, Planned Developments within River Terrace may limit deductions for streets and alleys to 20%.~~ *witty.*

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AB. Private outdoor area—Residential use. The private outdoor area requirements of 18.350.070.D.5 shall only apply to multifamily development.

BC. Shared outdoor recreation and open space facility areas—Residential use. The shared outdoor recreation and open space requirements of 18.350.070.D.6 shall only apply to multifamily development.

CD. Shared open space facilities. As an alternative to providing the 20% open space required by Subsection 18.350.070.D.13, the city may accept a lesser amount of open space where the applicant can meet the requirements of 1, 2, and 3 below and where the applicant provides an analysis that demonstrates that the proposed open space and enhancements are roughly proportional to the 20% of open space that would otherwise be required. The applicant may use multiple quantitative metrics to demonstrate how their alternative proposal for shared open space facilities is roughly proportional, e.g. cost, square footage, accessibility, etc.

1. The city may accept a lesser amount of open space where the proposed open space:
  - a. Meets the need for neighborhood or linear public parks, open space, and/or trails identified in the River Terrace Park System Master Plan Addendum with respect to both location and the city's level of service standard; and
  - b. Will be dedicated to the public or owned and maintained by a homeowners association
2. The city may accept a lesser amount of open space in exchange for additional development enhancements where such enhancements provide a community benefit and where the development provides at least three (3) of the following:
  - a. Provide a comprehensive network of public pedestrian connections that complements the public sidewalk system and that facilitates access to parks, schools, trails, open spaces, commercial areas, and similar destinations.
  - b. Provide public nature trails along or through natural resource areas or open spaces. All trails through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards.
  - c. Provide or show that the proposed development has direct access to and is within a ¼-mile of a public park or recreation area via a public or private trail, path, or walkway.
  - d. Provide intersection treatments that are acceptable to the City Engineer and that elevate the pedestrian experience through art, landscaping, signage, enhanced crossings, and/or other similar treatments.
  - e. Provide high-quality architectural features on attached and detached single-family dwelling units and duplexes that meet the design standards in accordance with Subsection 18.660.060.E below.
3. For those properties that abut Roy Rogers Road or River Terrace Boulevard, one or more of the following enhancements may be provided in lieu of one or more of the enhancements listed in 2 above.

*Eliminate #1  
City to Review*

*comment:  
open space works w/ Mike R.  
comments, its performance  
oriented vs. flat 20% requirement  
-DH*

1. ~~MINIMUM~~ IS 15' HEIGHT. (3 MAX)

DELETE - VEGETATIVE HEDGES SHOULD BE ALLOWED IT'S NATURE!

Make up to 4 ft. to accommodate hand rails and deck rails.

8. No accessory structures, garages, carports, driveways or vehicle access are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

9. No fences, walls or hedges over three (3) feet in height are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

SEE BELOW

C. Density Bonus. In order to help offset the land and development costs associated with the construction of River Terrace Boulevard, residential development sites abutting River Terrace Boulevard right-of-way may choose to propose smaller and narrower lots along River Terrace Boulevard than otherwise allowed by zoning. The resulting increase in the number of dwelling units along River Terrace Boulevard shall be allowed in addition to any density bonus approved through the Planned Development review process in accordance with Chapter 18.350 (Planned Developments). Where more dwelling units are proposed, the reduced lots sizes or lot areas per dwelling unit that are described below shall be used to calculate the maximum and minimum number of residential units allowed in accordance with Subsections 18.715.020.B and C (Density Computations). This density bonus shall only apply to residential lots that are proposed to abut River Terrace Boulevard once the larger development site has been subdivided for urban development purposes.

]?

1. Land zoned R-4.5: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 4,500 square feet and the minimum lot width to 40 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet and the minimum lot width to 80 feet.

2. Land zoned R-7: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 3500 square feet and the minimum lot width to 35 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet. Single-family attached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 2500 square feet and the minimum lot width to 25 feet.

3. Land zoned R-12: Multifamily development on lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2000 square feet. Single-family attached and detached lots and duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2500 square feet.

D. Adjustments. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040. The director may grant an adjustment to the standards of this section based on findings that:

1. The standards cannot be met due to topography or other natural constraints associated with the specific development site;

2. The proposed design provides safe and convenient pedestrian connections to the pedestrian facilities within the River Terrace Boulevard right-of-way; and

3. If fences or walls over three (3) feet in height are proposed, they will be constructed of high-quality materials. Wood or chain link fencing is not permitted, unless required for wetlands or other sensitive areas.

UNSTAINED WOOD OR CHAIN LINK

ACCEPTABLE SHALL INCLUDE, BUT NOT LIMITED TO,

STUCCO, BRICK, WROUGHT IRON AND/VES. HEDGE NOT OVER 6' TALL.

- a. Provide for the long-term maintenance of any proposed and/or required landscaping in or adjacent to the Roy Rogers Road or River Terrace Boulevard rights-of-way through the formation of a homeowners' association or other comparable organization that is acceptable to the applicable road authority. The installation and maintenance of stormwater facilities is not required.
- b. Provide a high-quality visual and noise buffer along Roy Rogers Road that includes both a vegetative and solid barrier component outside of the public right-of-way.
- c. Provide park facilities in the River Terrace Trail corridor, including but not limited to benches, picnic tables, lighting, and/or small playground areas (i.e. tot lots or pocket parks). Provision of such facilities may allow the applicant to count the trail corridor as a linear park facility, thus contributing to meeting the city's level of service standards for both linear parks and trails. The city's Parks Manager shall decide whether the proposed facilities elevate the trail corridor to a linear park facility.

**DE. Open space conveyance.** The standards of Subsection 18.350.070.D.14 shall apply to the conveyance of open space within River Terrace. The standards of Subsection 18.810.080.B shall not apply.

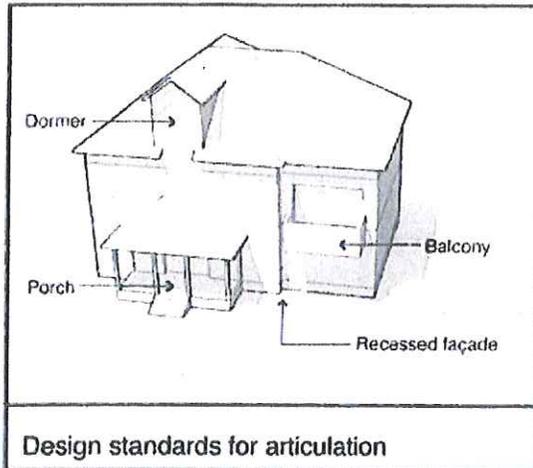
**EF. Design Standards for Single-Family Dwelling Units and Duplexes.** These design standards apply only when the applicant chooses to provide them per Subsection 18.660.060.C.2.e above to meet the alternative requirement for shared open space facilities in accordance with Subsection 18.660.060.C. These standards apply to attached and detached single-family dwelling units and duplexes. They are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

- I. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 18.660.2 for an illustration of articulation.
  - a. For buildings with 30-60 feet of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.
    - i. A porch at least 5 feet deep.
    - ii. A balcony that is at least 2 feet deep and is accessible from an interior room.
    - iii. A bay window that extends at least 2 feet wide.
    - iv. A section of the façade that is recessed by at least 2 feet deep and 6 feet long.
    - v. A gabled dormer.
  - b. For buildings with over 60 feet of street frontage, at least 1 element in Subsection 18.660.060.E.1.a.i-v above shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between 2 elements.
  - c. For buildings with ~~less than~~ 30 feet of street frontage, the building articulation standard is not applicable.

Figure 18.660.2  
Building Articulation

*COTTAGES & SMALLER*



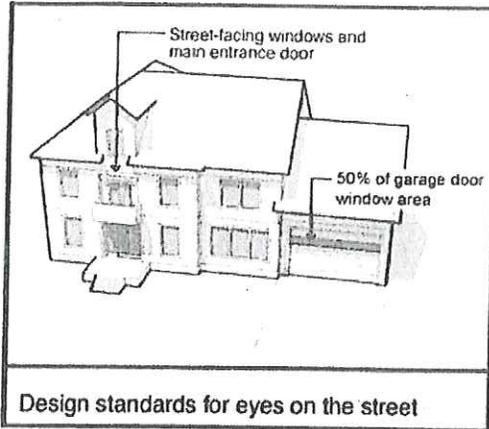


2. Eyes on the Street. At least 12% of the area of each street-facing façade must be windows or entrance doors. See Figure 18.660.3 for an illustration of eyes on the street.
  - a. Street-facing façade is defined as the aggregate area of all vertical exterior walls measured from top of finished floor at lowest level to top plate or roof eave of highest level. Areas of exterior walls above top plate or roof eave, such as areas within gables, dormers, clerestories, etc. may be excluded from façade area. Areas of lower roofs may be deducted from street façade.
  - b. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - c. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
  - d. Window area is considered the entire area within the outer window frame, including any interior window grid, the aggregate area of each window unit measured around the visible perimeter of the window so as to include outer window frame, mullions and grids.
  - e. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
  - f. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

*only if used  
as an option*

*OK*

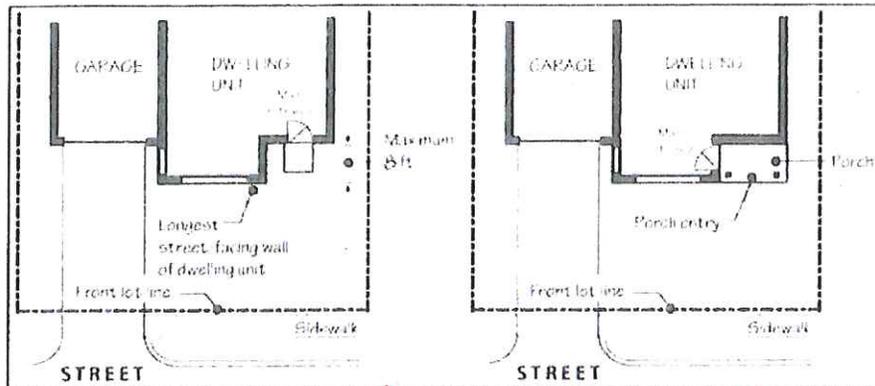
Figure 18.660.3  
Eyes on the Street



3. Main Entrance. At least 1 main entrance must meet both of the following standards. See Figure 18.660.4 for an illustration of main entrances.
- Be no further than 8 feet behind the longest street-facing wall of the building.
  - Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
    - Be at least 20 square feet in area with a minimum 4-foot depth.
    - Have at least 1 porch entry facing the street.
    - Have a roof that is no more than 12 feet above the floor of the porch.
    - Have a roof that covers at least 30% of the porch area.

20  $\phi$  TO BE CONSISTANT W/ #4 NEXT.

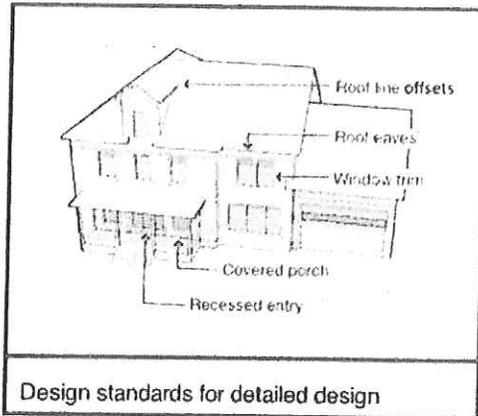
Figure 18.660.4  
Main Entrances



*4' TO BE CONSISTANT W/ #3 PREVIOUSLY.*

4. Detailed Design. All buildings shall include at least five (5) of the following features on any street-facing façade. See Figure 18.660.5 for illustration of detailed design elements.
  - a. Covered porch at least 8 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide. *OK*
  - b. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.
  - c. Offset on the building face of at least 16 inches from 1 exterior wall surface to the other.
  - d. Dormer that is at least 4 feet wide and integrated into the roof form.
  - e. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - f. Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
  - g. Tile or wood shingle roofs.
  - h. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
  - i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
  - j. Gable roof, hip roof, or gambrel roof design. *2.5" NET*
  - k. Window trim around all windows at least 3 inches wide and 5/8 in deep.
  - l. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
  - m. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
  - n. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
  - o. Bay window at least 2 feet deep and 5 feet long.
  - p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

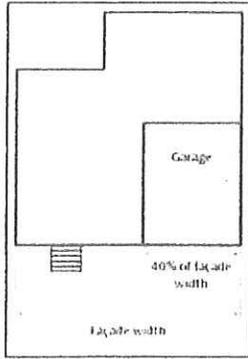
Figure 18.660.5  
Detailed Design Elements



5. Garages and Carports. These standards are intended to prevent garages from obscuring or dominating the street-facing façade of a dwelling and provide for a pleasant pedestrian environment in residential areas.
  - a. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
  - b. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
  - c. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.
  - d. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing façades.
6. The maximum allowed garage width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 18.660.060.E.4 are included on the street-facing façade. *15' GARAGE DOOR ON COTTAGE.*
7. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 18.660.060.E.2 is met.

*THIS MEANS TO HAVE  
A 2 CAR WIDE GARAGE  
THE HOUSE NEEDS TO  
BE 38-40 WIDE!  
NO COTTAGES OR BUNGALOWS.*

Figure 18.660.5  
Maximum Garage Width



18.660.070 Street Design

A. River Terrace Boulevard. The following street design standards apply to River Terrace Boulevard as shown on Map 18.660.B and in Figure 18.660.6 below.

Figure 18.660.6 River Terrace Boulevard Cross-Section



- I. Design Standards for River Terrace Boulevard.
  - a. Right-of-Way Width: 110 feet plus addition ROW as needed for slopes, retaining walls, etc.
  - b. Sidewalk:
    - i. With or without on-street parking, and not adjacent to trail: 6-foot sidewalk.
    - ii. With on-street parking, and adjacent to trail: 5-foot sidewalk.
    - iii. Without on-street parking, and adjacent to trail: No sidewalk required.
  - c. Landscape Strip:
    - i. With or without on-street parking, and not adjacent to trail: 8.5-foot landscape strip (includes 0.5-foot curb).
    - ii. With on-street parking, and adjacent to trail: No landscape strip required.
    - iii. Without on-street parking, and adjacent to trail: Minimum 8.5-foot landscape strip. (includes 0.5-foot curb) between travel way and trail. (This width can be reduced from the trail landscape requirements below.)
  - d. Bike Facilities: 12-foot trail on west side of street in accordance with design standards below.
  - e. On-Street Parking: On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - f. Travel Lanes:
    - i. Through Lanes: One 11-foot travel lane in each direction.
    - ii. Median: 14 feet between travel lanes, to be used for landscaping, pedestrian crossing refuge, or left-turn lanes (includes 2-foot clearance between through lanes and curb and 0.5-foot curb on both sides).

X

1' 4" 9' median  
2' 0.5' 11' 2'

*need some language on ability to reduce this if not want to park, or other open space*  
*→ main 20' wide trail corridor*  
*to trail*  
*one*

*I don't think we need separate ROW just for trail, it can be part of street ROW*

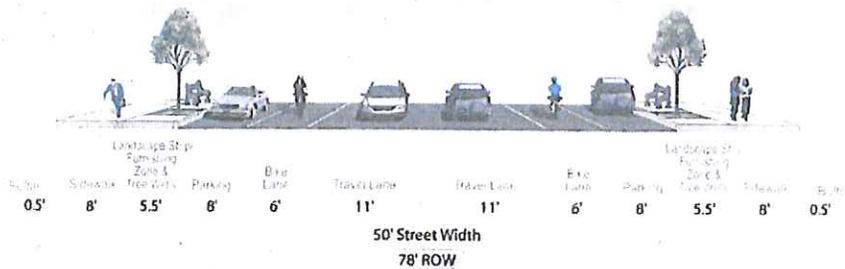
- iii. Left-Turn Lane: Required 11 feet where left-turns are allowed, as determined by the City Engineer
- g. Trail Right-of-Way: 38 feet, on west side of street
  - i. Minimum 12-foot paved surface
  - ii. Minimum 26 feet of landscaping
- h. Required Street Lighting: Intersection safety lighting, and basic street lighting and pedestrian scale lighting
- i. Access: Properties abutting both the trail side of River Terrace Boulevard and another street shall take access from the other street unless the other street is an Arterial.

Review Lighting

B. Collector within Community Commercial Zone The following street design standards apply to the Collector which extends through the Community Commercial zone as shown on Map 18.660.B and in Figure 18.660.7 below.

**Commented [SC1]:** Clarification needed whether this collector cross section continues into residential zones across Roy Rogers Road.

Figure 18.660.7 Cross-Section for Collector within Community Commercial Zone



- I. Design Standards for Collector within the Community Commercial Zone
  - a. Right-of-Way Width: 78 feet plus additional right-of-way as needed for slopes, retaining walls, etc.
  - b. Sidewalk: 8-foot sidewalk on both sides of the street.
  - c. Landscape Strip/Furnishing Zone and Tree Wells: 5.5 feet on both sides of the street (includes 0.5-foot curb).
  - d. Bike Facilities/On-Street Parking:
    - i. Biking Facility: 6-foot bike lane on both sides of the street.
    - ii. On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - e. Travel Lanes:
    - i. Through Lanes: One 11-foot lane in each direction
    - ii. Left-Turn Lane: Optional 11 feet where left-turns are allowed, as determined by the City Engineer.
  - f. Required Street Lighting: Intersection safety lighting, basic street lighting and pedestrian-scale lighting.
  - g. Street Crossings: All street crossings (midblock or at intersections) require curb extensions into the parking lane unless the City Engineer finds it in the public interest that curb extensions not be provided (e.g., to facilitate truck turning movements).

C. Arterials within River Terrace Plan District The following street design standards apply to the Arterials within the plan district as shown on Map 18.660. [PLACEHOLDER FOR ROY ROGERS ROAD AND SCHOLLS FERRY ROAD CROSS SECTIONS]

D. Adjustments. Adjustments to the street cross-sections described in this section, such as deletion of on-street parking and associated elements or width reduction of trail right-of-way or landscape median, may be granted upon finding that such adjustments are either needed to lessen impacts on natural resources or are otherwise in the public's interest as described in the River Terrace Community Plan and River Terrace Transportation System Plan Addendum. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Subsection 18.370.020.C.9.

Corridor

Review

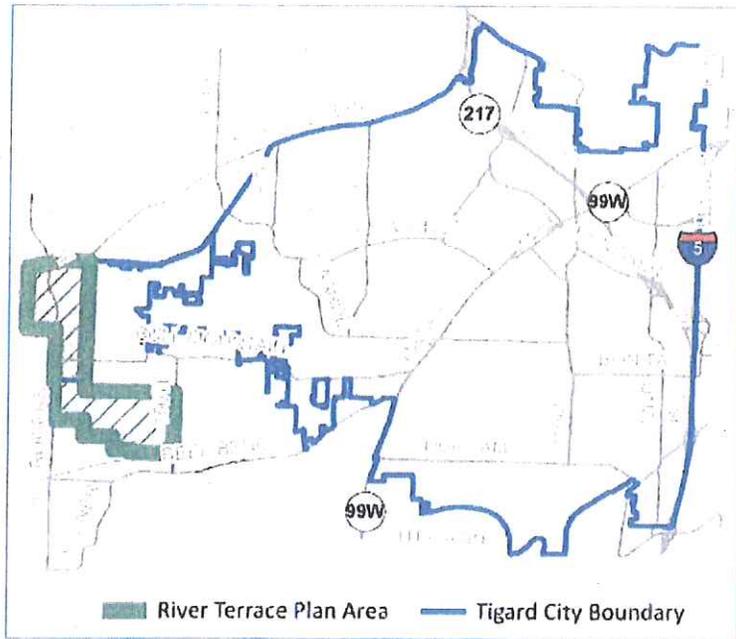
Review - Street adjts

Confirm adjustment criteria/process

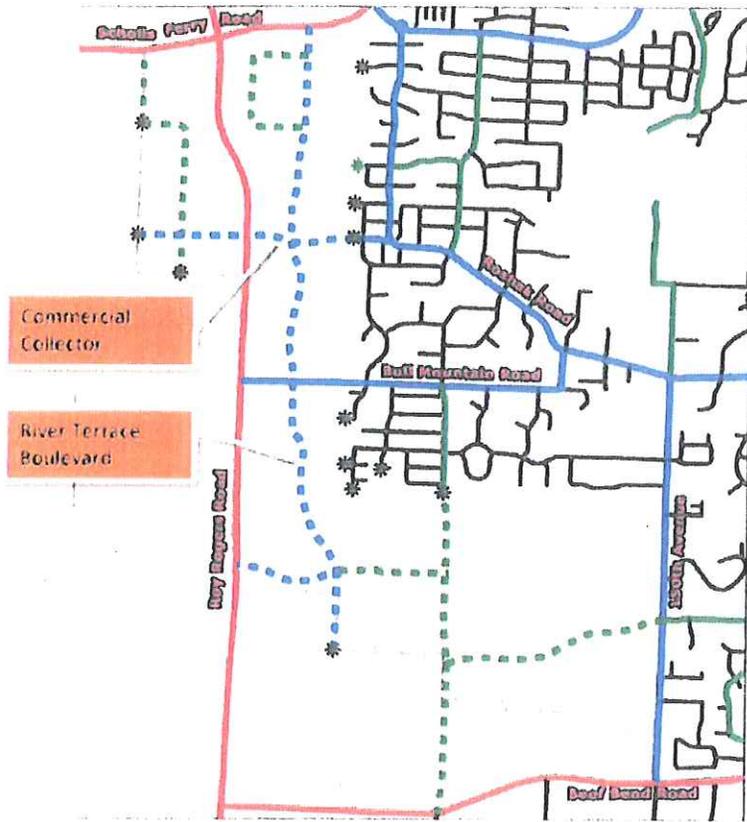
**18.660.080 Street Connectivity**

- A. Street alignment and connections. For development abutting River Terrace Boulevard, an additional exception to the requirement in 18.810.030.H for full street connections to River Terrace Boulevard with spacing of no more than 530 feet between connections is allowed where the city has identified a need to minimize the number of trail crossings and provided that bicycle and pedestrian connections on public easements or right-of-ways shall be provided with a spacing of no more than 330 feet.
- B. Block Perimeter. The perimeter of blocks formed by streets shall not exceed 1,600 feet measured along the centerline of the streets except where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, pre-existing development, or an arterial or collector along which the city has identified a need to minimize the number of intersections.

Map 18.660.A: River Terrace Plan District Boundary



Map 18.660.B: River Terrace Boulevard and Commercial Collector



**Susan Shanks**

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**From:** Susan Shanks  
**Sent:** Friday, January 23, 2015 12:27 PM  
**To:** Susan Shanks  
**Subject:** FW: Follow up on River Terrace Plan District Code edits - 1 addition to Pg 8

**From:** Stacy Connery [<mailto:stacy@pacific-community.com>]  
**Sent:** Friday, January 16, 2015 5:21 PM  
**To:** Susan Shanks  
**Cc:** Fred Gast ([fred.gast@polygonhomes.com](mailto:fred.gast@polygonhomes.com)); Jim Lange  
**Subject:** RE: Follow up on River Terrace Plan District Code edits - 1 addition to Pg 8

Hi Susan,

I just left you a voice mail explaining that we have made 1 additional suggested edit to the Planned Development section of the DRAFT River Terrace Plan District Code on Page 8 of the attached updated file. This additional suggested edit is also shown below. We discussed this topic with Cheryl Caines at one of our pre-pre-application meetings. I'll give you a call on Tuesday to see if you have any questions.

- B. Perimeter Lot Dimensional Standards. The lot dimensional standards of 18.350.060C.1. shall only apply to the edges of the River Terrace Plan District that are directly adjacent to an existing residential development that is outside the River Terrace Plan District.

Thank you,  
Stacy Connery, AICP  
(503) 828-5052



12564 SW Main Street  
Tigard, OR 97223

 Please consider the environment before printing this e-mail

---

**From:** Stacy Connery  
**Sent:** Monday, January 12, 2015 10:08 AM  
**To:** Susan P Shanks ([susans@tigard-or.gov](mailto:susans@tigard-or.gov))  
**Cc:** Fred Gast ([fred.gast@polygonhomes.com](mailto:fred.gast@polygonhomes.com)); Jim Lange ([jim@pacific-community.com](mailto:jim@pacific-community.com))  
**Subject:** Follow up on River Terrace Plan District Code edits

Hi Susan,

Attached is an electronic copy with 'track changes' showing suggested edits to the River Terrace Plan District DRAFT as shared in our meeting last Thursday (1/8/15). The attached copy also includes the follow up suggested edits for side and rear facades along River Terrace Boulevard. Please let me know if you have any questions regarding the attached information.

Thank you,  
Stacy Connery, AICP  
(503) 828-5052

**Chapter 18.660**  
**RIVER TERRACE PLAN DISTRICT**

**Sections:**

<b>18.660.010</b>	<b>Purpose</b>
<b>18.660.020</b>	<b>Where These Regulations Apply</b>
<b>18.660.030</b>	<b>Applicability</b>
<b>18.660.033</b>	<b>Adequacy of Public Facilities</b>
<b>18.660.035</b>	<b>Preliminary Plat Approval Criteria</b>
<b>18.660.040</b>	<b>Community Commercial Development Standards</b>
<b>18.660.050</b>	<b>River Terrace Boulevard Development Standards</b>
<b>18.660.060</b>	<b>Planned Developments</b>
<b>18.660.070</b>	<b>Street Design</b>
<b>18.660.080</b>	<b>Street Connectivity</b>

**18.660.010 Purpose**

The River Terrace Community Plan provides for a variety of land uses and residential densities consistent with the community's desire to create a community of great neighborhoods that includes housing, neighborhood-scale commercial businesses, schools, parks, and recreational opportunities. The purpose of the River Terrace Plan District is to implement the adopted River Terrace Community Plan and associated infrastructure master plans for water, sewer, stormwater, parks, and transportation.

This chapter is intended to ensure that public facilities are adequate to serve the anticipated levels of development throughout River Terrace by:

- Implementing the River Terrace Community Plan and associated infrastructure master plans
- Facilitating the transition of River Terrace from rural to urban land use through the timely, orderly, and efficient provision of public facilities
- Ensuring that public facilities are adequate to support new development and are available concurrent with the impacts of such development
- Safeguarding the community's health, safety, and welfare

This chapter is also intended to implement those unique aspects of the River Terrace Community Plan and associated infrastructure master plans related to commercial and residential design, transportation facilities, and park and trail development.

- The commercial area is envisioned as a vibrant mixed-use center with pedestrian-scale street and building amenities and high-quality design features.
- The transportation system is designed as a network of multi-modal streets that connects residents to trails, schools, parks, and services. One that conforms to the rolling topography, builds upon and connects to existing streets in the area, and effectively balances safety, comfort, and mobility through thoughtful and location-specific street and intersection design.
- River Terrace Boulevard is designed to seamlessly integrate the River Terrace Trail into its design, provide safe and comfortable multi-modal travel options, and include high-quality pedestrian-scale design treatments that defines it as the neighborhood's signature street.
- Parks and trails are distributed throughout the area to provide a variety of convenient recreational opportunities for residents and visitors.

### **18.660.020 Where These Regulations Apply**

The regulations of this chapter apply to the River Terrace Plan District. The boundaries of this plan district are shown on Map 18.660.A located at the end of this chapter.

### **18.660.030 Applicability**

This chapter applies to all property that is located within the River Terrace Plan District. The standards and requirements of this chapter apply in addition to, and not in lieu of, all other applicable provisions of the Tigard Community Development Code (TCDC). Compliance with all applicable standards and requirements must be demonstrated in order to obtain a development approval. The standards in this chapter shall govern in the event of a conflict.

### **18.660.033 Adequacy of Public Facilities**

- A. Intent. The intent of this section is to address the provision of the infrastructure system necessary to benefit and serve all property within River Terrace as provided for in the River Terrace Community Plan, related infrastructure master plans, and the River Terrace Funding Strategy, in light of the desire of property owners to commence preliminary development prior to full implementation of those plans and with the understanding that no development rights vest and no development approvals can be granted until the infrastructure system is in place or assured.
- B. Approval Standard. Development may be approved only if the applicant demonstrates that each of the following components of the River Terrace Funding Strategy adopted by Resolution 14-66 (December 16, 2014) has been adopted and is in effect:
1. Transportation: A citywide transportation system development charge (SDC), a River Terrace specific transportation SDC, and a River Terrace transportation utility fee surcharge is in effect.
  2. Water: For development in water pressure zone 550, a minimum of 3 million gallons in new firm water storage capacity and associated pump station with a minimum firm capacity of 1400 gallons per minute or piping improvements that provide sufficient water capacity in water pressure zone 550 to serve the proposed development.
  3. Sewer: A citywide utility fee surcharge.
  4. Stormwater: A River Terrace storm water utility fee surcharge.
- C. Deferral of Compliance.
1. An applicant may request deferral of the requirement to demonstrate compliance with one or more of the approval standards set forth in subsection B as provided for in this subsection C:
    - a. Preliminary land division plat approval to final land division plat review.
    - b. Planned development concept plan approval to detailed development plan review where no land division is proposed.
    - c. All other development applications: A condition of development approval requiring demonstration of compliance no later than 180 days after approval or prior to submission of applications for utility or building permits, whichever occurs first.
    - d. Development Agreement: A Development Agreement between the City and the developer/applicant may establish alternative schedules for meeting compliance with the criteria in subsection B.
  2. Deferral of compliance shall be granted only if:

- a. The applicant demonstrates that the approval standard will likely be met prior to filing an application for final land division plat approval, detailed development plan approval, or expiration of the condition of approval. A determination by the review authority that it is likely that the standard will be met shall be for the purposes of deferral only and in no way constitutes an assurance, guarantee, or other representation that may in any way be relied upon by the applicant or any party; and
- b. The applicant executes a written agreement prepared by the city acknowledging that the applicant has determined that deferral is to its benefit and that any and all actions taken pursuant to or in furtherance of the approval are at the applicant's sole and exclusive risk. The acknowledgement shall waive, hold harmless and release the city, its officers, employees and agents for any and all claims for damages, including attorney fees, in any way arising from a denial for failure to demonstrate compliance with the standards in subsection B, without regard to fault. Nothing in this section shall preclude the applicant from seeking review of any land use decision in accordance with ORS chapter 197, 215 or 227 or equitable relief in a court of competent jurisdiction.

D. Exception.

1. An exception to one or more of the standards in subsection B may be obtained through a Type II procedure as governed by Subsection 18.390.040.
2. An exception shall be granted only if the applicant:
  - a. Demonstrates that the exception will not materially impact implementation of the River Terrace Sanitary Sewer Master Plan Addendum (Resolution 14-25); River Terrace Water System Master Plan Addendum (Resolution 14-35); River Terrace Stormwater Master Plan (Resolution 14-42); River Terrace Transportation System Plan Addendum (Ordinance 14-16); and, the River Terrace Funding Strategy (Resolution 14-66); and
  - b. Has proposed alternatives that will ensure that it will provide its proportionate share of the facilities and the funding for facilitates as identified in the River Terrace infrastructure master plans and Funding Strategy.
  - c. Executes an agreement prepared by the city agreeing that, if the new SDCs are not in effect at the time of building permit issuance, the applicant will pay an amount equal to the SDCs assumed by the River Terrace Funding Strategy. No credits will be issued against this payment, but the city will refund such payment if the SDC is in effect and paid in accordance with the terms of the applicable SDC ordinance or the applicable SDC has not taken effect within two years of the effective date of this Code.
  - d. Agrees to disclose in writing to each purchaser of property for which a building permit has been obtained that the property may be subject in the future to utility fees or SDCs as described in the River Terrace Funding Strategy.

E. Additional Standards.

1. A water transmission or sewer trunk line constructed by one or more applicants shall:
  - a. Be placed in a public easement within the transmission line corridor and alignment identified in the water or sanitary sewer master plans. The exact location and route shall be approved by the City Engineer. If a transmission or trunk line corridor and alignment have not been adopted, the applicant may file a Type IV application to establish the corridor and alignment. This application shall be processed prior to or concurrently with the development application and is not subject to the timing limits in Subsection 18.390.060.B.
  - b. Be sized, designed, constructed, and placed in accordance with city specifications and as approved by the City Engineer; and

- c. If the transmission or trunk line enters the property that is the subject of the development application, a public easement for the line shall be granted to extend through the property that is the subject of the application and terminate at such location as the review authority determines will maximize the function and availability of the easement to serve additional properties, taking into account the impact of the easement on the subject property.
2. If compliance with storm water management standards is dependent on a publicly funded conveyance system or regional facility that has not been provided, the applicant may propose interim facilities and systems, such as on-site detention. The detention shall meet all applicable standards. Unless otherwise provided in the development approval, the applicant shall provide an assurance that adequate financial resources are available to decommission the interim facility and connect to the public storm water management system when it becomes available. No storm water management system shall be approved if it would prevent or significantly impact the ability of other properties to implement and comply with the River Terrace Stormwater Master Plan or other applicable standards.
3. Development shall be located and designed so as to not unduly or unnecessarily restrict the ability of any other property to provide or access a public easement or facility required for the property to develop in accordance with this Code, taking into account the topography, size and, shape of the property that is the subject of the application, impact on the applicant, and the reasonableness of available options. An applicant shall not be required to reduce otherwise permitted density or to obtain a variance to demonstrate compliance but this standard may be considered in considering a variance requested by the applicant.

F. Other Provisions.

1. Unless expressly authorized in a development approval, no person shall impose a private fee or any charge whatsoever that prohibits, restricts, or impairs an adjoining property from accessing a public easement, facility, or service or denies access to such public easement, facility, or service.
2. For purposes of this section, an ordinance or resolution adopting an SDC, utility fee, or other charge to finance public facilities and services described in this section shall be deemed effective if it has taken effect and the time for any legal challenge has expired or any legal challenge has been finally decided.

**18.660.035 Preliminary Plat Approval Criteria**

- A. Additional Approval Criteria. In addition to the approval criteria in Section 18.430.040 (Approval Criteria: Preliminary Plat), the following approval criteria shall apply to all preliminary plat applications within River Terrace.
1. The streets, street extensions, and intersections conform to the River Terrace Transportation System Plan Addendum, the street spacing and connectivity standards of this chapter and the TCDC, and the plats of subdivisions and maps of partitions already approved for adjoining property as to width, general direction, and in all other respects unless the city determines it is in the public interest to modify the street, street extension, and/or intersection locations, widths, or pattern; and
  2. The preliminary plat does not impede the future use or development of adjacent property within River Terrace not under the control or ownership of the applicant proposing the preliminary plat.

3. Where phased development is proposed, a plan for future phases shows the location of lot lines, rights-of-way, and other details of layout and demonstrates that future division of the entire site may readily occur without violating the development standards of the TCDC; and
4. Where phased development is proposed, the preliminary plat dedicates rights-of-way for all arterials, collectors, and neighborhood routes as shown in the River Terrace Transportation System Plan Addendum for all phases to allow for the timely and orderly extension and connection of adjacent streets and utilities.

B. Conditions of approval. The approval authority may attach such conditions as are necessary to carry out the goals and policies of the Tigard Comprehensive Plan, River Terrace Community Plan, and other applicable ordinances and regulations and may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

**18.660.040 Community Commercial Development Standards [PLACEHOLDER]**

**18.660.050 River Terrace Boulevard Development Standards**

A. Applicability. The applicable development standards contained in the underlying zoning district shall apply to all development within River Terrace, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370, and except as specified below. The following standards apply to commercial and residential development sites abutting River Terrace Boulevard right-of-way as follows:

1. For alley loaded single-family attached, alley loaded single-family detached, and alley loaded duplex development, the following standards apply to all development on those lots abutting the River Terrace Boulevard right-of-way (ROW). Other development patterns with side or rear elevations facing River Terrace Boulevard shall only be subject to section 18.660.050.B.10.
2. For multi-building developments (commercial or multifamily) on a single lot, the following standards apply to all development except those buildings that have less than fifteen (15) feet of building elevation visible from the River Terrace Boulevard right-of-way (see Figure 18.660.1).
3. The standards apply development abutting both sides of the right-of-way. The general location of the River Terrace Boulevard right-of-way is shown on Map 18.660.B. The City Engineer shall approve the final alignment.

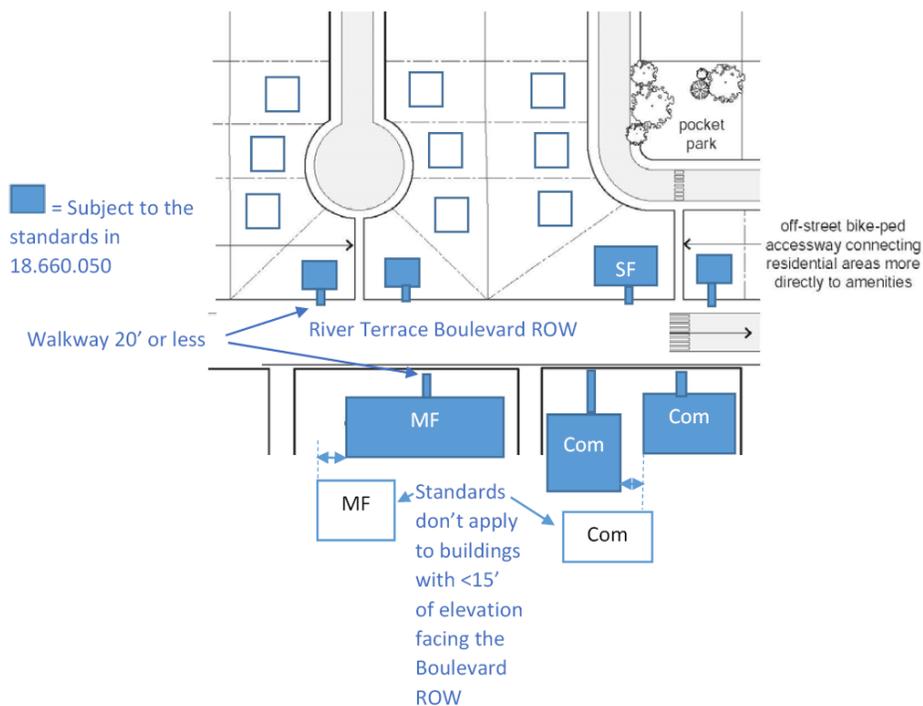
B. Building Placement and Design.

1. Primary buildings shall have their front façade and front entry door oriented to River Terrace Boulevard, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.
2. At least one front entry door is required for each business or dwelling with a ground floor frontage.
3. At least one front entry door shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
4. For those properties that do not abut the trail side of the right-of-way, one walkway connection is required between the front entry door and the public sidewalk, except as approved through the

adjustment process in accordance with Subsection 18.660.050.D. For those buildings with 100% of their elevation visible from the River Terrace Boulevard right-of-way, the walkway may not be more than 20 feet in length for the portion of the walkway that lies outside the public right-of-way (see Figure 18.660.1). ~~For multi-family and commercial buildings, this~~ walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

- For those properties that abut the trail side of the right-of-way, one walkway connection is required between the development and the trail for every 5 single-family detached lots (including duplex lots) that are located within a single block. ~~This~~ walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

**Figure 18.660.1: Applicability of Development Standards for Sites Abutting River Terrace Boulevard Right-of-Way**



- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 10 single-family attached dwelling units that are located within a single block but that are not necessarily all attached together. ~~This~~ walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.
- For those properties that abut the trail, one walkway connection is required between the development and the trail for every 200 feet of frontage of multifamily development. ~~This~~

walkways shall be ADA accessible, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

8. No accessory structures, garages, carports, driveways or vehicle access are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

9. No fences, walls or hedges over three (3) feet in height are permitted between the primary building and the River Terrace Boulevard right-of-way, except as approved through the adjustment process in accordance with Subsection 18.660.050.D.

9.10. Provide high-quality architectural features that meet the design standards in accordance with Subsection 18.660.060.F

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C. Density Bonus. In order to help offset the land and development costs associated with the construction of River Terrace Boulevard, residential development sites abutting River Terrace Boulevard right-of-way may choose to propose smaller and narrower lots along River Terrace Boulevard than otherwise allowed by zoning. The resulting increase in the number of dwelling units along River Terrace Boulevard shall be allowed in addition to any density bonus approved through the Planned Development review process in accordance with Chapter 18.350 (Planned Developments). Where more dwelling units are proposed, the reduced lots sizes or lot areas per dwelling unit that are described below shall be used to calculate the maximum and minimum number of residential units allowed in accordance with Subsections 18.715.020.B and C (Density Computations). This density bonus shall only apply to residential lots that are proposed to abut River Terrace Boulevard once the larger development site has been subdivided for urban development purposes.

1. Land zoned R-4.5: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 4,500 square feet and the minimum lot width to 40 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet and the minimum lot width to 80 feet.
2. Land zoned R-7: Single-family detached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 3500 square feet and the minimum lot width to 35 feet. Duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 7,000 square feet. Single-family attached lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot size to 2500 square feet and the minimum lot width to 25 feet.
3. Land zoned R-12: Multifamily development on lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2000 square feet. Single-family attached and detached lots and duplex lots that are proposed to abut River Terrace Boulevard right-of-way may reduce the minimum lot area per dwelling unit to 2500 square feet.

D. Adjustments. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040. The director may grant an adjustment to the standards of this section based on findings that:

1. The standards cannot be met due to topography or other natural constraints associated with the specific development site;

2. The proposed design provides safe and convenient pedestrian connections to the pedestrian facilities within the River Terrace Boulevard right-of-way; and
3. If fences or walls over three (3) feet in height are proposed, they will be constructed of high-quality materials. ~~Wood or e~~Chain link fencing is not permitted, unless required for wetlands or other sensitive areas.

#### **18.660.060 Planned Developments**

The requirements of Chapter 18.350 shall apply to all planned developments in River Terrace, except as modified below.

~~A. Density Calculation. To encourage alley loaded development and developments with shorter block lengths, as well as to encourage development consistent with the Goals of the River Terrace Community Plan, Planned Developments within River Terrace may limit deductions for streets and alleys to 20%.~~

~~AB. Private outdoor area—Residential use.~~ The private outdoor area requirements of 18.350.070.D.5 shall only apply to multifamily development.

~~BC. Shared outdoor recreation and open space facility areas—Residential use.~~ The shared outdoor recreation and open space requirements of 18.350.070.D.6 shall only apply to multifamily development.

~~CD. Shared open space facilities.~~ As an alternative to providing the 20% open space required by Subsection 18.350.070.D.13, the city may accept a lesser amount of open space where the applicant can meet the requirements of 1, 2, and 3 below and where the applicant provides an analysis that demonstrates that the proposed open space and enhancements are roughly proportional to the 20% of open space that would otherwise be required. The applicant may use multiple quantitative metrics to demonstrate how their alternative proposal for shared open space facilities is roughly proportional, e.g. cost, square footage, accessibility, etc.

1. The city may accept a lesser amount of open space where the proposed open space:
  - a. Meets the need for neighborhood or linear public parks, open space, and/or trails identified in the River Terrace Park System Master Plan Addendum with respect to both location and the city's level of service standard; and
  - b. Will be dedicated to the public or owned and maintained by a homeowners association.
2. The city may accept a lesser amount of open space in exchange for additional development enhancements where such enhancements provide a community benefit and where the development provides at least three (3) of the following:
  - a. Provide a comprehensive network of public pedestrian connections that complements the public sidewalk system and that facilitates access to parks, schools, trails, open spaces, commercial areas, and similar destinations.
  - b. Provide public nature trails along or through natural resource areas or open spaces. All trails through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards.
  - c. Provide or show that the proposed development has direct access to and is within a ¼-mile of a public park or recreation area via a public or private trail, path, or walkway.

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- d. Provide intersection treatments that are acceptable to the City Engineer and that elevate the pedestrian experience through art, landscaping, signage, enhanced crossings, and/or other similar treatments.
  - e. Provide high-quality architectural features on attached and detached single-family dwelling units and duplexes that meet the design standards in accordance with Subsection 18.660.060.E below.
3. For those properties that abut Roy Rogers Road or River Terrace Boulevard, one or more of the following enhancements may be provided in lieu of one or more of the enhancements listed in 2 above.
- a. Provide for the long-term maintenance of any proposed and/or required landscaping in or adjacent to the Roy Rogers Road or River Terrace Boulevard rights-of-way through the formation of a homeowners' association or other comparable organization that is acceptable to the applicable road authority. The installation and maintenance of stormwater facilities is not required.
  - b. Provide a high-quality visual and noise buffer along Roy Rogers Road that includes both a vegetative and solid barrier component outside of the public right-of-way.
  - c. Provide park facilities in the River Terrace Trail corridor, including but not limited to benches, picnic tables, lighting, and/or small playground areas (i.e. tot lots or pocket parks). Provision of such facilities may allow the applicant to count the trail corridor as a linear park facility, thus contributing to meeting the city's level of service standards for both linear parks and trails. The city's Parks Manager shall decide whether the proposed facilities elevate the trail corridor to a linear park facility.

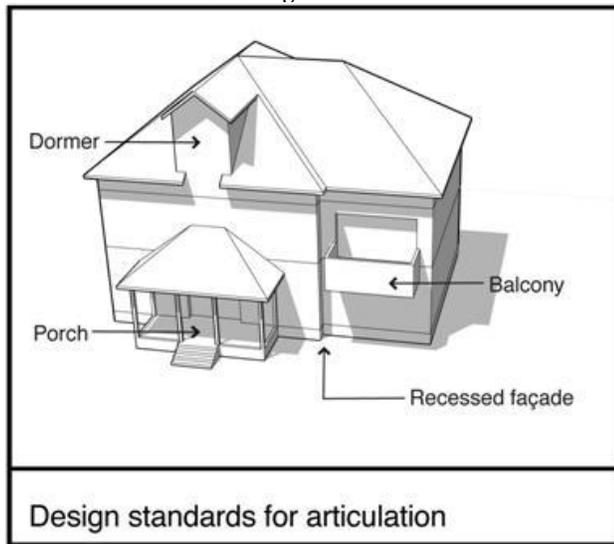
**DE. Open space conveyance.** The standards of Subsection 18.350.070.D.14 shall apply to the conveyance of open space within River Terrace. The standards of Subsection 18.810.080.B shall not apply.

**EF. Design Standards for Single-Family Dwelling Units and Duplexes.** These design standards apply only when the applicant chooses to provide them per Subsection 18.660.060.C.2.e above to meet the alternative requirement for shared open space facilities in accordance with Subsection 18.660.060.C. These standards apply to attached and detached single-family dwelling units and duplexes. They are intended to promote attention to detail, human-scale design, street visibility, and privacy of adjacent properties, while affording flexibility to use a variety of architectural styles. The graphics provided are intended to illustrate how development could comply with these standards and should not be interpreted as requiring a specific architectural style. An architectural feature may be used to comply with more than one standard.

1. Articulation. All buildings shall incorporate design elements that break up all street-facing façades into smaller planes as follows. See Figure 18.660.2 for an illustration of articulation.
- a. For buildings with 30-60 feet of street frontage, a minimum of 1 of the following elements shall be provided along the street-facing façades.
    - i. A porch at least 5 feet deep.
    - ii. A balcony that is at least 2 feet deep and is accessible from an interior room.
    - iii. A bay window that extends at least 2 feet wide.
    - iv. A section of the façade that is recessed by at least 2 feet deep and 6 feet long.
    - v. A gabled dormer.
  - b. For buildings with over 60 feet of street frontage, at least 1 element in Subsection 18.660.060.E.1.a.i-v above shall be provided for every 30 feet of street frontage. Elements shall be distributed along the length of the façade so that there are no more than 30 feet between 2 elements.

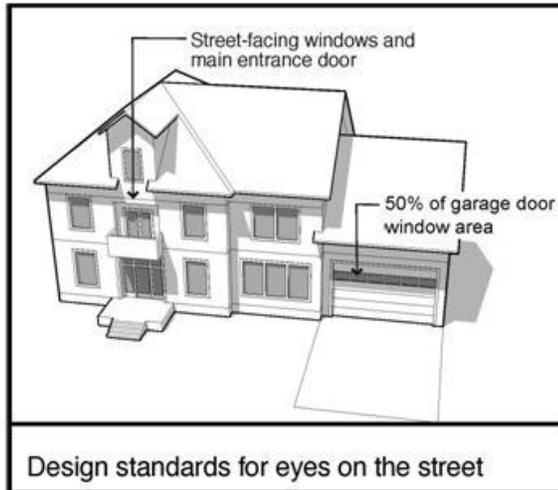
- c. For buildings with less than 30 feet of street frontage, the building articulation standard is not applicable.

**Figure 18.660.2  
Building Articulation**



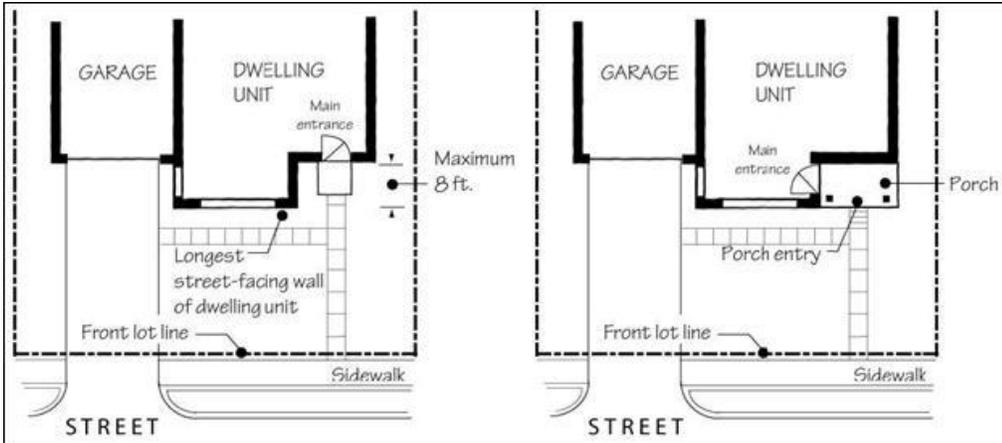
- 2. Eyes on the Street. At least 12% of the area of each street-facing façade must be windows or entrance doors. See Figure 18.660.3 for an illustration of eyes on the street.
  - a. Street-facing façade is defined as the aggregate area of all vertical exterior walls measured from top of finished floor at lowest level to top plate or roof eave of highest level. Areas of exterior walls above top plate or roof eave, such as areas within gables, dormers, clerestories, etc. may be excluded from façade area. Areas of lower roofs may be deducted from street façade.
  - b. Windows used to meet this standard must be transparent and allow views from the building to the street. Glass blocks and privacy windows in bathrooms do not meet this standard.
  - c. Half of the total window area in the door(s) of an attached garage counts toward the eyes on the street standard. All of the window area in the street-facing wall(s) of an attached garage count toward meeting this standard.
  - d. ~~Window area is considered the entire area within the outer window frame, including any interior window grid.~~ the aggregate area of each window unit measured around the visible perimeter of the window so as to include outer window frame, mullions and grids.
  - e. Doors used to meet this standard must face the street or be at an angle of no greater than 45 degrees from the street.
  - f. Door area is considered the portion of the door that moves. Door frames do not count toward this standard.

**Figure 18.660.3  
Eyes on the Street**



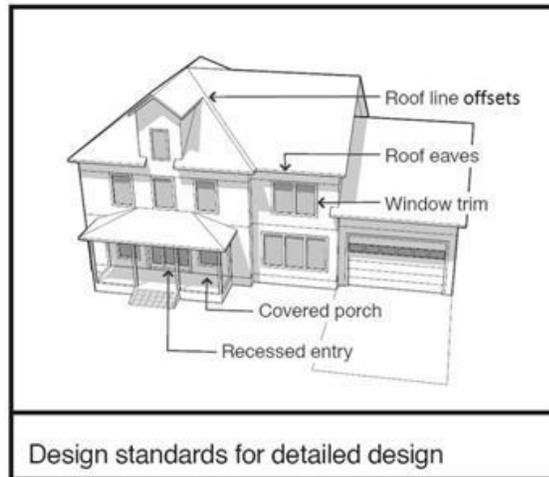
3. Main Entrance. At least 1 main entrance must meet both of the following standards. See Figure 18.660.4 for an illustration of main entrances.
  - a. Be no further than 8 feet behind the longest street-facing wall of the building.
  - b. Face the street, be at an angle of up to 45 degrees from the street, or open onto a porch. If the entrance opens up onto a porch, the porch must meet all of these additional standards.
    - i. Be at least 25 square feet in area with a minimum 4-foot depth.
    - ii. Have at least 1 porch entry facing the street.
    - iii. Have a roof that is no more than 12 feet above the floor of the porch.
    - iv. Have a roof that covers at least 30% of the porch area.

**Figure 18.660.4**  
**Main Entrances**



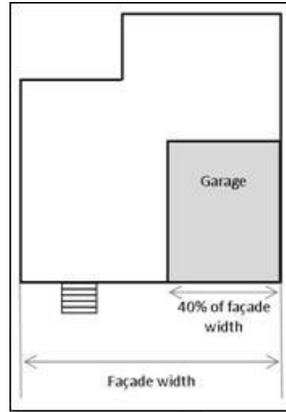
4. Detailed Design. All buildings shall include at least five (5) of the following features on any street-facing façade. See Figure 18.660.5 for illustration of detailed design elements.
  - a. Covered porch at least 5 feet deep, as measured horizontally from the face of the main building façade to the edge of the deck, and at least 5 feet wide.
  - b. Recessed entry area at least 2 feet deep, as measured horizontally from the face of the main building façade, and at least 5 feet wide.
  - c. Offset on the building face of at least 16 inches from 1 exterior wall surface to the other.
  - d. Dormer that is at least 4 feet wide and integrated into the roof form.
  - e. Roof eaves with a minimum projection of 12 inches from the intersection of the roof and the exterior walls.
  - f. Roof line offsets of at least 2 feet from the top surface of 1 roof to the top surface of the other.
  - g. Tile or wood shingle roofs.
  - h. Horizontal lap siding between 3 to 7 inches wide (the visible portion once installed). The siding material may be wood, fiber-cement, or vinyl.
  - i. Brick, cedar shingles, stucco, or other similar decorative materials covering at least 40% of the street-facing façade.
  - j. Gable roof, hip roof, or gambrel roof design.
  - k. Window trim around all windows at least 3 inches wide and 5/8 in deep.
  - l. Window recesses, in all windows, of at least 3 inches as measured horizontally from the face of the building façade.
  - m. Balcony that is at least 3 feet deep, 5 feet wide, and accessible from an interior room.
  - n. One roof pitch of at least 500 square feet in area that is sloped to face the southern sky and has its eave line oriented within 30 degrees of the true north/south axis.
  - o. Bay window at least 2 feet deep and 5 feet long.
  - p. Attached garage width, as measured between the inside of the garage door frame, of 35% or less of the length of the street-facing façade.

**Figure 18.660.5**  
**Detailed Design Elements**



5. Garages and Carports. These standards are intended to prevent garages from obscuring or dominating the street-facing façade of a dwelling and provide for a pleasant pedestrian environment in residential areas.
  - a. The front of a garage or carport can be no closer to the front lot line than the longest street-facing wall of the house that encloses living area. The following exceptions apply:
  - b. A garage or carport may extend up to 5 ft in front if there is a covered front porch and the garage or carport does not extend beyond the front of the porch.
  - c. A garage may extend up to 5 ft in front if the garage is part of a 2-story façade that has a window at least 12 sq ft in area on the second story that faces the street.
  - d. The width of a street-facing garage door(s), as measured between the inside of the garage door frame, may not exceed 40% of the total width of the street-facing façades on the same street frontage as the garage door. See Figure 19.505.2.C.2. Notwithstanding this limit, a dwelling is allowed 1 12-ft-wide garage door, regardless of the total width of street-facing façades.
6. The maximum allowed garage width may be increased to 50% of the total width of the street-facing façade if a total of 7 detailed design elements in Subsection 18.660.060.E.4 are included on the street-facing façade.
7. Garages may be side-oriented to the front lot line if the eyes on the street standard in Subsection 18.660.060.E.2 is met.

**Figure 18.660.5**  
**Maximum Garage Width**



DRAFT

## 18.660.070 Street Design

- A. River Terrace Boulevard. The following street design standards apply to River Terrace Boulevard as shown on Map 18.660.B and in Figure 18.660.6 below.

**Figure 18.660.6 River Terrace Boulevard Cross-Section**



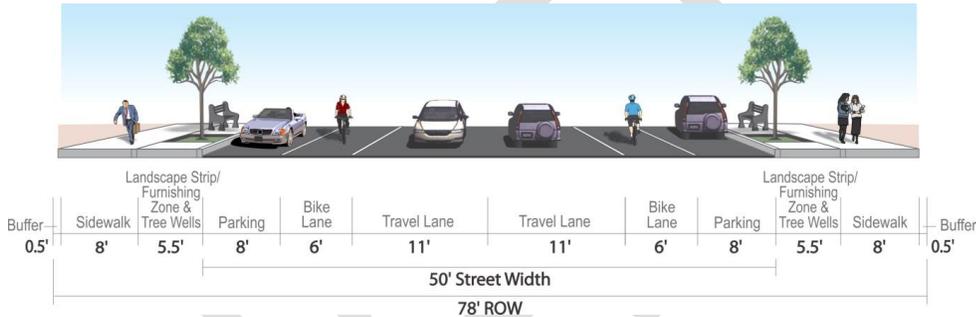
1. Design Standards for River Terrace Boulevard.
  - a. Right-of-Way Width: 110 feet plus addition ROW as needed for slopes, retaining walls, etc.
  - b. Sidewalk:
    - i. With or without on-street parking, and not adjacent to trail: 6-foot sidewalk.
    - ii. With on-street parking, and adjacent to trail: 5-foot sidewalk.
    - iii. Without on-street parking, and adjacent to trail: No sidewalk required.
  - c. Landscape Strip:
    - i. With or without on-street parking, and not adjacent to trail: 8.5-foot landscape strip (includes 0.5-foot curb).
    - ii. With on-street parking, and adjacent to trail: No landscape strip required.
    - iii. Without on-street parking, and adjacent to trail: Minimum 8.5-foot landscape strip. (includes 0.5-foot curb) between travel way and trail. (This width can be reduced from the trail landscape requirements below.)
  - d. Bike Facilities: 12-foot trail on west side of street in accordance with design standards below.
  - e. On-Street Parking: On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - f. Travel Lanes:
    - i. Through Lanes: One 11-foot travel lane in each direction.
    - ii. Median: 14 feet between travel lanes, to be used for landscaping, pedestrian crossing refuge, or left-turn lanes (includes 2-foot clearance between through lanes and curb and 0.5-foot curb on both sides).

- iii. Left-Turn Lane: Required 11 feet where left-turns are allowed , as determined by the City Engineer.
- g. Trail Right-of-Way: 38 feet, on west side of street
  - i. Minimum 12-foot paved surface
  - ii. Minimum 26 feet of landscaping
- h. Required Street Lighting: Intersection safety lighting, and basic street lighting and ~~pedestrian-scale lighting~~.
- i. Access: Properties abutting both the trail side of River Terrace Boulevard and another street shall take access from the other street unless the other street is an Arterial.

B. Collector within Community Commercial Zone. The following street design standards apply to the Collector which extends through the Community Commercial zone as shown on Map 18.660.B and in Figure 18.660.7 below.

**Comment [SC1]:** Clarification needed whether this collector cross section continues into residential zones across Roy Rogers Road.

**Figure 18.660.7 Cross-Section for Collector within Community Commercial Zone**



1. Design Standards for Collector within the Community Commercial Zone
  - a. Right-of-Way Width: 78 feet plus additional right-of-way as needed for slopes, retaining walls, etc.
  - b. Sidewalk: 8-foot sidewalk on both sides of the street.
  - c. Landscape Strip/Furnishing Zone and Tree Wells: 5.5 feet on both sides of the street (includes 0.5-foot curb).
  - d. Bike Facilities/On-Street Parking:
    - i. Biking Facility: 6-foot bike lane on both sides of the street.
    - ii. On-Street Parking: Optional 8 feet, as determined by the City Engineer.
  - e. Travel Lanes:
    - i. Through Lanes: One 11-foot lane in each direction
    - ii. Left-Turn Lane: Optional 11 feet where left-turns are allowed, as determined by the City Engineer.
  - f. Required Street Lighting: Intersection safety lighting, basic street lighting and pedestrian-scale lighting.
  - g. Street Crossings: All street crossings (midblock or at intersections) require curb extensions into the parking lane unless the City Engineer finds it in the public interest that curb extensions not be provided (e.g., to facilitate truck turning movements).

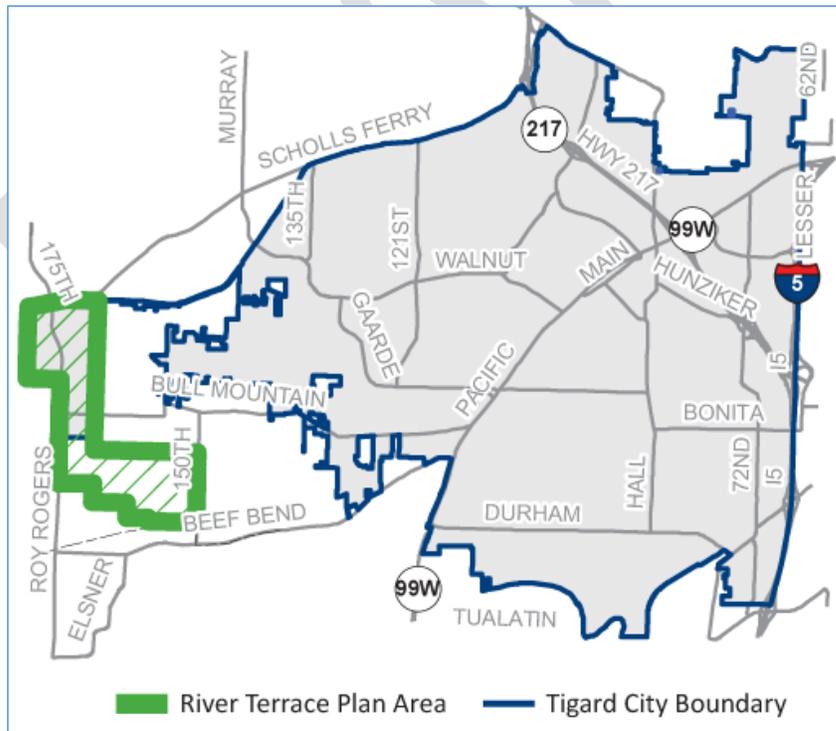
C. Arterials within River Terrace Plan District. The following street design standards apply to the Arterials within the plan district as shown on Map 18.660. [PLACEHOLDER FOR ROY ROGERS ROAD AND SCHOLLS FERRY ROAD CROSS SECTIONS]

D. Adjustments. Adjustments to the street cross-sections described in this section, such as deletion of on-street parking and associated elements or width reduction of trail right-of-way or landscape median, may be granted upon finding that such adjustments are either needed to lessen impacts on natural resources or are otherwise in the public's interest as described in the River Terrace Community Plan and River Terrace Transportation System Plan Addendum. Adjustments shall be processed by means of a Type II procedure, as governed by Section 18.390.040, using approval criteria in Subsection 18.370.020.C.9.

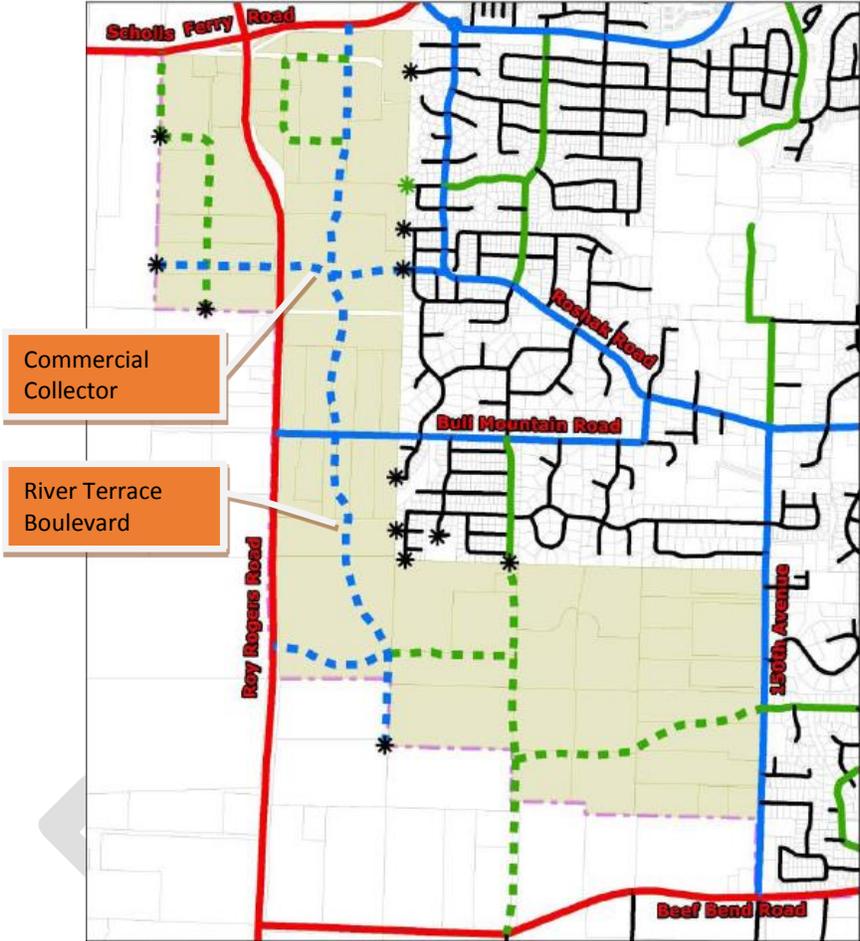
**18.660.080 Street Connectivity**

- A. Street alignment and connections. For development abutting River Terrace Boulevard, an additional exception to the requirement in 18.810.030.H for full street connections to River Terrace Boulevard with spacing of no more than 530 feet between connections is allowed where the city has identified a need to minimize the number of trail crossings and provided that bicycle and pedestrian connections on public easements or right-of-ways shall be provided with a spacing of no more than 330 feet.
- B. Block Perimeter. The perimeter of blocks formed by streets shall not exceed 1,600 feet measured along the centerline of the streets except where street location is precluded by natural topography, wetlands, significant habitat areas or bodies of water, pre-existing development, or an arterial or collector along which the city has identified a need to minimize the number of intersections.

**Map 18.660.A: River Terrace Plan District Boundary**



Map 18.660.B: River Terrace Boulevard and Commercial Collector





City of Tigard

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

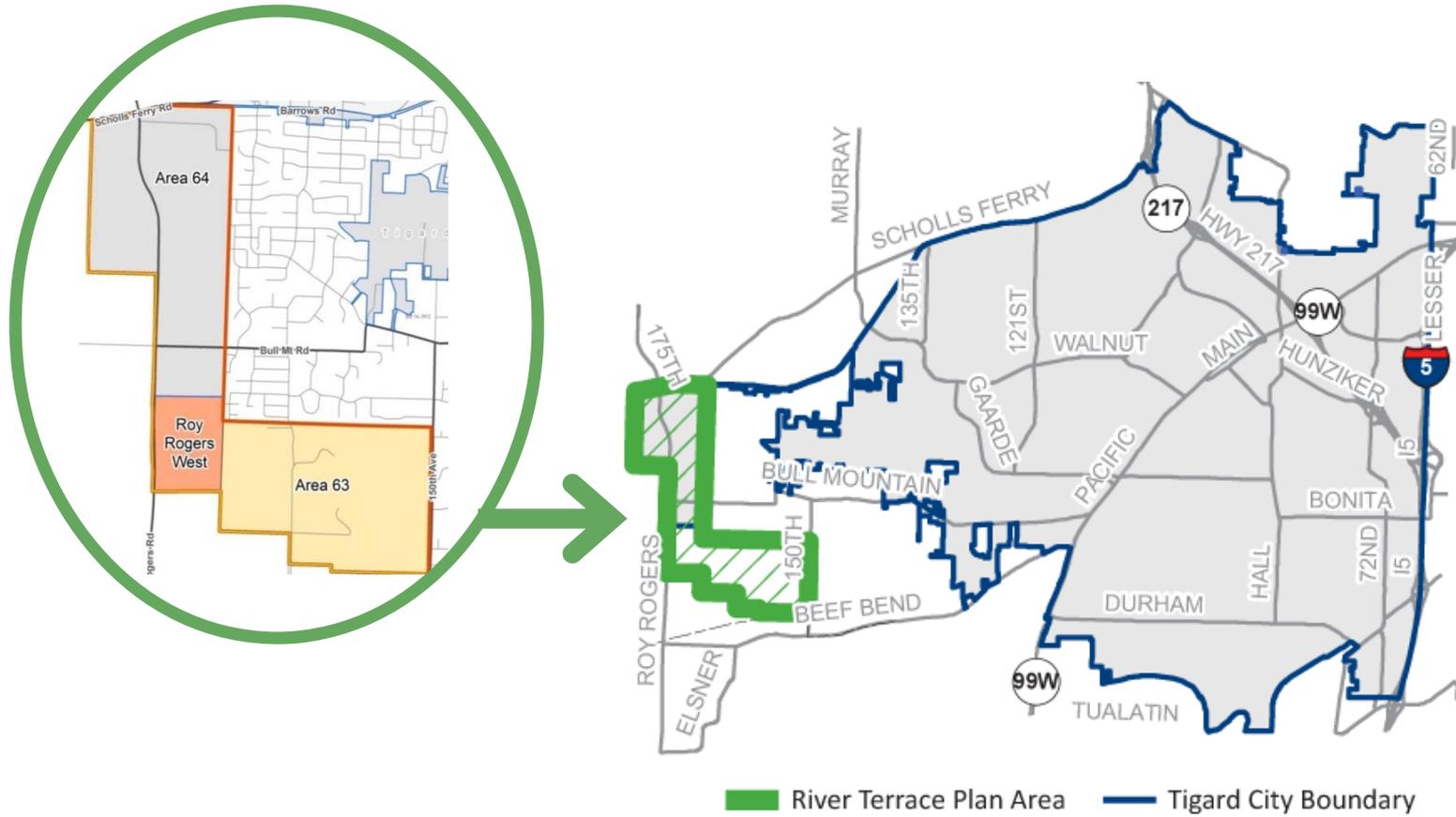
# River Terrace Community Plan Implementation

Public Hearing  
City Council

February 24, 2015



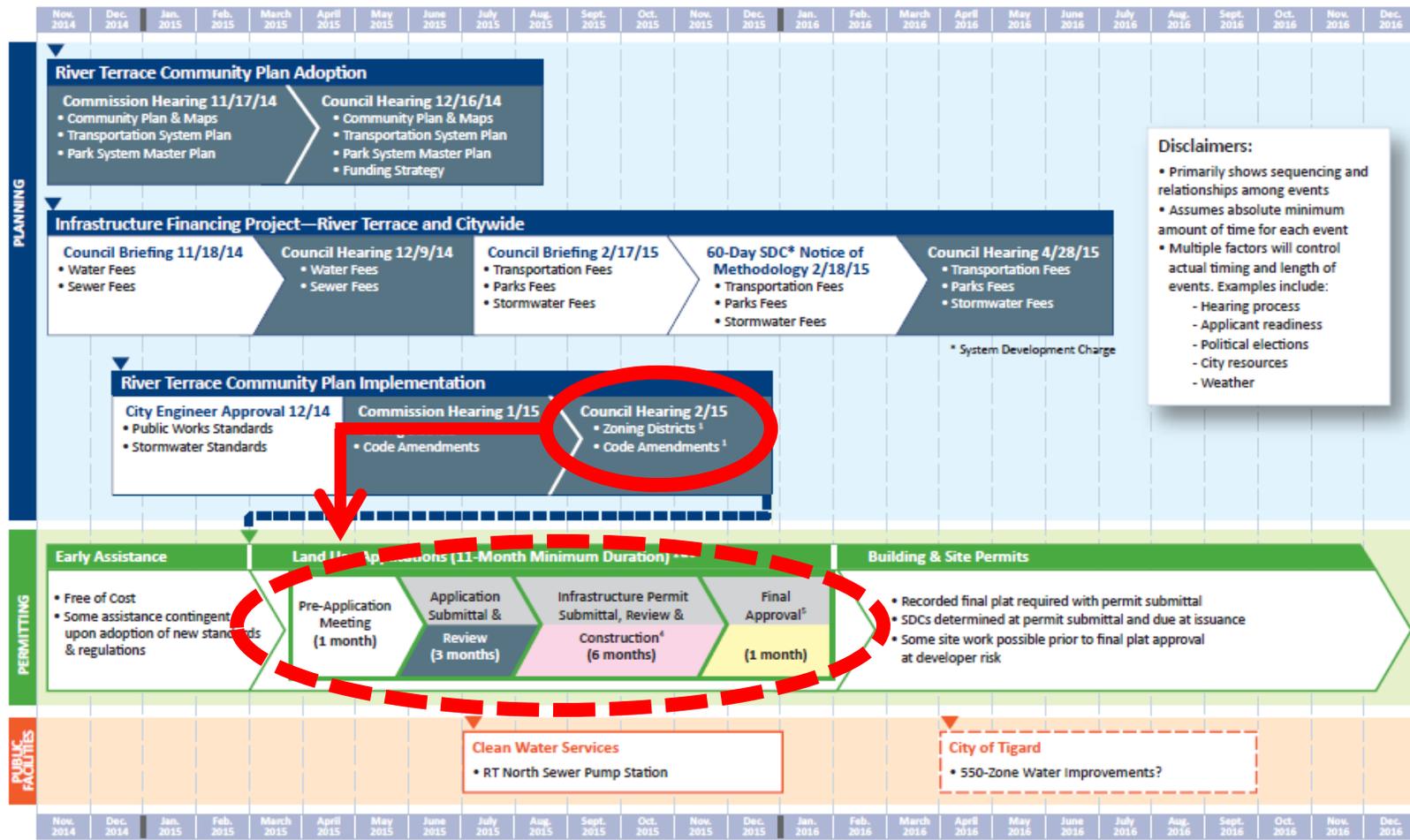
# River Terrace



# Adoption Timeline

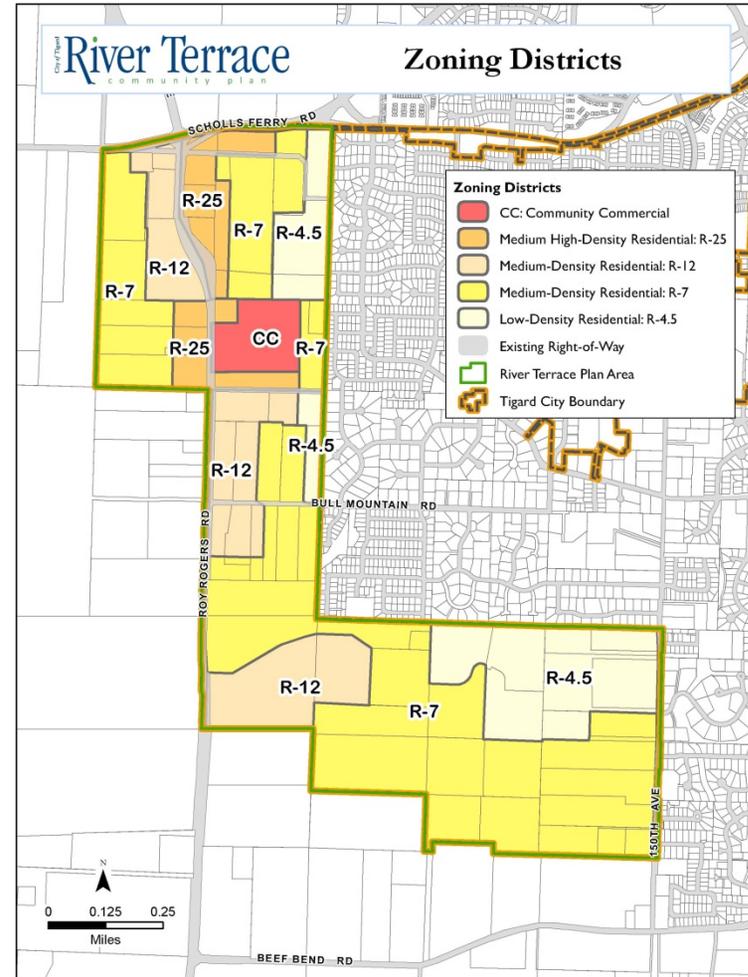
## River Terrace (RT) Adoption and Implementation Timeline

October 2014 DRAFT



## Map Amendment: **Zoning Districts**

*Adoption allows  
submittal of development  
applications.*

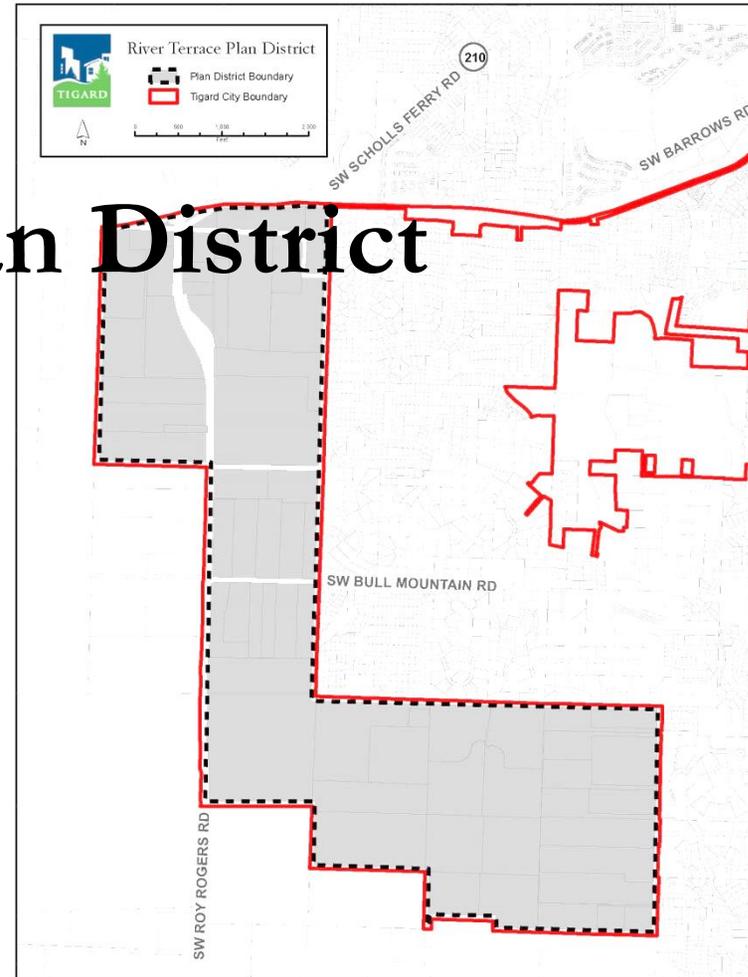


Code Amendment:

## River Terrace Plan District

*Adoption implements  
Community Plan and  
Master Plans.*

*Adoption ensures  
infrastructure is built and  
adequately funded.*



## River Terrace Plan District

- 18.660.010 Purpose
- 18.660.020 Applicability
- 18.660.030 Provision of Adequate Public Facilities**
- 18.660.040 Approval Criteria
- 18.660.050 Community Commercial Development Standards
- 18.660.060 River Terrace Blvd Development Standards**
- 18.660.070 Planned Developments**
- 18.660.080 Street Design**
- 18.660.090 Street Connectivity
- 18.660.100 On-Street Parking Standards**
- 18.660.110 Temporary Sales Offices and Model Homes**

## 18.660.030 Provision of Adequate Public Facilities

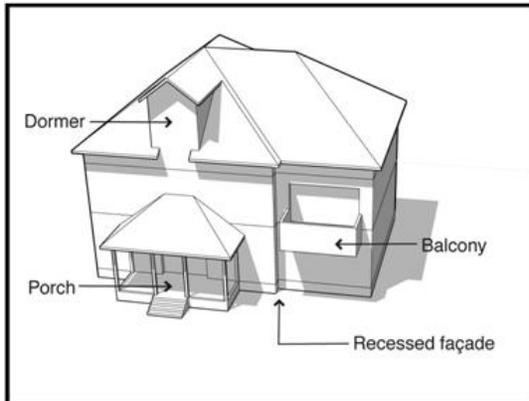
- Allows development to move forward
- Ensures that needed public facilities are built and adequately funded



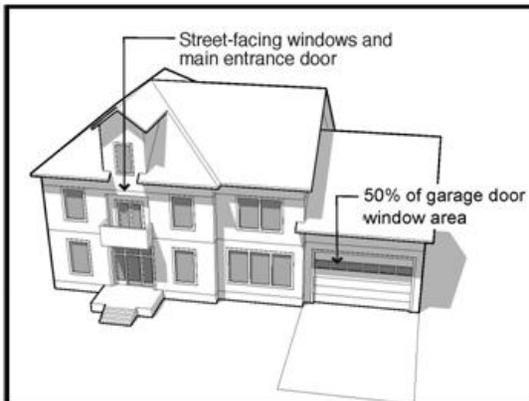
## 18.660.060 River Terrace Blvd Development Standards

- Regulates private development along the boulevard
- Allows density bonus along the boulevard



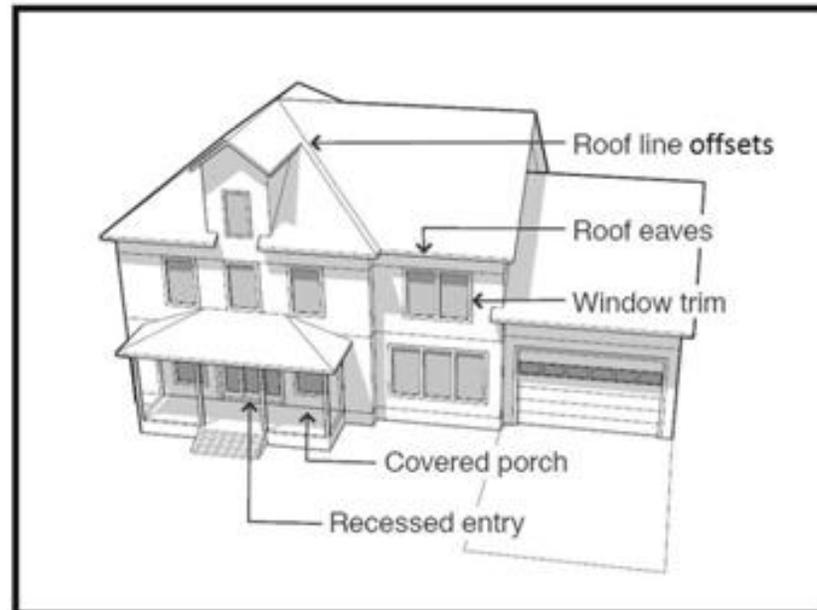


Design standards for articulation



Design standards for eyes on the street

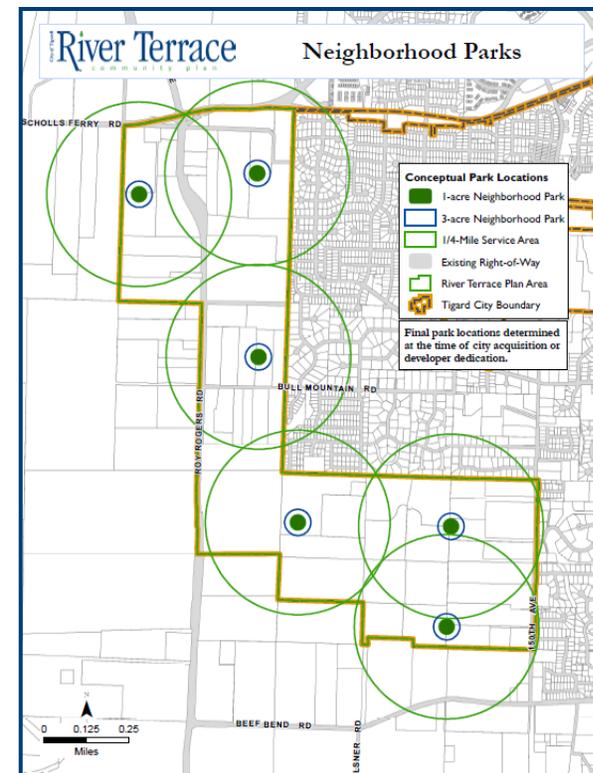
## Residential Façade Design



Design standards for detailed design

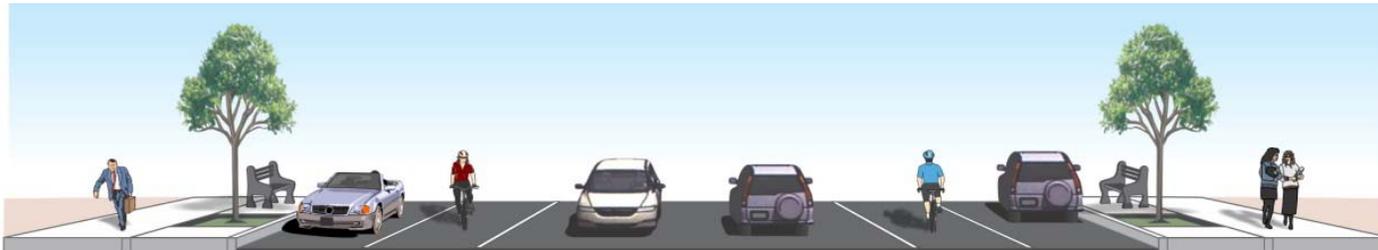
## 18.660.070 Planned Developments

- Aligns open space requirement with Park System Master Plan & city level of service
- Requires additional development enhancements per Community Plan vision
- Allows limit on rights-of-way to 20% of gross site area for density calculation purposes



## 18.660.080 Street Design

- River Terrace Blvd and Commercial Collector Cross Sections
- Private Streets, Skinny Streets, and Alleys



## 18.660.100 On-Street Parking Standards

- Clear & Objective
- Off-street Parking
- Parking Pockets

## 18.660.110 Temporary Sales Offices and Model Homes

- Allows more than 1 model home prior to final plat approval to:
  - Make the most of the real estate market cycle
  - Facilitate construction of more than one housing type
- Requires removal if final plat not recorded



## Comment Summary & Staff Response

- Metropolitan Land Group
- West Hills
- Polygon
- Tigard Tualatin School District

# Modifications

**Summary of changes from  
Planning Commission draft**

**Recommended changes to  
current draft**

City of Tigard

# Recommendation

## Zoning District Designations

Map Amendment ZON2014-00002

## River Terrace Plan District

**(with recommended changes)**

Code Amendment DCA2014-00001

### **RECOMMEND APPROVAL**

Planning Commission

Stakeholder Working Group

Project Team

City of Tigard

# Conclusion

**Thank You**

**QUESTIONS?**

# River Terrace Park Recommendations

Park Type	Park Need	Recommendation
Community	19.25 acres (3 acres/1000)	<b>19.25 acres</b> minimum (Locations and exact sizes TBD)
Neighborhood	9.62 acres (1.5 acres/1000)	<b>9.62 acres</b> minimum (Locations and exact sizes TBD)
Tot Lot/Pocket	No Standard	May be provided by development
Linear	8.02 acres (1.25 acres/1000)	<b>8.02 acres</b> minimum (Locations and exact sizes TBD)
Trail	1.67 miles (0.26 miles/1000)	<b>3.01 miles</b> proposed
Open Space	27.26 acres (4.25 acres/1000)	<b>65 acres</b> under natural resource protection
Core Standard	65.82 acres (10 acres/1000)	<b>101.89 acres</b>



# Potential Site Design