



City of Tigard
Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME: March 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

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

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TIGARD CITY COUNCIL AND CITY CENTER DEVELOPMENT AGENCY

MEETING DATE AND TIME: March 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

6:30 PM

- STUDY SESSION

- A. COUNCIL LIAISON REPORTS

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

7:30 PM

- 1. BUSINESS MEETING

- A. Call to Order

- B. Roll Call

- C. Pledge of Allegiance

- D. 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. Citizen Communication – Sign Up Sheet

- 3. CONSENT AGENDA: 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 27, 2015
- February 10, 2015
- February 17, 2015
- February 24, 2015

B. ADOPT A RESOLUTION OF NECESSITY TO ACQUIRE PROPERTY FOR THE WALNUT STREET IMPROVEMENT PROJECT

C. ADOPT A RESOLUTION SUPPORTING AN OREGON PARKS AND RECREATION LOCAL GOVERNMENT GRANT APPLICATION

• *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. ADOPT A RESOLUTION SUPPORTING THE METRO REGIONAL GOVERNMENT'S ESTABLISHMENT OF POLICY DIRECTION TO CREATE A REGIONAL SAFE ROUTES TO SCHOOL PROGRAM - **7:45 p.m. estimated time**
5. LEGISLATIVE PUBLIC HEARING: APPROVING DEVELOPMENT CODE AMENDMENTS PERTAINING TO PUBLIC TRAILS, ELECTRONIC SIGNS AND UTILITY CABINETS - **7:50 p.m. estimated time**
6. LEGISLATIVE PUBLIC HEARING: APPROVING A POST ACKNOWLEDGEMENT PLAN AMENDMENT TO TIGARD'S ECONOMIC OPPORTUNITIES ANALYSIS - **8:25 p.m. estimated time**
7. APPROVE A RESOLUTION GRANTING FIVE NON-PROFIT LOW INCOME HOUSING PROPERTIES EXEMPTION FROM PROPERTY TAXES UNDER TMC 3.50 - **8:45 p.m. estimated time**
8. NON AGENDA ITEMS

CITY CENTER DEVELOPMENT AGENCY

9. EXECUTIVE SESSION: The Tigard City Center Development Agency will go into Executive Session to discuss real property transaction negotiations under ORS 192.660(2)(e). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. - **9:00 p.m. estimated time**
10. ADJOURNMENT - **9:30 p.m. estimated time**

AIS-2194

3. A.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Norma Alley, City Management

Item Type: Motion Requested

Meeting Type: Consent
Agenda

Public Hearing: No

Publication Date:

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 27, 2015
- February 10, 2015
- February 17, 2015
- February 24, 2015

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

[January 27, 2015 Draft Minutes](#)

[February 10, 2015 Draft Minutes](#)

[February 17, 2015 Draft Minutes](#)

[Placeholder for February 24, 2015 Draft Minutes](#)



City of Tigard

Tigard City Council Meeting Minutes

January 27, 2015

STUDY SESSION

Council Present: Mayor Cook, Councilor Henderson, Councilor Woodard, Councilor Goodhouse and Council President Snider

Staff Present: City Manager Wine, Assistant City Manager Newton, Public Works Director Rager, Finance and Information Services Director LaFrance, Streets and Transportation Project Engineer McCarthy, Public Contracts Manager Barrett, City Attorney Ramis and City Recorder Krager.

A. COUNCIL LIAISON REPORTS

- Mayor Cook briefly reported on the Mayors conference in Washington DC and the importance of face to face meetings between local officials and federal agency representatives. He will give a more detailed report on the conference at another time. He reported on the SW Corridor Steering Committee Subgroup monthly meeting. He distributed a handout, which has been added to the packet for this meeting, showing the schedule for the next two years. Preferred alternative decisions will be made this year, including whether or not to build tunnels, whether to connect to Portland Community College and what the transit mode should be. Receiving public feedback is important in the next few months. Mayor Cook said council will be holding discussions with the community and format options include 5x1x10 meetings or a town hall. Council President Snider and Councilor Woodard said they preferred the 5x1x10 meeting format. Tigard input will be sought on the Tigard Triangle couplet, how transit might reach downtown, Ash Avenue, Hall Boulevard. Talking points for Tigard include what the city wants out of this and what it can do without. City Manager Wine added that Metro and city public engagement will run through July so it can be completed in August.
- Councilor Henderson said he spent 40 hours reviewing and judging the Community Development Block Grant (CDBG) applications. There was \$1.4 million available in HOME funds and \$1.6 million for facility services. \$3 million was un-appropriated. Results will be announced in 30 days. Council expressed appreciation for his efforts.
- Councilor Woodard reported on the PRAB goal-setting meeting. He asked about the \$1.3 million for the downtown plaza and requested a report from staff so PRAB is aware of what is available. Redevelopment Project Manager showed some images of proposed

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redevelopment in the southern end of Main Street. PRAB asked about the bond dollars for the public space in that area and the group and said they want to be involved. City Manager Wine said there would be an executive session on this redevelopment soon. Councilor Woodard said CCAC member Paul Miller was present. Suggestions from PRAB were to invite baseball and sports organizations to give their input. They may want to use the chalkboard as a straw poll regarding parks and recreation. On February 19 there will be a dedication of the Rotary fitness equipment installed in Dirksen Park. Neal Brown attended the PRAB meeting and thanked the city for removing the structure in Bull Mountain Park. Councilor Woodard mentioned that Bill Peterson of Eagle Home Mortgage located on Hunziker has 60 employees that are very supportive of the city having a fitness/recreation facility. Their nearby fitness center closed. He said there are many area employees that would enjoy a recreation facility.

- Councilor Henderson mentioned the Washington County Homeless Program and said each day there are 1,400 homeless people in the county. He noted the county received a large grant to help solve this.
- Councilor Goodhouse said he attended the League of Oregon Cities training for newly elected officials. He also met with Community Development Director Asher and Redevelopment Project Manager Farrelly on the downtown urban renewal area. He is going to tour the Lake Oswego-Tigard Water Partnership sites with City Manager Wine and is also planning a police ride-along and tours of city facilities with other departments.

B. DISCUSSION ON THE STREET MAINTENANCE FEE

Finance and Information Services Director LaFrance introduced the street maintenance fee discussion. He said the last time this was reviewed in depth was five years ago.

Assistant City Manager Newton summarized information received from two surveys on street maintenance fees, one sent to businesses and one for residents. Highlights of the surveys:

- Both groups are willing to pay more to maintain current conditions.
- Forty percent in each group have noticed no change in pavement condition.
- Fifty percent of residents believe businesses should help fund right-of-way maintenance.
- Thirty-seven percent feel businesses should help fund right of way but only in commercial areas.
- Seventy-two percent of businesses support keeping the current fee split.
- Sixty percent of residents think businesses should pay more

Mayor Cook commented that people still think some county or ODOT streets belong to the city. He suggested listing some county streets commonly considered city streets (Hall Boulevard, 99W) in the next survey.

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Councilor Henderson asked if 50-60 people is a large enough sample. Assistant City Manager Newton said she would always like more. She said over 80 businesses responded but more could be done to increase the number of residents responding. She said they only had 30 residents complete the survey so they put some information in the Cityscape and through social media and got 40 more.

Finance and Information Services Director LaFrance said staff is looking for direction from council on any changes to the street maintenance fee or the pavement management program. From prior discussions five policy questions were developed. He said they would not go through the background on each but he wanted to let council know what staff is recommending and have a discussion. There will be follow up meetings in workshops or another study session before recommendations will go before council. Mayor Cook said he told the business group that the city would come back to them once policy was developed but before it is enacted.

Councilor Woodard commented that the caps should be higher for large businesses. Council President Snider said he agreed and did not understand why there was a cap if the city is attempting to be equitable. Councilor Woodard said the amount of traffic generated by big box stores is huge and the car traffic is not generated by small businesses, which are struggling. He said the residential amount could be reduced somewhat if big retail stores paid more.

Mayor Cook asked staff to explain how much revenue would be generated if the cap on large businesses was removed. Engineer McCarthy said there are 29 non-residential users currently capped. If it was removed the city would receive \$93,000 more. If the cap was raised to 325 the difference would be \$30,000 more collected. Mayor Cook said \$80,000 in the scheme of \$2 million is not that much.

Councilor Henderson gave some history on the parking space caps. He said the grocery association fought it and said they would do things that council found not worth the fight. He said they did arrive at an agreement that stopped the discord but if the city goes to a no cap policy now the ensuing lawsuits will keep our attorneys very busy.

Council President Snider said if the true goal is equity, which is the whole purpose of the trip generation methodology, and we have a strong culture in the city of charging people for their fair share of use, he did not know how it makes sense to have a cap. Councilor Woodard said he looks at all the traffic generated by the large retail businesses. He said he is willing to raise the cap and look again at the footprint to define what is large and what is small. Council President Snider said he will be ready to explain to the grocers how council is not willing to have Tigard residents carry more of the burden. Councilor Goodhouse noted that most residents in Tigard try not to use the major roads; they avoid Hall Boulevard or 99W and take back streets through neighborhoods. Customers are not only using major roads to reach them; they are going through side streets and neighborhoods.

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Finance and Information Services Director LaFrance read through the five policy discussion points:

1. Should the SMF be set with a goal to improve, hold, or downgrade the Pavement Condition Index (PCI)? Finance and Information Services Director LaFrance said the street maintenance fee gets impacted by the PCI goal. Staff recommends increasing the street maintenance fee and setting a ten-year goal to get rid of the backlog, raising the PCI from 70 to 82. This would require a 50 percent increase in the street maintenance fee.

Engineer McCarthy said when council last looked at this in the fall of 2009 they initially passed a fee level that would have raised the index over time and fully address the backlog. Due to objections from grocers and others, a compromise was chosen to barely hold the line and to prevent it from getting worse. The PCI has risen from 67 to 70 but there is now a backlog of 22 miles, or 15 percent of city streets. In response to a question from Councilor Woodard on what it would cost to take care of the backlog, Engineer McCarthy said it would be around \$11 million today. Councilor Goodhouse asked if after ten years, the increase would remain. Council President Snider said what the city is attempting to do is lower the overall maintenance cost per mile. He said the amount should level out or decrease.

Mayor Cook asked what portion of the backlog is commercial versus residential. Engineer McCarthy replied that it was two-thirds to three-quarters residential, although there are several commercial cul-de-sacs in bad shape. Councilor Henderson said Sherwood and Tualatin say they can maintain their streets at a higher level for less money in the long term. Engineer McCarthy said if the city had been able to reach the 82 PCI, the cost would have been lower than maintaining a 70 PCI. He said the index will go down because some of the paving money is being used on sidewalks.

Engineer McCarthy said the city is required by law to make curb cuts when paving and this cost varies between 10 to 25 percent of the program. He said staff estimates that the city will “just be able to hold our heads above water,” with this unfunded mandate. The cost to keep pavement at the same level is \$1.6 million but with the added requirement for ramps the current budget just holds level. Councilor Henderson commented it appeared to him that the city is making \$2 million but only spending \$1.6 million. Engineer McCarthy said \$1.8 million was spent last year.

Mayor Cook, Council President Snider and Councilor Woodard agreed that it was desirable to get rid of the backlog. Weather affects the rate of damage to roads and the biggest unknown is the cost of asphalt. He said the city has been able to chip away at the backlog but will not be able to do as much due to the curb cut requirement.

2. Funding right-of-way maintenance - Mr. LaFrance said \$100,000 from residential customers pays for right-of-way maintenance. Staff is recommending a \$50,000 increase to the commercial SMF to be used only for commercial right-of-way maintenance. Public Works Director Rager said another consideration for council is to change the code to allow the SMF to be used for right-of-way maintenance on non-city streets, such as Highway 99W. He said this was based on council’s desire for more beautification along that corridor. He said what little is being done now is coming out of

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the city's operations budget. Councilor Woodard asked if the street maintenance fund could be redefined to include a median maintenance amount to come from the tree mitigation fund.

3. Required curb ramps. Mr. LaFrance said the curb ramps will be discussed later.

4. The source of the SMF is about one-third commercial and two-thirds residential. Is this fair and adequate? The share of one-third commercial and two-thirds residential comes from the Tigard Municipal Code. Council President Snider asked how this ties to actual trip generation and equity. Engineer McCarthy said trip generation is higher on the commercial side. Mayor Cook estimated that is actually more like 55 percent commercial and 45 percent residential. Councilor Woodard said big retail is responsible for bringing in a lot of traffic. Council President Snider suggested adding a surcharge for those stores with more parking spaces. He said Tigard has to capture the revenue from those coming into the city to the large retailers. Councilor Woodard said there needs to be a definition between small and large businesses.

Councilor Henderson cautioned that raising the business rate will cause it to be passed along to customers.

Mr. LaFrance said the staff recommendation gets to this as it suggests that the percentages of the roads do not change but what does is the targeted increase on business for ROW and raising the cap. President Snider said it is not enough and it should be looked at from the perspective of aligning more closely with the 45-55 percentages by figuring out a structure to charge larger businesses. Councilor Goodhouse said some small businesses create no traffic but others do.

5. Should required parking (as a proxy for trip generation) remain the means of distributing the commercial share of the PMP program to businesses? Should the cap on maximum parking spaces remain? Mr. LaFrance said this has already been discussed. Mayor Cook requested that the chart be sent to council in the Thursday packet.

EXECUTIVE SESSION: At 7:24 p.m. Mayor Cook announced that the Tigard City Council would enter into an executive session to consult with legal counsel concerning exempt public records, under ORS 192.660(2) (f). The executive session ended at 7:41 p.m.



1. BUSINESS MEETING – 

A. At 7:43 p.m. Mayor Cook called the Tigard City Council and Local Contract Review Board to order.

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B. Mayor Cook asked City Recorder Krager to call the roll.

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

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

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

2. CITIZEN COMMUNICATION

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

B. Citizen Communication

James Castle, 14010 SW Karley Court, Tigard, OR 97223, wants the city to move a deer crossing sign on Ascension Drive down the street to the next lamp post because the deer cross at a point before the posted sign. The address of the current deer crossing sign is 13107 SW Ascension Drive and he recommends it be moved to 13043 SW Ascension Drive. This is closer to where the deer actually cross daily and drivers would get more warning. There has already been a deer killed by a vehicle. Mayor Cook said he might suggest adding another sign in case the deer change their pattern. City Manager Wine said she will pass along this information to the Public Works Department for action.

3. CONSENT AGENDA: (Tigard City Council)

Motion to:

A. Approve City Council Minutes:

- October 28, 2014
- November 25, 2014
- December 16, 2014

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Councilor Woodard moved for approval of the Consent Agenda. Council President Snider seconded the motion. The motion passed unanimously.

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

4. INFORMATIONAL PUBLIC HEARING - ESTABLISH A 10-YEAR FRANCHISE AGREEMENT WITH ASTOUND BROADBAND LLC

- a. Mayor Cook announced the public hearing title.
- b. Hearing Procedures: Mayor Cook said this is an informational public hearing in which any person shall be given the opportunity to testify.
- c.  Staff Report – Assistant to the City Manager Mills said the council will consider a franchise for Astound Broadband LLC tonight. She gave the background on Astound and their negotiations with the city. Astound approached Tigard and discussions began in 2013. They requested a phased-in payment approach but that was rejected by staff because the Tigard Municipal Code is clear on franchise fee payment requirements. At the same time, the city was exploring a capital improvement plan for replacement of its outdated communications cable. The fiber system running between city buildings is old and at capacity and will need to be replaced in two to three years. A quote for the work from Astound was \$30,000 for fiber replacement. Because the city needed its fiber replaced and expanded for future needs, and Astound desired a reduction in their franchise fee, which the city could not grant, staff negotiated with Astound for a \$30,000 credit towards their franchise fee if they would install dark fiber cable for use by city facilities. The City of Tigard will receive a full payment in the form of construction services. Ms. Mills said this does not give Astound a competitive edge over other utility companies in the area. The fiber connects city buildings for city use and is not out in the right of way for general use.

The ordinance is effective once negotiations are successfully completed and the dark fiber agreement form is signed by the city manager. Installation of the city’s dark fiber will be completed by the end of 2015. She said Mr. Fred Miller from Astound is present and can answer any questions.

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 d. Public Testimony:

Councilor Woodard asked if after the \$30,000 upgrade to the city's fiber and ten years pass would the payment be back in the form of franchise fees. Assistant to the City Manager Mills said it is possible that enough franchise fees would be owed before the ten years are reached.

Proponents – No one signed up to speak.

Opponents – No one signed up to speak.

Response to testimony by staff – None

- e. Staff Recommendation – Assistant to the City Manager Mills said staff recommends approval of the ordinance. Mayor Cook would execute the agreement once the dark fiber agreement is signed by City Manager Wine.

 In response to a question from Council President Snider about what dark fiber is, Fred Miller from Wave Broadband (purchaser of Astound) explained that it is a new cable bundle that will be installed, tested and then left. He said they will know it meets telecom standards and capable of meeting the needs IT staff identified. They will leave it in that condition and that is why it is called dark fiber.

Councilor Henderson asked who the current internet provider to the city is. Assistant to the City Manager Mills said there are various internet providers throughout the city. She said Astound is not providing cable TV service. She said the Metropolitan Area Communications Commission manages those services. Councilor Henderson asked if this would basically install a trunk line on city property to connect library, police and the rest of the city offices so our computers can be run between city buildings. Any service (Comcast or Frontier, for example) could be brought in through the dark fiber. CPH Astound is in this community anyway. Councilor Henderson asked if Astound is doing business in the Tigard community and Mr. Miller said to do that they need a franchise agreement. They currently have contracts with a variety of cell carriers and they need the franchise agreement to grow in this area.

- f. Council Discussion - none
- g. Mayor Cook closed the public hearing.
- h. Council Consideration: Ordinance No. 15-01

Councilor Woodard moved for approval of Ordinance No. 15-01. Council President Snider seconded the motion. Mayor Cook asked if there was any further discussion and there was none. City Recorder Krager read the number and title of the ordinance.

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ORDINANCE NO. 15-01 – AN ORDINANCE GRANTING A NON-EXCLUSIVE FRANCHISE WITH ASTOUND BROADBAND, LLC PURSUANT TO TMC 15.06.060 AND DECLARING AN EFFECTIVE DATE

A roll call vote was taken by City Recorder Krager.

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

Mayor Cook announced that Ordinance No. 15-01 passed unanimously.

5. INFORMATIONAL PUBLIC HEARING: FY 2015 SECOND QUARTER SUPPLEMENTAL AMENDMENT

- a.  Mayor Cook opened the Public Hearing.
- b. Mayor Cook announced that this is an Informational Public Hearing and any person wishing to comment on this matter shall be given the opportunity.
- c.  Staff Report: Finance and Information Services Director LaFrance gave the staff report and said there was an in-depth discussion on the second quarter supplemental last week during the joint meeting with the Budget Committee. The total impact of this supplemental will increase the budget by \$3.1 million, mostly coming with revenue or contingency funds. He said two items are a rarity because the city is using its reserves. One is the \$300,000 to help with city facilities planning and this money has been saved over the years for this purpose. In addition, the Tigard Transportation Advisory Committee (TTAC) recommended using \$1.1 million this year to make up the increase in bid costs for the ODOT McDonald/Gaarde/99W intersection project. This will come from the gas tax fund.
- d. Public Testimony. No one signed up to speak.
- e. Council questions. In response to a question from Councilor Woodard, Finance and Information Services Director LaFrance said Exhibit C shows how each fund is changing and page 1 has the summary across all city funds. Councilor Woodard asked where the expenditures are listed. Mr. LaFrance said they are not listed in the summary and he can

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return to that format in the future. Councilor Woodard agreed that additional information would be helpful.

Mayor Cook asked about the police officer sent to TriMet and whether that position is now coming back. Mr. LaFrance said that was not the case; Metro has been paying the city for a police officer but that revenue is going away. Since the revenue is going away so does that FTE. A vacancy exists in the Police Department so no one will lose their job. The officer that had been working for TriMet will move into that position and will patrol in Tigard.

Councilor Goodhouse asked for clarification on whether or not money identified for the SW Corridor DEIS has to go to the voters because of recent ballot measures. Mr. LaFrance said it does not. In the adopted budget there is specifically contingency set aside for the first year of the preferred alternatives analysis study. At the time the budget was adopted council was still deciding how it was going to address this so instead of putting it directly into the operating budget it was decided to put it into contingency until the city made a decision.

 Mayor Cook asked City Attorney Ramis to explain why or why not the city would be required to go to a vote of the people before spending money on the SW Corridor. City Attorney Ramis replied that the charter requirement does not simply address spending money. It has to do with constructing; at this point we are not constructing anything. He said the city is moving ahead with planning and that is permitted. He said the other charter amendment says the city has to go to a vote of the people before imposing charges and fees related to it and that is not being done here either.

Councilor Henderson asked what is remaining in the general fund contingency. Mr. LaFrance said this is addressed in Exhibit C on Page 2. The remaining contingency would be \$905,777 if this supplemental is approved.

- f. Staff Recommendation - Finance and Information Services Director LaFrance said staff recommends adoption of the supplemental budget amendment to the 2015 budget.
- g. Mayor Cook closed the Public Hearing.
- h. Council Discussion and Consideration: Resolution No. 15-03

Council President Snider moved for adoption of Resolution No. 15-03. Councilor Woodard seconded the motion. City Recorder Krager read the number and title of the resolution.

RESOLUTION NO. 15-03 – A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO FY 2015 TO ACHIEVE THE FOLLOWING/ RECOGNITION OF GRANT REVENUES AND EXPENSES/ ALONG WITH BUDGET ADJUSTMENTS IN PUBLIC WORKS, COMMUNITY DEVELOPMENT, COMMUNITY SERVICES, FINANCE AND INFORMATION SERVICES, AND THE CAPITAL IMPROVEMENT PROGRAM

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

Mayor Cook announced the Resolution No. 15-03 passed unanimously.

8. CONSIDER AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE (TVF&R) FIRE CODE ORDINANCE NO. 14-01

 Building Official Van Domelen said this ordinance will look familiar to all council but Councilor Goodhouse because a very similar ordinance comes to council for approval every three years. He said adoption of this ordinance is necessary because the State of Oregon has decided to do from a three-year cycle to a six-year cycle for the building, plumbing, fire and other codes. Language referring to the three-year cycle existed in the Tualatin Valley Fire & Rescue (TVF&R) fire code necessitating these modifications. TVF&R adopted these changes in their fire code Ordinance No. 14-01. Tigard adopts TVF&R’s fire code so council needs to consider adoption of this ordinance.

In response to a question from Councilor Woodard, Building Official Van Domelen said there may be mid-term amendments to the code during the six-year cycle but the state will save money by going to a longer cycle.

Councilor Henderson asked about the exempt status. He noted that unless a fire agency adopts exempt status, the state becomes the locality’s fire department. Mr. Van Domelen said TVF&R had to adopt exempt status through the State Fire Marshall in order to be an independent entity that meets the standards of the fire code. Councilor Henderson asked if any other state fire code trumped the state fire code. Mr. Van Domelen said no, it is the state fire code with one minor amendment specific to TVF&R related to monitoring alarm systems. He noted the state adopts the International Fire Code and amends it into the Oregon Fire Code.

Councilor Henderson moved for approval of Ordinance No. 15-02. Councilor Goodhouse seconded the motion. City Recorder Krager read the number and title of the ordinance.

ORDINANCE NO. 15-02 – AN ORDINANCE ADOPTING TUALATIN VALLEY FIRE & RESCUE ORDINANCE NO. 14-02 ADOPTING THE 2014 OREGON FIRE CODE AND REPEALING CITY OF TIGARD ORDINANCE NO. 14-10

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A roll call vote was taken by the City Recorder and Mayor Cook announced that Ordinance No. 15-02 was adopted unanimously.

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

7. TRANSFER THREE CITY-OWNED PROPERTIES TO THE CITY CENTER DEVELOPMENT AGENCY

 Redevelopment Project Manager Farrelly presented the staff report on this item which transfers three city-owned contiguous properties on the corner of Burnham Street and Ash Avenue to the City Center Development Agency (CCDA). He said for the benefit of the audience that the CCDA is the city's urban renewal agency and is a separate legal entity from the council so formal council action is required to transfer the property.

Mr. Farrelly said Tigard's Municipal Code Chapter 3.44 allows the transfer of city property to a city urban renewal agency under three conditions supported by findings.

- The first finding is that Goal 5 of the City Center Urban Renewal Plan is to promote high-quality development of retail, office and residential development that supports public investments being made in the district. The CCDA intends to induce redevelopment on these parcels to bring new residents downtown, to promote revitalization and increased property tax revenue. This transfer will further the objectives of the adopted Urban Renewal Plan.
- The second finding is that transfer to the CCDA will further the public interest as it will enable private sector development, promote an economically viable downtown and residential housing opportunities near transit. It will increase property tax revenues by over \$1 million over ten years which would benefit all city residents.
- The third finding is that the city has authority under ORS 271.310 to dispose of real property when the public interest would be furthered.

Staff recommends approval of the resolution to transfer the three city-owned, contiguous properties to the CCDA.

Councilor Henderson asked if the property is later sold for a profit, would that money go into the CCDA budget. City Manager Wine said that would depend on the terms and the rules of the urban renewal agency and she will check on this question and report to council.

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Council President Snider said he was supportive of this transfer as council has held prior discussions when making the code changes to allow this. Councilor Woodard expressed support and said there will be huge benefits realized.

Councilor Goodhouse moved for approval of Resolution No. 15-04. Council President Snider seconded the motion.

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

RESOLUTION NO. 15-04 – A RESOLUTION TRANSFERRING OWNERSHIP OF THREE CITY-OWNED CONTIGUOUS PARCELS (TAX LOTS 2S101AD02800, 2S102AD02900, AND 2S102AD03000) TO THE TIGARD CITY CENTER DEVELOPMENT AGENCY

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

Mayor Cook announced that Resolution 15-04 passed unanimously.

8. BRIEFING ON AN IGA WITH METRO FOR PLANNING AND PUBLIC INVOLVEMENT RELATED TO THE SOUTHWEST CORRIDOR PLAN

 Associate Transportation Planner Bernard said the SW Corridor Plan is a regional planning effort considering a suite of transportation and other improvements to serve the SW quadrant of the metropolitan region including roadway, pedestrian, and bicycle, transit and parks and natural area amenities. The planning schedule includes public outreach events in Tigard beginning in April, a recommendation by the steering committee of elected officials and agency representatives on a preferred alternative high-capacity transit design with complementary multi-modal projects, this December. A potential ballot measure to approve high-capacity transit investments could be presented to voters in the 2016 general election. The SW Corridor planning effort is consistent with Tigard’s strategic plan vision and the adopted Tigard HCT land use plan.

Mr. Bernard said the IGA is with Metro for Phase II of the planning and public involvement work related to the SW Corridor Plan. A resolution approving the IGA and authorizing the city manager to sign it has been placed on the February 10, 2015, consent agenda. If council has questions that are not fully addressed, council could remove the IGA approval from the consent agenda for further discussion.

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Phase II includes refining HCT design options and complementary roadway, bicycle and pedestrian, parks and natural area projects leading to the selection of the locally preferred alternative. A required Draft Environmental Impact Statement (DEIS) will be produced that will evaluate the property, cultural and environmental impacts of the locally preferred alternative.

The steering committee guiding this plan accepted staff recommendations to pursue a shared investment strategy in 2013 to fund HCT improvements and complementary multi-modal projects articulated in the locally approved preferred alternative, narrow the set of HCT design options being considered in June 2014, and delayed the DEIS process until a locally preferred alternative is selected.

 Funding for this planning work is being shared with other SW Corridor Regional partners – Metro, Washington County, Portland and Tualatin. Tigard’s share is \$375,000 of which \$185,000 is authorized in the second quarter amendment budget item on tonight’s agenda. The remaining \$190,000 would need to be included in the FY 2015-16 budget and would be due to Metro on or before July 15 2015, if approved.

 Mayor Cook said this IGA saying we are going forward with the planning process and states that the SW Corridor Committee agreed that a local alternative should be decided prior to sending it directly through the DEIS. This IGA says we are willing to share in the locally preferred alternatives. Council considered the funding part earlier in this meeting and now is discussing the IGA to continue moving forward in the process.

Councilor Woodard said it is balanced, with Metro paying for the second phase where the details and projects will be identified. He referred to Tigard’s urban renewal plan Goal 3 and said there is an opportunity to consider circulation and connectivity and negotiate for projects that we need in the best public interest. He said the city has an opportunity to tell our story and do outreach to the community to find out what our citizens want.

City Manager Wine said the IGA could be placed on the February 10, 2015, consent agenda or if council was comfortable with it now it could be approved this evening. Councilor Goodhouse requested that it be held over to the consent agenda of February 10.

Mayor Cook convened the Local Contract Review Board (LCRB) for the following agenda item.

9. LOCAL CONTRACT REVIEW BOARD – BROWNFIELDS CONTRACT DISCUSSION

 Public Contracts Manager Barrett discussed an upcoming contract for brownfields work. He said two assessment grants were awarded from the Environmental Protection Agency, \$200,000 for hazardous substance contamination and \$200,000 for petroleum contamination. This grant builds upon the city’s 2013 \$25,000 grant from Business Oregon’s Brownfield Redevelopment Fund which funded an inventory of brownfields in downtown Tigard. He said brownfield

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redevelopment is necessary for Tigard to become a more livable, walkable and economically resilient community with fewer environmental and health risks. The city will focus these resources on its 193-acre downtown urban renewal district, vertical housing zone and sites in Tigard's approximately 1,100 acres of employment land.

 Mr. Barrett said the scope of work under the contract is for professional environmental services to manage the initiative, comply with and coordinate public involvement, oversee and administer site inventory and characterization. Main tasks include project management, reporting, community engagement, site inventory, site characterization and clean up planning. The city issued an RFP and five firms submitted proposals. Two were selected for a final round of interviews and staff recommends awarding the contract to AMEC Environment and Infrastructure.

Public Contracts Manager Barrett said with council approval staff will bring the contract back for approval on a consent agenda in February.

In response to a question from Board Member Henderson, Redevelopment Project Manager Farrelly said staff has the ability to bill against the grant and has already for activities related to the Saxony property in the amount of \$34,000. Board Member Henderson asked if he was saying the contract is not for \$400,000, but for a lesser amount. Mr. Barrett said it will be \$310,000. Redevelopment Project Manager Farrelly said some of the grant will go towards his time, DEQ reimbursement, supplies, and required training. These are required as part of the grant.

Board Member Henderson asked if AMEC would be presenting information to the city council. Redevelopment Project Manager Farrelly said there will be a public involvement plan addressing engagement with property owners and information sharing with council. Board Member Henderson said he would like to be kept informed on this as much as possible. Board Member Woodard asked if there was flexibility in using the dollars between the two \$200,000 "buckets," and Redevelopment Project Manager Farrelly said there was not. Board Member Henderson asked if this would be funneled through the general fund or CCDA budget. Mr. Barrett replied that it was in the general fund. Mr. Farrelly said the downtown will be a focus but the money will be available to other areas of the city.

Chair Cook adjourned the LCRB and reconvened the City Council.

10. APPROVE CITY COUNCIL GOALS FOR 2015-17

City Manager Wine gave the staff report on this item. She said council met in December to discuss goal setting. In facilitated sessions in advance Council identified areas they want to set goals in for the next two years. The four areas are the downtown, River Terrace, Tigard Triangle and

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recreation. The majority of the discussion held in December was about what would be realistic when setting goals in these areas.

City Manager Wine said another set of issues were identified through the facilitated interviews and these will be discussed at workshop sessions throughout the year. These include future ballot measures, SW Corridor process, annexation strategy, potential charter review and revision, and Highway 99W congestion. Council began a discussion on Highway 99W this month. Based on the December 22 goal setting session, staff has summarized the 2015-17 Council Goals into a document for council consideration and approval tonight.

Mayor Cook asked if there was anything missing. City Manager Wine said one addition to the list of discussion items is homelessness, panhandling and the availability of services for the homeless. Council President Snider commented that the facilitated session was valuable. Councilor Woodard thanked Ms. Wine for adding the homelessness item. Council President Snider recommended that Mayor Cook watch and weigh-in on the tape of the January 20 Workshop discussion on Highway 99W congestion since he was out of town. Councilor Woodard praised the expanded opportunities for community engagement. He noted that there is a lot of excitement about the recreation goal. He said when looking at balancing resources and becoming a competitive city, a recreation program is very important and staff and council are doing a good job of meeting this head on.

Councilor Henderson said he spoke with a city councilor from Sherwood about charter review, and commented that it is almost too late to get something to happen in Tigard this year. Mayor Cook said if Tigard follows Sherwood's lead and forms a group to coordinate community involvement, they could put any item on the ballot, but will not make the deadline to put it on the November ballot. If council does this on their own, they may be able to meet the deadline. Council President Snider suggested looking at it both ways; council may have suggestions and a community-led charter review might bring forth other ideas.

Council President Snider said he is pleased with the change in the title of Goal 2.

Councilor Goodhouse said he liked the public outreach and discussion of ballot measures. He said, "If we get more feedback from the citizens we can get the ballot measures right the first time." He added that he would like to improve the look of Pacific Highway through façade improvements, for example.

Councilor Woodard moved for approval of the Council Goals for 2015-17. Councilor Goodhouse seconded the motion.

Councilor Henderson asked if the goals would be reviewed in 2016 and Mayor Cook said they would. City Manager Wine said staff will send quarterly council goal progress updates. Mayor Cook noted that looking two years out with the goals is similar to the five-year budget projections and gives perspective.

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Councilor Woodard asked if under Goal 3, third bullet, the Tigard Triangle urban renewal area should include part of Highway 99W. Mayor Cook said that would be in the 99W, not Tigard Triangle discussion. He said Metro said Tigard cannot take that small section of 99W near the Triangle and add it to an urban renewal district.

Mayor Cook called for a vote on the council goals and it was approved unanimously.

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

11. NON AGENDA ITEMS - None.

12. EXECUTIVE SESSION: At 8:55 p.m. Mayor Cook announced that the Tigard City Council will enter into executive session to discuss the performance evaluation of a public officer under ORS 192.660 (2) (i). Mayor Cook announced that the city council will adjourn from the Red Rock Creek Conference Room after the Executive Session and not return to Town Hall. At 10:05 the executive session ended.

13. ADJOURNMENT

At 10:06 p.m. Councilor Woodard moved for adjournment and Councilor Snider seconded his motion. The motion passed unanimously.

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

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Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date

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City of Tigard

Tigard City Council Meeting Minutes February 10, 2015



STUDY SESSION

At 6:32 p.m. Mayor Cook read the citation for an Executive Session called under ORS 192.660 (2) (h) pending litigation or litigation likely to be filed. Council Present: Mayor Cook, Council President Snider, Councilors Henderson, Goodhouse and Woodard. Staff Present: City Manager Wine, Assistant City Manager Newton, Assistant to the City Manager Mills, City Attorney Ramis, CIS Attorney Wagner and City Recorder Krager. Oregonian reporter Nuran Altier was in attendance. The executive session ended at 6:53 p.m.

COUNCIL LIAISON REPORTS

- Council President Snider asked if another councilor could fill in for him at the March 11 Library Board meeting to discuss the budget and reinstating Thursday hours. Other council members are out of town or at other meetings. Councilor Woodard has a 5:30 p.m. Intergovernmental Water Board meeting but may be able to attend later. Council President Snider will provide talking points.
- Councilor Henderson said the CDBG grant award decisions are complete but cannot be made public yet. Council congratulated him on being elected chair of the Willamette River Water Coalition (WRWC).
- City Manager Wine said that two members of the Tigard Youth Advisory Council will be able to travel to Washington DC on March 9-12, joining youth from Beaverton and Hillsboro as youth delegates to the National League of Cities Conference. Tigard High School Envoy Carter Kruse will be there and will meet President Obama. She said this was made possible by Councilor Henderson's donation of his city travel budget. Council President Snider suggested they give a verbal report at a future council meeting.
- Councilor Goodhouse reported he is continuing Tigard facility field trips including the Lake Oswego-Tigard Water Partnership sites, the library, public works facilities and an urban renewal area tour with Community Development Director Asher and Redevelopment Project Manager Farrelly. More familiarization field trips are scheduled.
- Council President Snider said he attended the Joint Water Project Oversight meeting to discuss the treatment plant construction delays. He said everything has been bid and there should be no new surprises. Mayor Cook added that that pump station work will soon begin in Tigard, impacting Bonita Road between I-5 and Hall Boulevard.
- City Manager Wine said she was a member of a city team travelling to San Francisco for a bond presentation. She encouraged council to read the official statement which is a great

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overview. Tigard received a slight upgrade and there will be a report to council in the Thursday packet.

BRIEFING ON AN AGREEMENT WITH PGE FOR A BACKUP POWER SOURCE FOR A WATER PARTNERSHIP FACILITY

Water Partnership Project Manager Koellermeier said this is the second of two emergency backup power source agreements coming before council and this one is for the treatment plant. He summarized highlights from the agenda item summary. The power source will provide 24/7, 365 days a year, post-earthquake coverage. There will be no engine because it is in a residential neighborhood and noise would be an issue because the amount of energy needed would require a giant generator. The total cost is \$530,000 and Tigard's cost is \$327,000 which is budgeted in the program budget. Councilor Henderson asked if this was a double feed and Mr. Koellermeier said it was and will come from two different substations. Council President Snider noted that the backup power source for the RIPS (river intake pump system) has already been approved by council. Mr. Koellermeier will place this agreement on the consent agenda of February 24, 2015.

Administrative Items:

A. Potential Topics for Fifth Tuesdays

Assistant to the City Manager Bengtson will help schedule the individual council meetings. Council President Snider said he would like to use a Durham Elementary PSO meeting or try a text-in meeting. Councilor Henderson Topics will include: 1) SW Corridor alignments, 2) City recreation study; 3) Options for paying for walkability improvements such as sidewalks

B. Upcoming Council Absences

Councilor Goodhouse and Councilor Woodard will be absent on March 10. Council President Snider will be absent on March 24.

The Study Session ended at 7:33 p.m.

1. BUSINESS MEETING

A. At 7:37 p.m. Mayor Cook called to order the City Council and Local Contract Review Board.

B. City Recorder Krager called the roll:

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

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

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D. Mayor Cook asked Council and Staff for Non-Agenda Items. There were none.

Mayor Cook welcomed Boy Scout Troop 419 from Tigard.

2. CITIZEN COMMUNICATION

- A.  Follow-up to Previous Citizen Communication – City Manager Wine reported on a sidewalk issue in the Summerfield neighborhood. Public Works is working on a solution and the neighbor and the Summerfield Association developed an alternative. She also reported that the Ascension Drive deer crossing sign has been relocated as a response to a request from a neighbor.
- B. Tigard High School Envoy – ASB President Carter Kruse gave an update on THS activities.  He said the badminton tournament and clothing drive were successful. Upcoming at THS is the Human Rights Week assembly. He started Tigard High’s first video announcement, which is a daily podcast called Monday Morning Live. For Valentine’s Day students can buy a can of Crush soda for their crush and pay a little extra to keep in anonymous. Students are making valentines cards for Doernbecher Children’s Hospital patients. The National Honor Society is hosting a blood drive and anyone can sign up at THS. February 15 is the “senior” prom and President Kruse asked council to invite any senior citizens they think would like to attend.
- C. Tigard Area Chamber of Commerce – Mayor Cook announced that the Chamber of Commerce report is rescheduled to the next council business meeting.
- D. Citizen Communication – Sign-up Sheet.  Robert Van Vlack, 15585 SW 109th Avenue, Tigard, OR 97224 thanked the city for the cooperation received for the sidewalk issue in Summerfield. He said the resident was not extremely happy with the results, but a cost-effective repair was made. The damage was not determined to be caused by construction.

Mr. Van Vlack said Summerfield is 55 and older community of 1700 residents. He said the cost of water, food and taxes keeps rising but their income does not. He found it alarming that the city manager’s contractual salary is being raised. Mayor Cook noted that the City Manager’s salary will be discussed later in the meeting as Agenda Item No. 8.

3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

Mayor Cook read the list of consent agenda items.

- A. RECEIVE AND FILE:
1. Council Calendar
 2. Council Tentative Agenda for Future Meeting Topics
- B. APPROVE CITY COUNCIL MINUTES:

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- November 18, 2014
- December 9, 2014
- January 6, 2015
- January 20, 2015

C. CONSIDER APPROVAL OF METRO INTERGOVERNMENTAL AGREEMENT FOR PLANNING AND PUBLIC INVOLVEMENT WORK – SW CORRIDOR PLAN

RESOLUTION No. 15-05 A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH METRO TO FUND THE SECOND PHASE OF PLANNING ACTIVITIES RELATED TO THE SOUTHWEST CORRIDOR PLAN AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT

D. LOCAL CONTRACT REVIEW BOARD – CONSIDERATION OF BROWNFIELDS INITIATIVE CONTRACT AWARD

No items were pulled for separate consideration. Councilor Woodard moved for approval of the consent agenda. Council President Snider seconded the motion. The motion passed unanimously.

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

4. CONSIDER A RESOLUTION TO ADD TWO CITY-OWNED PROPERTIES TO WOODARD PARK

 Parks Manager Martin introduced this request which would add two city properties, six acres total, to Woodard Park. He said the land was purchased by the city for sewer infrastructure work and stream restoration projects and is adjacent to the existing Woodard Park. The land was owned in the past by the Woodard family which has a history of military service and service to the city. Edward Woodard, Sr. was a Tigard mayor and the namesake for Woodard Park. One son served on the planning commission and a grandson is a current city councilor. The Woodard home was located on the property and the city had to remove it to do the work. The family requested that it be added to Woodard Park.

Mayor Cook said he brought this up at a council study session where Councilor Woodard was not in attendance so there was no bias. The council thought that having land contiguous to a park and rename it something else was confusing at best. The family wrote a letter requesting

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that this be made part of Woodard Park and stated what Parks Manager Martin noted and more about service and family involvement in Tigard. He said it would be an honor to continue that heritage and make the contiguous land to be part of the same park. Councilor Henderson asked if there were any Woodard family members in attendance. Mayor Cook asked them to stand and everyone applauded.

Councilor Woodard said he had no idea council had this discussion. He said a relative wrote the biography and his dad gave some information even he did not know about. He said his dad is not one to stand and call attention to himself but he also won the Heart Award in 1995 which is given to those with 25 years of service to the community. His dad followed after his grandfather serving the community and he said his grandfather would be very proud. He said he hopes the next generation will give something back to the community as well

Mayor Cook moved for approval of Resolution No. 15-06. Council President Snider seconded the motion. Councilor Henderson commented that the only cost is about \$600 for a sign and asked what it would look like. Parks Manager Martin said it would be the typical park name sign and would be placed on Walnut Street.

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

RESOLUTION NO. 15-06 – A RESOLUTION TO ADD TWO CITY-OWNED PROPERTIES, TAX LOTS 2S102BB00700 AND 2S102AA02900, TO WOODARD PARK

Mayor Cook conducted a vote and the motion passed unanimously.

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

Councilor Woodard handed out City of Tigard lapel pins to Woodard family members in attendance.

5. DISCUSSION ON ANNEXATIONS

- Assistant City Manager Newton and Associate Planner Pagenstecher gave a brief summary of the memo in council’s packet to give context to the public. One of the six issues identified in council’s goal setting session was annexations and discussing a policy to move forward on that issue.

Assistant City Manager Newton said the memo includes a summary of the legal framework of annexations, including state law, intergovernmental agreements, Comprehensive Plan, Development Code and regulations. A history of city annexations, by decade, was included

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from 1984, at which time the records were the best. Unincorporated territory within the city boundaries, including islands, and large urban unincorporated areas are discussed along with processes and policies used, such as incentives. There is also a section addressing impacts of annexations on city assets and services.

Assistant City Manager Newton said she and Associate Planner Pagenstecher wanted to call council's attention to particular issues they may want to discuss tonight. Page 7 has a short discussion on a signed consent to waive annexation which relates to the Tuscany subdivision. Island annexations also need a discussion. In 2012 the council had a discussion about annexations and directed staff to move forward with the River Terrace area, which is now in the city, but staff was not urged to pursue islands so staff has not been assertively pursuing those areas since 2012. She directed council to page 11 and said a few things worth noting with large unincorporated areas (Metzger and Bull Mountain) is that they are large, have many people and many impacts on services so we would not move forward with those until a full impact study was done. Ms. Newton said she has discussed this with the Finance Department and they could be prepared to take on one study next fiscal year to be completed by the end of next fiscal year.

Ms. Newton added that in the last state legislation session Washington County introduced legislation regarding special districts that could operate within cities to provide urban services. It was withdrawn but the county is interested in holding discussions with cities about this and Tigard is awaiting an invitation and is prepared to talk to the county about this. She said it is her understanding that similar legislation has not been introduced in the current session.

Associate Planner Pagenstecher commented on the last item Assistant City Manager Newton mentioned and said the document that governs city/county coordination on annexation is the Urban Planning Area agreement, last signed in 2004. Since then, the city has had an expansion of its planning areas so the urban planning area no longer matches all of the area of interest. A map revision is in order. There is also a reference to planning services and an intergovernmental agreement between the city and the county. For a period of nine years (between 1997 and 2006) the city provided planning services to unincorporated areas. Tuscany is an example of a subdivision processed by the city during that timeframe. The waivers to annex were obtained and now council has the option to bring them in at any time. Mr. Pagenstecher said there is also process language within the agreement requiring notice procedures and certain types of actions, and this coordination should also be updated.

Associate Planner Pagenstecher said in 2013, the Community Development Director wanted to explore interest in annexation from island residents letters were sent out listing incentives. There was not a lot of interest in the subject indicated by owners of island property.

 Mayor Cook asked how to initiate a map amendment? Associate Planner Pagenstecher said as stipulated within the agreement, the city manager and Washington County meeting and agreeing to revisit this. It calls for this procedure to be done every two years. Mayor Cook noted this has not been done since 2004 and asked how it can be added to a tickler file to make sure we stay on this. City Manager Wine said they just did it. Mayor Cook asked Assistant City Manager Newton about the background on the island annexation effort and noted it ended in 2010 when the county failed to provide written support. He said the city wanted to involuntarily annex islands in 2009 but backed

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off because the county did not agree. Yet in 2013, they wanted us to annex islands. What changed? Associate Planner Pagenstecher said the county would not issue an affirmative letter supporting island annexation so council at that time chose not to proceed. Councilor Henderson remembered that there were incentives for three years and at the time there was no will to force annexation if we could just ask them to come in voluntarily. Mayor Cook said Forest Grove just annexed 43 islands and asked if staff was aware of any other cities in Washington County annexing unincorporated areas. Associate Planner Pagenstecher said he was unaware of any besides Hillsboro. Councilor Woodard asked if the city could say they will not approve a development in an unincorporated area until the county coordinates on certain things. Associate Planner Pagenstecher agreed that more formal discussion should happen. He said we have interest in our borders and we want good planning practice to occur. It is not always compatible with owners' and developers' interests.

 Council President Snider said this has been a community conversation for a long time. At some point the council needs to have courage to address the island issue but he is unsure if the time is now. He commented that it is problematic to have large areas receiving urban services that are outside and not part of the city. It makes sense that someone would not want to annex into the city because they are already getting everything that they need. He doesn't completely agree but it could be argued that they are already getting city services but not paying for them. He asked if there are specific decisions or directions being sought from council. Mayor Cook said the council asked to talk about it.

Assistant City Manager Newton said she was hired in 1980 as an intern and processed 22 annexations that year. The property with the signed consent waiver (Tuscany) was not contiguous with the city but is now with the annexation of River Terrace. It would be good for council to provide direction on annexation of Tuscany. She noted that in 2012 island annexation was deemphasized by council and the Community Development Director as a workload issue and it would be good to get some guidance there. Annexation of the large unincorporated areas continues to be a question. This is also a workload issue and if council is interested, the Finance Department can program that. Also, the outdated agreement with the county creates issues and we have direction now to update.

Council President Snider said we need to proceed with research on one or both larger areas now and thinks we need to move forward and take action about islands.

 Councilor Woodard agreed but said there is a big difference among the islands. He is interested in talking to property owners in Arlington Heights and Fern Street to see what they are thinking. He said Tuscany has a no remonstrance agreement and is fair game. If the city can bring them in it is timely. He said, "As far as the large unincorporated areas, I don't think we can financially get there, financially. Our hands are full."

 Mayor Cook noted that while the city has offered incentives over the years we have not said what we will do if they do not annex. He said an owner of a house sitting in the middle of the city in an island is still using the roads and services and should be paying for them. Council President Snider said it is an equity issue. Mayor Cook said he is not talking about islands created by cherry stems, but islands completely surrounded by the city. He said he could lean towards moving forward on that. As to the bigger areas issue, he said it is cheaper to annex next year than ten years later. But he

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wants to do things in a different manner than previous councils and create a partnership rather than a take-over.

 Councilor Henderson said we have the studies from 2004 and 2006 but we need to know what it is today. Are we having conversations about inflation, maintenance and planning? As time goes by, we will have new laws and rules and we need to consider these. He said Bull Mountain is more palatable but Metzger is an investment to consider carefully because of the cost to bring them up to standard. He said he did not think we can talk to the county until we have all the facts. He said he looks at it as everyday they are not in the city, it is costing Tigard thousands of dollars. We don't count it until they come in because we will have to pay that to bring them up to standard.

 Councilor Woodard was interested in knowing why the incentive did not work for Arlington Heights. The city just picked up most of Bull Mountain Road, Sunrise, Price and Cache Parks. Those areas will be developed one day and we need the support of the people in that area. What are we missing in our incentives? He suggested talking to CPO4B.

 Councilor Goodhouse said the city should figure out how to have a dialog. He said he is one to sit down and seek common ground. People are more receptive talking face to face rather than through a document. He said he does not know what that looks like but would like to open a dialog with the larger areas.

 Council President Snider said it makes sense to attempt to make financial implications palatable. He said, "Clearly our voluntary program doesn't seem too attractive." He suggested a five-year, 20 percent a year to give people time to plan, or six years with nothing due the first year.

 Councilor Goodhouse remarked that he has heard the financial issues coming up over the years and said the best route is to find out what people want, rather than guess at the numbers. He said Associate Planner Pagenstecher said staff had an outreach proposal when council last examined island annexations and it is appropriate that council be included in any new outreach efforts.

Assistant City Manager Newton summarized council's comments and said staff will update the agreement with a come forward with a strategy about voluntary and involuntary island annexations. She asked for direction on Tuscany and Mayor Cook said there is agreement to move forward. Mayor Cook said there were at least three councilors agreeing to pick one to study. Councilor Henderson said this would help the islands understand. He said there could be a program where for the first seven years the city would roll their money back into their community. It is a way to educate them about how to keep their streets in good condition and if they want to add sidewalks or parks, the city can help them plan. Councilor Snider asked if there was consensus on which large area and council said Bull Mountain. Assistant City Manager Newton said the Finance Department can fit this into their workflow off schedule of an audit period so it might start in November 2015 to May of 2016 for one. Council President Snider suggested following with Metzger in the next cycle.

6. CONSIDER A RESOLUTION TO RENEW ANNEXATION INCENTIVES

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Associate Planner Pagenstecher said this is an annual discussion with council since 2007 and is a requirement of the resolution. The city offers incentives for voluntary annexation of a three-year tax deferral. History shows of 19 annexations, three were done by the city, 14 for development and two were voluntary. Staff and council have been offering the incentives to anyone wanting to annex. Staff recommends keeping the status quo. Council President Snider said there needs to be a second policy identifying actions the city may take if a property does not voluntarily annex.

In response to a question from Councilor Goodhouse on the source of the three-year tax phase-in, Associate Planner Pagenstecher said it was a common timeline. He said Hillsboro had successful effort where they did a voluntary annexation as a carrot but it was not indefinite. It became involuntary after a certain point. Mayor Cook said this comes forward every February and asked if council needs to do something now to keep it from expiring. It can be revised later after we get feedback. He said he supported phase-ins for homesteads but not for the ten acres being developed behind the house. Councilor Woodard agreed.

Councilor Goodhouse said if council is looking at revisions, the conversations should be held first so it does not have to be revised twice. Mayor Cook agreed but said he did not want to wait three to six months to act. He said there is consensus to approve with a few changes.

Councilor Woodard suggested a five-year phase in period. Council President Snider said council needs a comprehensive plan on what will be done with involuntary annexations structured so there is a carrot first, then hammer, approach.

City Manager asked for clarification on the changes. Mayor Cook said the criteria should change to apply it to individual homesteads only. Associate Planner Pagenstecher said that could be administratively applied to voluntary annexations for individual homesteads without changing the resolution.

Councilor Henderson agreed the three-year phase-in is only two steps and going to a five-year step is really four steps. He moved to extend the annexation incentives with a revision to the tax phase in of 20 percent a year, for a five year period. Councilor Woodard seconded the motion.

Associate Planner Pagenstecher clarified that council wanted it applied prospectively, not retroactively. Councilor Goodhouse said if we are just throwing out another number, we still do not know what people want. This takes away the discussion. He said let's meet with people and find out what they want. Mayor Cook said he was fine with coming back in June or July and reviewing it later. This might be our next Town Hall topic focused on the Bull Mountain and Metzger areas. Councilor Woodard said this will give them more relief and makes a difference in their taxes. Councilor Henderson said council talks about being gentler and kinder and questioned whether council is achieving that.

City Attorney Ramis clarified that the phrase that appears in the resolution, "property owners that voluntarily annex" excludes undeveloped land being annexed for the purpose of obtaining services.

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RESOLUTION NO. 15-07 – A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2016, as amended

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

The resolution vote failed.

Councilor Woodard moved to approve the resolution and that the annexation incentives remain the same with the stipulation that it is not extended to undeveloped land being annexed to obtain services. Councilor Snider seconded the motion.

Mayor Cook asked City Recorder Krager to read the number and title of the resolution.

RESOLUTION NO. 15-07 – A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2016 as amended, does not extend to undeveloped land being annexed to obtain services

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

Mayor Cook announced that Resolution No. 15-07 is adopted by a 4-1 vote of the Council.

7. QUASI-JUDICIAL PUBLIC HEARING –ZCA2014-00002 SUMMIT RIDGE NO. 5 ANNEXATION

- a. Mayor Cook opened the public hearing.
- b.  City Attorney Ramis read through the special rules for the public hearing.

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- c. Mayor Cook called for declarations or challenges;
 - Do any members of council wish to declare any:
 - Ex parte contacts or information gathered outside the hearing?

Councilor Woodard said he regrets not having walked past the area.
Councilor Goodhouse said he has walked there.
 - Bias or conflicts of interest?

Mayor Cook spoke on the phone with Councilor Goodhouse about the issue and in general about quasi-judicial public hearings but said it did not reflect bias or conflict of interest.
 - Mayor Cook asked if any member of the audience wished 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 Floyd said this presentation will be done in two parts. He said he will cover higher level information and background, context and criteria. Then Community Development Director Asher will follow with additional information about the application before council. He showed a slide of a map of the area, noting that the project site in on Bull Mountain, roughly equidistant between Bull Mountain Road and Beef Bend Road and two blocks south of Alberta Rider Elementary School. The Summit Ridge neighborhood mostly built out about ten years ago and is a transitional area where higher density is slowly taking over the lower density properties. The Lennar annexation was the most recent annexation, at Hazelcrest and 133rd Avenue. The voluntary annexation before council is for three undeveloped lots recently changed by lot line adjustments at Washington County. The two owners live adjacent to the site. On behalf of the owners, the intent of Venture Properties is to annex and subdivide the property into 29 lots and continue the density to the west. Venture is the second developer to explore a subdivision at this location. There was another pre-application conference held with city staff last year. Staff’s request for the street layout and connectivity standards was the same in both pre-application conferences. City services cannot be extended without annexation.

Associate Planner Floyd said the staff report addresses various approval criteria. Generally speaking, the application meets the criteria with the exception of Comprehensive Plan Policy 14.2.4 and that it at the crux of the matter. This policy is in place to address issues regarding islands. Staff’s recommendation stems from concerns with the proposed boundaries because they increase the potential of an island, complicate, or prohibit future annexations. Neighbors raised two issues related to concern for changes to nature of the neighborhood. Natural resource concerns do not come into play for the annexation request. A number of letters raised concerns about traffic levels in the neighborhood, specifically impacts to Pineview and other streets. Concerns about traffic are relevant because the way the current application is proposed it precludes a direct connection between the annexation and Summit

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Ridge Road to the north. Staff recommends not approving the annexation tonight due to potential traffic concerns and other policy issues.

 Community Development Director Asher said staff tries not to recommend denial but he thought he could do by showing pictures. He said it is easier to understand the issues with pictures and maps. He showed several slides of aerial views of the area. He pointed out the two properties at the top of the hill that already take their services from the city. This would not be allowed under current policy. They control the property under review. He showed slides that illustrate the lot lines as first presented to staff. When staff first viewed them there were five lots. Staff wanted the development boundary to go all the way to Summit Ridge and include the two properties. Further, staff suggested in pre-ap conferences that the platting should follow to get connectivity to Summit Ridge Drive. All the homes to the east are on stub streets and there are traffic issues if all of the new subdivision traffic is accessing from one street. There is a future street to the south and good planning is about thinking ahead so that the easement and right of way are there.

Mr. Asher showed a slide of the development after the applicant got the lot lines adjusted through Washington County, without city coordination. East west connectivity was shown but none to Summit Ridge. He said we see truncated streets that do not connect and the new city boundary is such that when other properties come in we are looking at a future island situation with the two home lots that have elected not to come in now. He said sometimes the interests of individual property owners do not align with the best interests of the community or the city such as a regular and contiguous border and effective and efficient extension of services, including transportation services.

e. Public Testimony - Applicant

Mimi Doukas, Planning Project Manager for AKS Engineering, said the two existing homes are large estate properties and the owners want to allow for the development of the majority of their property but preserve their existing homes. She noted that the topography of the area is not shown on the map being projected. She said the topography is 12-18 percent making north-south roads difficult and a former developer could not find a solution for a roadway to the north so they walked away from the project. She said she did a series of property line adjustments to separate the two homes. This was done through Washington County. There is another estate home with a pool at the bottom portion of the properties so it was worked out with them to have a property line adjustment to protect their home from the road. That property owner had concerns about effects on his property from grading to the north. The road at the bottom of the map would only service future development to the south. It is when his land develops that Pineview becomes a local facility. They needed to provide good connectivity to Pineview and good connectivity to the south. Kostel and Walnut provide good connectivity to the north up to Summit Ridge and Pineview provides good connectivity to the south as well as to the north. This is important for fire and emergency services.

They reviewed serviceability of the property and as the staff report points out it is serviceable by water, sewer, storm and emergency services. TVF&R was involved in all pre-

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application meetings. The staff report identifies two areas of resistance: north south connectivity and the concept of islands. We are talking about the future situation of this property. This is the leading edge of urbanization. There are large estate homes in the west and urbanized lots to the east. We are moving that transition from east to west. The same thing will happen to the two homes that are not part of the annexation application. She pointed out that staff says the two homes are currently provided urban services but a critical one they are not provided is sewer. They are on septic systems. The very best urbanization policy a city has is sanitary sewer. When a septic system fails they must connect to the sanitary sewer system. That will happen with those two homes and those to the west. She said that will lead them to annex or it might be when they develop. They are two and one-half acres of urban real estate which could accommodate 12 lots and connection to Summit Ridge. She said the design meets the Transportation Planning Rule, block length standards and block width standards. She said they are proposing a design that provides good connectivity in the short term and excellent connectivity in the long term.

President of Venture Properties Kelly Ritz said she is very familiar with this area because she developed Summit Ridge 1, 2 3 and 4 and quite a few of the neighborhoods on Bull Mountain. She said as a developer she likes to see orderly development and this is what the city will see in River Terrace and other expansion areas because they are planned from the very beginning. This is urban development and is very piece meal. Sometimes we cannot get everything we want and have to be patient but as long.

She responded to Mr. Asher's comments and said Venture Properties is not in control of the two properties and never has been. Her purchase and sale agreement with the sellers only consists of the land to the south. She mentioned she found a ten-year-old purchase and sale agreement with one of the owners that never moved forward because they were not ready to develop. We don't have those properties under contract and the only way she was able to get the balance of the properties was because she said they could lot line out their homes. The land use approval will only be for the properties to the south.

Ms. Ritz noted that she has not previously met Mr. Asher but Venture Properties has been meeting with staff for 18 months. She told them that these two homes were not part of the development from the beginning. Many discussions were held with staff and TVF&R working on road connectivity, grades, and other engineering work. She was very, very surprised at this denial. She is shocked that the city, that wants annexation and people to come in, wouldn't be in favor of this.

Land Use Attorney Mike Robinson said the north south connection will undoubtedly happen as those properties come into the city at some point. But in order to make that connection to 132nd, it will be a half street at best until the other properties come in from the west. He said, as Ms. Doukas mentioned there are topographical challenges and that is why the north south street is centered where it is, rather than on the west edge of the property. He said if they were somehow to get a dedication, the right of way would literally be right up against that home. As long as they want to reside in their homes it is not possible to make that connection. He followed up on what Ms. Ritz said that annexation, by its nature, is incremental. He said he has assisted people in the River Terrace area which is a nice, package and it comes complete with some planning, although Tigard had to finish it. Bull

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Mountain however, is incremental by its nature with many different property owners, some owners wishing to annex and some that do not.

He emphasized that people need to have faith that when they spend time and money to consider annexation that it will be favorably received based on what they can reasonably do. It is not possible to get the dedication of the right of way now because the people want to live in their homes. It is not possible to get them to agree to come in now.

He said he gave council a letter on this and stated that the only policy, according to the staff report, that they failed to meet is 14.2.4.b. That gives the city authority to require additional parcels be added to an annexed area if they are needed to enable effective and efficient public services. He argued that with this annexation the city could make a finding that it is not required. He said he appreciated the additional staff report outlining the connectivity issue. He said the reality is that the staff report demonstrates that all public services, including roads, are provided and serve this area well. This is a grid system and it is not unusual to have residents using local streets to reach higher order streets. That is the nature of a grid system and what we want to do in urban planning. Eventually, the city will get the extension to the north but for now, the staff report says road services are adequate and it is to be expected to go through local streets to the east to meet Summit Ridge. He said they are not creating an island. He said there is a little jog at the top of the map, west of the two properties so that bringing in two or three lots would have to be done to create an island. This cannot happen as these western properties are all party to a covenant that prohibits lots from being divided into less than two acres in size. The way that works is that unless everyone agrees to develop at once, it will be difficult to get one party to be able to waive those covenants. This means that it is highly unlikely to be developed anytime soon.

Attorney Robinson said they are unable to control when folks want to move out of their family homes and go someplace else to live. They can present what they can control, which is the area south of the two homes and can work with staff in the subdivision process to deal with the roads. Denying this application might fulfill the connectivity policy but it keeps the city from moving the annexation boundary to the west and presents a difficulty to those wanting to come into the city in the future where their situation is similar to Venture Properties in not having the option to bring in all the property because folks do not want to leave their homes yet. He said they wish to work through this with council. As unsettling as it is for Community Development Director Asher to recommend a denial, it is equally unsettling to get a denial recommendation.



Gretchen Buehner, 13249 SW 136th Place, Tigard, OR said she was on Planning Commission during the hoopla on the mountain and then was on the city council. She asked council to keep track of mandatory annexation of islands which was in legislation passed in 2009. She said it was not mentioned but it relevant to the earlier discussion.

She said an agreement was made with the Bull Mountain community. It is included in the city's Comprehensive Plan which she was involved in drafting. It says the city would not allow any islands or any annexation that would be likely to create an island. That was an agreement made as

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part of settling the dispute with Bull Mountain and how we would proceed in the future. She said, “Unfortunately, this application, if it doesn’t break the letter of that agreement, it breaks the spirit of that agreement.” She said one of the two properties is up for sale and her suggestion is that Venture Properties should buy that piece of property. She said she is very concerned about the boundary change that was done on 133rd. She said one of the city’s primary concerns is connectivity and having that connection to 133rd as a west and south exit is critical to long term development. The property adjustment backed the property line twenty-five feet from 133rd. She said there is really only one reason for that and it is to not allow the city access to 133rd which we need to have for future connectivity. She said her opinion is that the city should reject the annexation application as it is currently constituted and work with the applicant to bring one or both parcels up along Summit and get the piece of land that will give us access to 133rd. It is currently not a great road but it would be widened in the future to meet city standards.

Mayor Cook asked for clarification on access to 133rd Avenue. Ms. Buehner said there is a jog cut out and originally it abutted 133rd. She said it is public right of way.

Greg Whittaker, 15550 SW 133rd Avenue, Tigard, OR said he might be naïve but he felt pretty good when the Zeiders, Andersons and Venture Properties came to them and said they were going to develop. His pool is right against the property as does his home. It was nice of them to sell us a portion so we would have a buffer to the neighborhood to the north. He referred to the map and said there is a street towards the south that is paved, one-lane narrow road. He said he understands that if he developed his property in the future they would have to connect to 133rd Avenue.

Janet Zeider, 13100 SW Summit Ridge, said she has lived in one of the two properties for 21 years. When they talked to Riverside about buying their property they backed out because the city insisted on that road (132nd) coming down within eight feet of their home. She said their home is a 7,000 custom dream home. Riverside backed out because they said it was not possible and would devalue their home. Their house is for sale and unfortunately they have not been able to show it because this is taking place. They have English gardens and the house is beautiful but she does not want a 50-foot road within eight feet of her garage.

Bill Free, 15300 SW 133rd Avenue, owns property adjacent to upper lot line near the proposed development. My pool also backs up to this land. It is very forested. He understands and is all for development that will happen. He is worried about his property that will be adjacent. The developer is talking about at least a ten-foot barrier wall on the northern boundary. From the estate house at the top there will be a ten-foot retaining wall and grading below. He is worried about his trees and his in ground pool developing cracks because of all the machinery. At an earlier hearing the engineering firm had there were a lot of concerns raised about truncated streets and access to the other side. He feels sorry for the people to the east who have had cul-de-sac streets. There are a lot of kids and now they will have traffic from 29 homes using going through their neighborhood and making that neighborhood not so livable.

Kari Brickey, 12998 SW Pineview, Tigard, OR said she sent a letter so she would not recap it completely. Her main concern is traffic control. Pineview Street will be the main access to Greenfield Drive down to Beef Bend Road. She is concerned with the size of their street and the livability of their street.

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Applicant Rebuttal - City Attorney Ramis said the applicant has an opportunity to rebut, followed by an opportunity for council to ask questions.

 Mike Robinson said he appreciated Councilor Buehner and her comments which are important from someone who has been on council for so long. He said his letter does address island annexation and even if it creates an island, council has the authority to annex without consent. The agreement with Bull Mountain is interesting to note not only does this annexation not create an island but it is unlikely to, for the reasons we explained earlier. It is highly unlikely that we are going to get that kind of agreement from all the properties subject to that covenant. He said it did not look to him even without the property adjustment along 133rd Avenue that the city could have made a street connection given the way the lot line abuts 133rd.

Mr. Robinson said he agrees with Mr. Asher that council has some discretion and the question before them is if you want to keep fulfilling the vision of the city which is to increase the area that is part of the city. If you deny this it sends a message that it is very difficult unless everything works out perfectly. In the annexation world, especially on Bull Mountain, look at policy 07-13 and note the irregular boundaries. It is not possible to have everything you want but this gets you further down the way. You have a cooperative property owner who will try and work with the city to make these things happen. His only comment to the neighbors that testified was that they will be talking to the neighbors before they do site development as that is the courteous thing to do. The traffic issue is a development issue and the streets in question are temporarily blockaded but it was never the city's plan to keep them permanently blockaded, as it is looking for a grid system.

Ms. Ritz commented regarding the Zeider's property that is for sale. A comment was made about Venture Properties buying it. She said it is for sale and priced as an estate home. It would make them sad to have it developed even if they do not live there. She said that Venture Properties tried to come up with a way to do urban infill and get 29 new lots into Tigard on Bull Mountain by continuing to respect the desires of the property owners to the north and the one to the south. When the owner to the south decides to develop those street connections can be made.

She said the only question is the island annexation so with Mr. Robinson's assistance they crafted a possible solution. There might be something in the middle. She said the question is how soon the properties will develop and how will their slowness to develop affect connectivity. Mr. Robinson handed out a draft agreement.

Ms. Doukas clarified that 133rd is very old, dedicated right of way that technically goes from Summit Ridge to Beef Bend Road but is largely unimproved. The right of way is in place for future improvements and she suggested the alignment be reconsidered when it goes through. She said the Zeider and Whitaker properties do not connect with that right of way except for abutting it at one tangent point.

Mr. Robinson said what was just submitted to council is a proposed condition of approval. The wording may not be precisely as what council wants to adopt. They recognized they could not

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give the city the road. We do not control that property. What they can offer is a condition of approval requiring a waiver of remonstrance for these two properties in the event an island is created. That at least would get the property into the city and there would not be the three to ten year statutory period to make it effective. He said they offer this condition as a way to work with the city.

Mayor Cook asked Mr. Robinson to explain more about the covenants the neighbors to the west have. Mr. Robinson said he attached the relevant covenant to their letter. He said when they purchased property with the requirement that if they subdivide their property it cannot be fewer than two acres. The covenant can be waived if they all agree to that. His experience is that unless the entire area is going to develop at the same time, other people who are not developing are not willing to waive because they are going to get urban level lots next to their estate lot. He clarified that this is for the properties to the west and not the properties in the application.

 Council President Snider asked if the property at 13210 experiences a septic system failure and needs to come into the city immediately, would it create an island. Mr. Robinson said it would not because the boundary of the lot to the east jogs down further. Council President Snider commented that by 24 feet it does not become an island.

Councilor Woodard referred to the agreement submitted tonight and asked how they would work to make the two properties voluntarily annex to the city. Mr. Robinson said if properties to the west develop then these two properties agree to waive their remonstrance to annexation. He said they are suggesting this as a condition of approval.

 Council President Snider asked, “Why not have the two homes come in now but not be developed?” Ms. Ritz said council’s discussion on why people do not want to annex was interesting to her. She said she remembered the challenges and upheaval when the city was pushing the Bull Mountain area annexation. She said it was good for Tigard to get rid of the policy allowing properties to develop in Washington County but still use Tigard services. She said with a good incentive program islands will eventually annex. She said the two property owners just do not want to come into the city right now. In her agreement with them she offered to hook them up to the sewer system when they choose to annex.

 Councilor Woodhouse asked why a five year period is in the agreement. He proposed that if either property sells before that time, they get annexed. Attorney Robinson said those are things they are happy to talk about. This was a first attempt at language to address the island issue identified in the staff report.

 Councilor Henderson said he is not a land expert but can see that islands are a big problem. He said it did not make sense to him why the two property owners would not want to be in the city and he could not imagine they would refuse if the developer paid all the bills. He said, “You will lose a lot if this doesn’t move forward. The rules are the rules.”

Attorney Robinson said he agreed with Councilor Henderson but found lacking in the staff report any evidence that these two properties must come in to allow the effective and efficient delivery of public services. There is nothing from a traffic engineer saying traffic will fail or not operate as

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intended. All the streets are intended to be connected. He said the two homes have driveway access to Summit Ridge, which doesn't function as a full public street because it is gated to the west. To Councilor Henderson's point about why they do not come in, everybody is different. Sometimes it takes time or changes to occur before people are ready. He said if this application is denied because we do not have consent from two people who do not want to leave their homes, it makes it very difficult and creates an impression that annexation is in fact, not what the city wants.

Councilor Henderson said the council is not trying to make a no-growth policy. Ms. Doukas read from the Tigard's Comprehensive Plan's urbanization section that says the city shall approve proposed annexations based on findings that the request can be accomplished by the city's public facilities and services and is consistent with applicable state statute. We meet those two criteria. The question is policy 4. You have discretion in that area. She said this is not a black and white issue about creating an island; there are grey zones and that is why you hold a public hearing.

Associate Planner Floyd responded by saying that policy 14.2.4 has the word may in it intentionally. That may have been for situations where the applicant had less control than they do in this situation. All five parcels are owned by two individuals who have an interest to develop. He said there are two broader policy issues. One is the island issue and the applicant has control of three of the five parcels. The fourth is available for sale. He said if the two parcels to the north are not brought in it may preclude future connectivity options from being considered. We are not in the development review phase. We haven't received an official application to review the adequacy of the transportation network. If there really are engineering issues there are variances and adjustments and lesser standards the city could consider. He said 133rd is unimproved and full of trees. But in the future it may be developed as a skinny street, emergency access or as a trail.

 Councilor Woodard asked about a transportation study on Pineview Street. He said he was not sure how much time would lapse while there is no efficient connectivity. Mr. Robinson said they do have a traffic study that has not been submitted yet. They looked at how well the intersections would function and looked at connections to the east and these streets are well below their level. Councilor Woodard said 133rd Avenue is dangerous. Without circulation everything is funneled out to 133rd Avenue. Mr. Robinson said there is no connection to 133rd Avenue.

In response to a question from Councilor Woodard Ms. Ritz said she has 20 years of experience with staff at the City of Tigard and has never gone before Council or the Planning Commission with a denial from staff. She said everything submitted to staff had the lot-line adjusted portion and she knew from when she first got the people under contract that the other piece was not going to be involved. She had a heads-up from the property owner to the south given his proximity to Pineview if it had gone through, and the fact that his property was large enough to bear the burden of a road going through. She said it isn't very fair to have a small development construct a road and only get two lots out of it. She said she spoke extensively with engineering, planning and the fire bureau because it is a challenging site. She said she has built all the other Summit Ridges, Arlington, Thornwood, Eagles' View, all south side Bull Mountain. It is a complicated site and she worked a lot with staff. She said the crux is that they need this approved because they cannot submit for land use approval until it is approved and they do not want to build on Bull Mountain in the winter. She requested putting annexation and development on the agenda together but staff told her it could not be done that way. In discussions with staff regarding getting the annexation scheduled for a council

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agenda they said it would only take ten-twenty minutes. She said she was very surprised to hear about the denial.

 Council President Snider confirmed that she had many conversations with staff but her perception was that it was going forward. Ms. Doukas said staff kept bringing up concerns about circulation and we consistently said we cannot connect to the north. Council President Snider asked if it was ever said that the two parcels were out. Ms. Ritz and Ms. Doukas said they did say that. Council President Snider said the reason he is asking is that it is important that staff is responsive and helpful and he is hearing that some of this may have come about through miscommunication. Ms. Ritz said her maps all showed the lot lines.

 Councilor Goodhouse suggested that a resolution would be to change the agreement with the northerly property owners so that there is no time limit and only tax lot 1200 is listed. If it gets sold it becomes annexed.

Mr. Robinson said this has been a good policy discussion and the bottom line is that if we could bring those other two lots in we would because that would make this a certainty of approval. We can offer up the condition that Councilor Goodhouse was discussing, to assure you that there will not be an island and push the annexation policy forward. Councilor Snider asked if he could offer what was just proposed and not what was written. Ms. Ritz said she would have to talk to the property owners to the north but that is something she is willing to agree to, subject to getting them to agree. Mr. Robinson said if council approved this annexation with the condition as amended by Councilor Goodhouse, “it becomes our burden to accept or it doesn’t get approved.”⁶

 Council President Snider asked if staff would recommend approval of the application if the two homes were included without immediate connectivity.

 Community Development Director Asher asked if this is a non-remonstrance agreement that says they won’t remonstrate if conditions change. Mr. Robinson said it would be a contract and waiver agreement. Mr. Asher said that is not the same as a future annexation. He said the city has many non-remonstrance agreements and council heard a presentation earlier on how few of these property owners annex. He said he was hesitant to agree without reviewing the agreement. It sounds like it would address the island issue and get closer to the Comprehensive Plan 14.2.4 requirement.

City Attorney Ramis said council’s approach could be to deny this application or continue the hearing until it can be amended. He said the city council has authority under the annexation process and their discretion is greater than in a typical land use case. Council’s authority comes from the state legislature and the statues say cities may amend. The annexation application is a proposal from someone that council change the organic boundary of the city. The shape of the city is purely council’s discretionary decision. He said, “If you are not satisfied with an application you can say it needs to change.”

Council President Snider said, “We can’t make a decision that involves a certain annexation now and a certain decision in the future that is predicated on it?” City Attorney Ramis replied that they could

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not say they approve this annexation subject to bringing more property in because they do not have that property in front of them.

Mr. Robinson said it is possible to do if the form of the condition is not acceptable. It is also possible to do an annexation agreement that would be effective upon certain conditions. He said their preference is to get a decision tonight but a continuance is preferable to a denial so there may be an opportunity for further discussion.

Council President Snider asked if ownership and control of the property matter in this decision as council is forced to look at what is in front of us. City Attorney Ramis replied that it was different because of statutory authority. He said the other part of this is if the city is going to annex people through this process it needs their consent. If there is no consent from the two northern properties you cannot say, "We are annexing this property contingent on these two property owners coming in because they haven't applied for annexation."

Councilor Snider commented that was odd since they are one of the groups that have the most to gain from having the rest of this development happen. He added that when looking at the map and what is designed, it looks like it was designed to prevent connectivity to 133rd Avenue and preserve the stuff at the top.

Mr. Robinson thanked Mayor Cook and the council for their time and questions tonight. He said there is an option to craft a condition approval that requires certainty of annexation but he hoped it was approved or approved with a condition of approval.

Councilor Goodhouse asked staff if no time limit is listed in the agreement would that solve issues. Community Development Director Asher said it is a partway solution. He said he noticed the five-year time limit too. He said, "Our experience in areas that are being developed like this one, is exactly what we are going through here tonight. Property owners will find reasons not to come in. We will be working around them, whether it is a subdivision or a street connection or a trail. Councilor Goodhouse asked if there is anything Mr. Asher would want changed and he replied that he would like to take some time to work on that question. He said a continuation of this hearing would be suitable for staff needs.

Mayor Cook asked a process of City Attorney Ramis. Councilor Henderson asked Ms. Ritz if this hearing is continued, could she talk to the neighbors one more time, or was this just not reasonable. Ms. Ritz said she did not think she could get the two property owners to annex at the same time. She did think it was possible to get them to agree to something, like Councilor Goodhouse mentioned.

City Attorney Ramis suggested that Mayor Cook continue the hearing to allow the conversation at this point, and leave the record open.

Council President Snider asked if staff had already thought about this because it is a central issue to this question and said he was hearing a concern for the timeline and asked if it can be resolved now. Community Development Director Asher asked what has to have been considered. Council President Snider clarified that he meant the question about whether or not the two northern properties were included in the application for annexation or not, and whether that would change

TIGARD CITY COUNCIL MINUTES – FEBRUARY 10, 2015

the staff recommendation would have been considered at some time before now. Community Development Director Asher said, “It has been, and we have repeatedly said the same thing, that without those properties it fails to meet the Comprehensive Plan policy we’ve cited and there is a further issue with connectivity that concerns us.” Council President Snider said the connectivity issue could be solved in the future if they were included. Mr. Asher said the problem with piece meal development and connectivity is that no one who lives on that street realizes they are part of a piecemeal development and in the future when there is a need to put a street through because that was the plan all along, neighbors are unhappy and pressures are brought to bear. Bull Mountain is difficult because we are dealing with neighbors all the time and we are dealing with situations where development sites are difficult and we are trying to squeeze things in and make connections. The connectivity issue is an important one. That is more of a land use issue. This is an annexation application that we are trying to evaluate based on the Comprehensive Plan policies and we are going by what was submitted.

Councilor Goodhouse said tax lot 1701 is for sale and if we change this agreement and it sells in six months is it no longer an island. Mr. Robinson said it would get you the area into the city and get the road connection. He said if council wants to continue, Ms. Ritz is agreeable and they will work with staff to come up with a condition.

Councilor Henderson said it is either that or a denial. Mr. Robinson said he hoped Councilor Henderson was not going to prejudge what his colleagues would say on this, but if council is open to a continuance and staff feels it would be helpful we are happy to spend the next few weeks working with staff on this.

Council President Snider asked if this process can be resolved if staff is satisfied and it would come to council as more of a standard annexation. Community Development Director Asher said staff has not held the conversation yet and he knows this felt like a last minute decision. He said staff never said either way but the process could have been better or clearer. He said there is probably a condition both parties could agree on and he would very much like to get to a resolution but that conversation has not been held.

Councilor Woodard noted the time was 10:26 p.m. and said he did not want to make a bad decision. Mayor Cook said the hearing could be continued to April 14 or March 17, 2015. Councilor Goodhouse asked the applicant if the March date would be better and Ms. Ritz said it would be much better than April.

Councilor Snider moved to continue the hearing until March 17, 2015, and Councilor Woodard seconded the motion.

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

The motion passed unanimously and the public hearing is continued until March 17, 2015.

TIGARD CITY COUNCIL MINUTES – FEBRUARY 10, 2015

8. CONSIDER AMENDMENT TO CITY MANAGER EMPLOYMENT CONTRACT

Human Resources Director Bennett presented this agenda item. She gave the history of the employment contract with City Manager Wine. She was hired in December 2010 and took a voluntary \$10,000 decrease in wages in July, 2012, when the city was struggling financially. She noted that Ms. Wine is three years into the city manager position and is making the same rate as when she was hired. She noted that council is interested in adjusting compensation in the amount of \$15,000. Councilor Goodhouse noted that she was making what the previous city manager made four years ago. Human Resources Director Bennett said she is also at 6.7 percent below the middle of the market of the comparison cities.

Councilor Woodard said Ms. Wine volunteered to take a \$10,000 pay cut when council was looking for cuts and he did not know many people who would do that. Other cities of our size pay more and it gets her closer to where she should be compensated. We want competitive pay and benefits. Councilor Snider said it is a risk not to do things to retain City Manager Wine and the impact is potentially far greater than this raise in pay. Council agreed that the raise should be effective March 1, 2015.

Councilor Henderson moved for approval of the amendment to the City Manager’s employment contract. Councilor Goodhouse seconded the motion.

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

9. NON AGENDA ITEMS None.

10. EXECUTIVE SESSION: None scheduled

11. ADJOURNMENT

At 10:36 p.m. Councilor Henderson moved to adjourn. Council President Snider seconded the motion and all voted in favor.

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

TIGARD CITY COUNCIL MINUTES – FEBRUARY 10, 2015

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date

TIGARD CITY COUNCIL MINUTES – FEBRUARY 10, 2015



City of Tigard

Tigard City Council Meeting Minutes

February 17, 2015

1. WORKSHOP MEETING

- A. Mayor Cook called the City Council meeting to order at 6:34 p.m.
- B. Deputy City Recorder Alley called the roll:

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

- C. Mayor Cook led the Pledge of Allegiance.
- D. Mayor Cook asked council and staff for any Non Agenda Items to be heard as Agenda Item 10 – None were stated.

2. RECEIVE AN ANNUAL REPORT FROM MUNICIPAL COURT

Judge O'Brien and Administrative Services Manager Robinson presented the staff report accompanied by a PowerPoint. Judge O'Brien explained programs provided by the court are traffic, civil infractions and public information. There were 6,675 violations showing a seven percent reduction from the previous year, cell phone violations have doubled and the distracted driver diversion had 223 participants. Court averages 556 violations a month with 84 percent entering a guilty plea and five percent are acquitted or dismissed. Judge O'Brien requested an expansion to the diversion program for inclusion of adults. He stated the advantages of expanding the diversion program to adults:

1. Traffic schools educate more drivers to change behavior.
2. Enhanced public safety and reduced recidivism.
3. Financial sanctions remain the same for defendants.
4. Masking much less likely with signed certifications.
5. Restructured fees increasing revenue to the general fund.
6. 90-day collection rate potentially higher with fewer payment agreements.
7. Reduced docket pressure as some may prefer diversion to trial.

Judge O'Brien stated if council would like to proceed with the expansion, staff can prepare a resolution and bring it back to council for consideration.

Council President Snider asked for clarification on what programs would be expanded. Judge O'Brien answered adults are currently only eligible for the seat belt class and the city only looks back two years on offenders records, so the door would be opened to adults for the distracted driving program and provide a five year look back.

Councilor Woodard asked how successful the program was in changing behavior. Judge O'Brien said recidivism was fairly rare. Ms. Robinson said she was unsure what data was available but staff could look into that.

Mayor Cook thanked Judge O'Brien and Ms. Robinson for their report and said council consensus is to increase the diversion program.

3. RECEIVE AN ANNUAL REPORT FROM TUALATIN VALLEY FIRE & RESCUE

TVF&R Chief Duyck reported, accompanied by a PowerPoint presentation, the department's accomplishments for the last year:

- Responded to 5,354 calls with 83 percent being medical in nature. The remainder was fire, hazmat and public assistance.
- Held safety events such as the SKID demonstrations at high schools, train youth in CPR, inspections, investigations, and apartment fire reduction landlord training. Total interaction was with 50,960 attendees.
- Remodel of Tigard station.
- Passed local option levy.
- Trained 25 recruit firefighters.
- Deployed two medic units.
- Purchased Station 70 in Raleigh Hills.
- Opened Station 68 in Bethany.
- Completed St. Vincent's Pilot.
- Improved response times.
- New transport partnerships with American Medical Response.

Chief Duyck reported on future goals:

- Open seven more stations. Two of those stations will service Tigard from the Beaverton Hillsdale Hwy/Laurelwood and the Roy Rogers/Bull Mountain stations.
- Hold a recruit firefighter academy.
- Conduct a volunteer recruitment.
- West Bull Mountain station planning.
- Provide six medic units.
- Purchase three trucks and a new volunteer apparatus.
- Seismic retrofit some of the stations with monies received from a grant.
- Remodel the Wilsonville station.
- Station 70 (Raleigh Hills) buildout.
- Purchase land.

Council President Snider asked if there was a state law requiring a minimum number of automatic external defibrillator (AED) devices to be made available in a building. Chief Duyck answered that only public buildings over certain occupancy levels must have AEDs. Council President Snider suggested the city consider a policy for the city to have more than the state requirement.

Councilor Goodhouse asked for an update on the Pulse Point phone app campaign. Chief Duyck replied the phone app has been continually pushed and the number of downloads have plateaued.

Council President Snider suggested Tigard being the most CPR and AED accessible community and adding it to the vision.

Mayor Cook thanked Chief Duyck for the presentation.

4. DISCUSSION ON PARKS AND TRANSPORTATION SYSTEM DEVELOPMENT CHARGES

Finance and Information Services Director LaFrance, Assistant Finance Director Smith-Wagar, Streets & Transportation Senior Project Engineer McCarthy and Interim Assistant Public Works Director Goodrich presented the staff report accompanied by FCS Group Oregon Branch Manager Todd Chase. Mr. Chase provided a report, with a PowerPoint, stating tonight's discussion is going to focus on direction for the River Terrace funding strategy, SDC basics, parks and transportation SDC analysis and credit policies. Key highlights of the PowerPoint presentation were funding methodology and policies on:

- Deciding on a mix of citywide SDCs and area specific SDCs like a River Terrace district overlay.
- Possibility of a new citywide parks utility fee and the need for a general obligation bond to reduce SDC amounts.
- SDC reimbursement and improvement fees for parks and transportation.
- Transportation districts and road infrastructure credit policy.

Mr. LaFrance summarized stating council has three options for parks improvements, as shown in slides 11-14 of the PowerPoint. Each scenario has a lower citywide SDC and then an overlay or an added amount for certain districts. The citywide fee is still uniform to fund the entire infrastructure, but it needs to be decided how to charge that fee. It needs to be decided how to implement the funding gaps.

Mayor Cook asked for clarification in the reimbursement fee and the excess investment of \$13.5 million. Mr. Chase said the city acquired park lands and had not improved it, so downward adjustments are made for any future bond principle payments toward park costs. Second, the principle of the current value must be taken out. Lastly, the level of surface acreage per capita is taken out creating the level of surface to be greater than the city's plan currently shows.

Mr. LaFrance said an example would be the city having pipes delivering water to the community and those pipes are oversized accounting for growth. When someone builds a house the reimbursement fee pays for that oversize.

Councilor Woodard stated development should sustain itself therefore the development in River Terrace should pay for River Terrace. There is give and take on parks development because there may be benefit to an extended area, so if improvements are made that would be used somewhere else in the city a 50/50 split is appropriate. Mr. Chase asked Councilor Woodard if he is supporting

the overlay district over the others. Councilor Woodard answered yes and Council President Snider agreed he liked that approach more as well.

Council President Snider said the reason for the utility fee as a separate district is to not create a barrier to development by front loading the fees such that they become one time capital costs for the project.

Mr. LaFrance said staff received general consensus from the council for an overlay of Option A. He asked if the council was comfortable with Scenario One with a gap or Scenario Two which closes the gap resulting in a 16% higher SDC. Council President Snider suggested addressing the funding gap with the utility fee. Mayor Cook said the majority of council members are leaning toward Scenario One Option A.

Mr. LaFrance said staff's starting point to draft a methodology report will be from Scenario One Option A. He asked if council preferred a parks reimbursement fee on top of the improvement fee.

Mayor Cook and Councilor Woodard stated they are not as supportive of a reimbursement fee. Council President Snider said he could support a parks reimbursement fee. Discussion commenced on the merit of a park reimbursement fee and the justification of new development paying for existing parks.

Mr. LaFrance recommended continuing the parks reimbursement discussion to the March workshop in order to allow a continued deep discussion and in the meantime, keep it in the methodology report as it may be easier to pull something out later rather than put something in. Mayor Cook agreed and stated discussion is still to be had this evening on transportation and would like to move to that.

Mr. Chase said there is about \$625 million in projects currently identified in the city's Capital Improvement Plan. He reviewed the PowerPoint slides pages 19 through 23 detailing funding strategies and asked the council if they would like to consider a different transportation district fee for River Terrace and the downtown.

Mr. LaFrance added that staff researched where Tigard SDC charges compare to surrounding jurisdictions and found, even with a discounted SDC, Tigard's charges would be toward the top. He stated he did not see a realistic scenario to charge the full amount possible and recommended modifying Scenario One with a discounted SDC or move priority of some of the downtown and Tigard Triangle projects.

Mayor Cook and councilors stated a general consensus to support Scenario One Option A, but Council President Snider requested further discussion on the Tigard Triangle projects.

Councilor Goodhouse asked why Tigard had such a large gap and the highest SDCs. Mr. LaFrance replied the SDC numbers show the most Tigard can charge not necessarily what council must approve and the gap speaks to the city's need versus revenue. Mr. LaFrance noted each time a community goes through the process of updating SDCs the cities start their review process to increase their fees. Infrastructure development it is expensive so a gap is expected. Mr. McCarthy added other cities are not as far along in their SDC review process as Tigard is, but the numbers proposed tonight will likely be comparable to Hillsboro, Beaverton and North Bethany.

Mr. LaFrance summarized the conversation stating staff received a general consensus from council to move forward with Scenario One Option A.

Mr. LaFrance said the last topic is the infrastructure credit policy. When a developer puts in a street in the new development they pay for that, but if they build a street that serves more than their development they could get credit for the over built portion. Mr. LaFrance directed council to page 25 of the PowerPoint outlining the three policy options. First is Tigard's current practice of a credit for exceeding local development requirements, second is a 100% credit of actual project cost and the third is a hybrid approach applying a 75% credit cap. Options two and three create a funding gap with a recommendation of an increase in the River Terrace SDC to close or reduce the gap.

Council President Snider asked what the rationale was behind a credit to justify a higher SDC. Mr. McCarthy replied the credit can be used as an incentive tool to get improvements built.

Councilor Woodard asked how the developers could use the credits. Mr. LaFrance answered to pay Transportation Development Tax fees on other roadway developments.

Council President Snider said he had a hard time justifying a 100 percent credit. Mayor Cook said he leaned toward the hybrid approach (third option), but needs the \$3,000 gap to close.

Councilor Woodard said he would consider an increase in SDCs to keep the gap from growing, but expressed concern to ensure the 75 percent credit does not take from other transportation projects.

Councilor Goodhouse expressed concern for the funding gap but liked the incentives.

Mr. LaFrance said the recommendation for staff is to explore current practice and the hybrid approach. There is a sentiment toward the current Tigard practice and a strong sentiment in not increasing the funding gap. The hybrid approach does not increase the gap and essentially creates a higher SDC in River Terrace. Staff can do a methodology around those two and present new information in March.

5. DISCUSSION ON THE PACIFIC HIGHWAY/GAARDE/MCDONALD WATERLINE CONTRACT

Purchasing & Contracts Senior Management Analyst Barrett reported that this is a contract for construction of a waterline improvement at the intersection of Pacific Highway, Gaarde Street and McDonald Street. A portion of this project is in the Capital Improvement Projects budget. Originally monies were approved to bore a casing under the intersection for a larger pipe for the Lake Oswego-Tigard Water Partnership. Staff assessed the project and found it more cost effective to do this project at the same time of the intersection street improvements rather than originally scheduled. Staff had further findings that there was an additional small water line that could be included in this project rather than tearing up the street at a later date. An invitation to bid was issued and staff received five proposals. The lowest bid was ODOT's contractor of \$237,895.00, which was much lower than the engineer's estimate due to already being on-site and reduced coordination costs.

Councilor Henderson asked if the extra funding is currently funded in the budget. Mr. McCarthy answered the project is funded with existing monies from other projects.

Councilor Henderson asked if this bid is realistic as it is 69 percent below the engineer's estimate. Mr. McCarthy replied he believed so as the second and third bidders were right in line with the engineer's estimate.

Mr. Barrett asked for council's desire to move this forward for future consideration on a Consent Agenda. Council consensus was to bring this contract back on the Consent Agenda at the February 24 meeting.

6. BRIEFING ON AN AGREEMENT TO FACILITATE GOVERNANCE OF THE WILLAMETTE RIVER WATER SUPPLY

Interim Public Works Director Goodrich reported the agreement before the council is for governance of a Willamette River Water Supply Program between Tualatin Valley Water District (TVWD) and the city of Tigard confirming agreement to tap into the Willamette River at the Wilsonville Water Treatment Plant. We are at the table with other jurisdictions, to represent our interest and if the program develops there would be future capacity for Tigard. The group has been able to develop a bridge MOU saying all parties will continue good relations. This is a low level agreement with little financial responsibility for the city.

Mayor Cook asked if TVWD was asking for additional funding. Mr. Goodrich replied this is something the city has already paid through dues, so there are no additional budget increases.

Council President Snider asked if the city was currently obtaining water from TVWD. Councilor Henderson answered part of the city is currently being served by TVWD.

Council President Snider said the issue between the charter and TVWD providing water is interesting and constitutes further discussion. Ms. Wine said it would benefit the city to have clarification on the charter requiring a public vote before use of Willamette River water.

Mr. Goodrich asked for council's desire to move this forward for future consideration on a Consent Agenda. Council consensus was to bring this agreement back on the Consent Agenda at the February 24 meeting.

7. BRIEFING ON AN AGREEMENT WITH CLEAN WATER SERVICES REGARDING THE RIGHT OF WAY AT THE SOUTHERN END OF 85TH AVENUE

Assistant City Engineer Kim McMillan presented the staff report stating staff is proposing closing 85th Avenue with a cul-de-sac bulb in order to provide more safety for the plant operators and keep citizens from driving there while Clean Water Services (CWS) staff is using equipment. The street remains a public right of way with pedestrian access. Staff has asked CWS to improve the road to make that area more visibly appealing. The agreement also provides some pavement improvement on 85th Avenue from Durham Road down to the cul-de-sac. There is a clause in the agreement allowing the city to claim the street back for vehicular use if needed. Ms. McMillan asked the council's desire to see this agreement return under the Consent Agenda at a future meeting.

Council consensus was to bring this agreement back on the Consent Agenda at the February 24 meeting.

8. BRIEFING ON CAPITAL IMPROVEMENT PLAN PROJECTS

Assistant City Engineer McMillan presented the staff report accompanied by a PowerPoint and handed out a bubble chart showing grant funding strategies for Dirksen Nature Park which was entered into the record. Ms. McMillan reported the park improvement highlights are updates to the Tualatin Riverkeepers' building, creation and relocating of trails, planting flowers along trails, utilizing the forested wetlands to provide habitat to animals, construct a wetland boardwalk to take people out to the forested wetland, clearing out and replanting trees to restore the "oak savannahs", construct a restroom and shelter by the ball field and on the Fanno Creek Trail, provide future nature education and construct some nature play equipment all made out of natural material. She stated the biggest challenge is funding these projects so staff has suggested phasing projects over multiple years with attempts to leverage dollars and pursue grants.

Mayor Cook and the council thanked Ms. McMillan for her presentation and consensus was to continue to pursue outside funding sources.

9. DISCUSSION ON THE CITY MANAGER'S 2015 EVALUATION FORM AND CRITERIA

Human Resources Director Dana Bennett presented the staff report stating the council just finished the city manager's evaluation and discussion came up about possible changes in the evaluation form for next year. Ms. Bennett said by request of the council she is here to receive feedback from council on the recent evaluation process and forms.

Councilor Woodard said the evaluation recommended a rating on the city manager's leadership and labor relations skills. He said he did not think it was fair to have supervision lumped into this category as this is not observed and suggested it be separate items to be assessed individually. Councilor Woodard added to be fair he would like to be able to be subjective otherwise he is just throwing a number out. He said he is not around staff enough to get a good sense of what Marty's supervision is like. Ms. Bennett said feedback on items like that can be captured in a 360 degree evaluation. Mayor Cook suggested looking into a 360 degree evaluation style.

Council President Snider said this is trying to address the style of leadership, but is written in a weird way. Ms. Bennett replied the leadership, supervision and delegation could be rolled into leadership which could be a stand alone item and then personnel function can be things like labor relations.

Ms. Wine said staff is looking to have the evaluation be less formal and a tool used to initiate conversation about how things are going and goals.

10. NON AGENDA ITEMS – None

11. EXECUTIVE SESSION – None

12. ADJOURNMENT

Motion by Council President Snider seconded by Councilor Goodhouse to adjourn the meeting at 10:06 p.m. The motion was approved by a unanimous vote of the council.

<u>Name</u>	<u>Yes</u>	<u>No</u>
Mayor Cook	✓	
Councilor Goodhouse	✓	
Councilor Henderson	✓	
Council President Snider	✓	
Councilor Woodard	✓	

Norma I. Alley, Deputy City Recorder

Attest:

Mayor, City of Tigard

Date: _____
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City of Tigard

Tigard City Council Meeting Minutes

February 24, 2015



STUDY SESSION

Council Present: Mayor Cook, Councilor Henderson, Councilor Goodhouse, Council President Snider and Councilor Woodard

Staff Present: City Manager Wine, Assistant City Manager Newton, Interim Public Works Director Goodrich, CCAC Vice Chair Arendes and City Recorder Krager

COUNCIL LIAISON REPORTS -

- Council Henderson reported on CDBG grant awards. He said Jennie Proctor from the program and Associate Planner Grass may attend a future study session and report on the program.
- Councilor Henderson attended a meeting about the Tigard Street Trail and mentioned an issue with ownership of the Tigard Street Trail alignment. He reported that the property is not all owned by the railroad. McCoy Oil owns the Allied property and the forest running adjacent to it. There are three different tax lots. City Manager Wine said the city's lease is only for the ODOT-owned property and the idea for the trail is to make private property part of the concept. Councilor Henderson expressed concern about designing something without the knowledge of the property owners. He added that Economic Development Manager Purdy has attempted to contact the owners.
- Mayor Cook said there was a McDonald/Gaarde/Pacific Highway project open house and 24 neighbors attended. Not many concerns were raised. Several people believe making the intersection more efficient will attract even more traffic to a street that is already busy.
- Mayor Cook said he attended Forest Grove Mayor Truax's State of the City address where he incorporated information about three other cities into his speech. He mentioned the Tigard Triangle and compared the issues of big and small cities, saying they are often the same, just on a different scale.
- City Manager Wine met with city managers from Lake Oswego and West Linn to hear concerns about delay of the Lake Oswego Tigard Water Partnership project. She said they continue to do everything possible to compress the schedule and more mitigation will be offered to the West Linn neighbors (hotel stays, moves and car washes). She said the partnership is trying to lower the impact of the project on neighborhoods. In response to a

TIGARD CITY COUNCIL MINUTES – FEBRUARY 24, 2015

question from Councilor Henderson, City Manager Wine said outreach efforts will be doubled to get the message to the neighbors closest to the disruption. Mayor Cook noted there had been power outages with not much warning but this is something out of the cities' control.

- Mayor Cook mentioned the addition of fitness equipment in Dirksen Nature Park.
- City Manager Wine said two members of the Tigard Youth Advisory Council will travel to the National League of Cities Conference in Washington, DC from March 6-11. She said Executive Assistant Bengtson is putting together the details for the youth travelers and a staff chaperone. Partial funding came from Councilor Henderson's and Council President Snider's travel budgets. Councilor Woodard offered up any remaining travel funding.
- Councilor Goodhouse said he has continued his city tours and field trips, visiting the library, Tigard facilities and going on a building inspector ride-along.

RECEIVE METRO UPDATE FROM COUNCILOR DIRKSEN

Metro Councilor Dirksen discussed regional transportation and how it is an opportune time, with the Oregon legislature in session, to talk to them about getting the funding we need to do transportation projects. He distributed a handout about the lack of funding for regional transportation and Metro's proposal to achieve some assistance from the legislature. He said there is an infrastructure crisis yet people are still moving to Oregon. Doing nothing has costs. The federal gas tax has not been raised in 20 years and has lost 50 percent of its purchasing power due to inflation. He said we cannot keep looking to Washington DC for help. The Oregon Transportation Forum was created last year and has several recommendations for a bill to send to the legislature.

- The proposal includes increasing the gas tax but tying it to fuel efficiency.
- It would increase funding for road maintenance distributed in a standard formula of 50 percent to the state/30 percent to counties/20 percent for cities.
- The plan would also support transit for elderly and disabled residents. TriMet is required by ADA to provide on-call service for elderly and disabled passengers and this is very expensive. A typical bus ride costs TriMet \$1.50 and one an average on-call ride costs \$20. They still can only charge the regular fare. This is as much a social service as a transportation service and it is logical that the state help pick up the tab. Nationwide the states provide a large percentage of transit services in cities. In Oregon it is very little so the OTF is proposing that the state pick up more of this cost.
- Maintenance will not solve all the transportation problems. As the state grows we have to grow the transportation system. OTF recommends a separate gas tax increase to be used specifically for enhanced or improved transportation projects.
- Restore Connect Oregon program to \$50 million a year. When it began it was at \$100 million and the last two times it was funded at \$42 million.
- Per Oregon's Constitution state gas taxes must be used for road projects, not transit, and bike lanes only as part of a road and within the right of way.

TIGARD CITY COUNCIL MINUTES – FEBRUARY 24, 2015

- A one-cent gas tax for ten years is proposed that would address the issue of “orphan highways.” A prime example is Hall Boulevard in Tigard, which is actually State Highway 141. This temporary tax would be available to incentivize improvements so a local jurisdiction can take them over. These roads are not a primary part of the state system so they get little or no attention. In many cases there is a local jurisdiction that would much rather have responsibility for it and be able to control how it looks and is maintained. He said it could go the other direction such as switching Cornelius Pass Road, which ought to be a state highway, from the county to the state.

In response to a question from Councilor Henderson, Councilor Dirksen said the OTF is recommending three separate gas tax increases, maintenance, improvement projects and the one cent increase for orphan highways. They have not specified how much the other two increases would be. He said JPACT endorses the proposal without any modification. The Metro Council forwarded this on to the legislature. He urged Tigard’s council to take opportunities to encourage our state representatives to support this proposal. Council President Snider asked if local councils should pass resolutions of support. Councilor Dirksen said resolutions are good but attending public hearings and especially getting local business leaders to testify has greater impact. Council President Snider suggested Tigard’s and other cities’ councils should go to Salem and speak, not taking no for an answer. Mayor Cook said LOC is supporting this and will call elected officials as these hearing dates are set. City Manager Wine said City Day is on Thursday and when staff meets with Tigard’s legislators they will discuss how to advocate for transportation funding.

SW Corridor is moving forward. The goal is to determine the locally preferred alternative before getting into the federal DEIS process, showing communities what the plan would be and giving them an opportunity to vote on it before entering into an expensive process with the federal government.

Growth Management was remanded but the remand was withdrawn. Metro will make a decision by the end of the year whether to make a decision or ask for an extension. It may be easiest to say no expansion needed for this year and then start a new process next year that will not be under all the legal issues that have arisen from this.

Climate Smart Communities is in the hands of LCDC. They will decide by May if it meets the requirements.

He noted that Tigard has a grant in the Enterprise Places grant program for the downtown.

City Manager Wine thanked Metro Councilor Dirksen for the Nature in Neighborhoods grant and an RTO grant for Safe Routes to Schools. Councilor Dirksen said that program has become so popular they had twice as many requests as they had money to grant. Mayor Cook asked if any RFFA funding could go to Safe Routes to Schools. Councilor Dirksen said he assumed those types of projects would compete favorably.

TIGARD CITY COUNCIL MINUTES – FEBRUARY 24, 2015

BRIEFING ON THE POTENTIAL LEASE OF A BULK STORAGE SITE FOR THE PUBLIC WORKS DEPARTMENT

Interim Assistant Public Works Director Goodrich said the Public Works Department is in the process of moving from their existing two and one-half acre facility to a leased one-acre space on Ash and Burnham. They have moved out of the Zuber house, which will be demolished for the relocated dog park. Mr. Goodrich asked staff for options and some feedback suggested consolidating bulk storage off site. Public Works currently has bulk material stored at Canterbury and two other locations and consolidating and centralizing it would free up space at city locations and be more efficient. It seemed like a reasonable option so he investigated locations. There is some open space on 8200 SW Hunziker Road, with 15,000 square feet, fence, electronic gate, 24/7 access, that is flat and out of the floodplain.

Mr. Goodrich said the lease cost is \$2,250 and is on a month to month basis with a 90-day notice. Four public works divisions will divide the cost which equals a \$6,700 annual cost for each division. Three of the four are enterprise funds. Money is budgeted in each division for next year. Depending upon council approval, the material could be moved to the new location as soon as April. The divisions can absorb costs prior to the new budget year. Council President Snider asked if it was competitive. Mr. Goodrich said there is not a lot of bare land available and with Oregon's marijuana initiative passing, industrial property is sought by growers. Mayor Cook added that some sites have been able to triple their asking price. Councilor Henderson requested to see the lease prior to execution. Council President Snider suggested increasing the lease timeframe and Interim Public Works Director Goodrich said things are still under negotiation so he will request that. City Manager Wine said unless council desired otherwise, this bulk storage area lease will appear on a future consent agenda.

Administrative Items:

- Coverage for Councilor Woodard at the March 11 Library Board meeting. City Manager Wine said Library Director Barnes requested the presence of a city council member at this meeting. The budget and Thursday closures will be discussed. Council President Snider asked if the meeting date could be changed as he was unavailable on March 11 but could attend on a different date. Mayor Cook said he could attend if the meeting is held earlier in the day. City Manager Wine will present these options to Library Director Barnes and communicate with Council President Snider and Mayor Cook.
- Attendance of CCAC members in CCDA Executive Sessions. City Manager Wine gave some background on this request. Three years ago council said this would be allowed if members have received executive session training. Mayor Cook said one concern is increased meeting length due to a greater number of attendees asking questions. Council President Snider suggested allowing them to listen but avoid extended discussion. CCAC Vice-Chair Arendes said if that lack of participation is expected, it would need to be clearly stated as the CCAC is accustomed to asking staff questions and discussion. She asked if they would be allowed to

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continue the dialog after the meeting and City Manager Wine said due to confidentiality, such discussion could only be held in a CCAC Executive Session. Councilor Woodard asked about having the CCAC Chair represent the entire CCAC and if more discussion was needed, taking it back to the group. Council President Snider said it was important that boards be aware of where the council or CCDA is heading on items they are advising on. He said they need training or they cannot participate. City Manager Wine will put together guidance and discuss with Redevelopment Project Manager Farrelly. CCAC Vice-Chair Arendes said the city attorney led executive session training in 2014 but there are a few new members that will need training.

Councilor Henderson reminded everyone of an OLCC Listening Post on Marijuana this Thursday, February 26, from 4-6 p.m. at the Embassy Suites near Washington Square. He suggested a 3:00 p.m. arrival to get a seat.

1. BUSINESS MEETING – February 24, 2015



A. At 7:40 p.m. Mayor Cook called to order the City Council and Local Contract Review Board meeting.

B. City Recorder Krager called the roll.

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

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

D. Call to Council and Staff for Non-Agenda Items - Councilor Henderson announced a meeting at Embassy Suites regarding the OLCC review of marijuana initiative, from 4-6 p.m. on Thursday, February 26, 2015. He lauded the outreach process and said the OLCC Listening Posts have been extremely informative.

2. CITIZEN COMMUNICATION

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

B.  Tigard Area Chamber of Commerce – Chamber CEO Mollahan gave an update on chamber events. The Shining Stars banquet is scheduled for April 24, 2015. An after-hours meeting for mature professionals is scheduled for the second Tuesdays of each month from 5-7 p.m.

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Bowlarama will be held this Saturday, hosted by Tigard Bowl, a local business that has supported the event for 20 years. The Farmers Market will add a mid-week market on Wednesdays at the Tigard Grange beginning April 1. The opening day for the Sunday Farmers Market is May 10.

C. Citizen Communication – Sign Up Sheet.

 Carter Kruse, 13290 SW Genesis Loop, Tigard, OR 97223 said he wanted to bring the proposal for a YMCA to the city council. He thanked the council and city for their support and help to fund the feasibility study. It should be up and running in April helping to fund a telephone survey for area residents on having a YMCA in downtown Tigard. He said the calls will be coming from Tennessee and the process could take three to four weeks. Our goal is a 500 call minimum. We brought people today to show support for a YMCA is continuous.

Zach Dean, 7814 SW Cedarcrest St., Tigard, and Adam Lafountain, 11202 SW North Dakota Street, Tigard thanked the city for their support. They introduced a volunteer team interested in this project. Architect Scott Brown is a principal with YGH Architects. Their portfolio of projects include specialization in government, corporate office and recreational facilities. Mr. Brown is a Bull Mountain resident. The structural engineers are Darron Hayden and Gabi Miller from Hayden Consulting Engineers, a small engineering firm located in Tigard since 2003. They introduced builder Bob Grey, from TS Gray Construction, has worked in construction since 1964. They also introduced Neal Brown, who has been very active in the program to bring a YMCA to Tigard. He said they look forward to informing citizens about what a YMCA can bring to them and the community. Mayor Cook commented that Mr. Gray was one of his mentors and has built many buildings in Tigard including the Tigard High School stadium and the Broadway Rose Theater. He said Mr. Gray has done a lot for the community.

 Neal Brown, 13853 SW Box Elder Street, Tigard, said this is a big evening as there are many people in the audience to celebrate transitioning from talking about bringing a YMCA to planning action. He said it has grown from one man's vision to an expansive community project, reflected by the number of people here tonight to support it. He expressed gratitude to the mayor, council and staff and said it was their decision to commit to money for a feasibility study that made the celebration possible; they even brought coffee and doughnuts.

Mr. Brown asked council to look out at the crowd. Many times people come to council meetings because they are angry, unhappy or are NIMBYs (not in my backyard). He said these people are happy and are here to thank you. They are ready to roll up their sleeves and work towards bringing Tigard a YMCA community center. He recognized Carter Kruse, Adam Lafountain and Zach Dean and said they are future community leaders. He said it has been an honor to work with professionals Darron Hayden, Gabi Miller, Bob Gray and Scott Brown. He said he selected these people because they have deep roots in the Tigard community. He showed concept drawings of a 106,000 square foot building. He thanked Mr. Gray and Mr. Hayden they are under budget. They can do this for under \$28 million for land and building. He said by

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comparison, Sherwood's YMCA is about 55,000 square feet. He said there is 86,000 square feet of usable space with two swimming pools, four basketball courts, and a community room that will hold 330 people. He commented that he would love to have the Rotary Club meetings there. There is a community theater, teen center, weight room, cardio rooms, exercise rooms, coffee shop, classrooms, child watch area and a wellness center. He said they are trying to create community. When he looks at Sherwood he sees that they are building community and "We can do it too." He thanked everyone for coming and asked those who are in support to stand. He said he went door to door to talk to merchants on February 18 and of the 20 merchants he spoke with 18 were positive. He noted there were a few downtown merchants present and he asked them to stand.



Kathy Fastenau, 14467 SW 130th Avenue, Tigard, OR 97224, spoke in support of the YMCA. She said a membership in a YMCA can be used at other places as well when traveling. She read a list of the top ten reasons to bring a YMCA to Tigard:

1. Great staff. All are trained in CPR and first aid. Quality people will be running a YMCA.
2. Classes, classes, classes. There will be classes for everyone, all ages and sizes.
3. People need people. The YMCA brings together all types of people.
4. Meeting the needs and always listening to our wants; they will work with us
5. Free child care
6. Personal training
7. Wellness centers
8. Swimming pools
9. Body mechanics and massages
10. We all need to get healthy

Becky Cancelosi, 13332 SW 129th Avenue, Tigard, said she has lived in Tigard for 13 years and is a full-time mom and volunteer in schools and the community. She advocated for a YMCA as her family has a strong workout ethic and they want to pass this on to their children. In Oregon unfortunately, a building is needed. She said she would love to run indoors when it is cold outside. This center would provide community and bring people to downtown merchants

Reid Iford, 11575 SW Pacific Highway, Suite 151, Tigard, is the editor and publisher of Tigard Now, a new weekly newspaper starting publication next week. He said they are not taking anything out of the community, but only giving. He is donating the newspaper and server space and giving free advertising to all Tigard businesses. His other business endeavors make it possible to do this for free. He has extensive background as a journalist and activist in Tigard and also as a broadcast journalist and network television producer. Mr. Iford said each city councilor can have a space for a column if they would like. There is also space for every city division, board or committee. He said businesses in Tigard need support and Tigard is large enough that if all residents did business with local companies they would all be successful. He invited people to go to tigardnow.com and the sister publication tigardshopper.com. He requested that story ideas be sent to him. He clarified that Tigard Now is not competing with print newspapers.

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3. CONSENT AGENDA: (Tigard City Council and Local Contract Review Board)

- 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

RESOLUTION NO. 15- 08 – 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

- 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 A CONTRACT AWARD FOR PACIFIC HIGHWAY/ GAARDE/MC DONALD WATERLINE

Council President Snider moved for approval of the consent agenda. Councilor Woodard seconded the motion. Motion passed unanimously.

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

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4. REQUEST FOR A PERMIT FEE REFUND ON STEVIE LEVIN EAGLE PROJECT

 Finance and Information Services Director LaFrance presented the staff report on this item. Eagle Scout Steve Levin’s eagle project was a new sign for the Good Neighbor Center. He paid \$192 of his own money for the permit to do that work but since he is not a non-profit, the city cannot refund Mr. Levin directly. The city code does allow a fee refund if council perceives a community benefit from the activity that outweighs the financial burden to the city. The city received a letter from the Boy Scouts of American requesting a refund and this was in attached to the summary for this agenda item.

Mayor Cook was supportive. Council President Snider agreed but asked if an eagle scout asks for a permit to fix the Good Neighbor Center sign why staff did not head them in a different direction to begin with. Finance and Information Services Director LaFrance said at this point staff cannot do the waiver up front; it must come from council.

Council President Snider said, from a community member perspective, the city should be bending over backwards to make the process smoother for a person wanting to do something to help and improve the community. Mr. LaFrance said an option for council is to direct staff to bring a code amendment waiving the sign code directly for non-profits up to a certain dollar amount. He said this would make it easier for Southside Soccer or Tigard Little League when they want to post signs for a temporary period. Councilor Goodhouse said he was in favor of that and Mr. LaFrance said he will bring this forward for council approval.

Councilor Goodhouse moved for approval of the permit fee refund for the Stevie Levin Eagle Scout project. Council President Snider seconded the motion. The motion passed unanimously.

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

5. LEGISLATIVE PUBLIC HEARING – CONSIDER RIVER TERRACE MAP AND CODE AMENDMENTS

- a. Mayor Cook opened the public hearing. 
- b. Hearing Procedures – Mayor Cook announced that this is a legislative public hearing in which any person shall be given the opportunity to comment.

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- c. Staff Report – Senior Planner and River Terrace Project Manager Shanks presented legislation to council that includes a map and code amendment to implement the recently adopted River Terrace Community Plan. She presented a slide show to give some River Terrace background and context. She showed a graphic of the River Terrace Community Plan adoption process timeline and said if council adopts the code and map amendment, staff will be shifting from planning to the next phase – permitting and land use approvals. She said tonight’s decision is important because it opens the door for development to happen in River Terrace.

Senior Planner Shanks discussed the two parts of the amendments under consideration, the map and the code amendments. She showed a slide of the River Terrace zoning map. Once land use approvals are obtained it is expected that developers will begin public facilities in this area. The proposed zoning of River Terrace is predominantly residential which was dictated by Metro when River Terrace came into the urban growth boundary. Residential zones range from R-4.5, relatively low density to R-25, which is more dense and situated near the commercial area and along Roy Rogers Road. This zoning map was publically vetted over several months in 2013 and unanimously recommended by the project Stakeholder Working Group and the Planning Commission. It is consistent with the Comprehensive Plan designations recently adopted by council and is also consistent with Metro density requirements. Ms. Shanks noted that lower density areas were specifically sited near the edge next to existing residential neighborhoods to ease transition into medium-high and higher density zones near the commercial area and along Scholls Ferry and Roy Rogers Roads.

Senior Planner Shanks said the only change in the zoning placement throughout the time it was considered is that the commercial area was stretched to have some frontage along Roy Rogers Road.

Senior Planner Shanks said the River Terrace code amendments are in one chapter that staff proposes to add to the five other plan districts in the Community Development Code. Plan Districts provide a means to create unique development regulations for a specific area that also work in tandem with base zone regulations to achieve a desired outcome. The amendments have been designed to allow development to move forward now while the city is still working on details of the mechanisms to implement the funding strategy. So the code amendments as written, with a section called Provision of Adequate Public Facilities, allows developers to move forward and submit land use applications now but it also protects the community’s interests in making sure that infrastructure is built and or, adequately funded before issuance of final approvals on land use applications.

Ms. Shanks showed a slide of the table of contents of the plan district and said she would only discuss sections that are complex or have noteworthy provisions that she wanted summarized for the record. She invited questions from council on any of it.

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Section 18.660.030 Provision of Adequate Public Facilities is unique and critical because it allows development to move forward with the adoption of zoning but also ensures that needed public facilities are built per the master plans that were recently adopted by council and also adequately funded per the River Terrace Financing Strategy also recently adopted prior to final land use approvals. The city attorney helped write this section.

Section 18.660.060 River Terrace Boulevard Development Standards address private development along the boulevard, not the boulevard itself. This is how the boulevard will be framed by development. It regulates building placement, design, lot orientation, fence height and vehicle access from the boulevard and façade design. A density bonus was written into this section for those lots immediately abutting the boulevard to somewhat offset the land and development costs and allows smaller and narrower lots. She showed graphics of residential façade designs including window orientation or percent of a garage window so it does not look like a blank wall. She said staff heard from the development community that they have no real concerns about meeting these design requirements. This is something Tigard does not have for any other single family development.

Section 18.660.070 Planned Developments This section modifies how the exiting planned development chapter in the city’s Community Development Code would apply in River Terrace. The proposed amendments include standards and incentives to encourage development that is consistent with the Community Plan, the Transportation System Plan, the Parks System Master Plan as well as the city’s Strategic Plan. Specifically, this section aligns the open space requirements that are currently required in a Planned Development (20 percent) to meet the level of service standards as identified in the River Terrace Parks System Master Plan. This chapter also requires additional development enhancements to advance the Community Plan vision.

Another key provision is that it limits what a developer would have to deduct for rights of way. The nature of River Terrace is that it is long and skinny, especially through the middle. Developments abutting Roy Rogers Road, while they might have frontage along that road, may not get access from it. As a result of these constraints, the city will see a lot of side-lot or rear-lots oriented towards these main streets and this will create alley-loaded lots. What staff has heard from developers is that they need additional right of way to provide this access. The city did not want them to be penalized when providing alley-loaded homes because lovely frontage was desired along River Terrace Boulevard and to mitigate because they cannot take access from either River Terrace Boulevard or Roy Rogers Road.

Section 18.660.080 Street Design provides design standards for the boulevard and the street through the commercial area and also describes when private streets, skinny streets and alleys are required or allowed. It builds off the city’s existing code in all three cases.

Section 18.660.100 On-Street Parking Standards is something new for Tigard. It would provide clear and objective on-street parking standards which the city currently does not

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have for both single-family and duplex development. They work in tandem with existing off-street parking standards and would allow for small parking pockets in lieu of traditional on-street parking spaces. This section allows parking to be provided in new and different ways.

Section 18.660.110 Temporary Sales Offices and Model Homes was added by the Planning Commission at their hearing. The current code only allows one model home per subdivision. This code section allows for more in certain instances. The subdivision would have to be a certain size and it would have to be a planned development. The request for more than one model home must be concurrent with either a subdivision or planned development application. It requires removal if the final plan is not recorded. This is designed to enable developers make the most of the real estate cycle.



Senior Planner Shanks summarized the comments and staff responses.

Staff sent out notice of tonight's public hearing and a summary of the proposal to all residents and property owners in River Terrace as well as other interested parties. They did not hear from anyone except the developers and the school district. She said four developers and the school district did an extensive review with an eye towards implementing it and with very specific projects in mind. This was a great way to run through the code to see if it does what we want to achieve. Staff accepted 85-95 percent of the comments and recommended changes. Council President Snider asked what was not accepted by staff. Ms. Shanks said it was a comment from West Hills Development in the Planned Development section. They wanted to eliminate the open space requirement altogether and focus on the development enhancements. Staff disagreed and kept in the open space requirement that it aligns with the Parks System Master Plan for River Terrace.

Senior Planner Shanks directed council to the blue and green covered handouts distributed tonight to them. She said the blue handout reflects changes made to the code after the Planning Commission review with a few other minor changes from staff. One substantive addition is under section 080 Street Design. A new subsection was added to clarify when private streets would be allowed in certain locations. This builds off the city's existing provisions for private streets and requires, among other things, that an applicant demonstrate why a private street is appropriate for a particular location as opposed to a public street. The current code does not have that specificity so staff thought it was appropriate to add.

Senior Planner Shanks directed council to the green handout with a few text edits that staff is recommending council adopt with the code section. They are minor but help to make the code language clear and complete. Council had no questions on the recommended changes.

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Councilor Woodard referred to the TTSD comments and concerns expressed about a street running through the school yard. Ms. Shanks said changes were made and Kelly Hossaini was completely satisfied.

Councilor Woodard said staff did a great job at dissecting issues and concerns and coming to common sense solutions. Senior Planner Shanks said they received great input from developers and the school district community. Councilor Woodard had a question regarding keeping hedges to three-foot elevations. Ms. Shanks showed a slide of the River Terrace Boulevard standards and said there is a particular kind of development that frames the street and has no hedges or landscaping more than three feet tall so the boulevard does not feel walled off. Staff felt that hedges would have the same obscuring effect.

d. Public Testimony

Proponents - Fred Gast, Polygon, 109 East 13th Street, Vancouver, WA 98660, said staff deserves a significant amount of credit and support for all of their hard work over the last several months. He said the city did an amazing job with community outreach for this project and in his over 20 years of experience it was second to none. He said he took part in the Stakeholder Working Group and it was beneficial to the community at large because it included a cross-section of the community. He said this work product and plan are consistent with what the community's discussions entailed. Council President Snider thanked the development community for their participation. He said this group effort was a win-win for everybody.

No one else from the public signed up to testify.

Mayor Cook followed up on Councilor Woodard's questions about concerns identified by the Tigard-Tualatin School District. Ms. Shanks said a subsection was created for conditional uses such as schools and churches. TTSD made a good point that residential design standards do not apply to school buildings, although the city does still want them to have a good relationship with the street. The street question was cleared up. Mayor Cook said similar questions were being raised about the high school at South Cooper Mountain.

 Councilor Henderson asked about section 030 Provision of Adequate Public Facilities. He asked if this meant building will be allowed to happen but there can be no occupancy until all the utilities are in. She said no, land division is a two-step process. The developer can submit a preliminary plat and can defer compliance until the final plat is approved which usually takes a while. Between the first and final plat, a lot is done such as building infrastructure. They will probably be doing a lot of this in the summer and then coming back to the city for final plat approval. She said the city will not let them build aboveground until final plat approval. This gives the city leverage to stop the process at the final plat stage. Councilor Henderson asked what happens if utilities get stalled and make this a lot longer process. Ms. Shanks said there are a lot of different utilities and some properties will be able

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to connect at Scholls Ferry Road but others are farther away and may have challenges. The other component to adequate public facilities is funding and that is the process council is going through right now. There is the possibility of that being stalled but that is up to council in terms of adopting new SDCs, etc. Staff explicitly linked having funding mechanisms in place to ensure that we get facilities to serve that development but also that we have the overall funding mechanisms in place to build the entire development.

 City Attorney Olsen said this is a unique process. Typically the public financing is in place prior to zoning. In this case, the zoning is occurring first and many of the public financing decisions are coming later. The development community can get their preliminary plat approved, start laying out lots and putting in infrastructure if they choose to, but at their own risk. They cannot get final plat approval unless the city adopts the public facility funding strategies laid out in various master plans or qualifies for an exception under certain circumstances. The final plat approval becomes the leverage that otherwise would be the zoning. It is advantageous to the developers in that they get further down the road before all these funding decisions are finalized and they were anxious to get going on the construction season this year, but the leverage the city has is dependent on further action on the public facilities funding strategy. Council President Snider commented to council “So we’ve got to do our job.”

Councilor Henderson asked about the model homes in 18.660.110, noting that they are usually built first and are placed on the site with a porta-potty. He asked if this meant they could not be built until all the utilities are hooked up. Senior Planner Shanks said those could happen in advance provided the streets and pipes are installed. Pipes may not be connected to service but the infrastructure must be laid out. She said staff wants to avoid a situation where a finished street has to be torn up to allow connection to a model home.

Councilor Woodard clarified that the developers understand that this is at their risk. It may cost money if their plat is not approved and a model home has to be removed. He asked if this is the only district that allows more than one model home and Ms. Shanks said it was. He asked if this could be done in the Tigard Triangle and Ms. Shanks said it could be considered in other sections of the city if the code is changed. She said this arose from a developer’s comment about wanting more than one model home because they envision more than one housing type on their 40 acres such as large-lot single family home, small-lot single family home, row house, and condos. The Planning Commission agreed that this was a good idea. Councilor Woodard commented that he wanted to make sure the city was not left on the hook for model homes and he thought it was well covered and looked good.

Mayor Cook asked about an item on page 15 showing the list of 11 design details. He said there are 11 items and the developer has to choose five. He said one of the items is wood roofing shingles. He said people are writing to the city because their homeowner associations specify wood shingles exclusively and TVF&R and other fire agencies say wood shingles are not the best due to fire hazards and longevity. He said he knew homes of distinction are

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desired but questioned whether wood shingles are a distinctive item anymore. He asked if it was too restrictive to list only tile and wood shingles. Senior Planner Shanks said it is one item on the list that is to be used in tandem with other items on the list. She said if the city council is not comfortable with this it could be easily changed. Mayor Cook suggested adding design composition shingles to the list. Mayor Cook asked about accent siding being brick, cedar shingles or stucco. He commented that cedar shingles do not weather well and he said stucco does not do well in this climate. He asked, “Why is this in here if this is not what we want?” Senior Planner Shanks said it adds to the design character of a home.

Councilor Henderson asked if River Terrace Boulevard is the only area being considered for form-based code or would it be throughout the whole development. Senior Planner Shanks said it was not, except by choice. There are certain development requirements along River Terrace Boulevard but the design standards for single-family homes and duplexes could be applied to other areas if the developer chose to go through the planned development process and chose to do that as one of their development enhancements. It is up to the developer to choose which design enhancements they want to use.

Senior Planner Shanks said the design standards were recommended by the development community as something they would like to see in lieu of the 20 percent planned development open space requirement. Staff felt it was a good idea but did not get at open space specifically so a hybrid version was created that can be chosen or not, and there are other design enhancements that staff thinks are good and would open up various aspects of the Community Plan vision. Staff outlined a better open space requirement that is more in alignment with the Parks System Master Plan.

Councilor Woodard commented on the design and connections of the River Terrace Boulevard right of way and said he likes the 20-foot sidewalk access.

Council President Snider said it was well done and he had no questions.

- e. Staff Recommendation -
Senior Planner Shanks said the Planning Commission held a public hearing on the proposed map and code amendments on February 2, and recommended approval with some minor recommendations (summarized on the blue sheet). She noted that the Stakeholder Working Group unanimously recommended adoption of the zoning map in 2013. Staff recommends council adopt the map and code amendments but with a few minor wording changes (summarized on the green sheet).
- f. Close Public Hearing – Mayor Cook closed the public hearing.
- g. Council Discussion and Consideration of Ordinance 15-03

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Councilor Woodard moved for approval of Ordinance No. 15-03, including adoption of the findings attached as Exhibit C and any changes to the ordinance as specified in the green sheet. Council President Snider seconded the motion. There being no further discussion

Mayor Cook asked City Recorder Krager to read the number and title of the ordinance and conduct a roll call vote.

ORDINANCE NO. 15-03 – 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) as amended with findings of Exhibit C and changes as specified in the green sheet

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

Mayor Cook announced that Ordinance 15-03 passed unanimously.

6. NON AGENDA ITEMS - None.

7. EXECUTIVE SESSION

At 9:01 p.m. Mayor Cook announced that the Tigard City Council was entering 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). He said the Tigard City Council will adjourn from the Red Rock Creek Conference Room at the conclusion of the Executive Session.

Mayor Cook adjourned the Executive Session at 9:57 p.m.

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8. ADJOURNMENT

At 9:58 p.m. Councilor Henderson motioned for adjournment. The motion was seconded by Councilor Woodard. All voted in favor.

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

Carol A. Krager, City Recorder

Attest:

John L. Cook, Mayor

Date

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AIS-2161

3. B.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): Consent Item

Agenda Title: Adopt a Resolution of Necessity Amending Resolution No. 14-46 to Acquire Property for the Walnut Street Improvement Project

Prepared For: Mike McCarthy **Submitted By:** Greer Gaston, Public Works

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

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall the council adopt a resolution of necessity amending Resolution of Necessity No. 14-46 to acquire property for the Walnut Street improvement project?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council adopts the resolution.

KEY FACTS AND INFORMATION SUMMARY

With the city’s input, Washington County plans to reconstruct Walnut Street from 116th Avenue to Tiedeman Avenue. Construction will include through and left-turn lanes, sidewalks, bike lanes, planter strips and storm drainage improvements. The project will also include the construction of a traffic signal with turn lanes at the northern intersection of Walnut Street and 135th Avenue. The project is funded through “Phase 3d” of the county’s Major Streets Transportation Improvement Program (MSTIP 3d).

On April 22, 2014, the council adopted Resolution of Necessity No. 14-18 which gave the county the authority to acquire properties for the Walnut Street project. Legal descriptions and drawings were provided for each of the affected properties. On October 28, 2014, the council adopted Resolution No. 14-46 which amended some of the previous legal descriptions and drawings to reflect minor project design changes and to accommodate requests from the public.

One more amendment is required; the attached resolution will amend the legal descriptions

and drawings for the Fowler Middle School property (File No. 020). The amendment allows for the design of a stormwater treatment and detention facility between the tennis courts and the creek at the school. City staff worked out this design with the school district, and the district has indicated it is a willing seller. However, staff needs council to formally adopt a resolution amending the legal descriptions and drawings in order to follow the federal process.

The city's standard practice is to negotiate, or have its representative (in this case Washington County), negotiate with each property owner and purchase the easement and/or right of way at a fair market value. However, as a last resort, it is sometimes necessary to acquire property and easements via condemnation. If there is even a possibility that condemnation may be required, the federal property acquisition process dictates that a resolution of necessity be adopted before negotiations begin. The city and county follow the federal process to ensure they will qualify for federal funding opportunities now and in the future.

OTHER ALTERNATIVES

The council could choose not to adopt the amendment to the resolution. However, the previous resolution—as adopted—contains legal descriptions that no longer match the proposed improvements. Failure to adopt the amendment to the resolution would affect the county's ability to negotiate for the necessary property rights and ultimately construct the project.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

These improvements are included in the Transportation System Plan and adopted Capital Improvement Plan.

DATES OF PREVIOUS CONSIDERATION

The council was briefed on this resolution of necessity in executive session on March 10, 2015.

The council adopted Resolution No. 14-46 which amended the original resolution of necessity on Oct. 28, 2014.

The council adopted the original resolution of necessity (Resolution of Necessity No.14-18) on April 22, 2014.

Fiscal Impact

Cost: \$0
Budgeted (yes or no): Yes
Where Budgeted (department/program): CIP 95023
Additional Fiscal Notes:

The county will be paying for the cost of the right of way and/or easements as part of the project, which is funded by their Major Streets Transportation Improvement Program (MSTIP), with no cost to the city. There may be some incidental staff time on this issue, which is budgeted as part of Project No. 95023 in the adopted Capital Improvement Plan.

Attachments

Resolution

Exhibits A and B to the Resolution

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

A RESOLUTION TO AMEND RESOLUTION NO. 14-46, LEGAL DESCRIPTIONS AND DEPICTIONS, AND TO DECLARE THE NEED TO ACQUIRE PROPERTY FOR THE PURPOSE OF CONSTRUCTING STREET AND OTHER IMPROVEMENTS ALONG SW WALNUT STREET FROM 116TH AVENUE TO TIEDEMAN AVENUE AND AUTHORIZING IMMEDIATE POSSESSION OF THE PROPERTY.

WHEREAS, the City of Tigard Charter grants the City of Tigard (“City”) authority to acquire interest in land for public purposes; and

WHEREAS, the City is authorized by ORS 223.005 et seq. and ORS 35.015 et seq. to purchase, acquire, take, use, enter upon and appropriate land and property within or without its corporate limits for the purposes provided in those statutes; and

WHEREAS, the construction of Walnut Street, 116th Avenue to Tiedeman Avenue, is an approved capital improvement project identified in the City of Tigard Capital Improvement Plan (the “Project”); and

WHEREAS, the City has determined that the acquisition of rights of way and/or temporary construction easements on certain properties is necessary and will be used for the location, installation, replacement and repair of the needed city sidewalk, street improvements and a stormwater treatment and detention facility; and

WHEREAS, on April 9, 2013 the City and Washington County (“County”) executed an Intergovernmental Agreement (IGA) whereby City has delegated authority to County, on behalf of the City, to take all necessary and appropriate actions to construct this Project for the health, safety, benefit, and general welfare of the public by addressing maintenance and flooding issues in the area, including acquisition of necessary property and property interests by eminent domain; and

WHEREAS, Resolution of Necessity No.14-18 adopted on April 22, 2014, declared the need to acquire property for this Project; and

WHEREAS, Resolution No. 14-46, adopted on October 28, 2014, amended Resolution No. 14-18; and

WHEREAS, the City Council has determined that it is in the public interest to revise the project design, and this revision changes Exhibits A and B for Property No. 20 in Resolution No. 14-46; and

WHEREAS, the legal descriptions and depictions for Property No. 20 have been revised accordingly.

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

SECTION 1: Resolution No. 14-46 is hereby amended as follows: Exhibits A and B for Property No. 20 are replaced in their entirety by the legal descriptions and depictions attached and incorporated to this resolution as Exhibits A and B for Property No. 20.

SECTION 2: Except as amended herein, Resolution No. 14-46 and Resolution of Necessity No. 14-18 remain in full force and effect.

RESOLUTION NO. 15-_____

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

EXHIBIT "A"

S.W. Walnut Street
(S.W. 116th Ave. to Tiedeman Ave.)
January 13, 2015
Parcels 1, 2, 3 and 4

County Road Project No.: 100187
File No.: 020
Assessors Map: 2S103AB
Tax Lot No.: 00100

PARCEL 1 (PERMANENT SLOPE AND UTILITY EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760, Washington County Book of Records, the said parcel also being all that portion of said property lying Southerly of a line delineated by following the below noted stations and offsets, Northerly of the centerline of realigned S.W. Walnut Street, as said centerline is described below.

S.W. WALNUT STREET CENTERLINE

A road centerline situated in Section 3, Township 2 South, Range 1 West, of the Willamette Meridian in Washington County, Oregon, and being more particularly described as follows:

Beginning at a point on line known as Station 10+00.00 (feet) of said re-aligned S.W. Walnut Street; from Whence a 5/8" iron rod with yellow plastic cap stamped "DEA Inc." in a monument box bears South 78°25'39" West a distance of 785.68 feet, as said iron rod is shown on Survey No. 29,259 as Station 2+14.32 (feet); Thence North 78°25'39" East a distance of 939.10 feet to a Point of Curvature shown on Survey No. 29,259 as Station 19+39.10 PC (feet); Thence along a 415.00 foot radius curve to the right, through a central angle of 10°35'36", an arc distance of 76.73 feet, subtended by a chord of North 83°43'27" East a distance of 76.62 feet a Point of Tangency at Station 20+15.83 PT (feet); Thence North 89°01'15" East a distance of 1376.62 feet to a Point of Curvature shown on Survey No. 29,259 as Station 33+92.45 PC (feet); Thence along a 275.00 foot radius curve to the right, through a central angle of 49°17'05", an arc distance of 236.55 feet, subtended by a chord of South 66°20'13" East a distance of 229.32 feet to a Point of Tangency at Station 36+29.00 PT (feet); Thence South 41°41'40" East a distance of 79.91 feet to the centerline Intersection of S.W. Walnut Street and S.W. Tiedeman Street, said Intersection being shown on Survey No. 29,259 as Station 37+08.91 (feet), the Point of Termination of this description.

Bearings are based upon Survey Number 29259, Washington County Survey Records.

Station to Station	Offset Distances Northerly of S.W. Walnut Street Centerline
23+33.00 to 24+31.00	31.00 feet along a straight line to 33.50 feet

Excepting therefrom, all that portion of said parcel lying within the permanent utility, slope, and drainage easement recorded in Document No. 2005-052005, Washington County Records and all that portion of said parcel lying within the existing right-of-way of S.W. Walnut Street.

The parcel of land to which this description applies contains 216 square feet, more or less.

PARCEL 2 (PERMANENT DRAINAGE EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760, Washington County Book of Records, the said parcel also being all that portion of said property lying Southerly of a line delineated by following the below noted stations and offsets, Northerly of the centerline of realigned S.W. Walnut Street, as said centerline is described below.

Station to Station	Offset Distances Northerly of S.W. Walnut Street Centerline
22+52.00 to 22+65.00	89.00 feet along a straight line to 130.00 feet
22+65.00 to 23+09.00	130.00 feet along a straight line to 185.00 feet
23+09.00 to 23+26.00	213.00 feet along a straight line to 226.00 feet
23+26.00 to 23+36.00	226.00 feet along a straight line to 210.00 feet
23+36.00 to 22+46.00	210.00 feet along a straight line to 193.00 feet

Excepting therefrom, all that portion of land lying within the following described metes and bounds description. Beginning at a point lying 42.00 feet Northerly of the centerline of realigned S.W. Walnut Street at Station 22+46.00; Thence North 04°53'46" West, 146.34 feet; Thence North 62°26'00" West, 11.18 feet; Thence South 00°51'45" West, 151.00 feet to the point of beginning.

Further Excepting therefrom, all that portion of said parcel lying within the permanent slope and utility easement and the permanent utility, slope and drainage easement recorded in

Document No. 2005-052005, Washington County Records and all that portion of said parcel lying within the existing right-of-way of S.W. Walnut Street.

The parcel of land to which this description applies contains 12,187 square feet, more or less.

PARCEL 3 (PERMANENT INGRESS AND EGRESS EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760, Washington County Book of Records, the said parcel also being more particularly described below.

Beginning at a point lying 35.50 feet Northerly of the centerline of realigned S.W. Walnut Street at station 26+27.00; Thence North 00°58'45" West, 115.50 feet to the beginning of a tangent 79.70 foot radius curve concave Southeasterly; Thence on said curve through a central angle of 45°39'43" (the long chord of which bears North 21°51'06" West, 61.85 feet) an arc distance of 52.71 feet; Thence North 23°12'34" West, 23.77 feet; Thence South 89°24'42" West, 147.00 feet; Thence North 00°58'45" East, 46.99 feet; Thence South 89°01'36" West, 29.00 feet; Thence South 46°51'20" West, 71.50 feet; Thence South 00°58'45" East, 23.00 feet; Thence South 58°46'16" West, 20.84 feet; Thence North 56°00'14" West; Thence South 66°38'47" West, 36.77 feet; Thence North 31°11'45" West, 19.86 feet to a point lying 210.00 feet northerly of said centerline at Station 23+36.00; Thence North 60°40'04" East, 67.04 feet; Thence North 47°27'55" East, 88.19 feet; Thence North 89°17'45" East, 208.01 feet; Thence South 00°58'45" East, 102.50 feet to the beginning of a tangent 59.38 foot radius curve concave Southeasterly; Thence on said curve through a central angle of 50°51'21" (the long chord of which bears South 24°35'06" West, 51.00 feet; Thence South 00°58'45" East, 115.50 feet; Thence South 89°02'03" West, 20.00 feet to the point of beginning.

Excepting therefrom, the following described parcel. Beginning at a point lying 246.00 feet Northerly of said centerline at Station 25+10.00; Thence North 00°58'45" West, 39.00 feet; Thence North 89°25'07" East, 144.00 feet to a point lying 286.00 feet northerly of said centerline at Station 26+27.00; Thence South 00°58'45" East, 39.00 feet; Thence South 89°25'07" West, 144.00 feet to the point of beginning.

The parcel of land to which this description applies contains 15,006 square feet, more or less.

PARCEL 4 (TEMPORARY CONSTRUCTION EASEMENT)

A parcel of land lying in the Northeast one-quarter of Section 3, Township 2 South, Range 1 West of the Willamette Meridian, City of Tigard, Washington County, Oregon and being a portion of that tract of land conveyed to Tigard-Tualatin School District 23J, by Statutory Bargain and Sale Deed, recorded December 10, 2010 in Document No. 2010-099760,

Washington County Book of Records, the said parcel also being all that portion of said property lying Southerly of a line delineated by following the below noted stations and offsets, Northerly of the centerline of realigned S.W. Walnut Street, as said centerline is described below.

Station to Station	Offset Distances Northerly of S.W. Walnut Street Centerline
26+10.00 to 26+55.00	125.00 feet parallel with the centerline
26+98.00 to 27+15.00	68.00 feet parallel with the centerline

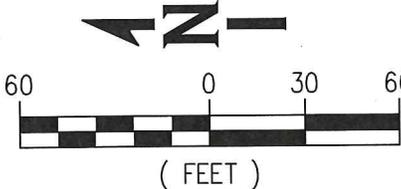
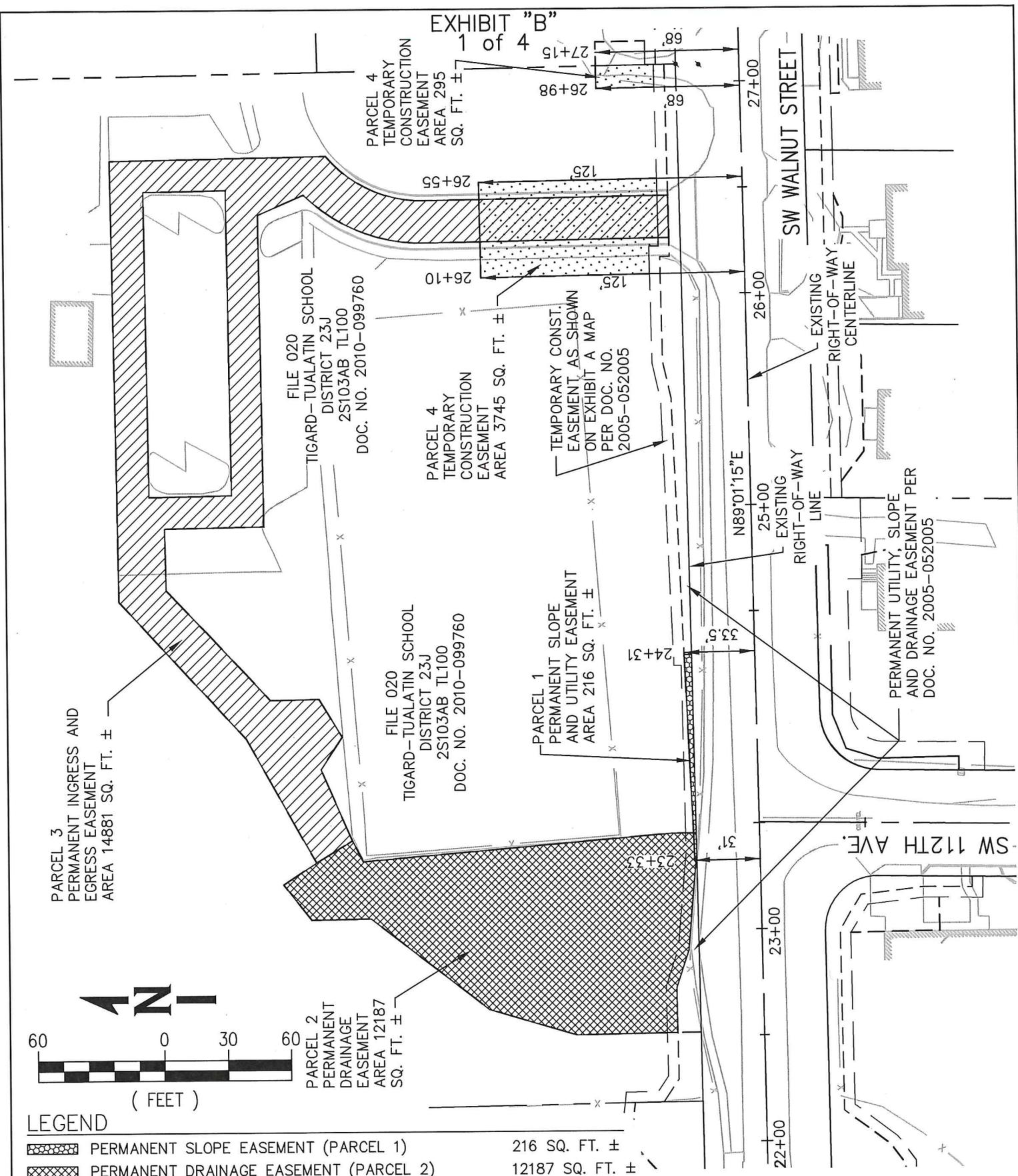
Excepting therefrom, all that portion of said parcel lying within the temporary construction easement as shown on exhibit map B and the permanent utility, slope and drainage easement recorded in Document No. 2005-052005, Washington County Records and all that portion of said parcel lying within the existing right-of-way of S.W. Walnut Street.

The parcel of land to which this description applies contains 4,040 square feet, more or less.



EXHIBIT "B"

1 of 4



LEGEND

	PERMANENT SLOPE EASEMENT (PARCEL 1)	216 SQ. FT. ±
	PERMANENT DRAINAGE EASEMENT (PARCEL 2)	12187 SQ. FT. ±
	PERMANENT ACCESS EASEMENT (PARCEL 3)	15006 SQ. FT. ±
	TEMPORARY CONSTRUCTION EASEMENT (PARCEL 4)	4040 SQ. FT. ±

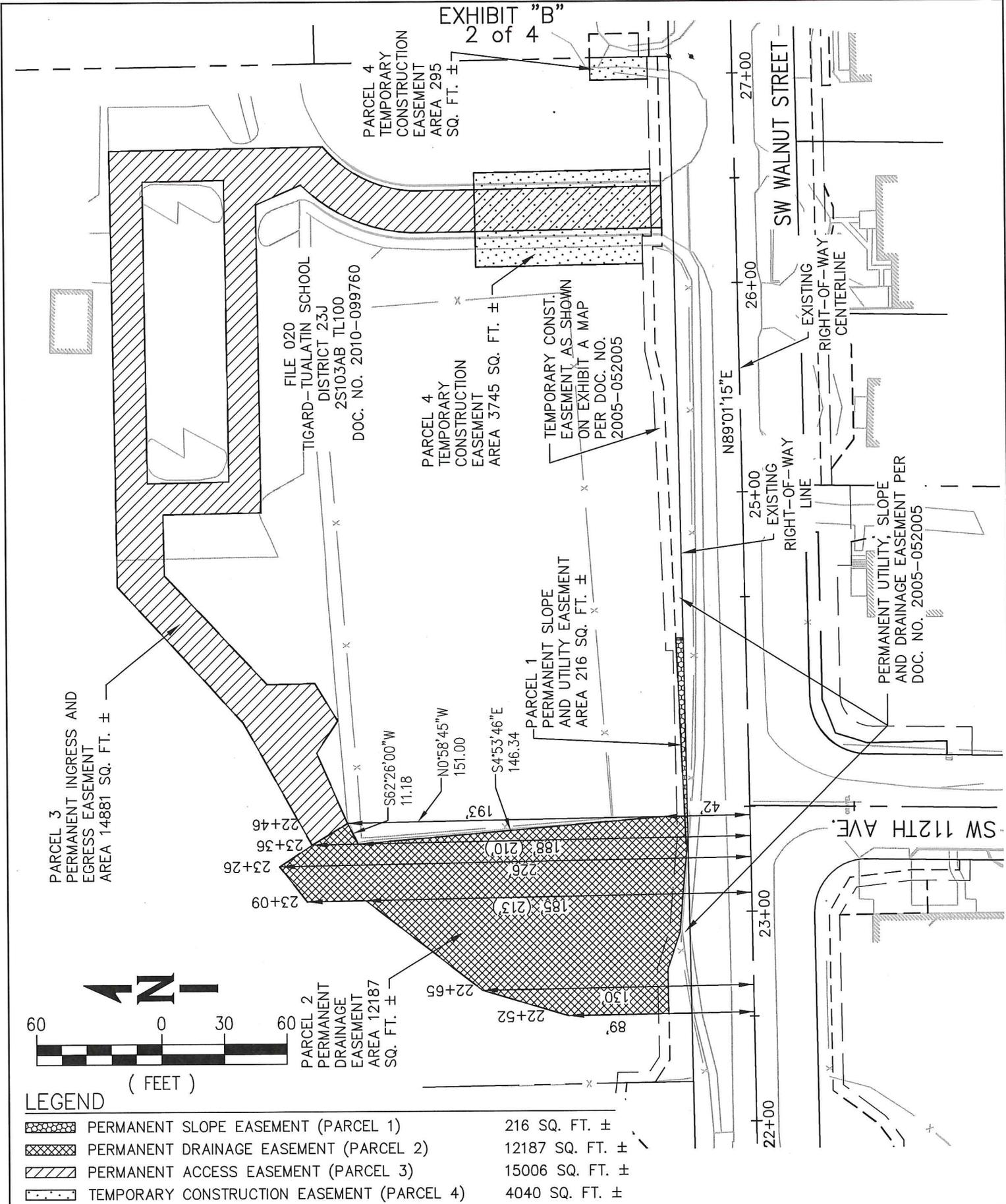
FILE NO.: 020
TAX LOT: 100
TAX MAP: 2S103AB
ADDRESS: 11095 SW WALNUT ST.

SW WALNUT STREET
 (SW 116th-Tiedeman Avenue
 and SW 135th Avenue)
 WASHINGTON COUNTY PROJECT NO. 100187

SUBMITTAL DATE: 01/14/15
REVISED DATE:
REVISED DATE:
REVISED DATE:

WHPacific
 9755 SW Barnes Rd, Suite 300
 Portland, OR 97225
 503-626-0465 Fax 503-626-0775
 www.whpacific.com
 DWG: 037633-V-EX20.dwg

EXHIBIT "B"
2 of 4



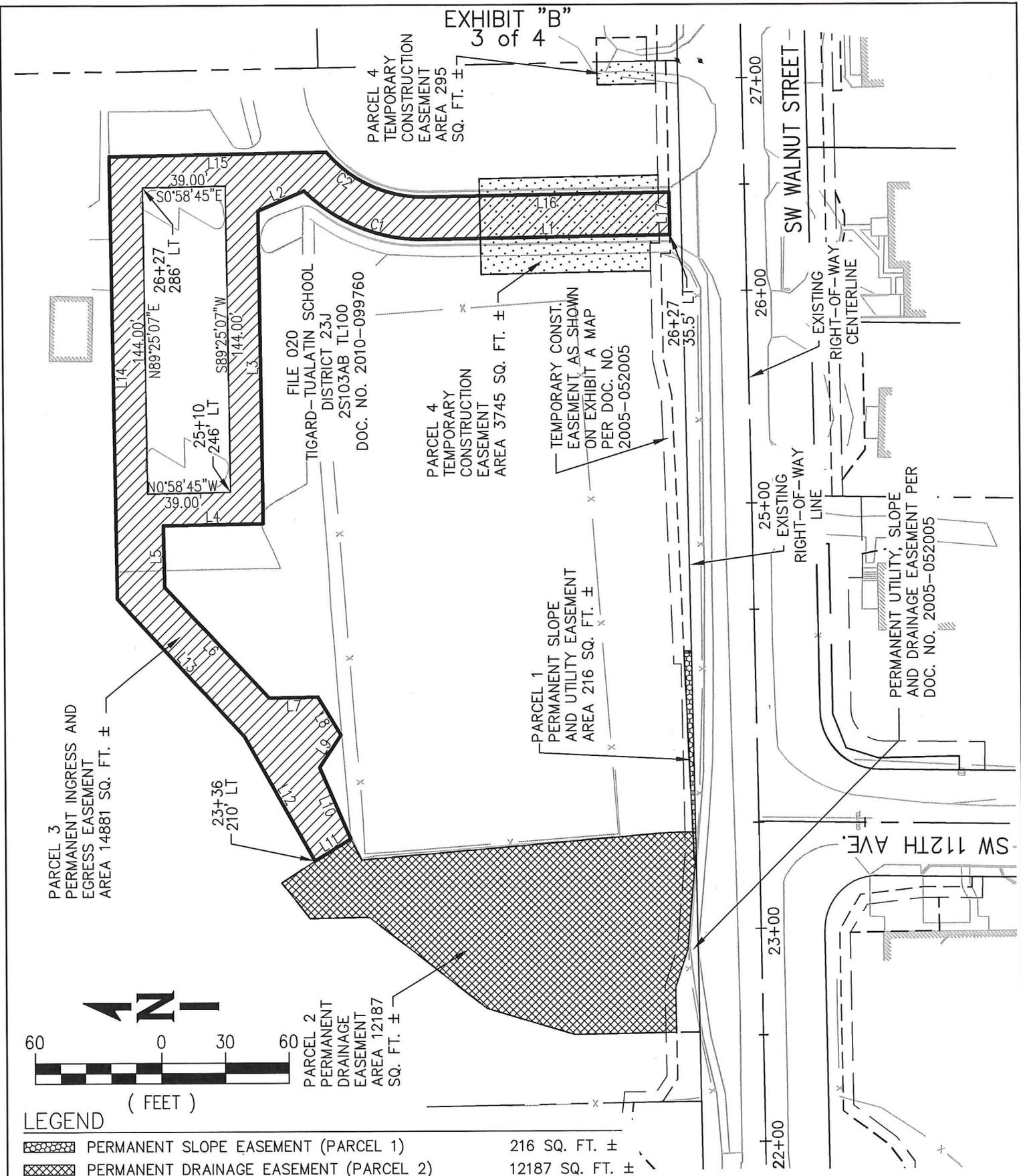
FILE NO.: 020
TAX LOT: 100
TAX MAP: 2S103AB
ADDRESS: 11095 SW WALNUT ST.

SW WALNUT STREET
(SW 116th-Tiedeman Avenue
and SW 135th Avenue)
WASHINGTON COUNTY PROJECT NO. 100187

SUBMITTAL DATE: 01/14/15
REVISED DATE:
REVISED DATE:
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9755 SW Barnes Rd, Suite 300
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503-626-0455 Fax 503-526-0715
www.whpacific.com
DWG: 037633-V-EX20.dwg

EXHIBIT "B"
3 of 4



PARCEL 3
PERMANENT INGRESS AND
EGRESS EASEMENT
AREA 14881 SQ. FT. ±

PARCEL 2
PERMANENT
DRAINAGE
EASEMENT
AREA 12187
SQ. FT. ±

PARCEL 4
TEMPORARY
CONSTRUCTION
EASEMENT
AREA 295
SQ. FT. ±

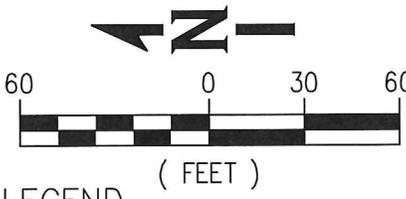
PARCEL 4
TEMPORARY
CONSTRUCTION
EASEMENT
AREA 3745 SQ. FT. ±

PARCEL 1
PERMANENT SLOPE
AND UTILITY EASEMENT
AREA 216 SQ. FT. ±

TEMPORARY CONST.
EASEMENT AS SHOWN
ON EXHIBIT A MAP
PER DOC. NO.
2005-052005

PERMANENT UTILITY, SLOPE
AND DRAINAGE EASEMENT PER
DOC. NO. 2005-052005

FILE 020
TIGARD-TUALATIN SCHOOL
DISTRICT 23J
2S103AB TL100
DOC. NO. 2010-099760



LEGEND

	PERMANENT SLOPE EASEMENT (PARCEL 1)	216 SQ. FT. ±
	PERMANENT DRAINAGE EASEMENT (PARCEL 2)	12187 SQ. FT. ±
	PERMANENT ACCESS EASEMENT (PARCEL 3)	15006 SQ. FT. ±
	TEMPORARY CONSTRUCTION EASEMENT (PARCEL 4)	4040 SQ. FT. ±

FILE NO.: 020
TAX LOT: 100
TAX MAP: 2S103AB
ADDRESS: 11095 SW WALNUT ST.

SW WALNUT STREET
(SW 116th-Tiedeman Avenue
and SW 135th Avenue)
WASHINGTON COUNTY PROJECT NO. 100187

SUBMITTAL DATE: 01/14/15
REVISED DATE:
REVISED DATE:
REVISED DATE:

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503-426-0455 Fax 503-526-0775
www.whpacific.com
DWG: 037633-V-EX20.dwg

EXHIBIT "B"
4 of 4

PARCEL LINE TABLE		
LINE	LENGTH	BEARING
L1	115.50	N0°58'45"W
L2	23.77	N23°12'34"W
L3	147.00	S89°24'42"W
L4	46.99	N0°58'45"W
L5	29.00	S89°01'36"W
L6	71.50	S46°51'20"W
L7	23.00	S0°58'45"E
L8	20.84	S58°46'16"W
L9	18.31	N56°00'14"W
L10	36.77	S66°38'47"W
L11	19.86	N31°11'45"W
L12	67.04	N60°40'04"E
L13	88.19	N47°27'55"E
L14	208.01	N89°17'45"E
L15	102.50	S0°58'45"E
L16	115.50	S0°58'45"E
L17	20.00	S89°02'03"W

PARCEL CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING
C1	45°39'43"	79.70	63.52	61.85	N21° 51' 06"E
C2	50°51'21"	59.38	52.71	51.00	S24° 35' 06"W

FILE NO.: 020
TAX LOT: 100
TAX MAP: 2S103AB
ADDRESS: 11095 SW WALNUT ST.

SW WALNUT STREET
(SW 116th-Tiedeman Avenue
and SW 135th Avenue)
WASHINGTON COUNTY PROJECT NO. 100187

SUBMITTAL DATE: 01/14/15
REVISED DATE:
REVISED DATE:
REVISED DATE:

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Portland, OR 97225
503-828-0455 Fax 503-528-0775
www.whpacific.com
DWG: 037633-V-EX20.dwg

AIS-2163

3. C.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): Consent Item

Agenda Title: Consider a Resolution in Support of an Oregon Parks and Recreation Local Government Grant Application

Prepared For: Carla Staedter **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:

Information

ISSUE

Shall council adopt a resolution in support of pursuing an Oregon Parks and Recreation Local Government Grant for construction of an interpretive shelter/restroom at Dirksen Nature Park?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends the council adopt the resolution.

KEY FACTS AND INFORMATION SUMMARY

The city currently lacks funding to build an interpretive shelter/restroom at Dirksen Nature Park. By pursuing an Oregon Parks and Recreation Local Government Grant, the city could secure \$450,125 to fund construction of the shelter and restroom.

Dirksen Nature Park is growing in popularity at a rate faster than funding for infrastructure becomes available. The natural resources that make Dirksen Nature Park a very special resource to the community are being impacted by lack of facilities to serve park users. The interpretive shelter/restroom will provide needed gathering areas and restrooms not only for park visitors but for Fanno Creek Trail users as well. It will provide a covered education space for Fowler Middle School science classes, for the 600 to 800 children per year who visit the site on tours, and for children attending summer camps. It will support the most active areas of the site including the play field and future nature play areas. It will house future interpretive displays and way-finding signage.

This grant allows funding used to purchase the site as match for the grant. Property

acquisition costs are allowed as a match for six years following the site purchase. The city completed purchase of the land in 2011. Consequently, Tigard has until 2016 to pursue this grant using acquisition funds to meet the one to one match. The Oregon Parks and Recreation Department expects to award \$4 million during this grant cycle.

Should the city be successful in pursuit of this grant, the resulting funds can be used to match a number of Metro Nature in Neighborhood grants, which do not allow property purchase funds as a grant match.

OTHER ALTERNATIVES

The council could decide not to adopt the resolution.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

The grant would fund projects that support the city's strategic vision to be "the most walkable community in the Pacific Northwest where people of all ages and abilities lead healthy and interconnected lives."

Dirksen Nature Park, the site of the proposed interpretive shelter/restroom, is identified as a community park in the Tigard Park System Master Plan. A separate planning document, the Summer Creek Property Master Plan, describes the need for an interpretive shelter/restroom and reviews the public process around development of the master plan for Dirksen Nature Park (formerly known as Summer Creek Property).

DATES OF PREVIOUS CONSIDERATION

This is the first time this grant application has come before the council.

Fiscal Impact

Cost: \$19,200

Budgeted (yes or no): Yes

Where Budgeted (department/program): Public Works/Engineering

Additional Fiscal Notes:

The cost to pursue the grant is estimated to be \$19,200. This includes staff attending grant workshops in Salem, preparing the grant application, completing a live presentation to the grant review committee in Salem, answering review committee questions through the grant process, and preparing documentation for internal review of grant funding.

By pursuing an Oregon Parks and Recreation Local Government Grant, the city could secure \$450,125 to fund construction of a shelter and restroom at Dirksen Nature Park. The grant requires a dollar for dollar match. The city spent several million dollars to acquire the properties that now comprise Dirksen Nature Park. This grant allows those park acquisition funds to be used as the city's match, provided the acquisition took place in the past 6 years. The majority of the park land was purchased in December 2010. Consequently, Tigard has

until 2016 to pursue this grant using acquisition funds as it match.

Attachments

Resolution

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

A RESOLUTION IN SUPPORT OF AN APPLICATION FOR AN OREGON PARKS AND RECREATION LOCAL GOVERNMENT GRANT (2015) TO FUND CONSTRUCTION OF AN INTERPRETIVE SHELTER/RESTROOM AT DIRKSEN NATURE PARK

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Local Government Grant Program; and

WHEREAS, the City of Tigard desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation improvements and enhancements; and

WHEREAS, the Tigard City Council has identified improvements at Dirksen Nature Park as a high priority need; and

WHEREAS, the interpretive shelter/restroom provides needed picnicking, way-finding, education, watering and restroom facilities for both Dirksen Nature Park and the Fanno Creek Regional Trail; and

WHEREAS, the City of Tigard may use property acquisition funds as its local match should grant funds be awarded; and

WHEREAS, the City of Tigard will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded.

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

SECTION 1: The City Council demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for construction of an interpretive shelter/restroom at Dirksen Nature Park.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-2189

4.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): 5 Minutes

Agenda Title: Resolution Supporting the Metro Regional Government's Establishment of Policy Direction to Create a Regional Safe Routes to School Program

Prepared For: Mark Bernard, Community Development

Submitted By: Mark Bernard, Community Development

Item Type: Motion Requested
Resolution

Meeting Type: Council
Business
Mtg -
Study Sess.

Public Hearing: No

Publication Date:

Information

ISSUE

Shall Council pass a Resolution supporting the establishment of policy direction by Metro for the 2019-2020 Metropolitan Transportation Improvement Program that creates a regional Safe Routes to School program?

STAFF RECOMMENDATION / ACTION REQUEST

Pass the Resolution supporting the establishment of policy direction by Metro for the 2019-2020 Metropolitan Transportation Improvement Program that creates a regional Safe Routes to School program.

KEY FACTS AND INFORMATION SUMMARY

The *For Every Kid* Coalition has launched an advocacy campaign to establish a regional program for Safe Routes to School and provide reliable program funding for regional schools. The Coalition, part of the Healthy Streets initiative organized by the Bicycle Transportation Alliance, counts the Safe Routes to School National Partnership, the American Heart Association, Coalition for a Livable Future and Oregon Walks among its members. They are advocating for a competitive grant application process that could fund safety projects and programs that encourage students to walk, bike, or use transit to reach K-12 schools throughout the tri-county region. The funding concept would allow cities, counties, school districts within the Metro boundary to apply for regional Safe Routes to School grants. Supporting this regional funding concept would show support for Safe Routes to School programs generally.

This opportunity to support Safe Routes to School is particularly timely, as the City heard great news in late February that a Safe Routes to School funding request to Metro was granted. The \$150,000 grant, awarded through the Regional Travel Options program, will pay for a dedicated Safe Routes to School Coordinator to accelerate program implementation at three elementary schools where there is already a presence and establish Safe Routes to School programs at the remaining four elementary schools and two middle schools in the City. The future Safe Routes to School Coordinator will also create systems that sustain programs in schools where they have been established. The two-year position will be filled after an Intergovernmental Agreement is negotiated with Metro to manage the grant.

Although the City has been successful recently in attracting regional Safe Routes to School funding, the Regional Travel Options program is designed to sustain proposals by local jurisdictions and community organizations after grant funding for them is expended. Regional Safe Routes to School programs still need a stable funding source to get established and grow. The regional funding concept advocated by the *For Every Kid* Coalition could be the reliable funding source Safe Routes to School has been seeking since federal funding for the program ended in the summer of 2012.

A regional Safe Routes to School program would prioritize investments that support bicycling, walking and transit use within 1 mile of a school through infrastructure projects to improve those modes of travel. The *For Every Kid* Coalition has estimated the cost of fully funding Safe Routes to School for all students in the tri-county metropolitan region would be \$56.5 million, and the gap between existing funding and the total need to serve every kid is approximately \$40 million. These numbers are preliminary, and the full scope of regional funding needs for Safe Routes to School will need further study and refinement before a formal proposal is presented to Metro.

OTHER ALTERNATIVES

Council could propose changes to the Resolution, or choose not to pass it.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Tigard Strategic Plan:

Goal 1 "Facilitate walking connections to develop an identity."

Objective 2 "The trail system is used for all kinds of trips"

Goal 3 "Engage the community in dynamic communication"

Objective 2 "The community is engaged and connected to the vision"

Tigard Comprehensive Plan:

Goal 15.4 "Develop comprehensive street and circulation improvements for pedestrians, automobiles, bicycles and transit."

Tigard Transportation System Plan:

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

Policy 10. "The city shall require appropriate access to bicycle and pedestrian facilities for all schools, parks, public facilities and commercial areas."

Tigard Greenway Trail System Master Plan:

Has an objective to "increase opportunities for walking, bicycling and accessing transit by identifying and developing trail improvement projects that complete the greenway trail system."

Tigard Neighborhood Trails Plan:

Has an objective to "focus on connections that enhance the broader transportation network, including sidewalks, trails and transit routes."

DATES OF PREVIOUS COUNCIL CONSIDERATION

This matter has not been before Council.

Attachments

Attachment 1 - Metro SRTS Funding Resolution

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

A RESOLUTION SUPPORTING THE METRO REGIONAL GOVERNMENT'S ESTABLISHMENT OF POLICY DIRECTION FOR THE 2019-2020 METROPOLITAN TRANSPORTATION IMPROVEMENT PROGRAM TO CREATE A REGIONAL SAFE ROUTES TO SCHOOL PROGRAM

WHEREAS, the City's Strategic Plan vision is "The most walkable community in the Pacific Northwest where people of all ages and abilities live healthy, interconnected lives" and

WHEREAS, when it is safe, convenient, and fun to walk to neighborhood schools, our children are healthier, our streets are safer for everyone, and our communities thrive; and

WHEREAS, kids that can safely walk and bike to their neighborhood school get regular physical activity and do better in school; and

WHEREAS, our kids who most need more opportunities for physical activity often don't have safe routes for walking or biking to school; and

WHEREAS, comprehensive Safe Routes to School programs have proven successful at getting more kids to bike and walk to school; and

WHEREAS, Safe Routes to School programs are a cost-effective way to improve children's health, make neighborhood streets safer for everyone, engage community members in promoting healthy and safe choices, and reduce school-related congestion; and

WHEREAS, the City recognizes the value of Safe Routes to School in meeting its goals and realizing its Strategic Plan vision; and

WHEREAS, new funding is needed to sustain Safe Routes to School programs in the City; and

WHEREAS, new funding is needed to continue running Safe Routes to School programs in the Tigard-Tualatin School District and to serve every Tigard student; and

WHEREAS, the cost of fully funding Safe Routes to School for all students in the tri-county metropolitan region would be \$56.5 million, and the gap between existing funding and the total need to serve every kid is approximately \$40 million;

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

SECTION 1: The Tigard City Council requests that the Metro Regional Government establish policy direction for the 2019-2020 Metropolitan Transportation Improvement Program that creates a regional Safe Routes to School program with a competitive grant application process to fund safety projects and programs that encourage walking, biking and transit use by K-12 students throughout the greater tri-county metropolitan region.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

AIS-2009

5.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): 35 Minutes

Agenda Title: Development Code Amendments: Trails, Electronic Signs, and Utility Cabinets

Submitted By: John Floyd, Community Development

Item Type: Motion Requested
Ordinance
Public Hearing - Legislative

Meeting Type: Council
Business
Meeting -
Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Shall Council approve Development Code Amendments pertaining to public trails, electronic signs, and utility cabinets.

STAFF RECOMMENDATION / ACTION REQUEST

The Planning Commission recommends approval by ordinance of the proposed development code text amendments, with any alterations as determined by Council through the Public Hearing Process.

KEY FACTS AND INFORMATION SUMMARY

On February 9, 2015, the Planning Commission reviewed and recommended approval of the proposed Omnibus Development Code Amendment Package (DCA2014-00003). The purpose of this package of text amendments is to address four emergent development code issues. These issues are being bundled together for administrative efficiency through one land use process. Each of the four components are summarized below, with further discussion in the findings and recommendation of the Planning Commission (Attachment 1)

1. New development standards intended to reduce visual impacts associated with new utility equipment cabinets on private property;
2. Reclassification of trails from "Community Recreation" to a newly created "Transportation and Utility Corridor" classification within Chapter 18.130 (Use Classifications), for the purpose of making trails a permitted rather than a conditional use in the City's commercial and industrial zones;
3. Amending sign regulations within the Mixed-Use Commercial Zone surrounding Washington Square Mall to allow "time and temperature" signs and other forms of electronic message centers, and clarification of standards applicable to electronic signs;

and

4. Expansion of the “Station Area Overlay” in the Tigard Downtown Plan District to allow higher residential densities along Burnham Street in the vicinity of Ash Avenue, and clarification of height limit standards in the Downtown Tigard Plan District.

In considering these four items, the Planning Commission was concerned how the new code language regarding utility cabinets would be implemented, whether it would be retroactive, and how it would apply to existing cabinets such as the stainless steel electric cabinets that accompany signal cabinets at signalized intersections. Commissioners asked if the proposed standards would apply to all above-ground cabinets or to those above a certain size.

The proposal had not included any size limits, but has since been amended to include a size and height threshold. Based on a survey of existing electrical and communication cabinets typically found in Tigard, staff identified a threshold that would exclude most existing cabinets from review, except the larger ones “where length plus width plus height is more than 96 inches and height is more than 48 inches.” For a size comparison, the typical signal cabinet measurements add up to 130 inches and is 72 inches in height requiring conditional use review. The proposed conditional use criteria would not be applied retroactively to existing cabinets. Separate standards have been proposed within the right-of-way by Engineering Staff in coordination with Planning staff.

No other issues were raised by the Planning Commission during the public hearing process.

OTHER ALTERNATIVES

Council could amend the Planning Commission recommendation, continue the item, or take no action.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

1. Provide recreational opportunities for the people of Tigard.
2. Make Downtown Tigard a place where people want to be.
 - Support residential and mixed use development in walkable and transit-supported areas by completing the Ash Avenue/Burnham Street Redevelopment project.
 - Increase walkable access to open space by advancing plans for new downtown open space, including the Tigard Street Trail plaza, the Fanno Creek Overlook and a Main Street plaza, including programming.

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

Draft Ordinance

Staff Report

Attachment 1 - Code Amendment Summary

Attachment 2 - Affected Chapters with Proposed Text Changes

Planning Commission Minutes of February 9, 2015

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 15-_____

AN ORDINANCE AMENDING CHAPTERS 18.130 (USE CATEGORIES), 18.330 (CONDITIONAL USE), 18.510 (RESIDENTIAL ZONING DISTRICTS), 18.520 (COMMERCIAL ZONING DISTRICTS), 18.530 (INDUSTRIAL ZONING DISTRICTS), 18.540 (PARKS AND RECREATION ZONE), 18.610 (TIGARD DOWNTOWN PLAN DISTRICT), AND 18.780 (SIGNS) FOR THE PURPOSE OF ADOPTING AN OMNIBUS AMENDMENT PACKAGE TO ESTABLISH DESIGN STANDARDS FOR ABOVE-GROUND UTILITY CABINETS, TO ALLOW TRAILS AS A PERMITTED USE IN COMMERCIAL AND INDUSTRIAL ZONES, TO ALLOW ELECTRONIC MESSAGE CENTERS ON FREESTANDING SIGNS IN THE MIXED-USE COMMERCIAL ZONE, AND EXPANSION OF THE STATION AREA OVERLAY BY APPROXIMATELY 17.94 ACRES OF LAND (DCA2014-00003).

WHEREAS, the city has initiated an application to amend the text of Development Code; and

WHEREAS, the purpose of the amendments is to address emergent development code issues regarding utility cabinets, trails in commercial and industrial zones, electronic message centers, and residential densities near the Downtown Tigard Transit Center; and

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

WHEREAS, notice to the public was provided in conformance with the Tigard Community Development Code Chapter 18.390.060.D and ORS 227.186; and

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

WHEREAS, the Tigard City Council held a public hearing on February 9, 2015, to consider the proposed amendment; and

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

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

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

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

SECTION 1: Council adopts the findings contained in the "Planning Commission Recommendation to the City Council", dated March 12, 2015 and included as "Exhibit A" to this Ordinance.

SECTION 2: Tigard Development Code (Title 18) is amended as shown in Attachments 1 and 2 of the Planning Commission Recommendation to the City Council.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

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 L. Cook, Mayor

Approved as to form:

City Attorney

Date

**PLANNING COMMISSION
RECOMMENDATION TO THE CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: OMNIBUS CODE AMENDMENT PACKAGE

FILE NO.: Development Code Amendment (DCA) 2014-00003

PROPOSAL: Proposed text amendments to the Tigard Development Code would result in the following changes to standards and procedures therein:

1. Establishment of design and siting standards for above-ground utility cabinets on private property;
2. Amendment of the "Railroad and Utility Corridor" use classification into "Transportation and Utility Corridors", for the purpose of including multiuse trails; and associated amendments to Chapters 18.520 and 18.530 to allow trails as a permitted use in all commercial and industrial zones.
3. Amendment of the sign code to allow electronic message centers in the MUC zone in the Washington Square Plan District, and clarification of existing restrictions on these types of signs.
4. Amendment of Map 18.610.A of the Downtown Tigard Plan District to expand the "Station Area Overlay" by approximately 17.94 acres to include ten properties near the intersection of Ash Avenue and Burnham Street.

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

OWNER: All Property Owners
within Tigard

LOCATION: Citywide

**APPLICABLE
REVIEW**

CRITERIA: Community Development Code Chapters 18.380, and 18.390; Comprehensive Plan Goals 1, 2, 6, 8, 9, 10, 11, 12, and 13; and Statewide Planning Goals 1, 2, 6, 8, 9, 10, 11, 12, 13, and 15.

SECTION II. STAFF RECOMMENDATION

The Planning Commission recommends approval by ordinance of the proposed development code text amendments (Attachment 1), with any alterations as determined by Council through the Public Hearing Process.

SECTION III. BACKGROUND AND PROJECT SUMMARY

Staff has prepared an omnibus amendment package to address four emergent development code issues. These issues are being bundled together for administrative efficiency through one land use process. The four components are summarized below followed by a brief discussion of each item. Further discussion is provided in Attachment 1 of this report.

1. New development standards to reduce the adverse visual impact presented by utility equipment cabinets on private property;
2. Reclassification of trails from “Community Recreation” to a newly created “Transportation and Utility Corridor” classification within TDC Chapter 18.130 (Use Classifications), and related amendments to Tables 18.520.1 and 18.530.1 to make trails a permitted use in Commercial and Industrial Zones;
3. Amending the Sign Code to allow electronic message centers within the MUC Zone that surrounds Washington Square Mall, and clarification of standards applicable to electronic signs; and
4. Expansion of the “Station Area Overly” in Map 18.610.A (MU-CBD Sub-Areas) to promote higher density redevelopment along Burnham Street in the vicinity of Ash Avenue, and clarification of height limit standards in the Downtown Tigard Plan District.

UTILITY CABINETS ON PRIVATE PROPERTY

Private telecommunication providers are making significant changes to their service delivery infrastructure across the region, including the placement of new fiber and utility cabinets and sheds on private property. To date, these new facilities are substantially larger in height and overall volume than any other ground cabinets currently seen in our community. To illustrate this change in size, the following table compares the dimensions of two cabinets recently requested by utility companies in Tigard, as compared below to the typical signal light control cabinet which is currently the largest utility cabinet in the city.

Structure Type	Width (feet)	Length (feet)	Height (feet)
Utility Cabinet Request A	10	30	9
Utility Cabinet Request B	4	9	5
Signal Light Control Cabinets (<i>current size</i>)	2.6	2	6

To address the emerging proliferation of utility cabinets on private property, staff is recommending amendments to the “basic utilities” category which broadly covers utility “infrastructure” whether it be communication, information, or entertainment specific.

“Basic Utilities” are currently allowed conditionally in all zones and permitted outright in the I-H zone. To reduce visual clutter in the City, the proposed amendments would encourage cabinets to be placed underground by making undergrounded cabinets a by-right use, and above-ground cabinets a conditional use subject to new development standards.

STREAMLINED PERMITTING FOR MULTIUSE TRAILS

The Tigard Development Code presently regulates trails on private property as a recreational land use, rather than as a transportation facility. The effect of this classification is the creation of administrative delays due to lengthy permitting timelines and costs associated with Conditional Use Permit review.

In order to address this burden, the proposed text amendments would reclassify trails as a transportation facility on private property, rather than a recreational one. To implement this, staff proposes to modify one of the existing land use classifications to create a new land use classification titled “Transportation and Utility Corridors”. This new classification would be allowed as a permitted use in all commercial and industrial zones, where the presence of a trail is unlikely to create conflicts or problems for adjoining businesses. In contrast, this classification would remain a Conditional Use in residential zones where local homeowners and residents may have concerns. The amendments would not change how the city regulates utility corridors, which are also part of this classification.

These amendments are being forwarded now as part of a citywide effort to obtain funding for the Tigard Street Trail and a more general implementation of the City’s recently adopted 2014-2034 City of Tigard Strategic Plan.

ELECTRONIC MESSAGE CENTERS IN WASHINGTON SQUARE PLAN DISTRICT

Staff is proposing changes to the sign code to allow electronic message centers in the MUC zone (Mixed-Use Commercial). This amendment was created as a result of Council Direction to allow “time and temperature” signs near Washington Square, and is in response to a request by Kadel’s Auto Body on Greenburg Road to construct a sign containing such a feature.

Because the Oregon Constitution has very expansive language regarding the freedom of expression, the City cannot regulate the content of a sign as a result of decades of very clear case law. The City Attorney’s office has advised that limiting a sign code exemption to just “time and temperature” would be difficult to defend and very likely challenged. As a result, staff recommends the City allow property owners within the MUC Zone, which contains Kadel’s Auto Body and other businesses within the Washington Square area, to be allowed any form of electronic sign as part of one freestanding sign on their site, subject to design and location standards normally applicable in the zone. Such an allowance is similar in nature to what is allowed in the C-G and MU-CBD zones, which are generally located along the Pacific Highway commercial corridor, downtown Tigard, and parts of Scholls Ferry Road and I-5 interchange areas.

Other changes proposed in this amendment package would clarify and strengthen the City’s electronic message center and billboard regulations. These text changes are being made as a

direct result of a recent enforcement case and related LUBA appeal regarding billboards and electronic message centers within the City.

DOWNTOWN TIGARD PLAN DISTRICT STANDARDS

The Downtown Tigard Plan District standards vary by sub-district, to further the development of four distinct districts within the core of the city. The boundaries of these sub-districts are identified on Map 18.610.A, which also includes a “Station-Area Overlay” that allows an increase in maximum residential density for lots in proximity to the Tigard Transit Center. This bonus increases the maximum density from 50 to 80 units per acre, with no associated change in minimum density.

To further encourage the redevelopment of properties along Burnham Street, staff is proposing an expansion of the Station Area Overlay to include ten additional properties near the intersection of Ash Avenue and Burnham Street. Three of these are properties controlled by the City of Tigard, and include the public works yard and Ash Avenue Dog Park. Both of these facilities are planned for relocation in 2015 in order to consolidate municipal operations and make these properties available for redevelopment in the near future. The remainder of the properties are proximate to the Transit Center, and their inclusion helps to form a rational boundary.

SECTION IV. APPLICABLE CRITERIA, FINDINGS AND CONCLUSIONS

This section contains all the applicable city and state policies, provisions, and criteria that apply to the proposed comprehensive plan amendment. Each section is addressed demonstrating how each requirement is met. No Metro policies were found applicable.

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

Chapter 18.380: Zoning and Text Amendments

18.380.020.A Legislative Amendments **Legislative 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 Development Code establish standards and procedures to be applied generally across the City. Therefore it 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 for the proposed text amendments to the Tigard Development Code are provided within this report. No federal or Metro policies or standards were found applicable.

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

APPLICABLE COMPREHENSIVE PLAN POLICIES

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 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: Public Hearing notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code and Measure 56 were followed. Public hearing notice of the Planning Commission and City Council public hearings was sent to all City of Tigard property owners and the interested parties list. A notice was published in The Tigard Times in accordance with Tigard Development Code Chapter 18.390.

All notices invited public input and included the phone number and email 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 and 5 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 4** The City's land use program shall promote the efficient use of land through the creation of incentives and redevelopment programs.
- Policy 5** The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.
- 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 24 **The City shall establish design standards to promote quality urban development and to enhance the community’s value, livability, and attractiveness.**

FINDING: The proposed text amendments are intended to further the goals of the community by promoting infrastructure designs that enhance the community’s attractiveness, by responding to changes in sign and utility technology and related market demand, that promotes multi-modal transportation options, and furthers the redevelopment goals of the city in downtown Tigard through the use of a regulatory overlay that encourages mixed-use development at intense, urban levels near the transit center.

As described in this staff report, the text amendments comply with all applicable statewide planning goals, regional regulations, comprehensive plan goals and policies, and serve the interest of the citizens of Tigard.

Potentially affected jurisdictions and agencies were sent out a request for comments to all potentially affected jurisdictions and agencies. 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, 4, 5, 7, 12, 20 and 24 are 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.**

FINDING: The proposed plan text amendments promote land use patterns that reduce dependency on the automobile reducing administrative burdens to trail development in commercial and industrial zones, and by promoting high-density mixed-use development near the Tigard Transit Center and Fanno Creek Regional Trail.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 6.1 Policy 6 is met.

Chapter 8: Parks, Recreation, Trails, and Open Space

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 proposed text amendments would facilitate the more efficient development of the trail network within commercial and industrial zones, enabling residents, workers, and visitors to more easily access the commercial and industrial parts of the city for employment, recreation, entertainment, and other needs.

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

Chapter 9: Economic Development

Goal 9.1 Develop and maintain a strong, diversified, and sustainable local economy.

Policy 5 The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.

FINDING: The proposed text amendments would promote well-designed development and redevelopment of land within the city.

Proposed utility box design and location standards will reduce the clutter and visual impact presented by these facilities by requiring them to be placed underground or designed and located in such a way as to mitigate their visual presence, without compromising their ability to expand utility services the city.

Proposed changes to the use-classification chapter will reduce administrative procedures necessary to develop trails in under-utilized industrial and commercial land to facilitate multimodal transportation options to these employment and service areas.

Proposed electronic sign standards will allow new communications technology within the vicinity of Washington Square Mall in the service of business advertising and information delivery, in a manner that does not result in visual clutter or detract from traffic safety or the orderly appearance of the community.

The proposed expansion of the station area overlay will result in higher-density housing that will support higher levels of activity in the downtown area.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 9.1 Policy 5 is met.

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

Policy 1 The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

Policy 2 The City shall adopt land use regulations and standards to ensure a well-designed and attractive urban environment that supports/protects public and private sector investments.

Policy 3 The City shall commit to improving and maintaining the quality of community life (public safety, education, transportation, community design, housing, parks and recreation, etc.) to promote a vibrant and sustainable economy.

FINDING: The proposed text amendments will provide for higher density housing near the Tigard Transit Center in a Metro-designated town center (Downtown).

The proposed text amendments regarding utility boxes will promote well-designed and attractive urban-environments free of infrastructure clutter.

The proposed reclassification of trails will reduce administrative costs to the development of a robust and interconnected trail network in commercial and industrial zones. The result of this change will help to develop a robust community life by providing multi-modal access to activity centers, recreational opportunities, and employment.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 9.3, Policies 1, 2, and 3 are 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.

Policy 5 The City shall provide for high and medium density housing in the areas such as town centers (Downtown), regional centers (Washington

Square), and along transit corridors where employment opportunities, commercial services, transit, and other public services necessary to support higher population densities are either present or planned for in the future.

FINDING: The proposed text amendments support the development of multi-family housing as part of stand-alone or mixed-use development on properties located near the transit center in the Tigard Downtown Plan District, a Metro designated town center where higher population densities are planned.

CONCLUSION : Based on the above findings, Tigard Comprehensive Plan Goal 10.1 Policies 1 and 5 are met.

Goal 10.2 Maintain a high level of residential livability.

Policy 1 The City shall adopt measures to protect and enhance the quality and integrity of its residential neighborhoods.

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 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.

FINDING: The proposed text amendments to adopt utility box location and design standards are intended to protect the quality of residential neighborhoods.

The proposed amendments to reclassify trails as a permitted use will support the development of multi-modal transportation network in the commercial and industrial parts of the city. The effect would be to provide greater modal choice for people seeking to access employment, commercial services, or transit access.

The purpose of the station area overlay expansion is to provide for greater densities in downtown Tigard, a plan district intended for mixed-use living with needed services within walking distance. The text would specifically affect properties near the transit center, which could support the transportation needs for a greater density of people.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 10.2 Policies 1, 2, 5, and 7 are met.

Chapter 11: Public Facilities and Services

Goal 11.5 Private utilities provide the needed energy and communication services for the community.

Policy 2 **The City shall require the placement of existing services underground, when feasible, or pay an in-lieu-of fee during redevelopment or street construction.**

FINDING: The proposed text amendments would require new utility cabinets on private property to be placed underground, or provide findings as to why underground placement was not feasible as considered through conditional use review.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 11.5 Policy 2 is met.

Chapter 12: Transportation

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

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 6 **The City shall support land use patterns that reduce greenhouse gas emissions and preserve the function of the transportation system.**

FINDING: The proposed text amendments support the development of a citywide multi-modal transportation system by reducing administrative procedures necessary to develop trails within commercial and industrial zones, and allowing more properties to be developed at very-high densities in a mixed-use district near the Tigard Transit Center. Both of these support transportation options that reduce or avoid greenhouse gas emissions through the use of transit, biking, and walking.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.1 Policies 3, 4, and 6 are met.

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

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.**

FINDING: The proposed text amendments would facilitate the construction of off-street trails by removing administrative procedures necessary to develop off-street pedestrian and bike connections in the form of trails. Facilitation would occur by removing the conditional use permit requirement that could make business owners reluctant to develop a trail, or allow a trail to be developed on their property.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 12.3 Policy 10 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 amendments support land use patterns and development types that reduce greenhouse gas emissions. This would occur by reducing the administrative requirements necessary to develop a complete off-street trail network in commercial and industrial areas, and providing for high-density housing in close proximity to the Tigard Transit Center and the Fanno Creek Regional Trail.

CONCLUSION: Based on the above findings, Tigard Comprehensive Plan Goal 13.1 Policy 1 is met.

THE STATEWIDE PLANNING GOALS AND GUIDELINES 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 Policies 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 8: Recreational Needs; Goal 9: Economic Development; Goal 10: Housing; Goal 11: Public Facilities and Services; Goal 12: Transportation; and Goal 13: Energy Conservation.

SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The **City of Tigard's Public Works Department** and **Building Division** had an opportunity to comment and did not respond.

The **City of Tigard's Police Department** had an opportunity to review this proposal and had no objections.

The **City of Tigard Redevelopment Project Manager** requested a further expansion of the Station-Area Overly from six additional properties to ten additional properties. The requested changes have been incorporated into the proposed amendment to Map 18.610.A.

SECTION VII. OUTSIDE AGENCY COMMENTS

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 Beaverton

City of Portland

City of Lake Oswego

City of Tualatin

City of King City

City of Durham

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

Tualatin Valley Fire & Rescue

Oregon Public Utilities Commission

Century Link

Clean Water Services

Comcast Cable

Metro Area Communications Commission

NW Natural

Portland General Electric

Tri-Met

Verizon

Tigard-Tualatin School District

Tualatin Hills Water District

Tualatin Hills Parks and Recreation District

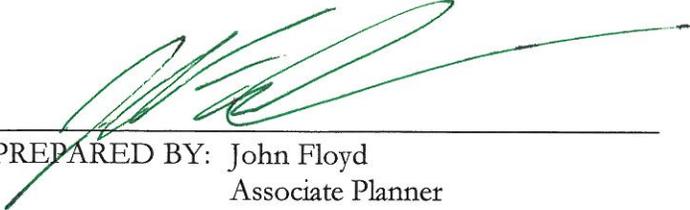
SECTION VII. PUBLIC COMMENTS

Measure 56 notices were mailed out to approximately 15,000 City of Tigard property owners and the interested parties list. Although many inquiries and questions were generated, including approximately 40 phone calls and visits to the Permit Center, no substantial public comments

were received.

SECTION IX. CONCLUSION

The proposed changes comply with the applicable Statewide Planning Goals, the Tigard Comprehensive Plan, and applicable provisions of the City's implementing ordinances. Therefore, Staff recommends that the Planning Commission recommend approval of the proposed amendments included in Attachment 2 of this report.



PREPARED BY: John Floyd
Associate Planner

March 12, 2015
DATE



APPROVED BY: Tom McGuire
Assistant Community Development Director

March 12, 2015
DATE

- Attachments:
1. Summary and Discussion of Proposed Text Amendments
 - a. Utility Cabinets on Private Property
 - b. Transportation and Utility Corridors
 - c. Electronic Message Centers in MUC Zone
 - d. Station Area Overlay and Height Limit Clarification in MU-CBD Zone
 2. Affected Chapters with Text Amendments
 - a. 18.130 – Use Categories
 - b. 18.330 – Conditional Use
 - c. 18.510 – Residential Zoning Districts
 - d. 18.520 – Commercial Zoning Districts
 - e. 18.530 – Industrial Zoning Districts
 - f. 18.540 – Parks and Recreation Zone
 - g. 18.610 – Tigard Downtown Plan District
 - h. 18.780 – Signs

PROPOSED TEXT AMENDMENT TO ADDRESS THE EMERGING PROLIFERATION OF UTILITY CABINETS ON PRIVATE PROPERTY

Background

The telecommunications and broadband utility industry is changing quickly. In this region, many utility providers are making significant changes to their service delivery and placing new fiber and utility cabinets in communities. These installations can include more ground cabinets and they are more than 10% larger in height and overall volume than any other ground cabinets currently seen in our community. Sizes of cabinets which have already been requested by utility companies in Tigard are compared below to the typical signal light control cabinet which is currently the largest utility cabinet in Tigard.

Structure Type	Width (feet)	Length (feet)	Height (feet)
Utility Cabinet Request A	10	30	9
Utility Cabinet Request B	4	9	5
Signal Light Control Cabinets <i>(current size)</i>	2.6	2	6

Code Analysis

To address the emerging proliferation of utility cabinets on private property, instead of expanding the Wireless Communications chapter to cover other communications facility appurtenances, such as fiber huts, it appears that the “basic utilities” category may be a better approach as they are broadly construed as “infrastructure services.” Broadband, cable, fiber, etc., can be characterized as “infrastructure” whether communication, information, or entertainment specific.

18.130.050 Civic Use Categories

A. Basic Utilities.

- 1. Characteristics: Basic Utilities are infrastructure services which need to be located in or near where the service is provided. Service may be public or privately provided.**
- 2. Accessory Uses: Accessory uses commonly found are parking; and control, monitoring, data or transmission equipment and shelters.**
- 3. Examples: Examples include water and sewer systems, telephone exchanges, power substations, and transit stations.**
- 4. Exceptions:**
 - a. Utility Offices where employees or customers are generally present are classified as offices.**
 - b. Bus barns are classified as Warehouse/Freight Movement.**
 - c. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.**

“Basic Utilities” are currently allowed conditionally in all zones and permitted outright in the I-H zone. However, due to the underground placement of some utilities, “water, storm and sanitary sewers are allowed by right” and are exempt from conditional use review by Footnote 4 in Use

Table 18.510.1 (residential zones), Footnote 32 in 18.520.1 (some commercial zones), and Footnote 14 in Table 18.530.1 (industrial zones).

Assuming new forms of infrastructure (lines and cabinets for whatever purpose) can be considered “basic utilities,” then regulating the above ground impacts through the conditional use chapter would apply.

18.330.050 Additional Development Standards for Conditional Use Types

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

15. Emergency services and basic utilities:

- a. Minimum lot size shall be 5,000 square feet;**
- b. Minimum setbacks shall be those in the applicable zone;**
- c. Height limitation shall be in accordance with Chapter 18.730;**
- d. Off-street parking and loading requirement shall be in accordance with Chapter 18.765; and**
- e. Screening shall be in accordance with Chapter 18.745.**

However, the current provisions for basic utilities would not satisfactorily regulate the visual pollution impacts that are increasingly objectionable. For example, in (c) the height limitations do not apply to “projections not used for human habitation” (18.730.020.A); and, in (e) Buffering and Screening standards are applied through matrices that do not include infrastructure services (Tables 18.745.1 and 18.745.2); and more specifically, “A buffer area may only be occupied by utilities . . .” the focus of the standard is rather on buildings, parking and access (18.745.050.B.2).

If the basic utility is to be undergrounded, like water and sewers, then no conditional use review would be required. If proposed above-ground, additional standards would apply to cabinets greater in height and size than the majority of cabinets currently allowed.

PROPOSED CODE AMENDMENT:

Additional Development Standards for Conditional Use Types, 18.330.050.15.f:

f. For above-ground infrastructure facilities on private and public property (outside of public rights-of-way) where length plus width plus height is more than 96 inches and height is more than 48 inches, the following standards shall apply:

- 1) Demonstrate that the functional properties of the facility require above-ground placement;
- 2) Be of a size that is the minimum necessary for the intended use.
- 3) Be located on the site as visually inconspicuous as reasonably possible.
- 4) Be dark in color, non-reflective, and visually subordinate to the surroundings.
- 5) Be screened from view in accordance with the applicable sections of Chapter 18.745.

TRANSPORTATION AND UTILITY CORRIDORS

Summary and Purpose

Expand the “Railroad and Utility Corridor” classification to include multi-use trails, and amend the allowed use tables in 18.520-18.540 to allow trails in all commercial and industrial areas as a permitted use.

- Would acknowledge trails as transportation infrastructure and not just recreational
- Would remove the Conditional Use Permit requirement for new multi-use trail segments passing through commercial and industrial areas
- Would remain a conditional use in residential areas.

Proposed Text Changes

18.130.050 Civic Use Categories

C. Community Recreation.

1. Characteristics: Community Recreation uses are public or non-profit recreational, social and multi-purpose facilities of an indoor and/or outdoor nature.
2. Accessory uses: Accessory uses commonly found are parking, offices, athletic facilities, clubhouses, picnic shelters, maintenance facilities, and concessions.
3. Examples: Examples include community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses.
4. Exceptions:
 - a. Does not include uses meeting the definition of Cultural Institutions.
 - b. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial Uses.

c. Does not include multi-use trails, which are considered Transportation and Utility Corridors

18.130.080 Other Use Categories

F. Rail Lines Transportation and Utility Corridors.

1. Characteristics: Rail-Transportation and Utility Corridors are 1 corridors in public or private ownership, including easements, dedicated for the express use of rail lines; multi-use trails; above-grade or underground power or communication lines; water, sewer, and storm sewer lines; or similar services.
2. Accessory uses: Accessory uses commonly found include trailhead improvements such as public restrooms and parking lots.

3. Examples: Examples include rail trunk and feeder lines; multi-use trails; regional electrical transmission lines; and regional gas and petroleum pipelines.

4.3. Exceptions:

- a. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
- b. ~~Rail Lines~~ Transportation and Utility Corridors contained within a motor vehicle rights-of-way are not included.
- c. Does not include Railroad Yards.

TABLE 18.510.1 (CON'T)

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰
INDUSTRIAL								
Industrial Services	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	N	N	N
General Industrial	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
OTHER								
Agriculture/Horticulture	P ⁶	N	N	N				
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷							
Rail Lines <u>Transportation</u> and Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted

R=Restricted

C=Conditional Use

N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴Except water and storm and sanitary sewers, which are allowed by right.

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁷See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

⁸Attached single-family units permitted only as part of an approved planned development.

⁹Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

¹⁰Only park-and-ride and other transit-related facilities permitted conditionally.

¹¹Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

¹²School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes. Maximum time limitation is three years. An extension to the time limit is possible through a major modification to the conditional use. (Ord. 07-05)

¹³Permitted as a conditional use on public school sites.

**TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES**

USE CATEGORY	C-N ^(1, 4)	C-C ^(5, 10)	C-G	C-P	MU-CBD ^{19, 38)}	MUE ⁽²⁰⁾	MUC-1	MUC ⁽²⁸⁾	MUE 1 and 2 ⁽²⁸⁾	MUR 1 and 2 ⁽²⁸⁾
RESIDENTIAL										
Household Living	N	R ⁽⁶⁾	R ⁽¹¹⁾	R	P	R ⁽²¹⁾	P ⁽²⁶⁾	P	P	P
Group Living	N	N	C	N	P	N	C	R ⁽²⁹⁾ /C	R ⁽²⁹⁾ /C	R ⁽²⁹⁾ /C
Transitional Housing	N	N	C	N	C	N	C	C	C	C
Home Occupation	R ⁽²⁾	R ⁽²⁾	R ⁽²⁾	R ⁽²⁾	R ⁽²⁾	R ⁽²⁾	P	R ⁽²⁾	R ⁽²⁾	R ⁽²⁾
HOUSING TYPES										
Single Units, Attached	N/A	N/A	N/A	N/A	P	N/A	N/A	R ⁽³⁰⁾	R ⁽³⁰⁾	P
Single Units, Detached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ⁽³⁰⁾	R ⁽³⁰⁾	R ⁽³⁰⁾
Accessory Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ⁽³¹⁾	R ⁽³¹⁾	R ⁽³¹⁾
Duplexes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ⁽³⁰⁾	R ⁽³⁰⁾	P
Multifamily Units	N/A	N/A	N/A	N/A	P	N/A	N/A	P	P	P
Manufactured Units	N/A	N/A	N/A	N/A	P	N/A	N/A	N	N	N
Mobile Home Parks, Subdivisions	N/A	N/A	N/A	N/A	R ⁽³⁶⁾	N/A	N/A	N	N	N
CIVIC (INSTITUTIONAL)										
Basic Utilities	C	C ⁽³²⁾	C ⁽³²⁾	C	C	C	C	C ⁽³²⁾	C ⁽³²⁾	C ⁽³²⁾
Colleges	N	N	N	N	P	C	C	C	C	C
Community Recreation	N	P	N	N	P	C	N	P	C	C
Cultural Institutions	P	P	P	P	P	P	P	P	P	N
Day Care	P	P	P	P	P	P	P	P	P	P/C ⁽³³⁾
Emergency Services	P	P	P	P	P	P	P	P	P	N
Medical Centers	C	N	C	C	C	C	C	C	C	C
Postal Service	P	P	P	P	P	P	P	P	P	N
Public Support Facilities	P	P	P	P	P	P	P	P	P	P
Religious Institutions	C	C	P	P	P	P	P	P	P	C
Schools	N	N	N	N	P	C	C	C	C	C
Social/Fraternal Clubs/Lodges	C	C	P	P	P	P	P	P	P	C
COMMERCIAL										
Commercial Lodging	N	N	P	R ⁽¹⁴⁾	P	P	P	P	P	N
Custom Arts and Crafts	N	N	N	N	P ⁽³⁹⁾	N	N	N	N	N

Eating and Drinking Establishments	C	P	P	R ^[15]	P	P	P	P	P	R ^[34/35]
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
COMMERCIAL (cont'd.)										
Major Event Entertainment	N	N	C	N	C	N	C	C	N	N
Outdoor Entertainment	N	N	P	R ^[15]	C	N	N	C	N	N
Indoor Entertainment	P	P	P	P	P	P	P	P	P	N
Adult Entertainment	N	N	C	N	N	N	N	C	N	N
Sales-Oriented	P	P ^[7]	P	R ^[16]	P/R ^[37]	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Personal Services	P	P	P	P	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Repair-Oriented	P	P	P	N	P	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Bulk Sales	N	N	P	N	R ^[36]	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Outdoor Sales	N	N	P	N	N	N	N	N	N	N
Animal-Related	N	N	N	N	N	P	P	N	N	N
Motor Vehicle Sales/Rental	N	N	P/C ^[12]	N	R ^[36]	N	N	R ^[24]	R ^[24]	N
Motor Vehicle Servicing/Repair	N	C ^[8]	P/C ^[12]	N	C	R ^[22]	R ^[25]	N	N	N
Vehicle Fuel Sales	C	C	C	N	R ^[36]	N	C	C	C	N
Office	P	R ^[9]	P	P	P	P	P	P	P	R ^[34/35]
Self-Service Storage	N	N	C	N	R ^[36]	N	N	N	N	N
Non-Accessory Parking	C	C	P	P	P	P	P	P	P	N
INDUSTRIAL										
Industrial Services	N	N	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	R ^[23]	N	N	R ^[23]	N
General Industrial	N	N	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	C	R ^[24]	R ^[24]	N	R ^[23]	N
Warehouse/Freight Movement	N	N	N	N	N	R ^[24]	N	N	R ^[23/24]	N
Waste-Related	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	R ^[23/24]	N
OTHER										
Agriculture/Horticulture	N	N	N	N	N	N	N			
Cemeteries	N	N	N	N	N	N	N			
Detention Facilities	N	N	C	N	C	N	N			
Heliports	N	N	C	C	N	N	N			

Mining	N	N	N	N	N	N	N			
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
OTHER (cont'd.)										
Wireless Communication Facilities	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[27]			
Rail Lines-Transportation and Utility Corridors	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
Other	<u>C^[4]</u>	<u>C^[4]</u>	<u>NA</u>	<u>NA</u>	<u>R^[19]</u>	<u>NA</u>	<u>NA</u>			

P=Permitted R=Restricted C=Conditional Use NA=Not Applicable N=Not Permitted

- [1] All permitted and conditional uses subject to special development standards contained in 18.520.050.A.
- [2] Permitted subject to requirements Chapter 18.742.
- [3] See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.
- [4] Uses operating before 7 a.m. and/or after 10 p.m. are conditional uses.
- [5] All permitted, limited and conditional uses must meet special development standards in 18.520.050.B.
- [6] Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.
- [7] Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.
- [8] Limited to motor vehicle cleaning only.
- [9] When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.
- [10] Uses operating before 6 a.m. and/or after 11 p.m.; or drive-up windows are conditional uses.
- [11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multifamily housing is permitted as part of a PD, subject to Chapter 18.350.
- [12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.
- [13] (Deleted by Ord. 09-13)
- [14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
- [15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
- [16] May not exceed 10% of the total square footage within an office complex.
- [17] Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.
- [18] Motor vehicle cleaning only.
- [19] Drive-up windows are permitted to continue if the property had one lawfully in existence prior to the adoption of the MU-CBD designation. Otherwise, not permitted.
- [20] All permitted and conditional uses subject to special development standards contained in 18.520.050.C.
- [21] Multifamily residential, at 25 units/gross acre, allowed outright. Pre-existing detached and attached single-family dwellings are permitted outright.
- [22] New retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.
- [23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.
- [24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.
- [25] Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.
- [26] Household living limited to single units, attached, and multifamily including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.
- [27] Wireless only as attached to structure within height limit, see Chapter 18.798.
- [28] All Permitted and Conditional Uses subject to special development standards contained in Chapter 18.630.
- [29] Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

- [30] Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630.
- [31] Permitted for pre-existing housing units, subject to requirements Chapter 18.710.
- [32] Except water, storm and sanitary sewers, which are allowed by right.
- [33] In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.
- [34] This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met. An exception to the requirement that commercial uses may be permitted only if residential minimum densities are met is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. These parcels, or parcels created from these parcels, after the effective date of this ordinance, may be developed as a solely commercial use with a use permitted in the MUR-1 or MUR-2 zones.
- [35] The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet. An exception to the limit on the size of a building occupied by commercial uses is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. On these parcels, or parcels created from these parcels, after the effective date of this ordinance, a commercial development is not limited to a specific square footage, however, all other dimensional standards of the MUR-1 and MUR-2 zoning district apply which may limit the ultimate size of commercial development.
- [36] Only for properties that were lawfully in existence (as permitted, conditional, or planned development) prior to the adoption of the MU-CBD designation.
- [37] New retail and sales uses may not exceed 60,000 square feet of gross leasable area per building in all subareas except 99W/Hall Corridor subarea. (See Map 18.610.A)
- [38] All developments subject to Chapter 18.610, Downtown Urban Renewal Standards, and Map 18.610.A.
- [39] Custom Arts and Crafts uses may not exceed 500 square feet of production area.

Table 18.530.1
Use Table: Industrial Zones

Use Category	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C ¹⁴	C ¹⁴	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3,9}	R ^{3,9}	R ^{3,9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R ²	N	N
Major Event Entertainment	N	N	N
Outdoor Entertainment	P	N	N
Indoor Entertainment	P	N	N
Adult Entertainment	N	N	N
Sales-Oriented	R ²	N	N
Personal Services	R ²	N	N
Repair-Oriented	P	N	N
Bulk Sales	R ^{4,11}	N	N
Outdoor Sales	N	P	P
Animal-Related	P	P	P
Motor Vehicle Sales/Rental	R ^{4,12,13}	P	P
Motor Vehicle Servicing/Repair	C	P	P
Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P
INDUSTRIAL			
Industrial Services	R ⁴	P	P
Light Industrial	P	P	P
General Industrial	N	P	P
Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P

Table 18.530.1
Use Table: Industrial Zones (cont'd)

Use Category	I-P	I-L	I-H
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Transportation and Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ⁸ Explosive storage permitted outright subject to regulations of the uniform fire code.
- ⁹ Day care uses with over five children are permitted subject to an environmental impact assessment in accordance with 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- ¹⁰ Limited to outdoor recreation on (1) land classified as floodplain on city flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2) land located outside the floodplain as shown on city flood maps, when the recreation use is temporary and does not otherwise preclude allowed uses or conditional uses other than recreation within the district.
- ¹¹ These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination, shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- ¹² These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- ¹³ This use limited to boat sales/rental only.
- ¹⁴ Except water and storm and sanitary sewers, which are allowed by right.

TABLE 18.540.1
USE TABLE: PARKS & RECREATION ZONE

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

COMMERCIAL	
Commercial Lodging	N
Custom Arts and Crafts	N
Eating and Drinking Establishments	C ³
Major Event Entertainment	C
Outdoor Entertainment	N
Indoor Entertainment	N
Adult Entertainment	N
Sales-Oriented	C ³
Personal Services	N
Repair-Oriented	N
Bulk Sales	N
Outdoor Sales	C ³
Animal-Related	N
Motor Vehicle Sales/Rental	N
Motor Vehicle Servicing/Repair	N
Vehicle Fuel Sales	N
Office	C ³
Self-Service Storage	N
Non-Accessory Parking	N
INDUSTRIAL	
Industrial Services	N
Light Industrial	N
General Industrial	N
Heavy Industrial	N
Railroad Yards	N
Research and Development	N
Warehouse/Freight Movement	N
Waste-Related	N
Wholesale Sales	N
OTHER	
Agriculture / Horticulture	P/C ¹
Cemeteries	N
Detention Facilities	N
Heliports	N
Mining	N
Wireless Communication Facilities	P/C ⁴
<u>Rail Lines Transportation</u> and Utility Corridors	<u>P/C⁵</u>

P=Permitted C=Conditional Use N=Not Permitted

- [1] See Subsection 18.540.050.C-D for use type determination.
- [2] Restricted to activities and facilities focused on environmental education.
- [3] Permitted only when accessory to a Community Recreation land use.
- [4] See Chapter 18.798, Wireless Communication Facilities.

[5] Multi-use trails permitted within this zone, all other are conditional.

ELECTRONIC MESSAGE CENTERS IN MUC ZONE

Summary and Purpose

Allow Electronic Message Centers (EMC) in the MUC zone as a freestanding sign only, with explicit prohibition against EMC as a wall sign, freeway-oriented sign, or as part of a non-conforming sign.

Proposed Text Changes

18.780.090 Special Condition Signs

D. Electronic message centers.

1. Electronic message center (variable message) sign regulations shall ~~be as follows~~ subject to all of the following restrictions:

a. Electronic message center signs shall be permitted only in the C-G, MUC, and MU-CBD zones, and at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street;

b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Section 18.780.130 and any other applicable standards of this title;

~~c. Electronic message centers may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title.~~

~~e. d.~~ An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign except in the MUC zone where an electronic message center may only be substituted for one freestanding sign and no other sign type. Electronic message centers shall not be substituted for any other sign types set forth in this title, and shall not be allowed to replace or supplement a billboard, freeway oriented sign, or any other sign types other than those specifically allowed above;

~~d. e.~~ One electronic message center sign, ~~shall be either freestanding or wall mounted,~~ allowed per premises; and

~~e. f.~~ With regard to light patterns:

i. Traveling light patterns (“chaser effect”) shall be prohibited;

ii. Messages and animation shall be displayed at intervals of greater than two seconds in duration.

STATION AREA OVERLAY EXPANSION IN MU-CBD ZONE

Summary and Purpose

Two changes are proposed to the Tigard Downtown Plan District.

The first change would clarify existing height limits by removing the limit on the number of stories allowed within particular sub-areas of the downtown area, and limit heights by feet rather than stories.

The second change would expand the “Station Area Overlay” on Map 18.610.A of the Tigard Downtown Plan District standards. The purpose of the amendment is to facilitate the redevelopment of approximately 17.94 acres of land by increasing the maximum density allowed from 50 units per acre to 80 units per acre, as provided for in footnote 6 of Table 18.610.1 below. The ten affected properties are proximate to the Ash Avenue entrance to the Tigard Transit Center, and future residents and visitors are expected to utilize transit at higher rates than other properties in the plan district.

Proposed Text and Map Changes

Table 18.610.1

MU-CBD Development Standards Matrix ^{1,2,3}

STANDARD	SUB-AREAS			
	Main Street	99W/Hall Corridor	Scoffins/Commercial	Fanno/Burnham
Front setback		0/5 ft.		
Minimum	0 ft.	(5 ft. for frontage on	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%

Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards.

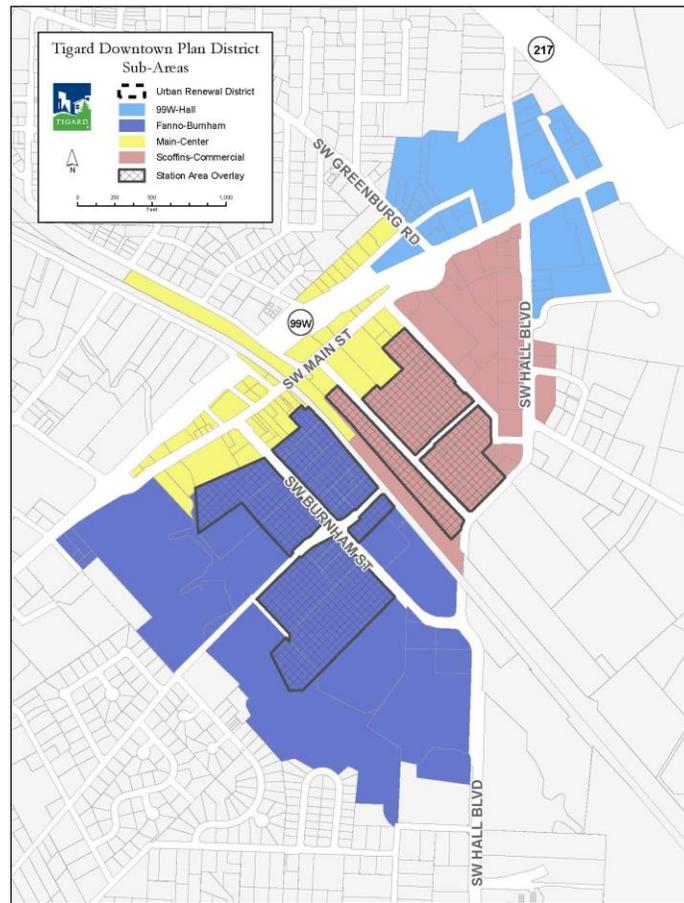
⁴ In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.025.

⁵ Landscaping/screening requirements for parking lots must be met.

⁶ Station area overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ ~~3-stories~~ 45 feet within 200 feet of Fanno Creek Park boundary (see Map 18.610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).



**Chapter 18.130
USE CATEGORIES**

Sections:

18.130.010	Purpose
18.130.015	Classification of Uses
18.130.025	Category Titles
18.130.030	Omitted and Unanticipated Uses
18.130.040	Residential Use Categories
18.130.050	Civic Use Categories
18.130.060	Commercial Use Categories
18.130.070	Industrial Use Categories
18.130.080	Other Use Categories

18.130.010 Purpose

This chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the comprehensive plan. (Ord. 10-15 §1)

18.130.015 Classification of Uses**A. Considerations.**

1. The “Characteristics” subsection of each use category describes the characteristics of each use category. Uses are assigned to the category whose description most closely describes the nature of the primary use. A primary use is the activity, or combination of activities of chief importance on the site, and the main purposes for which the land or structures are intended, designed, or ordinarily used. Accessory uses are uses or activities which are a subordinate part of a primary use and are clearly incidental to a primary use on site. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in subsection B of this section. Accessory uses are addressed in subsection C of this section.
2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activity(ies) in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;
 - c. Relative amounts of sales from each activity;
 - d. The customer type for each activity;
 - e. The relative number of employees in each activity;

- f. Hours of operation;
 - g. Building and site arrangement;
 - h. Vehicles used with the activity;
 - i. The relative number of vehicle trips generated by the activity;
 - j. Signs;
 - k. How the use advertises itself; and
 - l. Whether the activity would be likely to be found independent of the other activities on the site.
- B. Developments with multiple primary uses. When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- C. Accessory uses. Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.
- D. Use of examples. The “Examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “Wholesale Liquidation” but that sells mostly to consumers, would be included in the Sales Oriented Retail Category rather than the Wholesale Sales Category. This is because the actual activity on the site matches the description of Sales Oriented Retail. (Ord. 10-15 §1)

18.130.025 Category Titles

The names of the use categories start with capital letters throughout this title. (Ord. 10-15 §1)

18.130.030 Omitted and Unanticipated Uses

- A. Purpose. It is not possible to contemplate all of the various uses which will be compatible within a zoning district. Therefore, unintentional omissions occur and unanticipated uses may not be clearly assignable to a use category. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such omitted and/or unanticipated uses are compatible with the listed uses.
- B. Process. The Director shall render an interpretation, as governed by Chapter 18.340.
- C. Approval standards. Approval or denial of an unlisted use application by the director shall be based on findings that:
- 1. The use is consistent with the intent and purpose of the applicable zoning district;

2. The use is similar to and of the same general type as the use categories listed in the zoning district;
3. The use has similar intensity, density, and off-site impacts as the use categories listed in the zoning district, to be evaluated using the criteria set forth in 18.130.015.A.2; and
4. The use has similar impacts on the community facilities as the listed use categories. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, and water, sanitary sewer and storm drainage systems.

D. Other provisions.

1. The director shall not authorize an omitted and/or unanticipated use in a zoning district if the use category is specifically listed in another zone as either a permitted use, restricted use, or a conditional use.
2. The director shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone. (Ord. 10-15 §1)

18.130.040 Residential Use Types

A. Group Living.

1. Characteristics: Group Living is a living facility for groups of unrelated individuals which includes at least one person residing on the site who is responsible for supervising, managing, monitoring, and/or providing care, training, or treatment of residents. Large group living facilities may also be characterized by shared facilities for eating, hygiene, and/or recreation.
2. Accessory uses: Accessory uses commonly found are recreational facilities and parking.
3. Examples: Examples include dormitories; communes; fraternities and sororities; monasteries and convents; nursing and convalescent homes; some group homes for the physically and mentally disabled; and some residential programs for drug and alcohol treatment.
4. Exceptions:
 - a. Does not include lodging meeting the definition of Transitional Housing, Detention Facilities, and/or Commercial Lodging.
 - b. Does not include lodging where the residents meet the definition of Household, and where tenancy is arranged on a month-to-month basis, or for a longer period, which is classified as Household Living.

B. Household Living.

1. Characteristics: Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of commercial lodging or transitional housing. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as

Household Living if tenancy meets length of stay requirements and residents have access to facilities for individual meal preparation. The maximum number of people who may reside in any given dwelling unit shall be determined by the state building code.

2. Accessory Uses: Accessory uses commonly found are recreational activities, keeping of normal household pets, hobbies, and parking of the occupants' vehicles. Home occupation and accessory dwelling units are examples of accessory uses that are subject to additional regulations.
3. Examples: Uses include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, and other structures with self-contained dwelling units. Includes most types of senior housing, e.g., congregate care, assisted living, if residents live in self-contained units.
4. Exceptions:
 - a. Does not include for-profit lodging, where tenancy may be arranged for periods less than one month. Such uses are considered a hotel or motel use and are classified as commercial lodging.
 - b. Does not include lodging meeting the definition of Transitional Housing.

C. Transitional Housing.

1. Characteristics: Transitional housing is characterized as public or non-profit living facilities possessing the same characteristics as Household or Group Living, but with tenancy less than 45 days.
2. Accessory Uses: Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.
3. Examples: Examples include homeless shelters, women's/children's shelters, drug/alcohol treatment facilities.
4. Exceptions:
 - a. Does not include for-profit lodging where tenancy may be arranged for periods less than one month, which is considered a hotel or motel use and is classified as Commercial Lodging
 - b. Does not include residential uses meeting the definition of Group Living.
 - c. Does not include residential uses where the residents meet the definition of Household Living.
 - d. Does not include residential uses meeting the definition of Detention Facilities. (Ord. 10-15 §1)

18.130.050 Civic Use Categories

A. Basic Utilities.

1. Characteristics: Basic Utilities are infrastructure services which need to be located in or near where the service is provided. Service may be public or privately provided.
2. Accessory Uses: Accessory uses commonly found are parking; and control, monitoring, data or transmission equipment and shelters.
3. Examples: Examples include water and sewer systems, telephone exchanges, power substations, and transit stations.
4. Exceptions:
 - a. Utility Offices where employees or customers are generally present are classified as offices.
 - b. Bus barns are classified as Warehouse/Freight Movement.
 - c. Public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, gas, oil, water, sewage, communication signals, or other similar services on a regional level are classified as Rail Lines and Utility Corridors.

B. Colleges.

1. Characteristics: Colleges are institutions of higher education leading to a general or specialized degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency, and tend to be in a campus like setting or on multiple blocks, with or without dormitories.
2. Accessory uses: Accessory uses commonly found include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and supporting commercial facilities.
3. Examples: Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
4. Exceptions:
 - a. Does not include private, for-profit trade and vocational schools which are considered Personal Services.
 - b. Does not include public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.

C. Community Recreation.

1. Characteristics: Community Recreation uses are public or non-profit recreational, social and multi-purpose facilities of an indoor and/or outdoor nature.
2. Accessory uses: Accessory uses commonly found are parking, offices, athletic facilities, clubhouses, picnic shelters, maintenance facilities, and concessions.
3. Examples: Examples include community centers, senior centers, indoor and outdoor tennis/racquetball and soccer clubs, indoor/outdoor swimming pools, parks, playgrounds, picnic areas and golf courses.

4. Exceptions:

- a. Does not include uses meeting the definition of Cultural Institutions.
- b. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial Uses.
- c. Does not include multi-use trails, which are considered Transportation and Utility Corridors

D. Cultural Institutions.

- 1. Characteristics: Cultural Institutions are uses of a public or non-profit nature which engage in the cultural, intellectual, historical, scientific, or artistic enrichment of the public.
- 2. Accessory uses: Accessory uses commonly found are parking, gift shops, bookstores, limited food and beverage services, and classrooms.
- 3. Examples: Examples include libraries, museums, and galleries.
- 4. Exceptions:
 - a. Does not include uses meeting the definition of Schools or Colleges.
 - b. Does not include uses meeting the definition of Community Recreation.
 - c. Does not include for-profit commercial recreational facilities which are considered Entertainment-Oriented Commercial.

E. Day Care.

- 1. Characteristics: Day Care is the provision of regular child care, with or without compensation, to four or more children by a person or person(s) who are not the child's parent, guardian, or person acting in place of the parent, in a facility meeting all state requirements.
- 2. Accessory uses: Accessory uses commonly found are offices, play areas and parking.
- 3. Examples: Examples include nursery schools, before-and-after school care facilities, and child development centers.
- 4. Exceptions:
 - a. Does not include care given by the parents, guardians, or relatives of the children, or by babysitters.

F. Emergency Services.

- 1. Characteristics: Emergency Services are public safety facilities necessary for the protection of life and property.

2. Accessory uses: Accessory uses may include offices; meeting areas; parking; food preparation areas; transmission equipment; and temporary holding cells within a police station.
3. Examples: Examples include police and fire stations, emergency communications, and ambulance services.
4. Exceptions:
 - a. Does not include uses meeting the definition of Detention Facilities.
 - b. Does not include uses meeting the definition of Medical Centers.

G. Medical Centers.

1. Characteristics: Medical Centers are facilities providing inpatient, outpatient, and emergency and related ancillary services to the sick and infirm, and are usually developed in a campus setting or on multiple blocks.
2. Accessory uses: Accessory uses may include diagnostic and treatment facilities, laboratories, surgical suites, kitchen/food service facilities; laundry, housekeeping and maintenance facilities; administrative offices and parking.
3. Examples: Examples include hospitals and medical complexes that include hospitals.
4. Exceptions:
 - a. Medical Centers may also include freestanding offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as Offices.
 - b. Does not include uses meeting the definition of Emergency Services.

H. Postal Service.

1. Characteristics: Postal Service includes letter, periodical and package delivery services traditionally operated by the United States Postal Service and for-profit entities such as United Parcel Service and Federal Express. Such facilities typically include customer sales, sorting facilities, and fleet truck loading and storage.
2. Accessory uses: Accessory uses commonly found are offices, parking, and storage facilities.
3. Examples: Examples include U.S. Post Offices and parcel package distribution centers.

I. Religious Institutions.

1. Characteristics: Religious Institutions provide meeting space that is primarily used for religious worship.
2. Accessory uses: Accessory uses may include offices, classrooms, daycare, parking, social halls, and recreational activities.

3. Examples: Examples include churches, temples, synagogues, and mosques.

J. Schools.

1. Characteristics: Schools include public and private schools at the primary, elementary, middle, junior high, or high-school level that provide state-mandated basic education.
2. Accessory uses: Accessory uses may include play areas, cafeterias, recreational and sports facilities, athletic fields, auditoriums, and before-and-after-school daycare.
3. Examples: Examples include public and private daytime schools.
4. Exceptions:
 - a. Does not include preschools which are classified as Daycare uses.
 - b. Does not include private, profit-making trade and vocational schools which are considered Personal Services.
 - c. Does not include uses meeting the definition of Colleges.

K. Social/Fraternal Clubs/Lodges.

1. Characteristics: Social/Fraternal Clubs/Lodges are non-profit organizations with social, philanthropic, and/or recreational functions and activities.
2. Accessory uses: Accessory uses commonly found are offices, auditoriums, parking, and limited food and beverage service.
3. Examples: Examples include Veterans of Foreign Wars posts, Elks Lodges, and Masonic Temples. (Ord. 10-15 §1)

18.130.060 Commercial Use Categories

A. Adult Entertainment.

1. Characteristics: Adult Entertainment includes uses characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.
2. Accessory uses: Accessory uses commonly found include parking.
3. Examples: Examples include adult motion picture theaters, adult book stores, and topless, bottomless, and nude taverns and dance halls.

B. Animal-Related Commercial.

1. Characteristics: Animal-Related uses are those engaged in breeding, and/or boarding of normal household pets. Limited animal sales may or may not be part of the use.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.

3. Examples: Examples include animal breeders, kennels, overnight boarding facilities, and a single dwelling unit exclusively occupied by an on-site caretaker or the kennel owner/operator and family.
4. Exceptions:
 - a. Facilities where the primary activity is animal sales shall be considered Sales-Oriented Retail.
 - b. Does not include animal grooming, which is considered Personal Services or Repair-Oriented Retail.
 - c. Does not include veterinary clinics, which are considered Office.
 - d. Does not apply to poultry or livestock, which are considered an Agriculture/Horticulture Use.

C. Bulk Sales.

1. Characteristics: Establishments engaging in the sales, leasing, and rental of bulky items requiring extensive interior space for display.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include furniture, large appliances, and home improvement.
4. Exceptions:
 - a. Does not include uses meeting the definition of Outdoor Sales.
 - b. Does not include Motor Vehicle Sales/Rental.

D. Commercial Lodging.

1. Characteristics: Commercial Lodging includes for-profit residential facilities where tenancy is typically less than one month.
2. Accessory uses: Accessory uses commonly found are parking, restaurants and bars, meeting and convention facilities, and recreational facilities for guests such as pools and gym.
3. Examples: Examples include hotels, motels, rooming houses, and bed-and-breakfast establishments.
4. Exceptions:
 - a. Does not include uses meeting the definition of Group Living or Transitional Housing.

E. Custom Arts and Crafts.

1. Characteristics: Establishments engaged in the on-site manufacture and sale of crafts, art, sculpture, pottery, stained glass, musical instruments, and similar items produced without the use of a mechanized assembly line or large-scale machinery. Typically the business is operated by an artist or craftsman who may or may not be supported by a small number of assistants.
2. Accessory uses: Accessory uses commonly found include showrooms, sales facilities, parking, office space, storage space, and temporary outdoor activities subject to further regulation under Chapter 18.785.
3. Examples: Examples include artisans and artists producing arts and crafts from materials such as wood, glass, fabric, fiber, and painted images on canvas or other portable materials.
4. Exceptions:
 - a. Does not include uses where customers come to paint or assemble their own craft or artwork. Such uses are considered Sales-Oriented-Retail.

F. Eating and Drinking Establishments.

1. Characteristics: Eating and Drinking Establishments are characterized by the sale of prepared food and beverages for consumption on-site or take-away.
2. Accessory uses: Accessory uses commonly found are parking and outdoor seating areas.
3. Examples: Examples include restaurants, delicatessens, retail bakeries, taverns, brew-pubs, and espresso bars.
4. Exceptions:
 - a. Does not include grocery stores and convenience stores, which are classified as Sales-Oriented General Retail.

G. Indoor Entertainment.

1. Characteristics: Indoor entertainment consists of for-profit facilities providing active recreational uses of a primarily indoor nature.
2. Accessory uses: Accessory uses commonly found include parking, offices, limited retail, and concessions.
3. Examples: Examples include health/fitness clubs, tennis, racquetball and soccer centers, recreational centers, skating rinks, bowling alleys, arcades, shooting ranges, and movie theaters.
4. Exceptions:
 - a. Does not include uses meeting the definition of Community Recreation or Cultural Institutions.

H. Major Event Entertainment.

1. Characteristics: Major Event Entertainment facilities are uses characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.
2. Accessory uses: Accessory uses commonly found include parking, maintenance facilities, and concessions.
3. Examples: Examples include auditoriums, stadiums, convention centers and race tracks.
4. Exceptions:
 - a. Does not include uses meeting the definition of Cultural Institutions.
 - b. Does not include movie theaters or playhouses, which are considered Indoor Entertainment.

I. Motor Vehicle Sales/Rental.

1. Characteristics: Motor Vehicle Sales/Rental includes land uses involved in the sale, lease, and/or rental of cars, motorcycles, light and heavy trucks, mobile homes, boats, and recreational vehicles.
2. Accessory uses: Accessory uses commonly found include parking, auto repair and maintenance facilities, office space, and storage space.
3. Examples: Examples include auto dealerships, used car lots, and car rental facilities.

J. Motor Vehicle Servicing/Repair.

1. Characteristics: Motor Vehicle Servicing/Repair includes freestanding vehicle servicing and repair establishments not accessory to new vehicle sales.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include general service stations, quick oil-change facilities, car washes, and body shops.

K. Non-Accessory Parking.

1. Characteristics: Non-Accessory Parking is any public or private parking which is not accessory to a primary use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as Non-Accessory Parking.
2. Accessory uses: Accessory uses commonly found are a ticket booth to collect fees and house security personnel.
3. Examples: Examples include public and private structures and surface parking lots, freestanding fleet vehicle parking, commercial district shared parking lots, and transit park-and-ride lots.

4. Exceptions:

- a. Parking facilities accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking Facilities.

L. Office.

1. Characteristics: Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Office uses may include activities that, while conducted in an office-like setting, are less consumer-oriented and focus on the support of off-site service personnel or in the development, testing, production, processing, packaging, or assembly of goods and products. Medical, dental, veterinary offices are out-patient clinics which provide healthcare to humans or animals, characterized by a professional or group of professionals assisted by support staff.
2. Accessory uses: Accessory uses commonly found are parking and storage facilities.
3. Examples: Examples include government offices; medical, dental, and veterinary clinics and laboratories; blood collection centers; professional offices for attorneys, architects, engineers, stockbrokers, insurance brokers, and other consultants; headquarters offices; sales offices; radio and television studios; administrative offices for painting, building, and landscaping contractors; and software development firms.
4. Exceptions:
 - a. Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity.
 - b. Contractors and others who perform services off-site are included in the Office category if equipment and materials are incidental to the office use and their storage does not constitute 50% or more of occupied space; otherwise, they are considered as Industrial Services.

M. Outdoor Entertainment.

1. Characteristics: Outdoor entertainment consists of for-profit facilities providing active recreational uses primarily in an out-of-doors setting.
2. Accessory uses: Accessory uses commonly found include parking, offices, clubhouses, and concessions.
3. Examples: Examples include outdoor tennis clubs, golf courses, and shooting ranges.
4. Exceptions:
 - a. Does not include uses meeting the definition of Community Recreation.

N. Outdoor Sales.

1. Characteristics: Outdoor Sales are sales-oriented establishments requiring extensive outdoor or only partially-enclosed display and/or storage. These uses may be retail, wholesale, or a combination of the two.
2. Accessory uses: Accessory uses commonly found include parking and office space.
3. Examples: Examples include lumber yards and plant nurseries.
4. Exceptions:
 - a. Does not include Motor-Vehicle Sales/Rental and Vehicle Fuel.
 - b. Does not include outdoor dining areas for Eating and Drinking establishments.
 - c. Does not include incidental and temporary outdoor activities such as Christmas tree lots, "sidewalk sales," and seasonal markets, which may be subject to additional regulation under Chapter 18.785.
 - d. Does not include limited outdoor or partially-enclosed display and/or storage areas that are clearly incidental and accessory to retail uses selling hardware and home improvement supplies.

O. Personal Services.

1. Characteristics: Personal Services are establishments which are oriented towards the provision of consumer services in a manner typically necessitating no more than one consumer visit per service transaction.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include banks/credit unions, barber/beauty shops, self-serve pet grooming, laundromats, copy centers, photographic studios, trade/vocational schools, mortuaries, and beverage container redemption centers.
4. Exceptions:
 - a. Does not include Office Uses.
 - b. Does not include Repair-Oriented Retail Uses.
 - c. Does not include Motor-Vehicle Servicing/Repair and Vehicle Fuel.

P. Repair-Oriented Retail.

1. Characteristics: Repair-Oriented Retail are establishments providing product repair of consumer and business goods, and other consumer services that typically necessitate two or more consumer visits per service transaction.

2. Accessory uses: Accessory uses commonly found include parking, office space, workshop space, and storage.
3. Examples: Examples include televisions and radios, bicycles, clocks, jewelry, guns, small appliances, office equipment, tailors and seamstresses, shoe repair, locksmiths, upholsterers, photo and laundry drop-off, dry-cleaners, quick printing, drop-off pet grooming and doggy-daycare.
4. Exceptions:
 - a. Does not include Motor-Vehicle Servicing/Repair.

Q. Sales-Oriented Retail.

1. Characteristics: Sales-Oriented Retail firms are involved in the sale, leasing, and rental of new or used products to the general public.
2. Accessory uses: Accessory uses commonly found include parking, office space, storage space, and temporary outdoor activities subject to regulation in Chapter 18.785.
3. Examples: Examples include art, art supplies, bicycles, clothing, dry goods, electronics, fabric, gifts, groceries, hardware, household products, jewelry, pets and pet products, pharmaceuticals, plants, printed materials, stationery, and printed and electronic media.
4. Exceptions:
 - a. Does not include uses meeting the definition of Bulk Sales.
 - b. Does not include uses meeting the definition of Outdoor Sales.
 - c. Does not include Motor-Vehicle Sales/Rental and Vehicle Fuel.

R. Self-Service Storage.

1. Characteristics: Commercial operations which provide rental of storage space to individuals or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
2. Accessory uses: Accessory uses commonly found include parking, office space, and a dwelling unit for a residential caretaker.
3. Examples: Examples include single-story and multi-story facilities that provide individual storage areas for rent, often called mini-warehouses or self-storage facilities; and the storage of boats and recreational vehicles.
4. Exceptions:
 - a. Does not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored. Such uses are considered Warehouse/Freight Movement.

- b. Does not include the storage of fleet vehicles, which is considered non-accessory parking, or the storage of sales or rental inventory, which is considered Motor Vehicle Sale/Rental.

S. Vehicle Fuel Sales.

1. Characteristics: Vehicle Fuel Sales includes establishments engaging in the sale of petroleum and non-petroleum based fuels for cars, motorcycles, trucks, recreational vehicles, and boats.
2. Accessory uses: Accessory uses commonly found include parking, office space, and storage space.
3. Examples: Examples include gas stations and electric vehicle charging stations. (Ord. 10-15 §1)

18.130.070 Industrial Use Categories

A. General Industrial.

1. Characteristics: General Industrial includes the manufacturing, processing and assembling of semi-finished or finished products from raw materials. All activities are contained within buildings, with some outside storage of raw materials.
2. Accessory uses: Accessory uses commonly include parking, office, and storage space.
3. Examples: Examples include food processing; breweries, distilleries and wineries; production of apparel or textiles; woodworking including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone or glass materials or products; manufacturing and production of large-scale machinery.
4. Exceptions:
 - a. Does not include uses meeting the definition of Custom Arts and Crafts.
 - b. Does not include the manufacture and production of goods from the composting of organic material, which is considered Waste-Related.

B. Heavy Industrial.

1. Characteristics: Heavy Industrial includes the manufacturing, processing, and assembling of semi-finished or finished products from raw materials. A substantial portion of activities and storage may be undertaken outdoors with resulting noise, glare vibration, and other potentially adverse impacts.
2. Accessory uses: Accessory uses may include parking, office, storage, and maintenance facilities.
3. Examples: Examples include energy production facilities; concrete batching and asphalt mixing; production of metals or metal products including enameling and galvanizing; production of cars, trucks, recreational vehicles or mobile homes.
4. Exceptions:

- a. Does not include energy production from the biological decomposition of organic materials, such uses are considered Waste-Related.

C. Industrial Services.

1. Characteristics: Industrial Services are uses that repair and service industrial, business, or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Includes contractors, building maintenance services and similar uses, that perform services off-site. Few customers, especially the general public, come to the site.
2. Accessory uses: Accessory uses may include offices, parking, storage, loading docks, and railroad lead and spur lines to allow the loading and unloading of rail cars.
3. Examples: Examples include welding shops; machine shops; repair shops for tools, scientific/professional instruments, and motors; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; printing, publishing and lithography; exterminators; janitorial and building maintenance contractors; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.
4. Exceptions:
 - a. Contractors and others who perform services off-site are included in the Office category if equipment and materials storage does not constitute 50% or more of occupied space and fabrication or similar work is not carried out at the site.

D. Light Industrial.

1. Characteristics: Light Industrial includes the production, processing, assembling, packaging, and/or treatment of finished products from previously prepared materials or components. All activities and storage is contained within buildings.
2. Accessory uses: Accessory uses commonly include parking, office, and storage space.
3. Examples: Examples include the manufacturing and assembly of small-scale machinery, appliances, computers and other electronic equipment; pharmaceuticals; scientific and musical instruments; art work, toys and other precision goods; sign-making; and catering facilities.
4. Exceptions:
 - a. Does not include uses meeting the definition of Custom Arts and Crafts.

E. Railroad Yards.

1. Characteristics: Railroad Yards are areas that contain multiple railroad tracks used for rail car switching, assembling of trains, and the transshipment of goods from other transportation modes to or from trains.

2. Accessory uses: Accessory uses may include offices, employee facilities, storage areas, and rail car maintenance and repair facilities.

F. Research and Development.

1. Characteristics: Research and Development includes facilities featuring a mix of uses including office, research laboratories and prototype manufacturing.
2. Accessory Uses: Accessory uses may include parking, storage, and employee facilities.
3. Exceptions:
 - a. If manufacturing is not present, it is considered an Office use.

G. Warehouse / Freight Movement.

1. Characteristics: Warehouse/Freight Movement includes uses involved in the storage and movement of large quantities of materials or products for themselves or other firms. Goods are generally delivered to other firms for the final consumer, except for some will-call pickups. May occur indoors and/or outdoors, and usually associated with significant truck and rail traffic. There is little on-site sales activity with the customer present.
2. Accessory uses: Accessory uses may include offices, parking, fleet truck parking and maintenance area, storage, docks, rail spur or lead lines, and the repackaging of goods..
3. Examples: Examples include freestanding warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
4. Exceptions:
 - a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

H. Waste-Related.

1. Characteristics: Waste-Related uses are characterized as uses that receive solid or liquid wastes from others for disposal onsite or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to state regulations regarding hazardous waste management.
2. Accessory uses: Accessory uses may include parking, recycling of materials, offices, and repacking and transshipment of by-products.
3. Examples: Examples include recycling/garbage transfer stations; landfills; waste composting, energy recovery, portable sanitary equipment storage and pumping, and sewage treatment plants.
4. Exceptions:

- a. Infrastructure services that must be located in or near the area where the service is provided in order to function are considered Basic Utilities. Examples include sewer pipes that serve a development or water re-use pipes and tanks, pump stations, and collection stations necessary for the water re-use that serve a development or institution.
- b. The disposal of clean fill, as defined in OAR 340-093-0030, is not considered a waste-related use.

I. Wholesale Sales.

- 1. Characteristics: Wholesale Sales is characterized by the sale, leasing, or rental of equipment or products primarily intended for industrial, institutional, or commercial users. The use emphasizes on-site sales or order taking, and often include display areas. The uses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- 2. Accessory uses: Accessory uses may include offices, product repair, warehouses, parking, and the repackaging of goods.
- 3. Examples: Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.
- 4. Exceptions:
 - a. Firms that engage primarily in sales to the general public are classified as Sales-Oriented Retail or Bulk Sales.
 - b. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement. (Ord. 10-15 §1)

18.130.080 Other Use Categories

A. Agriculture / Horticulture.

- 1. Characteristics: Agricultural/Horticultural uses are open areas devoted to the raising, production, or keeping of plants and/or animals being raised for food or fiber production. Sales of products grown on site may be included.
- 2. Accessory uses: Accessory uses include dwellings for proprietors and animal training.
- 3. Examples: Examples include breeding or raising of fowl or livestock, stables, riding academies, farming, and truck gardening.
- 4. Exceptions:
 - a. Does not include nurseries, which are classified as Outdoor Sales.
 - b. Does not include uses involving common household pets, which are considered Animal Related Commercial uses.

B. Cemeteries.

1. Characteristics: Cemeteries are facilities for the permanent storage of human remains.
2. Accessory uses: Accessory uses may include chapels, mortuaries, offices, maintenance facilities, and parking.

C. Detention Facilities.

1. Characteristics: Detention facilities are uses devoted to the judicially required detention, incarceration, or supervision of people.
2. Accessory uses: Accessory uses include offices, recreational and health facilities, therapy facilities, maintenance facilities, and hobby and manufacturing facilities.
3. Examples include prisons, jails, probation centers, juvenile detention homes, and related post-incarceration and half-way houses.
4. Exceptions:
 - a. Programs that provide care and training or treatment for psychiatric, alcohol, or drug problems, where patients are residents of the program, but where patients are not supervised by police officers, are classified as transient housing.

D. Heliports.

1. Characteristics: Heliports are public or private facilities designed for the landing, departure, storage and fueling of helicopters.
2. Accessory uses: Accessory uses may include offices, parking, maintenance and fueling facilities.

E. Mining.

1. Characteristics: Mining is the extraction of mineral or aggregate resources from the ground for off-site use.
2. Accessory uses: Accessory uses may include office, parking, storage, sorting, and transfer facilities.
3. Examples: Examples include dredging or mining for sand or gravel, quarrying, and oil, gas, or geothermal drilling.

F. Rail-Lines Transportation / Utility Corridors.

1. Characteristics: Rail-Transportation / Utility Corridors are regional corridors in public or private ownership, including easements, dedicated for the express use of rail lines; multi-use trails; above-grade or underground power or communication lines; water, sewer, and storm sewer lines; or similar services.
2. Accessory uses: Accessory uses commonly found include trailhead improvements such as public restrooms and parking lots.

2 3 Examples: Examples include rail trunk and feeder lines; multi-use trails; regional electrical transmission lines; and regional gas and petroleum pipelines.

3 4 Exceptions:

- a. Railroad lead and spur lines for delivery of rail cars to sites or for unloading of rail cars on specific sites are classified as accessory to the primary use of the site.
- b. Rail Lines Transportation / Utility Corridors contained within a motor vehicle rights-of-way are not included.
- c. Does not include Railroad Yards.

G. Wireless Communications Facilities.

1. Characteristics: Wireless Communication Facilities includes all devices, equipment, machinery, structures, and supporting elements necessary to produce electromagnetic radiation to produce a discrete wireless signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.
2. Accessory uses: Accessory uses commonly includes related ancillary equipment buildings.
3. Examples: Examples include Television and AM/FM radio transmission towers, microwave relay stations, and cellular communications equipment.
4. Exceptions:
 - a. Does not include transmission facilities which are part of the public safety network, which are classified as Basic Utilities or Emergency Services.
 - b. Does not include amateur (ham) radio antennas or towers.
 - c. Does not include radio and television studios, which are classified as Office. (Ord. 10-15 §1)
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**Chapter 18.330
CONDITIONAL USE**

Sections:

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

18.330.010 Purpose

The purpose of this chapter is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. There are certain uses which due to the nature of the impacts on surrounding land uses and public facilities require a case-by-case review and analysis.

18.330.020 Approval Process

- A. Initial applications. A request for approval for a new conditional use shall be processed as a Type III-HO procedure, as regulated by Chapter 18.390.050, using approval criteria contained in 18.330.030.A and subject to other requirements in this chapter.
- B. Major modification of approved or existing conditional use.
1. An applicant may request approval of modification to an approved plan by:
 - a. Providing the director with five copies of the proposed modified conditional use site plan; and
 - b. A narrative addressing the proposed changes as listed in paragraph B.2 of this section.
 2. The director shall determine that a major modification(s) has resulted if one or more of the changes listed below have been proposed:
 - a. A change in land use;
 - b. A 10% increase in dwelling unit density;
 - c. A change in the type and/or location of access ways and parking areas where off-site traffic would be affected;
 - d. An increase in the floor area proposed for nonresidential use by more than 10% where previously specified;
 - e. A reduction of more than 10% of the area reserved for common open space and/or usable open space;
 - f. A reduction of specified setback requirements by more than 20%;

- g. An elimination of project amenities by more than 10% where previously specified provided such as:
 - i. Recreational facilities,
 - ii. Screening, or
 - iii. Landscaping provisions; and
- h. A 10% increase in the approved density;
- 3. Upon the director determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application in accordance with Section 18.390.050.

C. Minor modification of approved or existing conditional use.

- 1. Any modification which is not within the description of a major modification as provided in subsection B of this section shall be considered a minor modification.
- 2. An applicant may request approval of a minor modification by means of a Type I procedure, as regulated by Section 18.390.030, using approval criteria in paragraph 3 of this subsection C.
- 3. A minor modification shall be approved, approved with conditions, or denied following the director's review based on the findings that:
 - a. The proposed development is in compliance with all applicable requirements of this title; and
 - b. The modification is not a major modification as defined in subsection A of this section.

D. Phased development approval. As part of the approval process, the hearings officer shall approve a time schedule for developing a site in phases over a period of time of one year, but in no case shall the total time period for all phases be greater than three years without reapplying for conditional use review. The criteria for approving a phased conditional use review proposal is that all of the following are satisfied:

- 1. The public facilities shall be constructed in conjunction with or prior to each phase.
- 2. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city or district standard.
- 3. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal.

E. Approval period. Conditional use approval by the hearings officer shall be effective for a period of 1-1/2 years from the date of approval. The conditional use approval by the hearings officer shall lapse if:

- 1. Substantial construction of the approved plan has not begun within a 1-1/2 year period; or

2. Construction on the site is a departure from the approved plan. (Ord. 09-13)

18.330.030 Approval Standards and Conditions of Approval

- A. Approval standards. The hearings officer shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:
 1. The site size and dimensions provide adequate area for the needs of the proposed use;
 2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features;
 3. All required public facilities have adequate capacity to serve the proposal;
 4. The applicable requirements of the zoning district are met except as modified by this chapter;
 5. The applicable requirements of Section 18.330.050; and
 6. The supplementary requirements set forth in other chapters of this code, including, but not limited to, Chapter 18.780, Signs; Chapter 18.745, Landscaping and Screening; Chapter 18.790, Urban Forestry Plan; and Chapter 18.360, Site Development Review, if applicable, are met.
- B. Conditions of approval. The hearings officer may impose conditions on the approval of a conditional use, which are found necessary to ensure the use is compatible with other use in the vicinity, and that the impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include, but are not limited to the following:
 1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring design features which minimize environmental impacts such as noise, vibration, air pollution, glare, odor and/or dust;
 3. Requiring additional setback areas, lot area, and/or lot depth or width;
 4. Limiting the building height, size or lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design of vehicle access points;
 6. Requiring street right-of-way to be dedicated and street(s) to be improved;
 7. Requiring landscaping, screening, drainage and/or surfacing of parking and loading areas;
 8. Limiting the number, size, location, height and/or lighting of signs;
 9. Limiting or setting standards for the location and/or intensity of outdoor lighting;
 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and/or drainage areas;
 13. Requiring the dedication of sufficient open land area for a greenway adjoining and within the floodplain when land form alterations and development are allowed within the 100-year floodplain; and
 14. Requiring the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian/bicycle pathway plan.
- C. Exemptions. Manufactured home parks and manufactured home subdivisions are exempt from the provisions of subsection B of this section. Manufactured home subdivisions are subject to approval under the provisions of Chapter 18.430, Subdivisions. Manufactured home parks are subject to approval under the provisions of Chapter 18.340, Site Development Review. (Ord. 12-09 §1)

18.330.040 Additional Submission Requirements

- A. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application for conditional use approval must include the following additional information in graphic, tabular and/or narrative form. The director shall provide a list of the specific information to be included in each of the following:
1. Existing site conditions;
 2. A site plan;
 3. A grading plan;
 4. A landscape plan;
 5. An urban forestry plan consistent with Chapter 18.790;
 6. Architectural elevations of all structures; and
 7. A copy of all existing and proposed restrictions or covenants. (Ord. 12-09 §1)

18.330.050 Additional Development Standards for Conditional Use Types

- A. Concurrent variance application(s). A conditional use permit shall not grant variances to the regulations otherwise prescribed by this title. A variance application(s) may be filed in conjunction with the conditional use application and both applications may be heard at the same hearing.
- B. Additional development standards. The additional dimensional requirements and approval standards for conditional use are as follows:
1. Adult entertainment:
 - a. No adult entertainment establishment shall be permitted to locate within 500 feet of any:
 - i. Residential zone;

- ii. Public or private nursery, preschool, elementary, junior, middle, or high school;
 - iii. Day care center, nursery school, resident care facility or hospital;
 - iv. Public library;
 - v. Public park; or
 - vi. Religious institution.
- b. Distance shall be measured in a straight line, without regard to intervening structures, objects or roads, from the closest point of the structure or portion of structure containing the use, to the closest portion of the residential zone or property line upon which a use specified in subparagraph (a) of this paragraph 1 is listed;
 - c. Any sign shall comply with the sign requirements, Chapter 18.780;
 - d. Hours of operation shall be limited to 10 a.m. to one a.m.;
 - e. All windows less than seven feet from the ground shall be covered or screened in such a manner that the sales area and inventory are not visible from the sidewalk adjacent to the use;
 - f. Doors and windows shall at all times be closed except for normal ingress and egress;
 - g. No amplified or mechanically reproduced sounds shall emanate from the confines of the structure or portion of the structure in which the adult business is operated; and
 - h. All adult entertainment establishments shall comply with all applicable state laws.
2. Motor vehicle servicing and repair:
- a. Setbacks:
 - i. A six-foot perimeter setback shall surround all outdoor parking and storage areas;
 - ii. Buffer screening shall be provided along the perimeter of all outdoor parking and storage areas as required in Section 18.745.050; and
 - iii. All repair work shall be performed indoors.
3. Fleet storage:
- a. No buildings or structures are allowed; and
 - b. Setbacks shall comply to those of the underlying zone.
4. Motor vehicle sales and rental:
- a. Five feet of the perimeter setback shall be used for landscaping and screening purposes.

5. Community recreation and parks:
 - a. All building setbacks shall be a minimum of 30 feet from any property line;
 - b. There are no off-street parking requirements, except that five automobile parking spaces are required for a dog park or off-leash area with a fenced area of one acre or more, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking. Three automobile parking spaces are required for a dog park or off-leash area with a fenced area of less than one acre, along with an approved parking plan for anticipated peak use periods. Off-site peak use or overspill parking shall require a signed agreement with the landowner providing the additional parking.
6. Heliports:
 - a. In all commercial and industrial zones, heliports shall be sited in accordance with the ODOT Aeronautics Division requirements and the FAA recommended design guidelines.
7. Vehicle fuel sales:
 - a. Minimum lot size shall be 10,000 square feet;
 - b. Setbacks:
 - i. The front yard setback shall be 40 feet;
 - ii. On corner and through lots, the setback shall be 40 feet on any side facing a street; and
 - iii. No side or rear yard setback shall be required, except 20 feet where abutting a residential zoning district;
 - c. Fuel tank installation shall be in accordance with the Uniform Fire Code; and
 - d. Building height shall be the same as applicable zone.
8. Schools:
 - a. There shall be no minimum lot size requirements for schools other than what is required for the applicable zoning district;
 - b. Setbacks:
 - i. The front yard setback shall be a minimum of 30 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 20 feet on any side facing a street, plus meet visual clearance areas, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 20 feet; and
 - iv. The rear yard setback shall be a minimum of 30 feet.

9. Religious institutions:

- a. Minimum lot size shall be 20,000 square feet;
- b. Setbacks:
 - i. The front yard setback shall be a minimum of 25 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 20 feet, plus meet visual clearance areas, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 20 feet;
 - iv. The rear yard setback shall be a minimum of 20 feet; and
 - v. Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

10. Medical centers:

- a. Minimum lot size shall be 20,000 square feet plus 1,000 square feet for each bed over 15 beds;
- b. Setbacks:
 - i. The front yard setback shall be a minimum of 25 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 25 feet, plus meet visual clearance areas requirements, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 25 feet;
 - iv. The rear yard setback shall be a minimum of 25 feet; and
 - v. Each setback shall be increased five feet for every 10 feet of building height over 45 feet.

11. Cemeteries:

- a. The minimum lot size shall be five acres;
- b. Setbacks:
 - i. For graves only:
 - (A) The front yard setbacks shall be a minimum of 15 feet;
 - (B) The side yard setbacks shall be a minimum of 15 feet; and
 - (C) The rear yard setbacks shall be a minimum of 15 feet.

- ii. For structures only:
 - (A) The front yard setbacks shall be a minimum of 25 feet;
 - (B) On corner lots and through lots, the setbacks shall be a minimum of 25 feet on any side facing a street, plus meet visual clearance areas, Chapter 18.795;
 - (C) The side yard setback shall be a minimum of 25 feet; and
 - (D) The rear yard setback shall be a minimum of 25 feet;
 - c. Adequate fencing shall be provided. A fence of at least four feet in height located at least 2-1/2 feet from any right-of-way shall completely surround the area and shall meet visual clearance areas; and
 - d. There are no off-street parking requirements.
12. Social/fraternal clubs/lodges:
- a. Minimum lot size shall be 20,000 square feet.
13. Major event entertainment:
- a. The minimum lot size shall be two acres;
 - b. Setbacks:
 - i. The front yard setback shall be a minimum of 30 feet;
 - ii. On corner lots and through lots, the setback shall be a minimum of 25 feet on any side facing a street, plus meets visual clearance areas, Chapter 18.795;
 - iii. The side yard setback shall be a minimum of 25 feet;
 - iv. The rear yard setback shall be a minimum of 30 feet; and
 - v. Each setback shall be increased five feet for every 10 feet of building height over 45 feet.
 - c. With regard to off-street parking: Exempt, if constructed with a school use for school activities only. Otherwise, requirements shall comply with Chapter 18.765;
 - d. On school sites the use must be entirely within existing building of 10,000 square feet or greater. Expansions based on the original square footage, up to a maximum of 50% may be allowed.
14. Duplexes:
- a. The minimum lot size shall be 10,000 square feet; and
 - b. The remaining dimensional requirements of the underlying zoning district shall apply.

15. Group living:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those in the applicable zone;
- c. Height limitation shall be that in the applicable zone;
- d. Compliance with all state requirements shall be required; and
- e. Off-street parking shall be in accordance with Chapter 18.765.

16. Emergency services and basic utilities:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those in the applicable zone;
- c. Height limitation shall be in accordance with Chapter 18.730;
- d. Off-street parking and loading requirement shall be in accordance with Chapter 18.765; and
- e. Screening shall be in accordance with Chapter 18.745.

f. For above-ground infrastructure facilities on private and public property (outside of placement in the right-of-way) where length plus width plus height is more than 48 inches, the following standards shall apply:

- 1) Demonstrate that the functional properties of the facility require above-ground placement;
- 2) Be of a size that is the minimum necessary for the intended use.
- 3) Be located on the site as visually inconspicuous as reasonably possible.
- 4) Be dark in color, non-reflective, and visually subordinate to the surroundings.
- 5) Be screened from view in accordance with the applicable sections of Chapter 18.745.

17. Non-accessory parking:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks: for structures: shall be those of the applicable zone; for parking area: six feet around perimeter of paved area for landscaping and screening purposes;
- c. Height limitation shall be that of the applicable zone;
- d. Off-street parking requirements shall be in accordance with Chapter 18.765; and
- e. Screening shall be in accordance with Chapter 18.745.

18. Manufactured/mobile home parks (also see Chapter 18.750):

- a. Minimum lot size shall be one acre;
- b. Minimum lot dimension:
 - i. Frontage: 100 feet,
 - ii. Depth: 150 feet;
- c. Minimum setbacks:
 - i. Front yard: 25 feet,
 - ii. Rear yard: 25 feet,
 - iii. Side yard: 10 feet,
 - iv. Corner yard: 25 feet;
- d. Height limitation shall be that of the applicable zone;
- e. Off-street parking shall be in accordance with Chapter 18.765;
- f. Landscaping shall be equal to 20% of the project area;
- g. Screening shall be in accordance with Chapter 18.745;
- h. Outdoor recreation shall equal a minimum of 60 square feet area, suitably improved for recreational use, for each unit exclusive of required yards. Each recreation area shall have minimum size of 2,500 square feet.

19. Children's day care:

- a. Minimum lot size shall be 5,000 square feet;
- b. Minimum setbacks shall be those of the applicable zone;
- c. Height limitation shall be that of the applicable zone;
- d. State certification shall be obtained in accordance with ORS Chapter 418; and
- e. Off-street parking shall be in accordance with Chapter 18.765.

20. Drive-up windows:

- a. Minimum lot size shall be as required in the underlying zone.

- b. Minimum setbacks: Where access to the drive-up windows is not separated from abutting properties or a public right-of-way by parking, structures or landscaping, visual screening shall be provided to screen headlights from abutting property and the right-of-way.
- c. Height limitation shall be in accordance with the underlying zone.
- d. Drive-up window reservoir requirement: All uses providing drive-up service as defined by this title shall provide on the same site a reservoir for inbound vehicles as follows in Table 18.765.1 contained in Chapter 18.765, Off-Street Parking and Loading Requirements.
- e. Reservoir parking: Restaurants providing drive-up window service shall provide at least two designated parking spaces immediately beyond the service window, or provide other satisfactory methods, to allow customers requiring excessive waiting time to receive their food while parked.
- f. Hours of operation: Hours of operation shall be limited for the drive-up window when the property with the drive-up window facility abuts a residential use. In this case, hours of the drive-up window shall be limited to 7 a.m. to 9 p.m.
- g. Walk-up service: Financial and other commercial establishments providing drive-up window facilities which do not provide for walk-in customer service (i.e., not allowing transactions within the structure) shall provide for safe, convenient and readily-accessible exterior walk-up window service, such as an automatic teller machine, at any time during regular business hours. Additionally, at a minimum, two parking spaces shall be provided allowing convenient access to the walk-up service window.
- h. Emergency exit: The design of the vehicle stacking area serving the drive-up window shall allow customers to leave the stacking line in their vehicle in the event of an emergency.
- i. Pedestrian access: On-site parking for walk-in customers shall be designed so that pedestrians do not have to cross drive-up window stacking lines to any public entrances into the building.
- j. Obstruction of rights-of-way: Establishments having drive-up window facilities shall have sufficient stacking area to insure that public rights-of-way are not obstructed.
- k. Sound systems: Communications sound systems shall not exceed a measurement of 55 decibels at the adjoining property line(s) at any time. (Ord. 12-09 §1; Ord. 07-12) ■

Chapter 18.510
RESIDENTIAL ZONING DISTRICTS

Sections:

- 18.510.010 Purpose**
18.510.020 List of Zoning Districts
18.510.030 Uses
18.510.040 Minimum and Maximum Densities
18.510.050 Development Standards
18.510.060 Accessory Structures

18.510.010 Purpose

- A. Preserve neighborhood livability. One of the major purposes of the regulations governing development in residential zoning districts is to protect the livability of existing and future residential neighborhoods, by encouraging primarily residential development with compatible nonresidential development—schools, churches, parks and recreation facilities, day care centers, neighborhood commercial uses and other services—at appropriate locations and at an appropriate scale.
- B. Encourage construction of affordable housing. Another purpose of these regulations is to create the environment in which construction of a full range of owner-occupied and rental housing at affordable prices is encouraged. This can be accomplished by providing residential zoning districts of varying densities and developing flexible design and development standards to encourage innovation and reduce housing costs.

18.510.020 List of Zoning Districts

- A. R-1: low-density residential district. The R-1 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 30,000 square feet. Some civic and institutional uses are also permitted conditionally.
- B. R-2: low-density residential district. The R-2 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 20,000 square feet. Some civic and institutional uses are also permitted conditionally.
- C. R-3.5: low-density residential district. The R-3.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 10,000 square feet. Duplexes are permitted conditionally. Some civic and institutional uses are also permitted conditionally.
- D. R-4.5: low-density residential district. The R-4.5 zoning district is designed to accommodate detached single-family homes with or without accessory residential units at a minimum lot size of 7,500 square feet. Duplexes and attached single-family units are permitted conditionally. Some civic and institutional uses are also permitted conditionally.
- E. R-7: medium-density residential district. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

- F. R-12: medium-density residential district. The R-12 zoning district is designed to accommodate a full range of housing types at a minimum lot size of 3,050 square feet. A wide range of civic and institutional uses are also permitted conditionally.
- G. R-25: medium high-density residential district. The R-25 zoning district is designed to accommodate existing housing of all types and new attached single-family and multifamily housing units at a minimum lot size of 1,480 square feet. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally.
- H. R-40: high-density residential district. The R-40 zoning district is designed to accommodate existing housing of all types and new attached single-family and multifamily housing units with no minimum lot size. A limited amount of neighborhood commercial uses is permitted outright and a wide range of civic and institutional uses are permitted conditionally. (Ord. 09-13)

18.510.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:
 - 1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230.
 - 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
 - 3. A conditional use (C) is a use the approval of which is discretionary with the Hearings Officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted used under the provisions of Chapter 18.230.
 - 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, restricted, conditional and prohibited uses in residential zones is presented in Table 18.510.1.

**TABLE 18.510.1
USE TABLE**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
RESIDENTIAL								
Household Living	P	P	P	P	P	P	P	P
Group Living	R ^{1/C}							
Transitional Housing	N	N	N	N	N	C	C	C
Home Occupation	R ²							
HOUSING TYPES								
Single Units, Attached	N	N	N	R ⁸	R ^{9/C}	P	P	P
Single Units, Detached	P	P	P	P	P	P	P	P
Accessory Units	R ³							
Duplexes	N	N	C	C	P	P	P	P
Multifamily Units	N	N	N	N	N	P	P	P
Manufactured Units	P	P	P	P	P	P	P	P
Mobile Home Parks/Subdivisions	N	N	C	C	P	P	P	P
CIVIC (INSTITUTIONAL)								
Basic Utilities	C ⁴							
Colleges	C	C	C	C	C	C	C	C
Community Recreation	C	C	C	C	C	C	C	C
Cultural Institutions	N	N	C	C	C	C	N	N
Day Care	P/C ⁵							
Emergency Services	C	C	C	C	C	N	N	N
Medical Centers	N	N	C	C	C	C	C	C
Postal Service	N	N	N	N	N	N	N	N
Public Support Facilities	P	P	P	P	P	P	P	P
Religious Institutions	C	C	C	C	C	C	C	C
Schools	C ¹²							
Social/Fraternal Clubs/Lodges	N	N	N	N	N	C	C	C
COMMERCIAL								
Commercial Lodging	N	N	N	N	N	N	N	N
Custom Arts and Crafts	N	N	N	N	N	N	N	N
Eating and Drinking Establishments	N	N	N	N	N	N	N	N
Major Event Entertainment	C ¹³							
Outdoor Entertainment	N	N	N	N	N	N	N	N
Indoor Entertainment	N	N	N	N	N	N	N	N
Adult Entertainment	N	N	N	N	N	N	N	N
Sales-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
Personal Services	N	N	N	N	N	N	R ¹¹	R ¹¹
Repair-Oriented	N	N	N	N	N	N	R ¹¹	R ¹¹
Bulk Sales	N	N	N	N	N	N	N	N
Outdoor Sales	N	N	N	N	N	N	N	N
Animal-Related	N	N	N	N	N	N	N	N
Motor Vehicle Sales/Rental	N	N	N	N	N	N	N	N
Motor Vehicle Servicing/Repair	N	N	N	N	N	N	N	N
Vehicle Fuel Sales	N	N	N	N	N	N	N	N
Office	N	N	N	N	N	N	N	N
Self-Service Storage	N	N	N	N	N	N	N	N
Non-Accessory Parking	N	N	N	N	N	C ¹⁰	C ¹⁰	C ¹⁰

**TABLE 18.510.1
USE TABLE (cont'd)**

USE CATEGORY	R-1	R-2	R-3.5	R-4.5	R-7	R-12	R-25	R-40
INDUSTRIAL								
Industrial Services	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	N	N	N
General Industrial	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	N	N	N	N
Warehouse/Freight Movement	N	N	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N
OTHER								
Agriculture/Horticulture	P ⁶	N	N	N				
Cemeteries	N	N	C	C	C	N	N	N
Detention Facilities	N	N	N	N	N	N	N	N
Heliports	N	N	N	N	N	N	N	N
Mining	N	N	N	N	N	N	N	N
Wireless Communication Facilities	P/R ⁷							
Rail Lines <u>Transportation</u> /Utility Corridors	C	C	C	C	C	C	C	C

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

¹Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.

²Permitted subject to requirements Chapter 18.742.

³Permitted subject to compliance with requirements in 18.710.

⁴ Except water, ~~and~~ storm, ~~and~~ sanitary sewers, and other underground infrastructure facilities, which would be allowed by right..

⁵In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.

⁶When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.

⁷See Chapter 18.798, Wireless Communication Facilities, for requirements for permitted and restricted facilities.

⁸Attached single-family units permitted only as part of an approved planned development.

⁹Permitted by right if no more than five units in a grouping; permitted conditionally if six or more units per grouping.

¹⁰Only park-and-ride and other transit-related facilities permitted conditionally.

¹¹Limited to ground-floor level of multi-family projects, not to exceed 10% of total gross square feet of the building.

¹²School bus parking is permitted on public high school sites as an accessory use if located a minimum of 200 feet from the nearest property line of any tax lot used for residential purposes. Maximum time limitation is three years. An extension to the time limit is possible through a major modification to the conditional use.

¹³Permitted as a conditional use on public school sites. (Ord. 10-15 § 1; Ord. 07-12; Ord. 07-05)

18.510.040 Minimum and Maximum Densities

- A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on minimum lot size. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district has been established at 80% of maximum density.
- B. Calculating minimum and maximum densities. The calculation of minimum and maximum densities is governed by the formulas in Chapter 18.715, Density Computations.
- C. Adjustments. Applicants may request an adjustment when, because of the size of the site or other constraint, it is not possible to accommodate the proportional minimum density as required by 18.715.020.C and still comply with all of the development standards in the underlying zoning district, as contained in Table 18.510.2 below. Such an adjustment may be granted by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria in 18.370.020.C.2.

18.510.050 Development Standards

- A. Compliance required. All development must comply with:
 - 1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370;
 - 2. All other applicable standards and requirements contained in this title.
- B. Development standards. Development standards in residential zoning districts are contained in Table 18.510.2.

**TABLE 18.510.2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES**

STANDARD	R-1	R-2	R-3.5	R-4.5	R-7
Minimum Lot Size - Detached unit - Duplexes - Attached unit [1]	30,000 sq.ft.	20,000 sq.ft.	10,000 sq.ft.	7,500 sq.ft. 10,000 sq.ft.	5,000 sq. ft. 10,000 sq.ft. 5,000 sq.ft.
Average Minimum Lot Width - Detached unit lots - Duplex lots - Attached unit lots	100 ft.	100 ft.	65 ft. 90 ft.	50 ft. 90 ft.	50 ft. 50 ft. 40 ft.
Maximum Lot Coverage	-	-	-	-	80% [2]
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and front of garage	30 ft. 20 ft. 5 ft. 25 ft. 20 ft.	30 ft. 20 ft. 5 ft. 25 ft. 20 ft.	20 ft. 20 ft. 5 ft. 15 ft. 20 ft.	20 ft. 15 ft. 5 ft. 15 ft. 20 ft.	15 ft. 10 ft. 5 ft. 15 ft. 30 ft. 20 ft.
Maximum Height	30 ft.	30 ft.	30 ft.	30 ft.	35 ft.
Minimum Landscape Requirement	-	-	-	-	20%

[1] Single-family attached residential units permitted at one dwelling per lot with no more than five attached units in one grouping.
 [2] Lot coverage includes all buildings and impervious surfaces.

**TABLE 18.510.2
DEVELOPMENT STANDARDS IN RESIDENTIAL ZONES (cont'd)**

STANDARD	R-12		R-25		R-40	
	MF DU*	SF DU**	MF DU*	SF DU**	MF DU*	SF DU**
Minimum Lot Size - Detached unit - Attached unit - Duplexes - Boarding, lodging, rooming house	3,050 sq.ft.per unit	3,050 sq.ft. per unit	1,480 sq.ft. 6,100 sq.ft.	3,050 sq.ft. per unit 1,480 sq.ft. 6,100 sq.ft. or 3,050 sq.ft. per unit	None	None None None
Average Lot Width	None	None	None	None	None	None
Minimum Setbacks - Front yard - Side facing street on corner & through lots - Side yard - Rear yard - Side or rear yard abutting more restrictive zoning district - Distance between property line and garage entrance	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.	20 ft. 20 ft. 10 ft. 20 ft. 30 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 30 ft. 20 ft.	20 ft. 20 ft. 10 ft. 20 ft. 35 ft. 20 ft.	15 ft. 10 ft. 5 ft. [1] 15 ft. 35 ft. 20 ft.
Maximum Height	35 ft.	35 ft.	45 ft.	45 ft.	60 ft.	60 ft.
Maximum Lot Coverage [2]	80%	80%	80%	80%	80%	80%
Minimum Landscape Requirement	20%	20%	20%	20%	20%	20%

[1] Except this shall not apply to attached units on the lot line on which the units are attached.

[2] Lot coverage includes all buildings and impervious surfaces.

* Multiple-family dwelling unit

** Single-family dwelling unit

18.510.060 Accessory Structures

A. Permitted uses. Accessory structures are permitted by right in all residential zones subject to the following:

1. Dimensional requirements:

- a. On sites containing less than 2.5 acres, an accessory structure may not exceed 528 square feet. On sites 2.5 acres or larger, an accessory structure may not exceed 1,000 square feet;
- b. An accessory structure may not exceed 15 feet in height;
- c. In no case shall the primary structure and accessory structure(s) exceed the maximum lot coverage allowed in the base zone;
- d. An accessory structure may not be located within the front yard setback;
- e. An accessory structure must maintain a minimum side and rear yard setback of five feet.

2. Non-dimensional requirements:

- a. No accessory structure shall encroach upon or interfere with the use of any adjoining property or public right-of-way including but not limited to streets, alleys and public and private easements;
- b. An accessory structure shall comply with all of the requirements of the state building code;

- c. An accessory structure which is nonconforming is subject to the provisions of Chapter 18.760, Nonconforming Situations, when an alternation, expansion or reconstruction is requested;
 - d. The erection of television receiving dishes on the roof of a structure is not permitted in any residential zone.
3. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Wireless Communication Facilities (Chapter 18.798), shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments. (Ord. 09-13) ■

**Chapter 18.520
COMMERCIAL ZONING DISTRICTS**

Sections:

- 18.520.010 Purpose**
18.520.020 List of Zoning Districts
18.520.030 Uses
18.520.040 Development Standards
18.520.050 Special Limitations on Uses
18.520.060 Additional Development and Design Guidelines

18.520.010 Purpose

- A. Provide range of commercial services for city residents. One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the city so that residents can fulfill all or most of their needs within easy driving and, ideally within easy walking and/or biking distance of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities, in new and re-developing commercial areas.
- B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the city limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

18.520.020 List of Zoning Districts

- A. C-N: neighborhood commercial district. The C-N zoning district is designed to provide convenience goods and services within a small cluster of stores adjacent to residential neighborhoods. Convenience goods and services are those which are purchased frequently, i.e., at least weekly; for which comparison buying is not required; and which can be sustained in a limited trade area. Such uses include convenience markets, personal services and repair shops. A limited number of other uses, including but not limited to restaurants, gas stations, medical centers, religious institutions, transit-related park-and-ride lots and facilities with drive-up windows, are permitted conditionally.
- B. C-C: community commercial district. The C-C zoning district is designed to provide convenience shopping facilities which meet the regular needs of nearby residential neighborhoods. With a service area of about 1.5 miles, such commercial centers typically range in size from 30,000—100,000 gross square feet on sites ranging from 2—8 acres. Separated from other commercially-zoned areas by at least one-half mile, community commercial centers are intended to serve several residential neighborhoods, ideally at the intersection of two or more collector streets or at the intersection of an arterial and collector street. Housing is permitted on or above the second floor of commercial structures at a density not to exceed 12 units/net acre, e.g., the maximum density permitted in the R-12 zone. A limited number of other uses, including but not limited to car washes, gas stations, religious institutions, and transit-related park-and-ride lots, are permitted conditionally. In addition to mandatory site development review, design and development standards in the C-C zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.

- C. C-G: general commercial district. The C-G zoning district is designed to accommodate a full range of retail, office and civic uses with a city-wide and even regional trade area. Except where non-conforming, residential uses are limited to single-family residences which are located on the same site as a permitted use. A wide range of uses, including but not limited to adult entertainment, automotive equipment repair and storage, mini-warehouses, utilities, heliports, medical centers, major event entertainment, and gasoline stations, are permitted conditionally.
- D. C-P: professional/administrative commercial district. The C-P zoning district is designed to accommodate civic and business/professional services and compatible support services, e.g., convenience retail and personal services, restaurants, in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre, i.e., equivalent to the R-40 zoning district, are permitted in conjunction with a commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments in the C-P zoning district are intended to serve as a buffer between residential areas and more-intensive commercial and industrial areas.
- E. MU-CBD: mixed use-central business district. The MU-CBD zoning district is designed to provide a pedestrian friendly urban village in downtown Tigard. A wide variety of commercial, civic, employment, mixed-use, multifamily and attached single-family residences are permitted. New development and redevelopment is required to conform to the standards of Chapter 18.610.
- F. MUE: mixed-use employment. The MUE zoning district is designed to apply to a majority of the land within the Tigard Triangle, a regional mixed-use employment district bounded by Pacific Highway (Hwy. 99), Highway 217 and I-5. This zoning district permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing; the latter includes multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. A wide range of uses, including but not limited to community recreation facilities, medical centers, schools, utilities and transit-related park-and-ride lots, are permitted conditionally. Although it is recognized that the automobile will accommodate the vast majority of trips to and within the Triangle, it is still important to (1) support alternative modes of transportation to the greatest extent possible; and (2) encourage a mix of uses to facilitate intra-district pedestrian and transit trips even for those who drive. The zone may be applied elsewhere in the city through the legislative process.
- G. MUE-1 and MUE-2: mixed use employment districts. The MUE-1 and 2 zoning district is designed to apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but are limited, and residential uses are permitted which are compatible with employment character of the area. Lincoln Center is an example of an area designated MUE-1, the high density mixed use employment district. The Nimbus area is an example of an area designated MUE-2 requiring more moderate densities.
- H. MUC: mixed use commercial district. The MUC zoning district includes land around the Washington Square Mall and land immediately west of Highway 217. Primary uses permitted include office buildings, retail, and service uses. Also permitted are mixed-use developments and housing at densities of 50 units per acre. Larger buildings are encouraged in this area with parking under, behind or to the sides of buildings.
- I. MUC-1: mixed use commercial - 1. The MUC-1 zoning district, which is designed to apply to that portion of the Durham Quarry site within the City of Tigard, is a mixed-use commercial district bounded by 72nd Avenue, Findlay Street and the Tigard, Tualatin and Durham city limits. This site is the subject of an intergovernmental agreement between the cities of Tigard and Tualatin. Pursuant to that agreement the City of Tualatin shall furnish all planning, building and associated development

review/permit services for the property. This zoning district is intended to mirror the City of Tualatin's Mixed Use Commercial Overlay District (TDC, Chapter 57). It permits a wide range of uses including commercial lodging, general retail, offices and housing; the latter includes multi-family housing at a minimum density of 25 units/acre and a maximum of 50 units/acre. Additional uses, including but not limited to major event entertainment and motor vehicle retail fuel sales, are permitted conditionally. In addition to the standards of this chapter, development within this zone is subject to the standards of Chapter 18.640.

- J. MUR: mixed use residential districts. The MUR zoning district is designed to apply to predominantly residential areas where mixed-uses are permitted when compatible with the residential use. A high density (MUR-1) and moderate density (MUR-2) designation is available within the MUR zoning district. (Ord. 10-02 §2; 02-33)

18.520.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030.
2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional (C) use is a use the approval of which is at the discretion of the Hearings Officer. The approval process and criteria are set forth in Chapter 18.370. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Section 18.130.030.
4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.

- B. Use table. A list of permitted, restricted, conditional and prohibited uses in commercial zones is presented in Table 18.520.1.

- C. Accessory structures.

1. Accessory structures are permitted in all commercial zones providing the site is still in compliance with all development standards, including but not limited to setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the state building code.
2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Chapter 18.798, Wireless Communication Facilities, shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments. (Ord. 10-15 §1; Ord. 09-13)

**TABLE 18.520.1
USE TABLE: COMMERCIAL ZONES**

USE CATEGORY	C-N ^[1, 4]	C-C ^[5, 10]	C-G	C-P	MU-CBD ^[19, 38]	MUE ^[20]	MUC-1	MUC ^[28]	MUE 1 and 2 ^[28]	MUR 1 and 2 ^[28]
RESIDENTIAL										
Household Living	N	R ^[6]	R ^[11]	R	P	R ^[21]	P ^[26]	P	P	P
Group Living	N	N	C	N	P	N	C	R ^[29] /C	R ^[29] /C	R ^[29] /C
Transitional Housing	N	N	C	N	C	N	C	C	C	C
Home Occupation	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	R ^[2]	P	R ^[2]	R ^[2]	R ^[2]
HOUSING TYPES										
Single Units, Attached	N/A	N/A	N/A	N/A	P	N/A	N/A	R ^[30]	R ^[30]	P
Single Units, Detached	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	R ^[30]
Accessory Units	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[31]	R ^[31]	R ^[31]
Duplexes	N/A	N/A	N/A	N/A	N/A	N/A	N/A	R ^[30]	R ^[30]	P
Multifamily Units	N/A	N/A	N/A	N/A	P	N/A	N/A	P	P	P
Manufactured Units	N/A	N/A	N/A	N/A	P	N/A	N/A	N	N	N
Mobile Home Parks, Subdivisions	N/A	N/A	N/A	N/A	R ^[36]	N/A	N/A	N	N	N
CIVIC (INSTITUTIONAL)										
Basic Utilities	C	C ^[32]	C ^[32]	C	C	C	C	C ^[32]	C ^[32]	C ^[32]
Colleges	N	N	N	N	P	C	C	C	C	C
Community Recreation	N	P	N	N	P	C	N	P	C	C
Cultural Institutions	P	P	P	P	P	P	P	P	P	N
Day Care	P	P	P	P	P	P	P	P	P	P/C ^[33]
Emergency Services	P	P	P	P	P	P	P	P	P	N
Medical Centers	C	N	C	C	C	C	C	C	C	C
Postal Service	P	P	P	P	P	P	P	P	P	N
Public Support Facilities	P	P	P	P	P	P	P	P	P	P
Religious Institutions	C	C	P	P	P	P	P	P	P	C
Schools	N	N	N	N	P	C	C	C	C	C
Social/Fraternal Clubs/Lodges	C	C	P	P	P	P	P	P	P	C
COMMERCIAL										
Commercial Lodging	N	N	P	R ^[14]	P	P	P	P	P	N
Custom Arts and Crafts	N	N	N	N	P ^[39]	N	N	N	N	N

Eating and Drinking Establishments	C	P	P	R ^[15]	P	P	P	P	P	R ^[34/35]
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
COMMERCIAL (cont'd.)										
Major Event Entertainment	N	N	C	N	C	N	C	C	N	N
Outdoor Entertainment	N	N	P	R ^[15]	C	N	N	C	N	N
Indoor Entertainment	P	P	P	P	P	P	P	P	P	N
Adult Entertainment	N	N	C	N	N	N	N	C	N	N
Sales-Oriented	P	P ^[7]	P	R ^[16]	P/R ^[37]	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Personal Services	P	P	P	P	P	R ^[22]	R ^[25]	P	R ^[22]	R ^[34/35]
Repair-Oriented	P	P	P	N	P	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Bulk Sales	N	N	P	N	R ^[36]	R ^[22]	R ^[25]	R ^[22]	R ^[22]	N
Outdoor Sales	N	N	P	N	N	N	N	N	N	N
Animal-Related	N	N	N	N	N	P	P	N	N	N
Motor Vehicle Sales/Rental	N	N	P/C ^[12]	N	R ^[36]	N	N	R ^[24]	R ^[24]	N
Motor Vehicle Servicing/Repair	N	C ^[8]	P/C ^[12]	N	C	R ^[22]	R ^[25]	N	N	N
Vehicle Fuel Sales	C	C	C	N	R ^[36]	N	C	C	C	N
Office	P	R ^[9]	P	P	P	P	P	P	P	R ^[34/35]
Self-Service Storage	N	N	C	N	R ^[36]	N	N	N	N	N
Non-Accessory Parking	C	C	P	P	P	P	P	P	P	N
INDUSTRIAL										
Industrial Services	N	N	N	N	N	N	N	N	N	N
Light Industrial	N	N	N	N	N	R ^[23]	N	N	R ^[23]	N
General Industrial	N	N	N	N	N	N	N	N	N	N
Heavy Industrial	N	N	N	N	N	N	N	N	N	N
Railroad Yards	N	N	N	N	N	N	N	N	N	N
Research and Development	N	N	N	N	C	R ^[24]	R ^[24]	N	R ^[23]	N
Warehouse/Freight Movement	N	N	N	N	N	R ^[24]	N	N	R ^[23/24]	N
Waste-Related	N	N	N	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N	N	R ^[23/24]	N
OTHER										
Agriculture/Horticulture	N	N	N	N	N	N	N			
Cemeteries	N	N	N	N	N	N	N			
Detention Facilities	N	N	C	N	C	N	N			
Heliports	N	N	C	C	N	N	N			

Mining	N	N	N	N	N	N	N			
USE CATEGORY	C-N^[1]	C-C^[5]	C-G	C-P	MU-CBD^[38]	MUE^[20]	MUC-1	MUC^[28]	MUE 1 and 2^[28]	MUR 1 and 2^[28]
OTHER (cont'd.)										
Wireless Communication Facilities	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[3]	P/R ^[27]			
Rail Lines — <u>Transportation</u> /Utility Corridors	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	<u>P</u>
Other	C^[4]	C^[40]	NA	NA	R^[19]	NA	NA			

P=Permitted R=Restricted C=Conditional Use NA=Not Applicable N=Not Permitted

- [1] All permitted and conditional uses subject to special development standards contained in 18.520.050.A.
[2] Permitted subject to requirements Chapter 18.742.
[3] See Chapter 18.798 Wireless Communication Facilities, requirements for permitted and restricted facilities.
[4] Uses operating before 7 a.m. and/or after 10 p.m. are conditional uses.
[5] All permitted, limited and conditional uses must meet special development standards in 18.520.050.B.
[6] Residential units permitted by right, as a mixed use in conjunction with a commercial development, on or above the second floor of the structure, at densities not to exceed 12 units/net acre.
[7] Limited to 10,000 gross square feet in size, except retail food and beverage outlets, which are limited to 40,000 gross square feet or less.
[8] Limited to motor vehicle cleaning only.
[9] When combined in single structure, each separate establishment shall not exceed 5,000 gross square feet.
[10] Uses operating before 6 a.m. and/or after 11 p.m.; or drive-up windows are conditional uses.
[11] A single-family unit providing that it is located on the same site with a permitted or conditional use in and is occupied exclusively by a caretaker or superintendent of the permitted or conditional use. Multifamily housing is permitted as part of a PD, subject to Chapter 18.350.
[12] Cleaning, sales and repair of motor vehicles and light equipment is permitted outright; sales and rental of heavy vehicles and farm equipment and/or storage of recreational vehicles and boats permitted conditionally.
[13] (Deleted by Ord. 09-13)
[14] Restaurant permitted with restriction in size in conjunction with and on the same parcel as a commercial lodging use.
[15] As accessory to offices or other permitted uses, the total space devoted to a combination of retail sales and eating/drinking establishments may not exceed more than 20% of the entire square footage within the development complex.
[16] May not exceed 10% of the total square footage within an office complex.
[17] Single-family attached and multi-family residential units, developed at R-40 standards, except the area bounded by Fanno Creek, Hall Boulevard, O'Mara, Ash Avenue and Hill Street, within which property zoned for CBD development which shall be designated R-12 PD and shall be developed as planned developments in conformance with the R-12 District standards.
[18] Motor vehicle cleaning only.
[19] Drive-up windows are permitted to continue if the property had one lawfully in existence prior to the adoption of the MU-CBD designation. Otherwise, not permitted.
[20] All permitted and conditional uses subject to special development standards contained in 18.520.050.C.
[21] Multifamily residential, at 25 units/gross acre, allowed outright. Pre-existing detached and attached single-family dwellings are permitted outright.
[22] New retail and sales uses may not exceed 60,000 gross leasable area per building within the Washington Square Regional Center or Tigard Triangle except for those areas zoned C-G at the time the MUE zoning district was adopted in the Tigard Triangle.
[23] All activities associated with this use, except employee and customer parking, shall be contained within buildings.
[24] Permitted as accessory to a permitted use as long as this use is contained within the same building as the permitted use, and does not exceed the floor area of the permitted use.
[25] Permitted provided the use is no larger than 60,000 square feet of gross floor area per building or business.
[26] Household living limited to single units, attached, and multifamily including but not limited to apartments, attached condominiums, townhouses and rowhouses at a minimum density of 25 dwelling units per acre and a maximum density of 50 dwelling units per acre.
[27] Wireless only as attached to structure within height limit, see Chapter 18.798.
[28] All Permitted and Conditional Uses subject to special development standards contained in Chapter 18.630.
[29] Group living with five or fewer residents permitted by right; group living with six or more residents permitted as conditional use.
[30] Pre-existing housing units permitted. Conversion of pre-existing housing units to other uses is subject to the requirements of Chapter 18.630.

- [31] Permitted for pre-existing housing units, subject to requirements Chapter 18.710.
- [32] Except water, and storm, and sanitary sewers, and other underground infrastructure facilities, which would be allowed by right.
- [33] In-home day care which meets all state requirements permitted by right; freestanding day care centers which meet all state requirements permitted conditionally.
- [34] This use is allowed only in mixed-use developments in the Washington Square Regional Center. Commercial uses shall occupy no more than 50% of the total floor area within the mixed-use development, and shall be permitted only when minimum residential densities are met. An exception to the requirement that commercial uses may be permitted only if residential minimum densities are met is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. These parcels, or parcels created from these parcels, after the effective date of this ordinance, may be developed as a solely commercial use with a use permitted in the MUR-1 or MUR-2 zones.
- [35] The maximum building footprint size permitted for any building occupied entirely by a commercial use or uses shall be 7,500 square feet. An exception to the limit on the size of a building occupied by commercial uses is provided for properties zoned commercial prior to implementation of the Washington Square Regional Center Plan (3/28/2002). The exempted properties are identified as assessor map number: 1S135AA-00400, 1S135AA-01400, 1S135AA-01900, 1S1AA-01901, 1S135DA-02000, 1S135AA-02500, 1S135AA-02600, 1S135AA-02700, 1S135DA-01900, and 1S1DA-02000. On these parcels, or parcels created from these parcels, after the effective date of this ordinance, a commercial development is not limited to a specific square footage, however, all other dimensional standards of the MUR-1 and MUR-2 zoning district apply which may limit the ultimate size of commercial development.
- [36] Only for properties that were lawfully in existence (as permitted, conditional, or planned development) prior to the adoption of the MU-CBD designation.
- [37] New retail and sales uses may not exceed 60,000 square feet of gross leasable area per building in all subareas except 99W/Hall Corridor subarea. (See Map 18.610.A)
- [38] All developments subject to Chapter 18.610, Downtown Urban Renewal Standards, and Map 18.610.A.
- [39] Custom Arts and Crafts uses may not exceed 500 square feet of production area.

(Ord. 10-15 §1; Ord. 10-02 §2; Ord. 09-13; Ord. 02-32)

18.520.040 Development Standards

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapter 18.370;
2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in commercial zoning districts are contained in Table 18.520.2 below:

**TABLE 18.520.2
COMMERCIAL DEVELOPMENT STANDARDS**

STANDARD	C-N	C-C ^[9]	C-G	C-P	MU-CBD**	MUE		MUC -1	MUC ^{[17][18]}	MUE 1 ^{[17][18]}	MUE 2 ^{[17][18]}	MUR 1 ^{[17][18]}	MUR 2 ^{[17][18]}
						C-G	MF DU*						
Minimum Lot Size	5,000 sq ft	5,000 sq ft	None	6,000 sq ft	None	None	-	None	None	None	None	None	None
- Detached unit	-	-	-	-	-	-	1,480 sq ft	-	-	-	-	-	-
- Boarding, lodging, rooming house	-	-	-	-	-	-	6,100 sq ft	-	-	-	-	-	-
Minimum Lot Width	50 ft	50 ft	50 ft	50 ft	None	50 ft	None	None	None	None	None	None	None
Minimum Setbacks													
- Front yard	20 ft	0/20 ft ^[10]	0 ft ^[11]	0 ft ^[11]	□	0 ft ^[11]	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	0 ft ^[21]	10 ft ^[21]
- Side facing street on corner & through lots ^[1]	20 ft	-	-	-	□	-	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	5 ft ^[21]	10 ft ^[21]
- Side yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	□	0/20 ft ^[8]	10 ft	▽	0 ft ^{[19][20]}	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]
- Side or rear yard abutting more restrictive zoning district	-	-	-	-	-	-	30 ft	▽	-	-	-	-	-
- Rear yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	□	0/20 ft ^[8]	20 ft	▽	0 ft ^{[19][20]}	0 ft ^[20]	0 ft ^[20]	0 ft ^{[20][22]}	0 ft ^{[20][22]}
- Distance between front of garage & property line abutting a public or private street.	-	-	-	-	-	-	20 ft	▽	N/A	N/A	N/A	N/A	N/A
Minimum Building Height	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	2 stories	2 stories	None	2 stories	None
Maximum Building Height	35 ft	35 ft	45 ft	45 ft	□	45 ft	45 ft	70 ft	200 ft	200 ft	60 ft	75 ft	45 ft
Maximum Site Coverage ^[2]	85 %	80 %	85 %	85 %	□	85 %	80 % ^[16]	90%	85%	85%	85%	80%	80%
Minimum Landscape Requirement	15 %	20 %	15 %	15 %	□	15 %	20 %	10%	15%	15%	15%	20%	20%
Minimum FAR ^[3]	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	1.25	1.25	0.6	0.6	0.3
Minimum Residential Density ^{[4][5][6]}	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	50 unit/acre	50 unit/acre	25 unit/acre	50 unit/acre	25 unit/acre
Maximum Residential Density ^{[4][5][6][7]}	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	None	None	50 unit/acre	None	50 unit/acre

* Multiple-family dwelling unit.

** See Table 18.610.1 and Map 18.610.A for development standards.

▽ = See 18.640.050.B.

□ = See Table 18.610.1 and Map 18.610.A for development standards.

- [1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.
- [2] Includes all buildings and impervious surfaces.
- [3] Applies to all nonresidential building development and mixed use development which includes a residential component. In mixed use development, residential floor area is included in the calculations of floor area ratio to determine conformance with minimum FAR.
- [4] Notwithstanding the requirements of Section 18.715.020, minimum and maximum density shall be determined for residential only projects using the number of residential units per acre shown in the above table. The provisions for density transfer described in 18.715.030.B apply, using the minimum and maximum density shown in the above table. Any mixed-use or commercial only development does not have a minimum density requirement.
- [5] For purposes of determining floor area ratio and residential densities, the net development area shall be used to establish the lot area, determined per 18.715.020.A.
- [6] Adjustments to minimum density in the Washington Square Regional center area subject to the standards set forth in 18.630.020.E.
- [7] The maximum density requirements for developments that include or abut designated Water Resources Overlay district Riparian setbacks per Chapter 18.797 are described in 18.630.020.D.
- [8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.
- [9] See 18.520.050.B for site and building design standards.
- [10] No front yard setback shall be required, except a 20-foot front yard setback shall apply within 50 feet of a residential district.
- [11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.
- [12] There are no setback requirements, except 30 feet where a commercial use within a district abuts a residential zoning district.
- [13] The maximum height of any building in the CBD zone within 100 feet of any residential zoning district shall not exceed 40 feet.
- [14] Where the side or rear yard of attached or multiple-family dwellings abut a more restrictive zoning district, such setbacks shall not be less than 35 feet.
- [15] Landscaped areas on existing developed property in the CBD shall be retained. Buffering and screening requirements set forth in Chapter 18.745 shall be met for existing and new development.
- [16] Lot coverage includes all buildings and impervious surfaces.
- [17] Modifications to dimensional and minimum density requirements for developments that include or abut designated Water Resources Overlay District Riparian setbacks per Chapter 18.797 are described in 18.630.040.F.
- [18] The requirements contained in the Buffer Matrices in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses in the MUC, MUE and MUR zones within the Washington Square Regional Center (WSRC) and abutting zoning districts not included within the WSRC, or zoning districts within the WSRC which are not mixed-use. For MUC and MUE zones, the requirements for Commercial Zones apply. For MUR zones, the requirements for the Neighborhood Commercial Zone apply.
- [19] For Commercial and Mixed-use developments, the maximum front and street side yard setback is 10 feet. For Residential only developments, the maximum front and street side yard setback is 20 feet.
- [20] Side and rear yard setbacks shall be 20 feet when the zone abuts residential districts shown in Section 18.510.020 except R-25 and R-40.
- [21] The maximum setback is 20 feet.
- [22] The maximum setback is 10 feet.

C-N - Neighborhood Commercial District	MUC 1 – Mixed Use Commercial
C-C - Community Commercial District	MUC – Mixed Use Commercial
C-G - General Commercial District	MUE 1 – Mixed Use Employment/High Density
C-P - Professional/Administrative Office Commercial	MUE 2 – Mixed Use Employment/Medium Density
MU-CBD – Mixed Use Central Business District	MUR 1 – Mixed Use Residential/High Density
	MUR 2 – Mixed Use Residential/Medium Density

(Ord. 10-02 §2; Ord. 09-13)

18.520.050 Special Limitations on Uses

A. In the C-N zone. Special limitations in the C-N zoning district are as follows:

1. The use shall be conducted wholly within an enclosed structure, except as allowed in Subsection A.3 below;
2. No use shall have a gross floor area greater than 4,000 square feet;
3. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandise only and shall constitute no more than five percent of the gross building floor area of any individual establishment; and
4. Uses operating before 7 a.m. and after 10 p.m. shall be subject to the conditional use provisions, as governed in Chapter 18.330.

B. In the C-C zone. Special limitations in the C-C zoning district are as follows:

1. Such centers shall be developed preferably as a single unit and occupy only one quadrant of the intersection at which it is located;
2. The use shall be conducted wholly within an enclosed structure, except for outside play areas for children's day care facilities, and as allowed in paragraphs 3 and 4 of this subsection B;
3. No use shall have a gross floor area greater than 5,000 square feet except for the retail sales of food and beverages, when the maximum floor area shall not exceed 40,000 gross square feet, and all other sales-oriented retail, where the maximum floor area shall not exceed 10,000 gross square feet;
4. Accessory open-air sales, display and/or storage shall be permitted for horticultural and food merchandising uses only shall constitute no more than five percent of the gross building floor area of any individual establishment;
5. Accessory open-air dining or drinking areas shall be permitted for approved eating and drinking establishments or retail food stores only. Outside dining areas are not permitted within 200 feet of any developed residential area. Public or private sidewalk areas around dining areas may not be reduced to less than five feet of clear walkway; and
6. Uses operating before 6 a.m. and/or after 11 p.m. and drive-up windows are subject to conditional use provisions, as governed by Chapter 18.330.

C. In the MUE zone. Special limitations in the MUE zoning district are as follows:

1. The maximum floor area ratio (FAR) for all commercial and industrial use types and mixed-use developments shall not exceed 0.40. Residential use types, including transient lodging, shall not be subject to this requirement;
2. On lots greater than three acres, general retail sales uses are limited to 30,000 square feet of gross leasable area plus one additional square foot of gross leasable area of general retail sales use for each additional four square feet of non-general retail sales use.

- D. In the MUC-1 zone. In addition to the standards of this chapter, development in the MUC-1 zone is subject to Chapter 18.640 and an intergovernmental agreement between the cities of Tigard and Tualatin.
- E. In the MUC, MUE-1, MUE-2, MUR-1 and MUR-2 zones. Within the Washington Square Regional Center, the standards of Chapter 18.630 shall also apply.

18.520.060 Additional Development and Design Guidelines

- A. Development/design guidelines in the C-C zone.
 - 1. The following design guidelines are strongly encouraged for developments within the C-C district. Conditions of approval of the development plan may include, but are not limited to, any of the site and building design guidelines deemed appropriate to be mandatory.
 - a. Building design guidelines.
 - i. The design of buildings within a community commercial development should incorporate elements such as special architectural details, distinctive color schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to distinguish the complex from other retail complexes in the city;
 - ii. All buildings within a multi-building complex should achieve a unity of design through the use of similar architectural elements, such as roof form, exterior building materials, colors and window pattern;
 - iii. Individual buildings should incorporate similar design elements, such as surface materials, color, roof treatment, windows and doors, on all sides of the building to achieve a unity of design. The sides of a building which face toward a public street should include public entrances to the building and windows to provide visual access to the activity within the building. The sides of a building which face toward an adjoining property, but not toward a public street, should include elements such as windows, doors, color, texture, landscaping or wall treatment to provide visual interest and prevent the development of a long continuous blank wall.
 - b. General site design guidelines. Loading areas should not be located on the side of a building which faces toward a residential use. Loading areas, if located between the building and the street, should be oriented away from the street and should be screened to minimize views of the loading area from the street and sidewalk.
 - 2. Design standards. The following mandatory design standards apply within the community commercial district:
 - a. Internal walkways.
 - i. Walkways, eight feet minimum width, shall be provided from the public sidewalk or right-of-way to the building(s). At a minimum, walkways shall be located to connect focus points of pedestrian activity such as transit stops and street crossings to the major building entry points.
 - ii. Walkways, five feet minimum width, shall be provided to connect with walkways or

potential walkway locations on adjoining properties to create an integrated internal walkway system along the desired lines of pedestrian travel. The width of the walkway should be commensurate with the anticipated level of pedestrian activity along the connecting walkway.

(A) Walkways shall be provided along the full length of the building on any side which provides building access to the public or where public parking is available, to provide safe and comfortable pedestrian access to the building.

(B) On the sides of the building which provide public access into the building, the walkway should be wide enough to allow for sidewalk seating areas as well as pedestrian travel. Weather protection of the walkway should be provided at a minimum at the entrance area and, if appropriate, along the entire walkway.

iii. Walkway surfaces for walkways crossing parking areas shall be designed to be visually distinguishable from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks or scored concrete to enhance pedestrian safety and comfort.

b. Other site development standards.

i. All lighting fixtures shall incorporate cut-off shields to prevent the spillover of light to adjoining properties.

ii. Mechanical equipment, if located on the building, shall be located within the roof form of the building or enclosed within a screening structure, the design of which is consistent with the design of the building.

iii. Mechanical equipment, not located on the building, shall be screened from views from the public street, sidewalk and properties outside the district with a durable, solid wall or fence, or an evergreen hedge or a combination of the above.

iv. All refuse and recycling containers within the district shall be contained within structures enclosed on all four sides and which are at least as high as the tallest container within the structure.

v. Bicycle racks shall be provided on site. Facilities for a minimum of 10 bicycles shall be provided for developments having 100 or fewer parking stalls, notwithstanding Section 18.765.050. For each 100 additional stalls, facilities for five additional bicycles shall be provided. Bicycle parking areas shall not be located within parking aisles, landscape areas or pedestrian ways. It is strongly encouraged that bicycle parking areas be covered.

vi. The site development plan shall incorporate a special feature at the corner of the site. A special corner feature can be a landscape feature, seasonal color planting area, sculpture or water feature. The feature shall provide a visual landmark and some amount of seating area.

vii. Parking areas shall be designed to minimize conflicts between pedestrian and vehicular movements. Parking area landscaping shall be used to define and separate parking, access and pedestrian areas within parking lots.

- viii. The landscape design for the site shall include plantings which emphasize the major points of pedestrian and vehicular access to and within the site.
 - ix. Site features such as fences, walls, refuse and recycling facility enclosures, and light fixtures shall be designed to be consistent with the scale and architectural design of the primary structure(s). Such site features shall be designed and located to contribute to the pedestrian environment of the site development.
 - x. In multiple building complexes, buildings shall be located to facilitate safe and comfortable pedestrian movement between buildings. On sites which are adjacent to other properties within the community commercial district, building location shall be chosen to facilitate pedestrian and vehicular connections to buildings on those adjacent properties. Consideration should be given to locating buildings closer to the public street with entrances to the buildings from the public sidewalk, with no intervening parking or driving area. Corner locations are particularly appropriate for this treatment.
 - xi. Opportunities shall be found for safe, convenient, and pleasant pedestrian connections to existing or proposed transit facilities. Where needed, shelters and layover areas for transit vehicles shall be incorporated into the site development.
- c. Sign design standards. All signage shall be an integral part of the architectural design.
- B. MU-CBD (Downtown). See Chapter 18.610 for additional development and design objectives.
- C. Washington Square Regional Center. See Chapter 18.630 for additional development and design guidelines. (Ord. 10-02 §2) ■

**Chapter 18.530
INDUSTRIAL ZONING DISTRICTS**

Sections:

- 18.530.010 Purpose**
18.530.020 List of Zoning Districts
18.530.030 Uses
18.530.040 Development Standards
18.530.050 Additional Development Standards

18.530.010 Purpose

- A. Provide range of industrial services for city residents. One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the city so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.
- B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the city limits, in compliance with the economic goals of the City of Tigard Comprehensive Plan.

18.530.020 List of Zoning Districts

- A. I-P: industrial park district. The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone. In addition to mandatory site development review, design and development standards in the I-P zone have been adopted to insure that developments will be well-integrated, attractively landscaped, and pedestrian-friendly.
- B. I-L: light industrial district. The I-L zoning district provides appropriate locations for general industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, and wholesale sales activities with few, if any, nuisance characteristics such as noise, glare, odor, and vibration.
- C. I-H: heavy industrial district. The I-H zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the I-H zone include those which involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, I-H-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

18.530.030 Uses

- A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is a use which is permitted outright, but subject to all of the applicable provisions of this title. If a use is not listed as a permitted use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 2. A restricted (R) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions;
 3. A conditional use (C) is a use the approval of which is at the discretion of the hearings officer. The approval process and criteria are set forth in Chapters 18.310 and 18.320. If a use is not listed as a conditional use, it may be held to be a similar unlisted use under the provisions of Chapter 18.230;
 4. A prohibited (N) use is one which is not permitted in a zoning district under any circumstances.
- B. Use table. A list of permitted, restricted, conditional and prohibited uses in industrial zones is presented in Table 18.530.1.
- C. Accessory structures.
1. Accessory structures are permitted in all industrial zones providing the site is still in compliance with all development standards, including, but not limited to, setbacks, height, lot coverage and landscaping requirements, of the base zone. All accessory structures shall comply with all requirements of the State Building Code. All accessory structures except those less than 120 square feet in size require a building permit.
 2. All freestanding and detached towers, antennas, wind-generating devices and TV receiving dishes, except as otherwise regulated by Chapter 18.798, Wireless Communication Facilities, shall have setbacks equal to or greater than the height of the proposed structure. Suitable protective anti-climb fencing and a landscaped planting screen, in accordance with Chapter 18.745, Landscaping and Screening, shall be provided and maintained around these structures and accessory attachments.

Table 18.530.1
Use Table: Industrial Zones

Use Category	I-P	I-L	I-H
RESIDENTIAL			
Household Living	R ¹	R ¹	R ¹
Group Living	N	N	N
Transitional Housing	N	N	N
Home Occupation	N	N	N
CIVIC (INSTITUTIONAL)			
Basic Utilities	C ¹⁴	C ¹⁴	P
Colleges	N	N	N
Community Recreation	C ¹⁰	C ¹⁰	C ¹⁰
Cultural Institutions	N	N	N
Day Care	R ^{3,9}	R ^{3,9}	R ^{3,9}
Emergency Services	P	P	P
Medical Centers	N	N	N
Postal Service	P	P	P
Public Support Facilities	P	P	P
Religious Institutions	N	N	N
Schools	N	N	N
Social/Fraternal Clubs/Lodges	N	N	N
COMMERCIAL			
Commercial Lodging	P	N	N
Custom Arts and Crafts	N	N	N
Eating and Drinking Establishments	R ²	N	N
Major Event Entertainment	N	N	N
Outdoor Entertainment	P	N	N
Indoor Entertainment	P	N	N
Adult Entertainment	N	N	N
Sales-Oriented	R ²	N	N
Personal Services	R ²	N	N
Repair-Oriented	P	N	N
Bulk Sales	R ^{4,11}	N	N
Outdoor Sales	N	P	P
Animal-Related	P	P	P
Motor Vehicle Sales/Rental	R ^{4,12,13}	P	P
Motor Vehicle Servicing/Repair	C	P	P
Vehicle Fuel Sales	P	P/C ⁷	P
Office	P	N	N
Self-Service Storage	P	P	P
Non-Accessory Parking	P	P	P
INDUSTRIAL			
Industrial Services	R ⁴	P	P
Light Industrial	P	P	P
General Industrial	N	P	P
Heavy Industrial	N	N	P
Railroad Yards	N	N	P
Research and Development	P	P	P
Warehouse/Freight Movement	N	P	P
Waste-Related	N	N	P
Wholesale Sales	R ⁴	P	P

Table 18.530.1
Use Table: Industrial Zones (cont'd)

Use Category	I-P	I-L	I-H
OTHER			
Agriculture/Horticulture	P ⁵	P ⁵	P ⁵
Cemeteries	N	C	N
Detention Facilities	C	N	C
Heliports	C	C	C
Mining	N	N	P
Wireless Communication Facilities	P/R ⁶	P	P
Rail Lines/Transportation /Utility Corridors	P	P	P
Other	NA	NA	P ⁸

P=Permitted R=Restricted C=Conditional Use N=Not Permitted

- ¹ A single-family detached dwelling or single-family mobile or manufactured home allowed for caretaker or kennel owner/operator when located on the same lot as the permitted use and is exclusively occupied by the caretaker or kennel owner/operator and family.
- ² These limited uses, separately or in combination, may not exceed 20% of the entire square footage within a development complex. No retail uses shall exceed 60,000 square feet of gross leasable area per building or business.
- ³ In-home day care which meets all state requirements permitted by right.
- ⁴ Permitted if all activities, except employee and customer parking, are wholly contained within a building(s).
- ⁵ When an agricultural use is adjacent to a residential use, no poultry or livestock, other than normal household pets, may be housed or provided use of a fenced run within 100 feet of any nearby residence except a dwelling on the same lot.
- ⁶ See Chapter 18.798, Wireless Communication Facilities, for definition of permitted and restricted facilities in the I-P zone.
- ⁷ Vehicle fuel sales permitted outright unless in combination with convenience sales, in which case it is permitted conditionally.
- ⁸ Explosive storage permitted outright subject to regulations of the uniform fire code.
- ⁹ Day care uses with over five children are permitted subject to an environmental impact assessment in accordance with 18.530.050.C.1. The design of the day care must fully comply with State of Oregon requirements for outdoor openspace setbacks.
- ¹⁰ Limited to outdoor recreation on (1) land classified as floodplain on city flood maps, when the recreational use does not otherwise preclude future cut and fill as needed in order to develop adjoining industrially zoned upland; and (2) land located outside the floodplain as shown on city flood maps, when the recreation use is temporary and does not otherwise preclude allowed uses or conditional uses other than recreation within the district.
- ¹¹ These limited uses, shall only be allowed in IP zoned property east of SW 72nd Avenue. These uses, separately or in combination, shall not exceed 60,000 square feet of gross leasable area in a single building, or commercial retail uses with a total of more than 60,000 square feet of retail sales area on a single lot or parcel, or on contiguous lots or parcels, including those separated only by transportation right-of-way.
- ¹² These limited uses, separately or in combination, may not exceed 10,000 square feet/lot.
- ¹³ This use limited to boat sales/rental only.
- ¹⁴ Except water, and storm, and sanitary sewers, and other underground infrastructure facilities, which would be allowed by right.

(Ord. 13-10 §1; Ord. 10-15 §1; Ord. 09-13; Ord. 09-01 §1; Ord. 04-14)

18.530.040 Development Standards

A. Compliance required. All development must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances or adjustments in accordance with Chapters 18.370.
2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in industrial zoning districts are contained in Table 18.530.2 below:

**TABLE 18.530.2
DEVELOPMENT STANDARDS IN INDUSTRIAL ZONES**

STANDARD	I-P	I-L	I-H
Minimum Lot Size	None	None	None
Minimum Lot Width	50 ft.	50 ft.	50 ft.
Minimum Setbacks			
- Front yard	35 ft.	30 ft.	30 ft.
- Side facing street on corner & through lots [1]	20 ft.	20 ft.	20 ft.
- Side yard	0/50 ft. [3]	0/50 ft. [3]	0/50 ft. [3]
- Rear yard	0/50 ft. [3][4]	0/50 ft. [3]	0/50 ft. [3]
- Distance between front of garage & property line abutting a public or private street	--	--	--
Maximum Height	45 ft.	45 ft.	45 ft.
Maximum Site Coverage [2]	75 % [5]	85 %	85 %
Minimum Landscape Requirement	25 % [6]	15 %	15%

[1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.

[2] Includes all buildings and impervious surfaces.

[3] No setback shall be required except 50 feet shall be required where the zone abuts a residential zoning district.

[4] Development in industrial zones abutting the Rolling Hills neighborhood shall comply with Policy 11.5.1.

[5] Maximum site coverage may be increased to 80% if the provisions of Section 18.530.050.B are satisfied.

[6] Except that a reduction to 20% of the site may be approved through the site development review process.

I-P – Industrial Park District I-L – Light Industrial I-H – Heavy Industrial
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18.530.050 Additional Development Standards

- A. Commercial lodging in the I-P zone. The following development standards shall apply for a commercial lodging facility located in the I-P zone:
1. Site size shall be a minimum of two acres and a maximum of five acres.
 2. The site shall have access to be approved by the city engineer to an arterial or collector street with capacity sufficient to ensure that adequate access to local businesses is maintained.
 3. Ancillary uses, also permitted in the I-P zone as contained in Chapter 18.530 shall be allowed as integral elements of the commercial lodging development, provided they comprise no more than 20% of total floor area.
 4. Signage shall conform to Chapter 18.780.
- B. Reduction of lot coverage requirements. Lot coverage may be increased from 75% to 80% as part of the site development review process, providing the following requirements are satisfied:
1. The minimum landscaping requirement shall be 20% of the site.
 2. The applicant shall meet the following performance standards with regard to the landscaping plan approved as part of the site development review process:
 - a. Street trees, as required by 18.745.040.A shall be installed with a minimum caliper of three inches;
 - b. The landscaping between a parking lot and street property line shall have a minimum width of 10 feet;
 - c. All applicable buffering, screening and setback requirements contained in Section 18.745.050 shall be satisfied;
 - d. The applicant shall provide documentation of an adequate on-going maintenance program to ensure appropriate irrigation and maintenance of the landscape area.
- C. Day care uses. The following standards shall apply for all commercial day care uses in industrial zones:
1. The environmental impact assessment must document noise, visible emissions, vibration, odor, glare and heat from uses within one quarter mile. A plan and program for day care facilities to provide mitigation on-site for any of the above off-site impacts must be provided. Sound attenuation walls, screening, window covering, shades, and other such means are appropriate means of mitigation and may be attached as conditions of approval.
 2. The State of Oregon Child Care Division Certification Section shall be notified of the proposed site plans prior to submitting an application to insure that the plans submitted generally address the permitting requirements.
 3. Prior to occupancy of the proposed day care, evidence of certification through the State of Oregon Child Care Division shall be provided. (Ord. 12-09 §1; Ord. 02-33) ■

**Chapter 18.540
PARKS AND RECREATION ZONE**

Sections:

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

18.540.010 Purpose

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

- A. Providing opportunities for both active and passive recreational facilities to meet neighborhood, community and regional needs;
- B. Providing contrast to the built environment;
- C. Providing opportunities to strengthen community identity, improve public health, and foster interactions between citizens;
- D. Providing economic development by creating a desirable public image and robust quality of life;
- E. Recognizing that publicly owned parks have a special relationship to the community and are an important resource;
- F. Providing flexibility in the use and development of recreational facilities as the city responds to changes in demographics, program needs, and external regulatory requirements; and
- G. Allowing for the efficient implementation of plans and improvements to parks, recreational facilities and open areas with appropriate reviews where compatibility issues may arise. (Ord. 14-03 §1)

18.540.020 Short Name

The short name and map symbol of the Parks and Recreation Zone is PR. (Ord. 14-03 §1)

18.540.030 Where the Zone is Applied

The Parks and Recreation Zone is applicable to all city owned lands intended as parks, open space, and recreational facilities and may be applied within all comprehensive plan designations. City-owned parks, open space, and recreational facilities located in a plan district may retain or receive other than a parks and recreation zone designation if it better furthers the goals of the plan district. In addition, other public agencies may request a parks and recreation designation for areas that meet the purpose of the zone. See Chapter 18.380, Zoning Map and Text Amendments. (Ord. 14-03 §1)

18.540.040 Other Zoning Regulations

The regulations within this chapter state the allowed uses and development standards for the base zone. Sites with overlay zones, plan districts, inventoried hazards, and/or sensitive lands are subject to additional regulations. Specific uses or development types may also be subject to regulations as set forth elsewhere in this title. (Ord. 14-03 §1)

18.540.050 Use Regulations

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

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

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

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

Land Use Category	Use Type
RESIDENTIAL	
Household Living	N
Group Living	N
Transitional Housing	N
Home Occupation	N
CIVIC	
Basic Utilities	C ⁶¹
Colleges	N
Community Recreation	P/C ¹
Cultural Institutions	C
Day Care	N
Emergency Services	N
Medical Centers	N
Postal Service	N
Religious Institutions	N
Schools	C ^{2,3}
Social/Fraternal Clubs/Lodges	N
COMMERCIAL	
Commercial Lodging	N
Custom Arts and Crafts	N
Eating and Drinking Establishments	C ³
Major Event Entertainment	C
Outdoor Entertainment	C
Indoor Entertainment	N

Land Use Category	Use Type
COMMERCIAL (cont'd)	
Adult Entertainment	N
Sales-Oriented	C ³
Personal Services	N
Repair-Oriented	N
Bulk Sales	N
Outdoor Sales	C ³
Animal-Related	N
Motor Vehicle Sales/Rental	N
Motor Vehicle Servicing/Repair	N
Vehicle Fuel Sales	N
Office	C ³
Self-Service Storage	N
Non-Accessory Parking	N
INDUSTRIAL	
Industrial Services	N
Light Industrial	N
General Industrial	N
Heavy Industrial	N
Railroad Yards	N
Research and Development	N
Warehouse/Freight Movement	N
Waste-Related	N
Wholesale Sales	N
OTHER	
Agriculture / Horticulture	P/C ¹
Cemeteries	N
Detention Facilities	N
Heliports	N
Mining	N
Wireless Communication Facilities	P/C ⁴
Rail Lines <u>Transportation</u> / Utility Corridors	C ⁵

P=Permitted

C=Conditional Use

N=Not Permitted

^[1] See Subsection 18.540.050.C—D for use type determination.

^[2] Restricted to activities and facilities focused on environmental education.

^[3] Permitted only when accessory to a community recreation land use.

^[4] See Chapter 18.798, Wireless Communication Facilities.

^[5] Multi-use trails permitted within this zone, all other are conditional.

^[6] Except water, and storm, and sanitary sewers, and other underground infrastructure facilities, which are allowed by right.

- C. Development permitted outright. When associated with a community recreation land use, the following types of development are allowed outright if they comply with the development standards and other regulations of this title. Site development review is not required for the uses listed below. All other applicable land use reviews apply.
1. Park furnishings such as play equipment, picnic tables, benches, bicycle racks, public art, trash receptacles and other improvements of a similar nature.
 2. Fences.
 3. Off-street, multi-use trails.
 4. Structures up to 600 square feet in size, and no more than 15 feet high.
 5. Picnic areas designed to accommodate groups of less than 25.
 6. Outdoor recreational fields, courts, arenas and other structures when not illuminated and not designed or intended for organized sports and competitions.
 7. Community gardens up to 5,000 square feet in size.
 8. Routine maintenance or replacement of existing facilities.
- D. Development subject to conditional use review. The following types of development are allowed subject to conditional use permit approval, as set forth in Chapter 18.330, Conditional Use.
1. Pools and aquatic centers, both indoor and outdoor.
 2. Community and senior centers providing a focus for recreational, social, education and cultural activities. These may include gymnasiums, indoor tracks and fitness areas, meeting rooms, office and kitchen space and other amenities designed for community use.
 3. Picnic areas designed to accommodate groups of 25 or more.
 4. Boat ramps.
 5. Off-street parking areas.
 6. Recreational fields, courts, arenas and associated structures for organized sports and competitions.
 7. Stages and amphitheaters.
 8. Dog parks.
 9. Community gardens in excess 5,000 square feet.
 10. Structures in excess of 600 square feet, and/or more than 15 feet high.
 11. Outdoor amplified sound systems.

12. Illuminated athletic fields, courts, and other outdoor recreational facilities intended to be used after sunset.
13. Camping, unless associated with an approved temporary or seasonal event as set forth in Chapter 18.785, Temporary Uses.
14. Golf courses, including club houses and driving ranges.
15. Development within a high voltage transmission line right-of-way. (Ord. 14-03 §1)

18.540.060 Development Standards

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

- A. Minimum lot size. None.
- B. Minimum lot width. None.
- C. Maximum structure height. None, except structures within 100 feet of a residential zone are subject to the maximum height limit for the abutting residential zone.
- D. Minimum structure setbacks. None, except where abutting a residential zone. In such cases structures must be set back a minimum distance of one foot for each foot of building height.
- E. Outdoor recreation facility setbacks. Non-illuminated playgrounds must be set back a minimum of 25 feet from adjoining residentially zoned properties. Illuminated playgrounds and other constructed recreational facilities such as swimming pools, skate parks, basketball courts, soccer fields, and group picnic areas must be set back 50 feet from adjoining residentially zoned properties. Where the outdoor facility abuts a school use, the setback is reduced to zero. Outdoor recreation facilities not meeting minimum setbacks set forth in this subsection may be considered through conditional use review as set forth in Chapter 18.330.
- F. Bathrooms and concessions. Bathrooms and concession stands shall be set back a minimum distance of 50 feet from adjoining residential zones. Where a bathroom or concession stand abuts a school use on a residentially zoned property, the setback is reduced to zero.
- G. Parking. Development shall comply with Chapter 18.765, Off Street Parking and Loading Requirements, with the following exceptions:
 1. Minimum parking requirements shall only apply to conditional uses in this zone. Outright permitted uses are exempt from minimum parking requirements.
 2. Dog parks shall provide the following:
 - a. Dog parks or off-leash areas with a fenced area of one acre or more shall provide a minimum of five vehicle parking spaces, and a parking plan for anticipated peak use periods.
 - b. Dog parks or off-leash areas with a fenced area of less than one acre shall provide a minimum of three off-street parking spaces, and a parking plan for anticipated peak use periods.

- c. Dog parks or off-leash areas with a fenced area of less than one-half acre are exempt from minimum parking requirements.
- H. Signs. Signs in the Parks and Recreation Zone shall comply with the regulations applicable to nonresidential land uses in residential zones, as set forth in subsections 18.780.130.A and B of this title.
- I. Lights and amplified sound systems. Lights and amplified sounds systems shall comply with Chapter 18.725, Environmental Performance Standards. In addition, glare sources shall be hooded, shielded, or otherwise located to avoid direct or reflected illumination in excess of 0.5 foot candles, as measured at the site boundary or at the furthest boundary of adjacent industrially-zoned properties. (Ord. 14-03 §1)

Chapter 18.610
TIGARD DOWNTOWN PLAN DISTRICT

Sections:

18.610.010	Purpose and Procedures
18.610.015	Pre-Existing Uses and Developments within the Downtown District
18.610.020	Building and Site Development Standards
18.610.025	Connectivity
18.610.030	Building and Site Design Standards
18.610.035	Additional Standards
18.610.040	Special Requirements for Development Bordering Urban Plaza
18.610.045	Exceptions to Standards
18.610.050	Building and Site Design Objectives (To Be Used With Track 3 Approval Process)
18.610.055	Signs
18.610.060	Off-Street Parking and Loading Requirements

18.610.010 Purpose and Procedures

A. Purpose. The objectives of the Tigard Downtown Plan District are to implement the comprehensive plan, Tigard Downtown Improvement Plan, and urban renewal plan and ensure the quality, attractiveness, and special character of the downtown. The regulations are intended to:

1. Facilitate the development of an urban village by promoting the development of a higher density, economically viable, and aesthetically pleasing pedestrian-oriented downtown where people can live, work, play and shop for their daily needs without relying on the automobile. The quality and scale of the downtown urban environment shall foster social interaction and community celebration.
2. Encourage the integration of natural features and the open space system into downtown by promoting development sensitive to natural resource protection and enhancement; addressing the relationship to Fanno Creek Park; and promoting opportunities for the creation of public art and use of sustainable design.
3. Enhance the street level as an inviting place for pedestrians by guiding the design of the building “walls” that frame the right-of-way (the “public realm”) to contribute to a safe, high quality pedestrian-oriented streetscape. Building features will be visually interesting and human-scaled, such as storefront windows, detailed façades, art and landscaping. The impact of parking on the pedestrian system will also be limited. The downtown streetscape shall be developed at a human scale and closely connected to the natural environment through linkages to Fanno Creek open space and design attention to trees and landscapes.
4. Promote Tigard’s downtown as a desirable place to live and do business. Promote development of high-quality high density housing and employment opportunities in the downtown.
5. Provide a clear and concise guide for developers and builders by employing greater use of graphics to explain community goals and desired urban form to applicants, residents and administrators.

B. Conflicting standards. The following standards and land use regulations apply to all development within the mixed use central business district (zoning district MU-CBD) whose boundaries are set

forth in Map 18.610.B and on the official zoning map. With the exception of public facility requirements, if a design standard found in this section conflicts with another standard in the development code, the standards in this section shall govern, even if less restrictive than other areas of the code.

C. Applicability.

1. New buildings and redevelopment: All applicable design standards apply to new buildings and related site improvements.
2. Expansion, modification and site improvements to existing development: An addition, expansion, enlargement, modification, and/or site improvements associated with such lawfully preexisting uses and structures shall be allowed, provided the application for such proposed project moves toward compliance with the applicable development code standards. Only those Downtown building and site design standards applicable to the proposed expansion, modification or site improvements to the existing development shall be applicable.
3. Design standards do not apply to the following projects:
 - a. Maintenance and repair of a building, structure, or site in a manner that is consistent with previous approvals and/or necessary for safety;
 - b. Projects undertaken to bring an existing development into compliance with the Americans with Disabilities Act;
 - c. Exterior painting;
 - d. Any exterior project that doesn't require a building permit;
 - e. Interior remodeling;
 - f. Temporary structures/uses (as defined in Chapter 18.785);
 - g. Any project involving a pre-existing single-family residential building or duplex (that is not being or already been converted to a nonresidential use).

D. Downtown design review approval process.

1. To achieve the purpose of the downtown site and building design standards, there are three methods or "tracks" to apply for approval:
 - a. Track 1. The design compliance letter provides for a Type I review process, using the clear and objective design standards. It is intended for smaller building and site renovation projects, which meet the threshold of paragraph E.1 of this section.
 - b. Track 2. The administrative review track provides for a more complex process (Type II) that requires staff review utilizing clear/quantifiable standards. It applies to new development and renovation/remodeling projects listed in paragraph E.2 of this section.
 - c. Track 3. The design review board track provides for a Type III review process through which a design review board determines compliance with the design objectives. After or

concurrently with receiving design approval, a project will be administratively reviewed as a Type II decision for all other applicable standards (Type III if a conditional use).

2. Designing a project to the design and development standards would result in an administrative review process. However, applicants, at their option, may choose to use Track 3 with the design review board. Applicants can address design review requirements through a combination of satisfying certain design standards, and in instances where they elect not to utilize design standards, satisfy applicable design objectives. In such a case, the public hearing and decision will focus on whether or not the project satisfies the requirements of the applicable design objectives only.

E. Procedures.

1. Track 1: Design review compliance letter using design standards.

- a. Applicability.

- i. Addition, elimination, or change in location of windows that does not decrease the minimum required window coverage;
- ii. Addition, elimination, or change in location of entry doors and loading doors;
- iii. Addition of new and change to existing awnings, canopies, and other mounted structures to an existing façade;
- iv. For commercial and mixed use developments, modification of up to 15% on-site landscaping with no reduction in required landscaping. Modification refers to changing the hardscape elements and the location of required landscape areas and/or trees;
- v. Modification of off-street parking with no reduction in required parking spaces or increase in paved area;
- vi. Addition of new fences, retaining walls, or both;
- vii. Changing of existing grade;
- viii. An increase in the height of the building(s) less than 20%;
- ix. A change in the type and location of access ways and parking areas where off-site traffic would not be affected;
- x. An increase in the floor area proposed for a nonresidential use by less than 10% or under 5,000 square feet;
- xi. A reduction in the area reserved for common open space and/or usable open space which does not reduce the open space area below the minimum required by this code or reduces the open space area by less than 10%.

- b. Process and procedure type. The Type I procedure, as described in Section 18.390.030 of this code, shall apply to an application for design compliance letter. The decision-making

authority is the director. The applicant must show compliance to the design standards prior to issuance of the design review compliance letter.

- c. Process and approval criteria. The director shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: the applicable building and site design standard(s) for the project (Section 18.610.030) and/or the applicable additional standards (Section 18.610.035).

2. Track 2: Administrative review with design standards.

- a. Applicability. A Track 2 review will be required for one or more of the following:
 - i. All new development except those listed in paragraph E.1 of this section;
 - ii. A change that requires additional on-site parking in accordance with Chapter 18.765;
 - iii. A change in the type of commercial or industrial structures as defined by the State Building Code;
 - iv. An increase in the height of the building(s) by more than 20%;
 - v. A change in the type and location of access ways and parking areas where off-site traffic would be affected;
 - vi. An increase in the floor area proposed for a nonresidential use by more than 10% excluding expansions under 5,000 square feet;
 - vii. A reduction in the area reserved for common open space and/or usable open space which reduces the open space area below the minimum required by this code or reduces the open space area by more than 10%.
- b. Procedure type. The Type II procedure, as described in Section 18.390.040, shall apply to an application using the building and site design and development standards. The decision-making authority is the director.

Applicants are required to identify how their proposed site/building plan meets the design standards, through architectural drawings, illustrations, graphics, photographs, a narrative with findings and other materials that demonstrate how the proposed development implements the intent of the design standards.

- c. Process and approval criteria. The director shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: Sections 18.610.030, Building and Site Design Standards, and 18.610.035, Additional Standards.

3. Track 3: Discretionary design review using design objectives.

- a. Applicability. Any project, at the applicant's option. The applicant may also choose this track if a project is unable to meet a clear and objective standard.
- b. Procedure type. Applicants are required to identify how their proposed site/building plan meets the intent statements of the design objectives, through architectural drawings,

illustrations, graphics, photographs, a narrative with findings and other materials that demonstrate how the proposed development implements the intent of the design standards.

The Type III procedure, as described in Section 18.390.050, shall apply to an application using discretionary design objectives. The decision-making authority is the design review board. Projects receiving approval must also undergo review for land use, engineering, and building approval.

- c. Process and approval criteria. The design review board shall approve, approve with conditions, or deny an application based on finding that the following criteria are satisfied: Section 18.610.050, Building and Site Design Objectives.

4. Adjustments and variances.

- a. Variances and adjustments as outlined in Chapter 18.370 may be granted for the provisions and regulations of the underlying zone, the development standards (Section 18.610.020), and for the additional standards (Section 18.610.035). Variances cannot be granted for building and site design standards in Section 18.610.030. Instead, applications unable to meet a standard should use the Track 3 discretionary design review using design objectives.
- b. For applications using Track 3, variances and adjustments may only be granted for the provisions and regulations of the underlying zone, the development standards (Section 18.610.020), and for the additional standards (Section 18.610.035), not for the design objectives themselves.

F. Downtown design review submittal requirements.

1. General submission requirements. The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by Section 18.390.040, or for a Type III procedure, as governed by Section 18.390.050.
2. Additional information. In addition to the submission requirements required in Chapter 18.390, Decision-Making Procedures, an application must include the following additional information in graphic, tabular and/or narrative form. The director shall provide a list of the specific information to be included in each of the following:
 - a. An existing site conditions analysis;
 - b. A site plan;
 - c. A grading plan;
 - d. A landscape plan;
 - e. An urban forestry plan consistent with Chapter 18.790;
 - f. Architectural elevations of all structures; and
 - g. A copy of all existing and proposed restrictions or covenants.

3. All drawings submitted with applications for development using Tracks 2 and 3 shall be stamped by a registered architect. Applications for landscaping projects only may be stamped by a registered landscape architect. Applications that require engineering or transportation reports must be stamped by the appropriate specialist.
- G. Approval period. Approval by the director or design review board shall be effective for a period of 1-1/2 years from the date of approval. The approval shall lapse if:
1. Substantial construction of the approved plan has not begun within a 1-1/2 year period; or
 2. Construction on the site is a departure from the approved plan.
- H. Extension. The director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year; provided that:
1. No changes are made on the plan as approved by the director or design review board;
 2. The applicant can show intent of initiating construction on the site within the one-year extension period; and
 3. There have been no changes to the applicable comprehensive plan policies and ordinance provisions on which the approval was based.
- I. Phased development.
1. If the development of a site takes more than one year, the applicant shall submit a phased development time schedule for approval by the director. In no case shall the total time period for all phases be greater than seven years without reapplying for design review.
 2. The criteria for approving a phased development proposal is that all of the following are satisfied:
 - a. The public facilities are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable city or district standard;
 - c. The phased development shall not result in requiring the city or other property owners to construct public facilities that were required as part of the approved development proposal; and
 - d. The director's decision may be appealed as provided by 18.390.040.G. No notice need be given of the director's decision.
- J. Bonding and assurances.
1. Performance bonds for public improvements. On all projects where public improvements are required the director shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of approval of the plan in order to ensure the completed project is in conformance with the approved plan; and

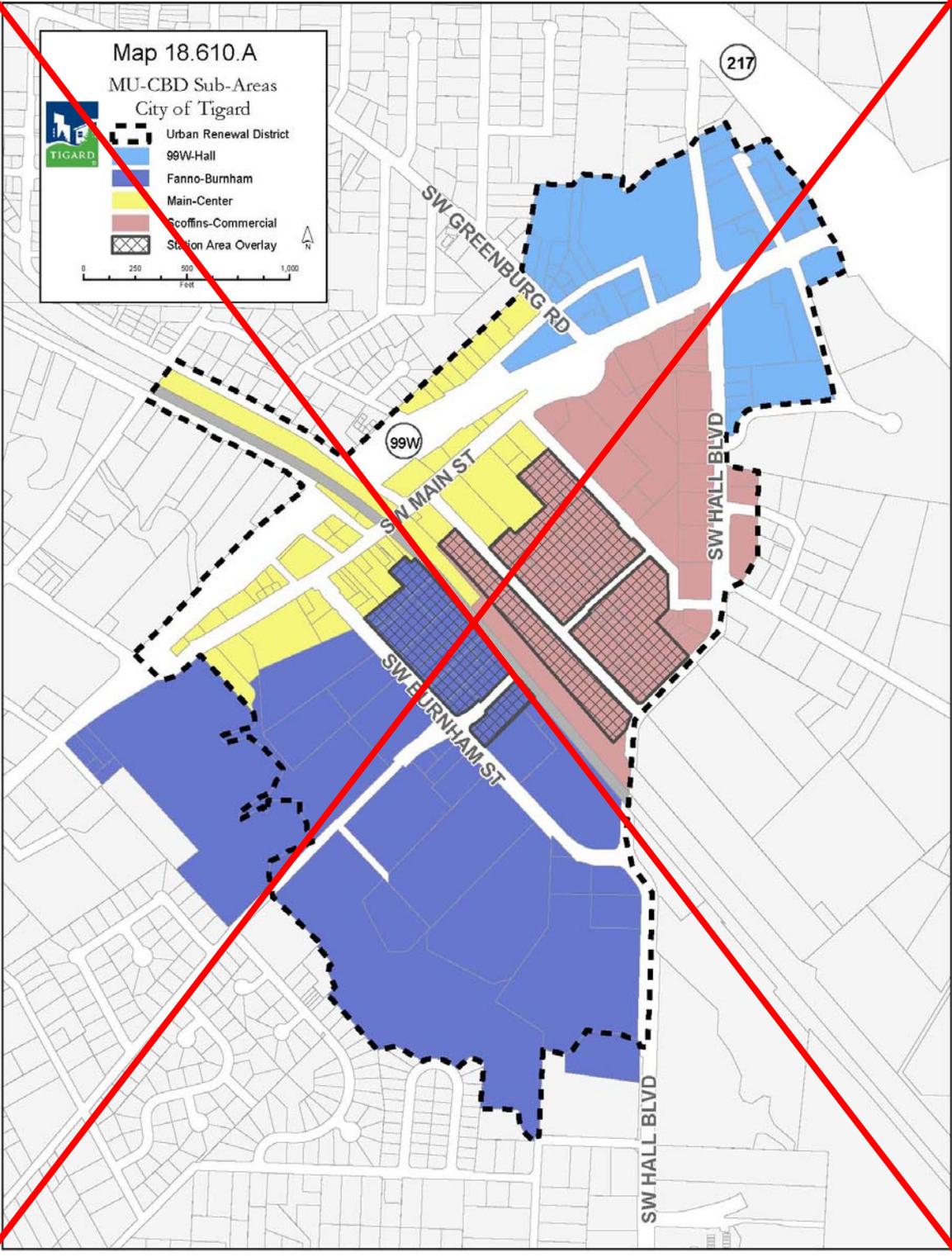
2. Release of performance bonds. The bond shall be released when the director finds the completed project conforms to the approved plan and all conditions of approval are satisfied.
 3. Completion of landscape installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the director is filed with the city recorder assuring such installation within six months after occupancy:
 - a. Security may consist of a faithful performance bond payable to the city, cash, certified check or such other assurance of completion approved by the city attorney; and
 - b. If the installation of the landscaping is not completed within the six-month period, the security may be used by the city to complete the installation.
- K. Business tax filing. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a City of Tigard business tax prior to initiating business. (Ord. 13-04 §1; Ord. 12-13 §1; Ord. 12-09 §1; Ord. 10-02 §2)

18.610.015 Pre-Existing Uses and Developments within the Downtown District

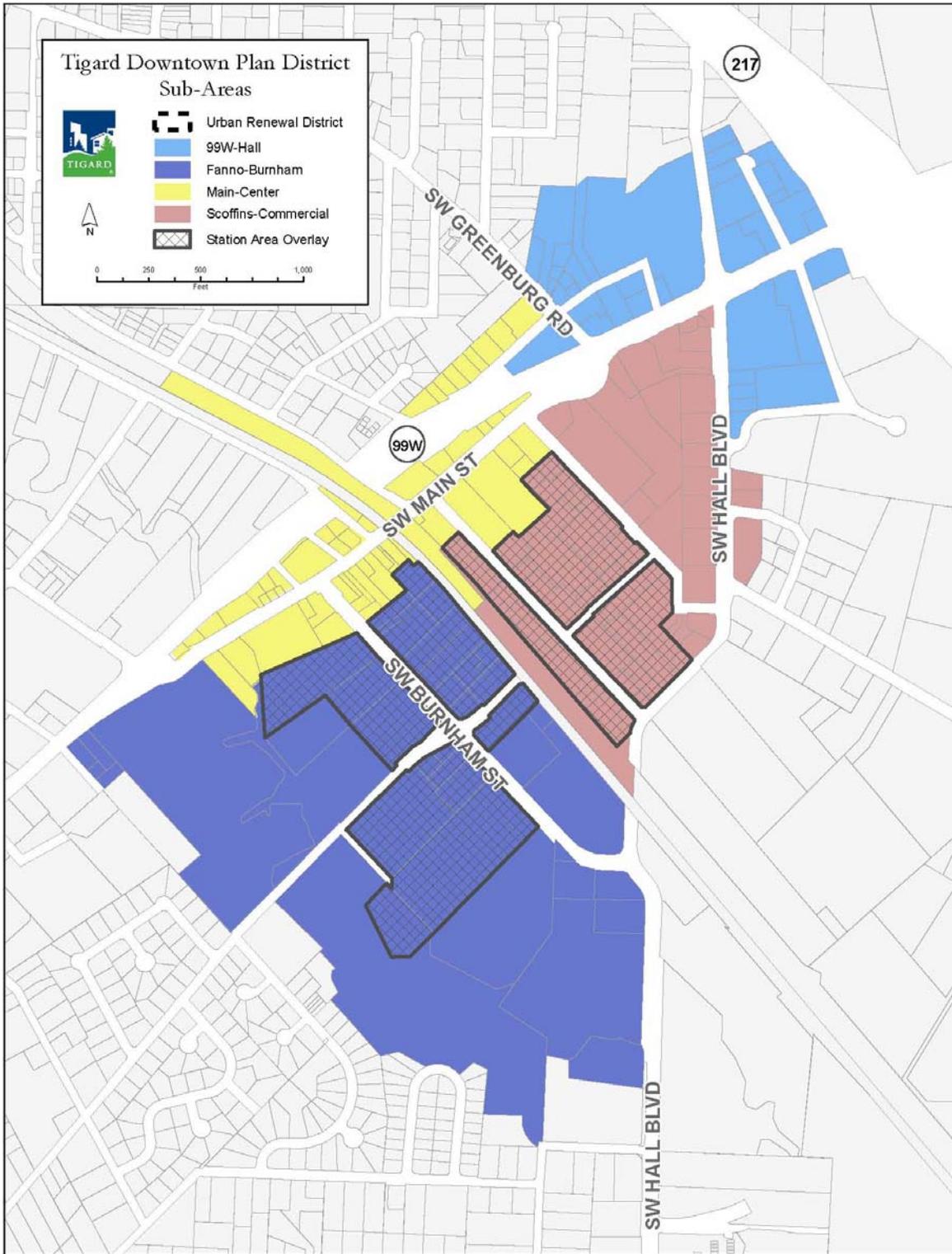
- A. Applicability. Notwithstanding the provisions of Section 18.760.040 (Criteria for Nonconforming Situations), land uses and associated development in the MU-CBD district that were lawfully in existence at the time of adoption of these standards may continue as lawful uses and developments.
1. Land uses and associated development that were in existence at the time of the adoption of the MU-CBD district and Chapter 18.610 may continue on the property. Additions, expansions, or enlargements to such uses or developments, shall be limited to the property area of said use or development lawfully in existence at the time of adoption of this ordinance, January 26, 2010.
 2. If a pre-existing structure or use is destroyed by fire, earthquake or other act of God, or otherwise abandoned then the use will retain its pre-existing status under this provision so long as it is substantially reestablished within one year of the date of the loss. The new structure would have to conform to the code.
- B. Standards for projects involving existing single-family and duplex dwellings.
1. Existing single-family buildings and duplexes used for residential purposes are exempt from the standards.
 2. For projects involving preexisting housing units used for nonresidential uses, the applicable standards are: Section 18.610.020, Building and Site Development Standards, including the applicable sub-area from Map 610.A; Section 18.610.030, Building and Site Design Standards, and Section 18.610.035, Additional Standards.
- C. Existing nonconforming industrial structures. Existing nonconforming industrial structures at the following locations may continue to be utilized for I-P industrial uses after the nonconforming use limit of six months: Map 2S 1 2AA tax lot 4700, Map 2S 1 2AC tax lots 100 and 202, Map 2 1 2AD tax lot 1203, Map 2S 1 2DB tax lot 100, and Map 2S 1 2DA tax lot 300. (Ord. 10-02 §2)

18.610.020 Building and Site Development Standards

- A. Sub-areas. The four sub-areas located on Map 18.610.A and described below have different setback and height limits in order to create a feeling of distinct districts within the larger zone.
1. Highway 99W and Hall Boulevard Corridor. This sub-area is intended to create a “pulse-point” along the Highway 99W corridor. Located at the intersection of 99W and Hall Boulevard, the area has the high traffic and visibility to draw potential retail customers from the region. It will also serve the potential for future high capacity transit in the corridor. The area will accommodate higher levels of vehicular circulation, while maintaining a pedestrian scale at the ground-floor level of buildings. It would allow development of mixed use and retail buildings that could vary in scale from one-story retail-only buildings, to mixed use buildings up to eight stories tall with retail on the ground floor and residential and/or office uses above.
 2. Main Street - Center Street. This sub-area is centered on the city’s historic downtown Main Street. It is intended to be pedestrian oriented with smaller scale development that would function like a “traditional Main Street.” A pedestrian environment would be improved with a continuous building wall broken only intermittently. New buildings in the sub-area must include ground floors with commercial storefront features. Residential and commercial uses are permitted on upper floors.
 3. Scoffins Street - Commercial Street. This sub-area is intended to provide an opportunity for higher density residential as well as an employment base comprised of civic, office and commercial uses in the areas of Commercial Street and Scoffins. Residential-only buildings, office/commercial buildings, and mixed use developments are all permitted.
 4. Fanno - Burnham Street. This sub-area provides an opportunity for medium scale residential or mixed use development. Compatible mixed uses (live-work, convenience retail, office and civic uses) are encouraged on the frontage of Burnham Street. The area in proximity to Fanno Creek Park will be an opportunity to create a high quality residential environment with views and access to the natural amenity of Fanno Creek Park. Building heights will step down to three stories so as not to overwhelm or cast shadows on the park.



Map 18.610.A: Tigard Downtown Plan District Sub-Areas



Note: for standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

B. Development standards. Development standards apply to all new development in the MU-CBD zone, including developments utilizing the Track 3 approval process. Variances or adjustments may be granted if the criteria found in Chapter 18.370 is satisfied.

1. Development standards matrix. See Table 18.610.1 and Map 18.610.A.

Table 18.610.1
MU-CBD Development Standards Matrix^{1, 2, 3}

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front setback				
Minimum	0 ft.	0/5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3-stories (45 ft.)	3-stories (45 ft.)	6-stories (80 ft.)	6-stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%
Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards.

⁴ In the MU-CBD zone, required landscaping can be provided on roofs or within the right-of-way where the applicant is required to provide landscaping as part of a street improvement in accordance with Section 18.610.025.

⁵ Landscaping/screening requirements for parking lots must be met.

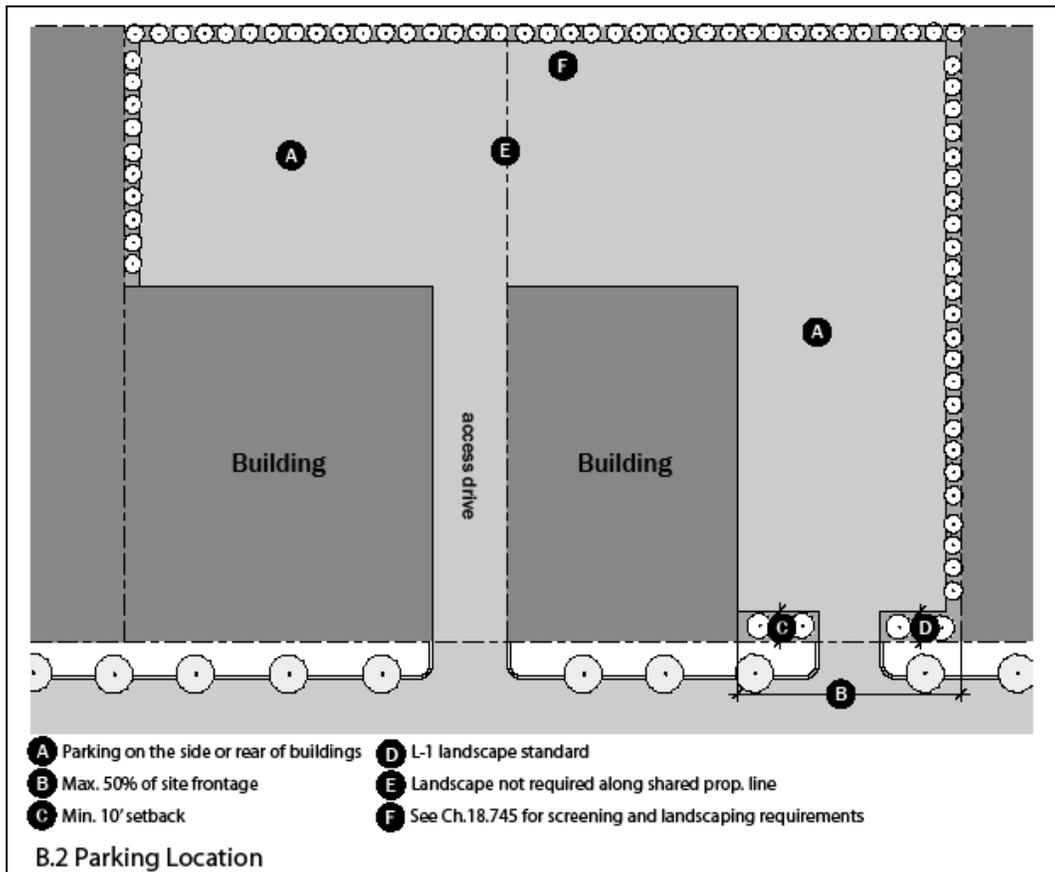
⁶ Station area overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ ~~3-stories~~/45 feet within 200 feet of Fanno Creek Park boundary (see Map 18.610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).

2. Parking location.

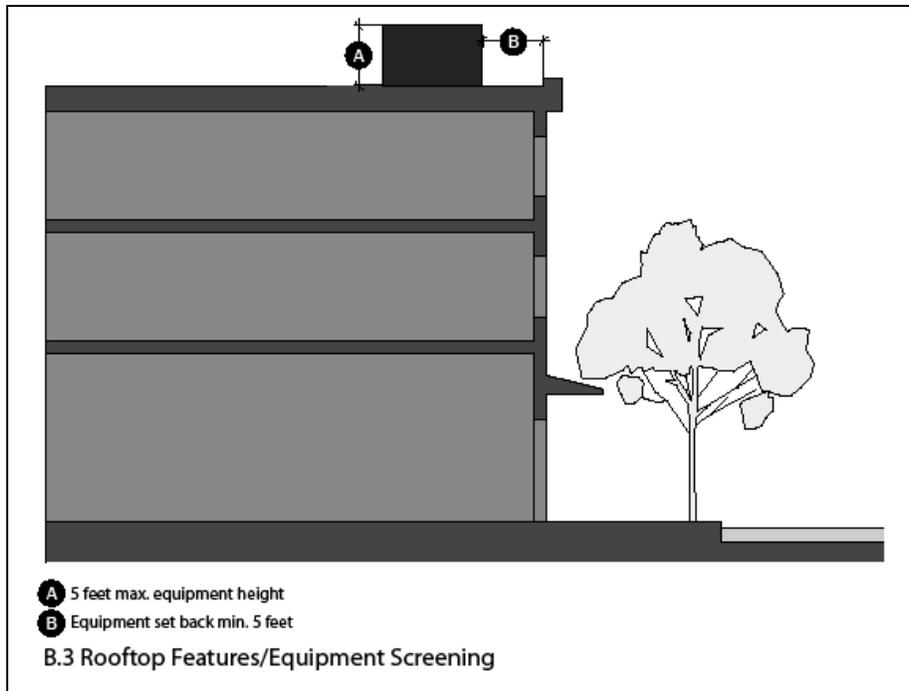
- a. Parking is allowed on the side or rear of newly constructed buildings. If located on the side, the parking area shall not exceed 50% of the total frontage of the site.
- b. Parking is set back a minimum of 10 feet from the front property line.
- c. When abutting a public street, parking areas must be behind a landscaped area constructed to an L-1 standard.
- d. Where a parking lot shares a property line with an adjacent parking lot, the landscape requirement along the shared property line is not required.

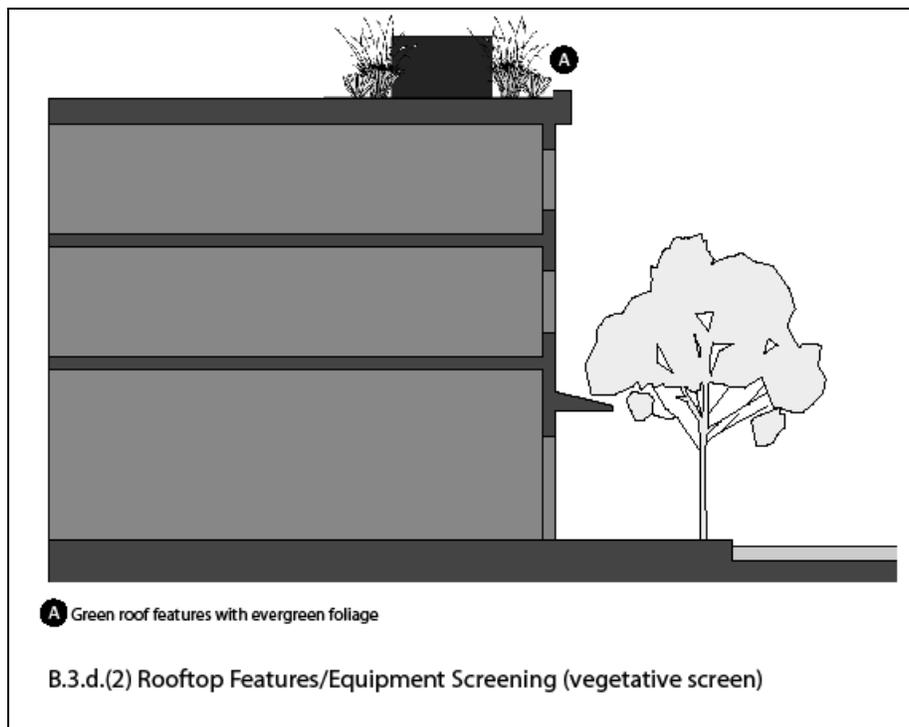
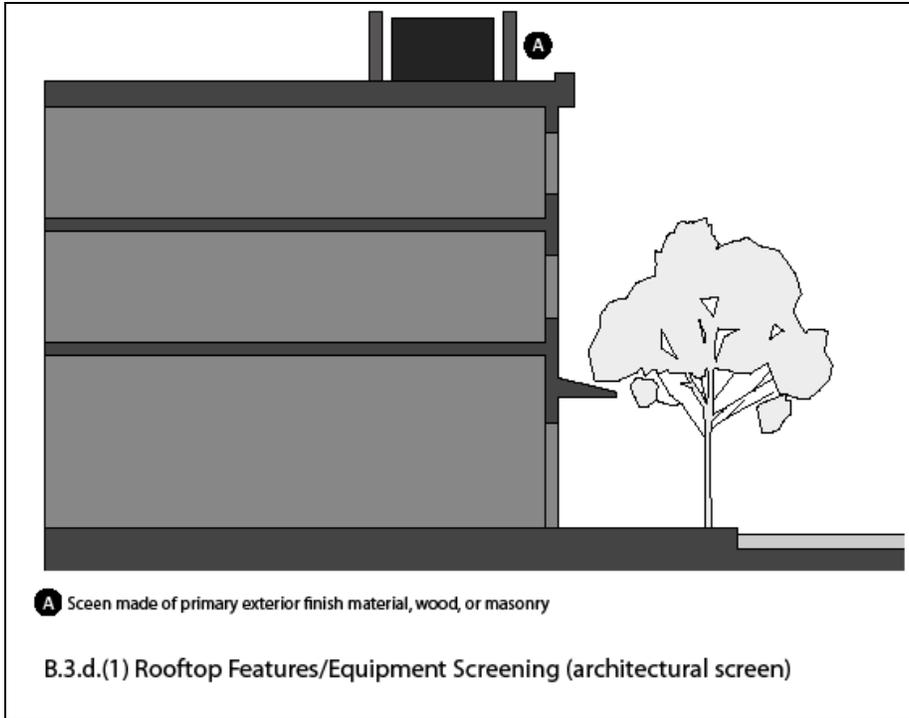


3. Rooftop features/equipment screening.

- a. The following rooftop equipment does not require screening:
 - i. Solar panels, wind generators, and green roof features;
 - ii. Equipment under two feet in height.
- b. Elevator mechanical equipment may extend above the height limit a maximum of 16 feet provided that the mechanical shaft is incorporated into the architecture of the building.

- c. Satellite dishes and other communications equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and screened from public view to the extent possible.
- d. All other roof-mounted mechanical equipment shall be limited to 10 feet in height, shall be set back a minimum of five feet from the roof edge and screened from public view and from views from adjacent buildings by one of the following methods:
 - i. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry;
 - ii. Green roof features or regularly maintained dense evergreen foliage that forms an opaque barrier when planted.
- e. Required screening shall not be included in the building's maximum height calculation.





4. Other exterior mechanical equipment. Other exterior mechanical equipment on the site (electrical boxes, etc.) shall be screened from view from adjacent ROW, public spaces, and parking areas by one or a combination of the following:
 - a. A screen around the equipment that is made of a primary exterior finish material used on other portions of the building or architectural grade wood fencing or masonry; or

- b. Set back from the street-facing elevation so it is not visible from the public ROW; or
- c. Dense evergreen foliage that forms an opaque barrier when planted that will be regularly maintained. (Ord. 13-04 §1; Ord. 12-13 §1; Ord. 10-02 §2)

18.610.025 Connectivity

- A. Purpose statement. The purpose of this section is to implement the City of Tigard 2035 Transportation System Plan which describes a more complete system of streets and pathways to improve multi-modal access to, from and within the downtown mixed use central business district. The standards in this section are intended to execute connectivity improvement projects that will foster creation of smaller block sizes, efficient routes into and within downtown, and new streets to accommodate and encourage downtown development. The standards are also intended to solve some existing connectivity issues, such as access across railroad tracks.
- B. Applicability. The connectivity standards in this section apply only to those properties with designated streets or alleys as shown on Figures 5-14A through 5-14I of the City of Tigard 2035 Transportation System Plan. Development on properties with designated streets or alleys is subject to the connectivity requirements below.
- C. Required new street and alley connections. Required new street and alley connections shall be provided as follows.
 - 1. New development and major redevelopment. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor, the applicant shall comply with subparagraphs a and b of this paragraph 1.
 - a. Dedicate the required right-of-way. The applicant shall dedicate the amount of right-of-way necessary to construct the required street or alley consistent with the designated street cross-section.

As an alternative, the city engineer may approve the dedication of a public easement in lieu of a portion of the public right-of-way in accordance with 18.810.030.C.
 - b. Construct the required improvements. The applicant shall construct the full street or alley improvements as shown in the designated street cross-section.
 - 2. All other projects. For projects other than new development and major redevelopment, the applicant shall comply with subparagraphs a and b of this paragraph 2:
 - a. Preserve the potential for a future connectivity improvement. No new buildings shall be located within the area identified as future street or alley alignment. Surface parking, landscaping, temporary structures, driveways and similar types of development are allowed within the future alignment.
 - b. Sign a non-remonstrance to future Local Improvement District (LID). The property owner shall sign a non-remonstrance agreement for formation of a future LID to pay for the identified street or alley improvement.
- D. Required new pedestrian pathway. For new development and for major redevelopment valued at more than 60% of its total current value as assessed by the Washington County assessor that is within the

area designated for required multi-use pathway, the applicant shall provide multi-use pathway on public easements or rights-of-way through the block in a manner which ensures that connections through the block are provided at least every 330 feet. The required pathway shall provide direct connection through the block and be subject to the requirements of Section 18.810.110.

- E. Adjustments to the connectivity standards are subject to Section 18.370.020.
- F. Replacement of a pre-existing structure that is destroyed by fire, earthquake or other cause beyond the control of the owner, shall not be considered a major redevelopment for the purposes of subsections C and D of this section. (Ord. 12-13 §1; Ord. 10-02 §2)

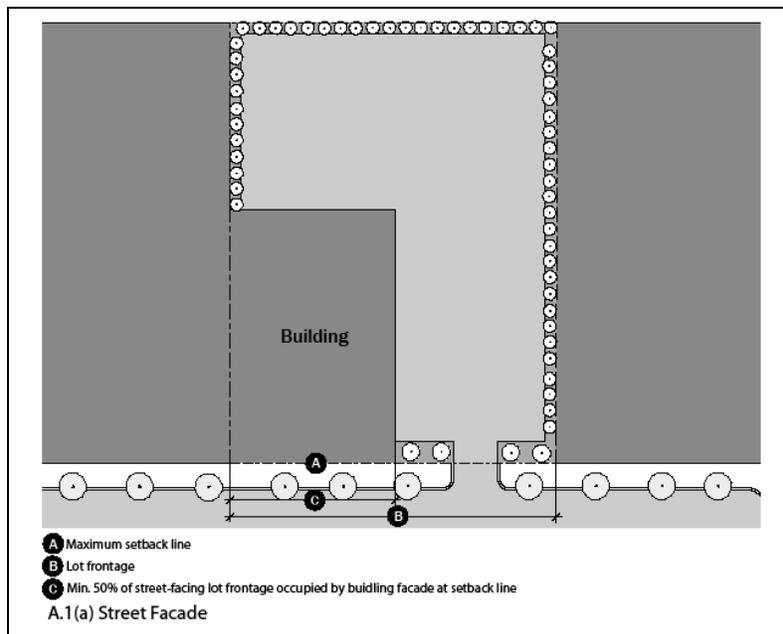
18.610.030 Building and Site Design Standards

- A. Create vibrant ground floors, streetscapes and rights-of-way; provide weather protection; and promote safety and security.

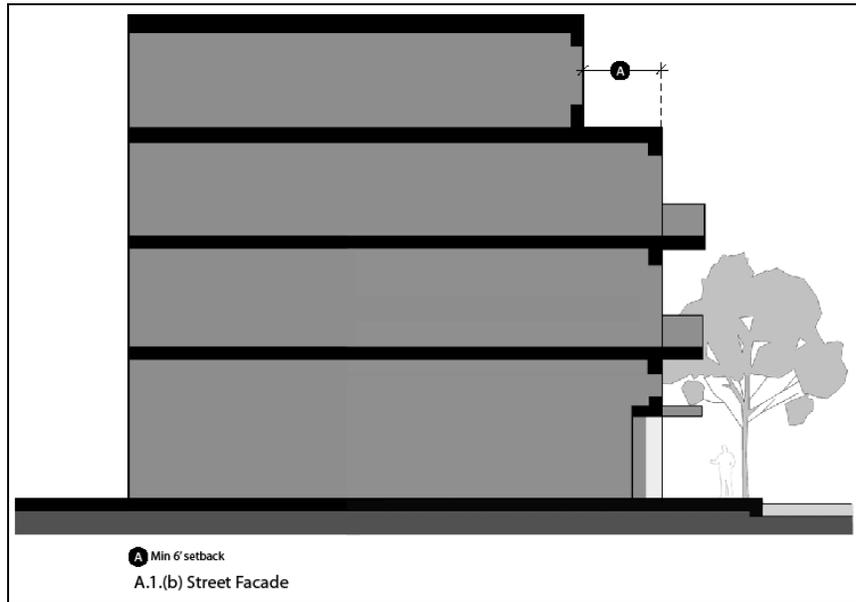
Intent. Design standards in this section are intended to foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entryways. They are also intended to create buildings that are easily accessible to and provide protection from the elements for pedestrians. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces lighting, and features that allow observation and “eyes on the street.”

1. Street façade.

- a. Street-facing façades shall be built in proximity to the street. This standard is met when at least 50% of the ground floor front building elevation(s) is located no further from the front property line than the maximum front setback standard established in Table 18.610.1; and, where maximum street-facing side setbacks are required within the Main Street sub-area, at least 50% of the ground floor street-facing side building elevation(s) is located no further from the street-facing side property line than the maximum street-facing side setback standard established in Table 18.610.



- b. Buildings more than three stories are required to step back six feet from the building façade at the beginning of the fourth story.



2. Primary entry.

a. For commercial/mixed use buildings:

- i. At least one entry door is required for each business with a ground floor frontage.
- ii. Each entrance shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- iii. All primary ground-floor common entries shall be oriented to the street or a public space directly facing the street, not to the interior or to a parking lot.

b. For residential buildings:

- i. Entry door. The primary public entrance to each building unit shall be covered, recessed, or treated with a permanent architectural feature in such a way that weather protection is provided.
- ii. All primary ground-floor common entries of multifamily buildings and individual unit entries of attached single-family units that front the street shall be oriented to the street or public right-of-way, not to the interior or to a parking lot.

3. Windows.

a. Ground floor windows for nonresidential and mixed use buildings:

- i. 60% minimum ground floor window coverage for street-facing wall (minimum window coverage includes any glazed portions of doors).

- ii. Ground floor window transparency. All buildings with nonresidential ground floor windows must have a visible transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices, which may have tinted windows.
 - b. Ground floor windows for residential buildings: 30% minimum ground floor window coverage for street-facing wall (minimum window coverage includes any glazed portions of doors).
 - c. Upper floor windows/doors for all buildings:
 - i. 30% minimum upper floor window coverage for each floor of the street-facing wall (minimum window coverage includes any glazed portions of doors).
 - ii. The required upper floor window/balcony door percentage does not apply to floors where sloped roofs and dormer windows are used.
 - iii. Upper floor windows shall be vertically oriented (a minimum vertical to horizontal dimension ratio of 1.5:1).
 - d. Window shadowing for all buildings: Windows shall be designed to provide shadowing. This can be accomplished by recessing windows three inches into the façade and/or incorporating trim of a contrasting material or color.
- 4. Weather protection.

For nonresidential and mixed use buildings:

- a. A projecting façade element (awning, canopy, arcade, or marquee) is required on the street-facing façade of the street with the highest functional classification.
- b. Awnings/marquees/canopies may project a minimum of three feet and a maximum of six feet from the façade (a maximum of four feet into the public right-of-way).
- c. The element shall have a minimum 10-foot clearance from the bottom of the element to the sidewalk.
- d. Awnings must match the width of storefronts or window openings.
- e. Internally lit awnings are not permitted.
- f. Awnings must be made of glass, metal, or exterior grade fabric (or a combination of these materials).

A Primary entry doors oriented to street or public space
B Entrance is covered and/or recessed behind facade
C Max 4' balcony/deck projection
D Min 10' clearance
E Min 30% windows
F Upper windows vertically oriented

A.2-4 Residential (Only) Building

A Primary entry door oriented to street or public space
B Entrance is covered and/or recessed behind facade
C Min 3'; Max 6' projection
D Max 4' balcony/deck projection
E Min 10' clearance
F Min 60% windows
G Min 30% windows
H Upper windows vertically oriented

A.2-4 Commercial/Mixed-Use Building

B. Cohesive architectural façade standards.

Intent. Build and expand upon downtown Tigard’s architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street-facing façades.

1. Architectural bays for nonresidential and mixed use buildings. Divide the street-facing ground floor of commercial/mixed use storefronts into distinct architectural bays that are no more than 30 feet on center. For the purpose of this standard, an architectural bay is defined as the zone between the outside edges of an engaged column, pilaster, post, or vertical wall area.



C. Integrated building façade standards.

Intent. Build upon and improve downtown Tigard’s architecture by creating an attractive and unified building façade that encourages ground floor activities, and creates visually interesting façades and roofs.

1. Nonresidential and mixed use building tri-partite façades. Nonresidential and mixed use buildings two stories and above shall have three clearly defined elements on the street-facing façade(s): a base (extends from the sidewalk to the bottom of the second story or the belt course/string course that separates the ground floor from the middle of the building); a middle (distinguished from the top and base of the building by use of building elements); and a top (roof form/element at the uppermost portion of the façade that visually terminates the façade). A tri-partite façade creates a unified façade and breaks up vertical mass.



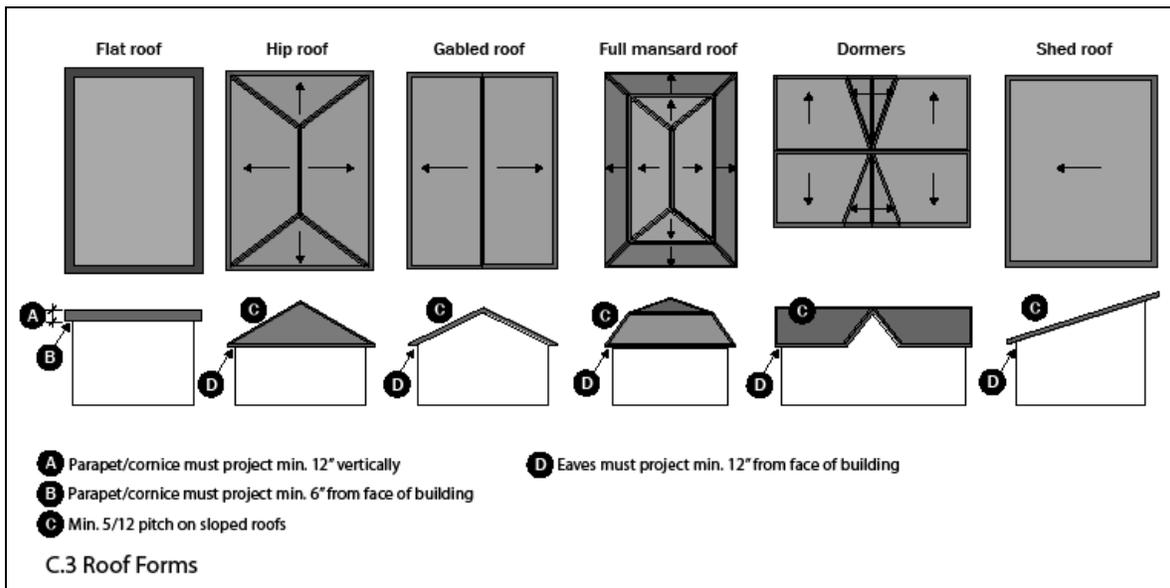
2. Residential building façades.

- a. Unit definition. Each street-facing dwelling unit shall be emphasized by including a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch or balcony that faces the street.
- b. Trim detail. Trim shall be used to mark all building roof lines, porches, windows and doors that are on a primary structure's elevation(s).



3. Roof forms.

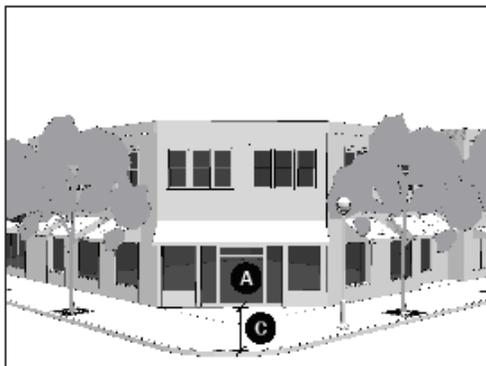
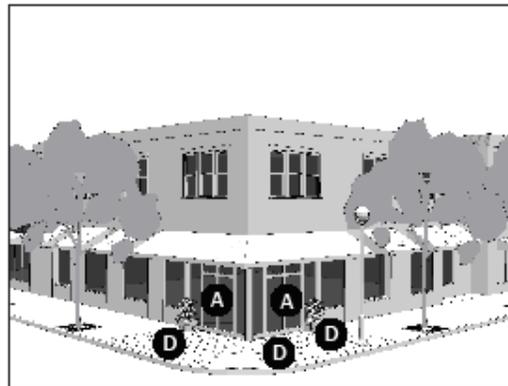
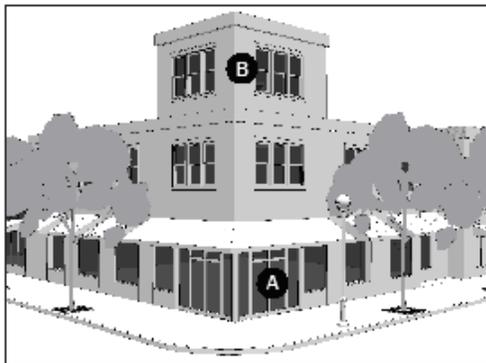
- a. The roof form of a building shall follow one (or a combination) of the following forms:
 - i. Flat roof with parapet or cornice;
 - ii. Hip roof;
 - iii. Gabled roof;
 - iv. Full mansard roof;
 - v. Dormers;
 - vi. Shed roof.
- b. All sloped roofs (other than full mansard roofs) exposed to view from adjacent public or private streets and properties shall have a minimum 5/12 pitch.
- c. Sloped roofs, shall have eaves, exclusive of rain gutters, that must project from the building wall at least 12 inches.
- d. All flat roofs or those with a pitch of less than 5/12 shall be architecturally treated or articulated with a parapet wall that must project vertically above the roof line at least 12 inches and/or a cornice that must project from the building face at least six inches.
- e. When an addition to an existing structure or a new structure is proposed in an existing development, the roof forms for the new structures shall have similar slope and be constructed of the same materials as the existing roof.
- f. Green roof features and/or rooftop gardens are encouraged. As part of the development permit, applicant shall execute a covenant ensuring the maintenance of any green roof. The covenant shall be approved by the director on city-provided forms.



D. Create street corners with strong identity.

Intent. Create a strong architectural statement at street corners. Establish visual landmarks and enhance visual variety.

1. For nonresidential or mixed-use buildings at the corner of two public streets or a street and public area, park or plaza (for the purposes of this standard an alley is not considered a public street) incorporate one of the following features:
 - a. Locate the primary entry to the building at the corner;
 - b. A prominent architectural element, such as increased building height or massing, a cupola, a turret or a pitched roof at the corner of the building or within 20 feet of the corner of the building;
 - c. The corner of the building cut at a 45 degree angle, or a similar dimension “rounded” corner;
 - d. A combination of special paving materials, street furnishings and, where appropriate, plantings, in addition to the front door.



- A Primary entry door to the building located at corner
- B Prominent architectural element within 20' of the corner of the building
- C Corner min 10' from street corner and cut at 45 degree angle
- D Special paving patterns, street furnishings, and plantings near front door

A.2-4 Commercial/Mixed-Use Building

E. Assure building quality, permanence and durability.

Intent. Use building materials that evoke a sense of permanence and are compatible with Downtown Tigard and the surrounding built and natural environment.

1. Building materials.
 - a. The following exterior building materials or finishes are prohibited:

- i. Vinyl siding;
- ii. T-111 or similar sheet materials;
- iii. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry); foundation material may be skim-coated concrete block where the foundation material is not revealed for more than two feet;
- iv. Mirrored glass.

F. Open space/public plaza.

Intent: Assure adequate public, private and shared outdoor space.

1. Mixed use and commercial developments greater than 60,000 square feet.
 - a. Development projects with site areas greater than 60,000 square feet shall include at least one public space with a minimum size of 600 square feet.
 - b. Public spaces shall be abutted on at least two sides by retail shops, restaurants or services with windows entrances fronting on the space.
2. Mixed use buildings with residential units and residential only multifamily developments.
 - a. Private outdoor space. For all residential-only buildings and mixed-use buildings with more than four residential units, private open space, such as a private porch, a deck, a balcony, a patio, an atrium, or other outdoor private area, shall be provided.
 - i. Total required private open space shall be based on an average of 28 square feet per unit in a development.
 - ii. In order to be counted into the open space average, the private open space provided to a unit shall have a minimum of 32 square feet with a minimum depth of four feet.
 - iii. The private open space provided shall be contiguous with the unit.
 - iv. Balconies used for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 - v. Balconies may project up to a maximum of four feet into the public right-of-way.
 - b. Shared outdoor space for mixed use buildings with residential units and multifamily buildings. In addition to the required private outdoor space, multifamily buildings and mixed use buildings with more than four residential units shall provide shared open space (e.g., courtyards, roof decks or garden, play areas, outdoor recreation facilities, indoor recreation room, and/or similar space) that is equal to or greater than 10% of the development site, except as follows:
 - i. Credit for private open space. Up to 50% of the shared open space standard may be met by providing additional private open space, such as balconies, porches and patios (above what is required in 18.610.030.F.2).

- ii. Credit for proximity to a park. A shared open space credit of 50% may be granted when a multiple-family development is directly adjacent to an improved public park.
 - iii. Credit for up to 100% of the shared open space standard may be met by paying a fee-in-lieu. The fee will fund parks and/or plazas within the downtown urban renewal district.
 - iv. Shared outdoor recreation space shall be readily observable to promote crime prevention and safety.
3. Private open space for single-family attached dwelling units. A minimum of 100 square feet of private open space per unit such as a private porch, yard, a deck, a balcony, a patio, or other outdoor private area is required.

G. Additional requirements for single-family attached dwelling units. Garage entry garages and carports shall be accessed from alleys, or otherwise recessed behind the front building elevation (i.e., living area or covered front porch) a distance of seven feet or less or 18 feet or greater. (Ord. 10-02 §2)

18.610.035 Additional Standards

Applications must conform to all applicable standards in the following chapters:

- A. Access Egress and Circulation (see Chapter 18.705).
- B. Environmental Performance Standards (see Chapter 18.725).
- C. Exceptions to Development Standards (see Chapter 18.730).
- D. Landscaping and Screening (see Chapter 18.745).
- E. Mixed Solid Waste and Recyclable Storage (see Chapter 18.755).
- F. Off-Street Parking and Loading Requirements (see Chapter 18.765).
- G. Sensitive Lands (see Chapter 18.775).
- H. Signs (see Chapter 18.780).
- I. Urban Forestry Plan (see Chapter 18.790).
- J. Visual Clearance (see Chapter 18.795).
- K. Wireless Communication Facilities (see Chapter 18.798).
- L. Street and Utility Improvement Standards (see Chapter 18.810). (Ord. 12-09 §1; Ord. 10-02 §2)

18.610.040 Special Requirements for Development Bordering Urban Plaza

The urban plaza is listed as a catalyst project in the Tigard Downtown Improvement Plan and Urban Renewal Plan. Developments on the parcels that directly abut the location of the new plaza will be expected to be in keeping with the character of the plaza. New development that is built concurrently or

subsequent to the construction of the plaza will need to conform to the following standards (in addition to the other applicable standards in this code):

- A. The building must be a minimum of two stories and a maximum of four stories.
- B. No parking lot may abut the plaza.
- C. The buildings shall follow the building and site design and development standards for commercial and mixed use buildings in the Main Street sub-area. (Ord. 10-02 §2)

18.610.045 Exceptions to Standards

- A. Exceptions to setback requirements. The director may grant an exception to the yard setback requirements in the applicable zone based on findings that the approval will result in the following:
 - 1. An exception which is not greater than 20% of the required setback;
 - 2. No adverse effect to adjoining properties in terms of light, noise levels and fire hazard;
 - 3. Safe vehicular and pedestrian access to the site and on-site;
 - 4. A more efficient use of the site which would result in more landscaping; and
 - 5. The preservation of natural features which have been incorporated into the overall design of the project.
- B. Exceptions to parking requirements. The director may grant an exception or deduction to the off-street parking dimensional and minimum number of space requirements in the applicable zoning district based on the following findings:
 - 1. The application is for a use designed for a specific purpose which is intended to be permanent in nature, e.g., senior citizen housing, and which has a demonstrated low demand for off-street parking;
 - 2. There is an opportunity for shared parking and there is written evidence that the property owners have entered into a binding agreement to share parking; or
 - 3. There is community interest in the preservation of particular natural feature(s) on the site, public transportation is available to the site, and reducing the standards will not adversely affect adjoining uses, therefore the public interest is not adversely affected by the granting of the exception.
- C. Exceptions for private or shared outdoor area. The director may grant an exception or deduction to the private outdoor area and shared outdoor recreation areas requirements, provided the application is for a use designed for a specific purpose which is intended to be permanent in nature (for example, senior citizen housing) and which can demonstrate a reduced demand for a private outdoor recreational area based on any one or more of the following findings:
 - 1. The development operates a motor vehicle which is available on a regular basis to transport residents of the development to public open space or recreation areas; or

2. The required square footage of either the private outdoor area or the shared outdoor recreation area may be reduced if together the two areas equal or exceed the combined standard for both.

D. Exceptions to landscaping requirements. The director may grant an exception to the landscaping requirements of this code, Chapter 18.745, upon finding that the overall landscape plan provides for at least 20% of the gross site to be landscaped. (Ord. 10-02 §2)

18.610.050 Building and Site Design Objectives (To Be Used With Track 3 Approval Process)

A. Applicability. All development using the Track 3 approval process must demonstrate compliance with the design objectives listed in subsection C of this section. The development must also meet the development standards of Table 18.610.1.

B. Approval criteria.

1. Applicants are required to identify how their proposed site/building plan meets the intent statements of the design objectives, through architectural drawings and a narrative.
2. The design review body will make findings that the intent of the design objective has been met.
3. Applications using the Track 3 process must also show compliance with the development standards set forth in Section 18.610.020 and Table 18.610.1.
4. Concurrently or after design review board approval, the application will be reviewed for compliance with the other relevant chapter sections, as listed in Section 18.610.035.

C. Design objectives. Each design objective has an intent statement followed by photographs of development exemplifying the objective.

1. Create vibrant streetscapes and rights-of-way; provide weather protection; and promote safety and security.

Intent. Foster vibrant, inviting streetscapes and sidewalk-facing ground floors and entry ways. Create buildings that are easily accessible to and provide protection from the elements for pedestrians. Ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. Building and site design should also address crime prevention through defensible spaces, lighting, and features that allow observation and “eyes on the street.”

Examples:



2. Create cohesive architectural facades.

Intent. Build and expand upon downtown Tigard's architectural character by incorporating cohesive and repetitive architectural elements into the ground floor of street-facing facades. Relate to the horizontal façade articulation and massing of surrounding development and/or utilize building and site design elements that connect Fanno Creek Park or extend natural elements to the downtown.

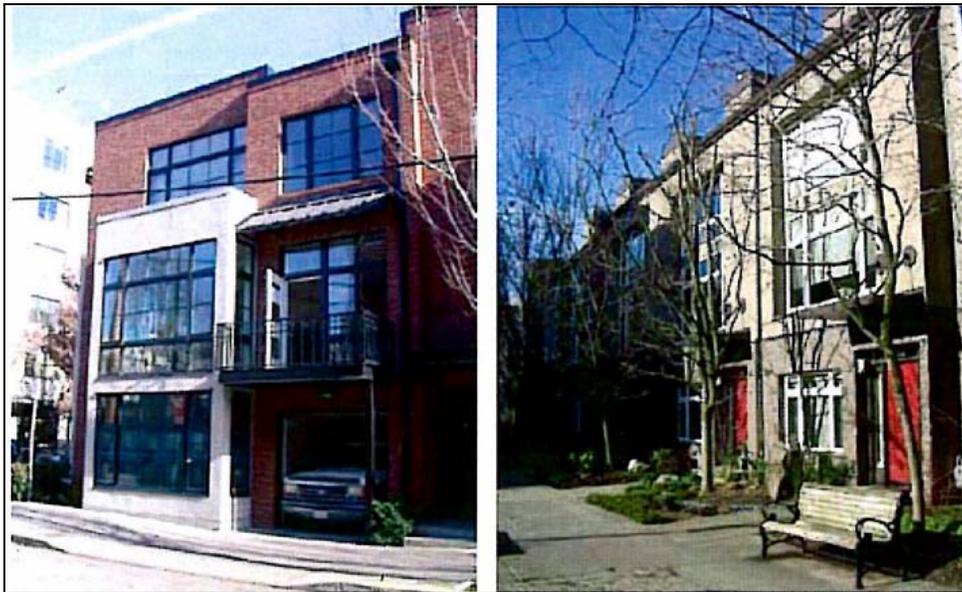
Examples:



3. Design buildings with integrated façades.

Intent. Build upon and improve downtown Tigard's architecture by creating an attractive and unified building façade that encourages ground floor activities and creates visually interesting façades and roofs.

Examples:



4. Create street corners with strong identity.

Intent. Create a strong architectural statement at street corners to create a strong identity and opportunities for activity. Establish visual landmarks and enhance visual variety.

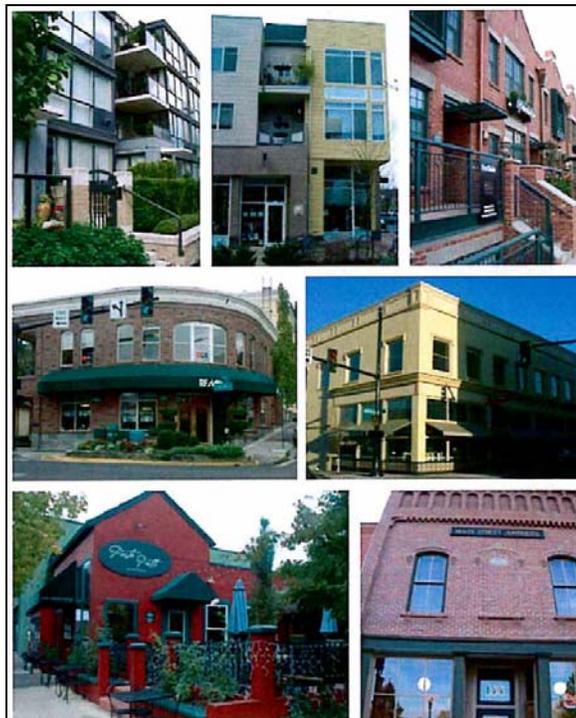
Examples:



5. Assure building quality, permanence and durability.

Intent. Use building materials that evoke a sense of permanence and durability and are compatible with downtown Tigard and the surrounding built environment. Windows, doors, roofs, and weather protection shall appear to be an integral part of the building design.

Examples:



6. Provide adequate outdoor spaces.

Intent. Assure new residential units have adequate private and shared outdoor space. (Ord. 10-02 §2)

18.610.055 Signs

- A. Sign standards. In addition to the requirements of Chapter 18.780 of the development code, the following standards shall be met:

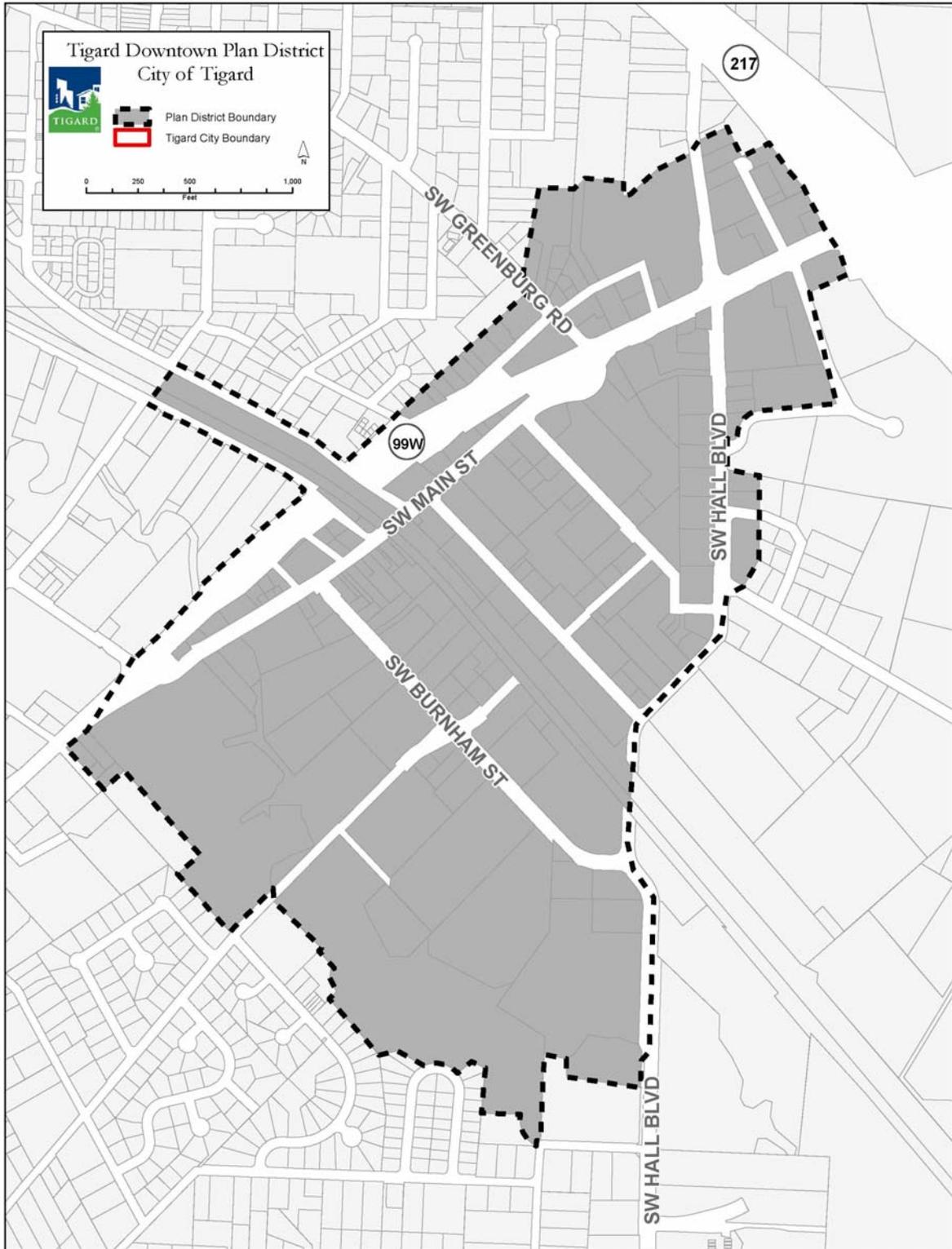
1. Zoning district regulations. Residential-only developments within the MU-CBD zone shall meet the sign requirements for the R-40 zone, 18.780.130.B; nonresidential developments within the MU-CBD zone shall meet the sign requirements for the commercial zones, 18.780.130.C, and the additional requirements below.
2. Sign area limits. The maximum sign area limits are:
 - a. Freestanding signs: 70 square feet per sign face or a total of 140 square feet for all sign faces.
 - b. Wall signs shall not exceed in gross area 15% of any building face on which the sign is mounted.
 - c. All other signs area requirements shall follow Section 18.780.130.C.
3. Height limits. The maximum height limit for all signs except wall signs shall be 20 feet.
4. Sign location. Freestanding signs within the MU-CBD zone shall not be permitted within required L-1 landscape areas.
5. Blade signs are permitted.
 - a. One blade sign (above the walkway and under weather protecting awnings, marquees, and parapets) placed at each entrance to a building is allowed.
 - b. Vertical dimension of a blade sign shall not exceed 1.5 feet and the width may not exceed 90% of the width of the weather protection, for a maximum sign area per sign of 4.5 square feet.
 - c. Height of sign. The distance from the sidewalk or grade up to the bottom of the sign shall be at least eight feet.
 - d. Illumination. The blade sign may be indirectly illuminated.
6. Projecting signs are permitted. A projecting sign not greater than 32 square feet per face or a total of 64 square feet for all sign faces can project up to four feet into the public right-of-way with a 10-foot clearance of the right-of-way.
7. Pedestrian-oriented roof/awning signs are permitted.
 - a. Buildings with a height of 20 feet or less are permitted to have one roof sign which extends above the upper surface of the awning structure or the roof line.

- b. The sign may not exceed two feet above the roof line and may not extend below the roofline.
- c. The maximum sign area is 45 square feet.
- d. The sign must be oriented to the entrance of the building.
- e. The sign may be internally or externally illuminated.
- f. One pedestrian oriented roof/awning sign shall be permitted per tax parcel. (Ord. 10-02 §2)

18.610.060 Off-Street Parking and Loading Requirements

- A. Parking standards. New development in the downtown must conform to the requirements of Chapter 18.765 with the following exceptions.
- 1. Multifamily units. In the MU-CBD zone the minimum parking requirement for all multifamily units shall be 1.0/DU. Adequate provisions for barrier-free parking shall be as required by the state building code. Visitor parking spaces are not required. Bicycle parking requirements shall not be reduced.
 - 2. All other uses. For all other uses the minimum off-street vehicle parking requirements shall be 75% of the total computed from Table 18.765.2. Bicycle parking requirements shall not be reduced.
 - 3. Main Street-Center sub-area. New commercial development up to 20,000 square feet in the Main Street-Center sub-area (shown on Map 18.610.A) shall have no minimum vehicle parking requirements, except that any multifamily units shall have a minimum of 1.0/DU.
 - 4. Fractional space requirements. In the MU-CBD zone, when calculating the total minimum number of vehicle parking spaces required in Table 18.765.2, fractional space requirements shall not be counted as a whole space.
 - 5. Motorcycle/scooter parking may substitute for up to five spaces or five percent of required automobile parking, whichever is less. For every four motorcycle/scooter parking spaces provided, the automobile parking requirement is reduced by one space. Each motorcycle space must be at least four feet wide and eight feet deep. Existing parking may be converted to take advantage of this provision.
 - 6. Further adjustments. As provided for in 18.765.070.F, further adjustments to parking standards can be applied for. (Ord. 10-02 §2)

Map 18.610.B: Tigard Downtown Plan District Boundaries



(Ord. 13-04 §1) ■

Chapter 18.780
SIGNS

Sections:

18.780.010	Purpose
18.780.012	Effective Date of this Chapter
18.780.015	Definitions
18.780.020	Permits Required
18.780.030	Permit Approval Process
18.780.040	Expiration of Approval: Standards for Extension of Time
18.780.050	Inspections
18.780.060	Permit Exemptions
18.780.070	Certain Signs Prohibited
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18.780.090	Special Condition Signs
18.780.100	Temporary Signs
18.780.110	Nonconforming Signs
18.780.120	Sign Removal Provisions: Nonconforming and Abandoned Signs
18.780.130	Zoning District Regulations
18.780.140	Sign Code Adjustments

18.780.010 Purpose

A. General purposes. The purposes of this chapter are:

1. To protect the health, safety, property and welfare of the public;
2. To promote the neat, clean, orderly and attractive appearance of the community;
3. To accommodate the need of sign users while avoiding nuisances to nearby properties;
4. To insure for safe construction, location, erection and maintenance of signs;
5. To prevent proliferation of signs and sign clutter; and
6. To minimize distractions for motorists on public highways and streets.
7. To regulate solely on the basis of time, place and manner of a sign, not on its content.

B. Sign quality. In addition, it is the purpose of this chapter to regulate the design, quality of materials, construction, location, electrification, illumination and maintenance of all signs visible from public property or from public rights-of-way.

C. Compliance with other laws and regulations. It is not the purpose of this chapter to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other ordinance, or state or federal law. (Ord. 04-03)

18.780.012 Effective Date of this Chapter

All references made in this chapter to the effective date of this chapter shall mean November 9, 1983, unless otherwise specifically stated in an ordinance revision.

18.780.015 Definitions

A. Definitions. As used in this title, unless the context requires otherwise, the following words and phrases shall have the meanings set forth in this chapter. The definitions to be used in this chapter are in addition to Chapter 18.110, Definitions, and are as follows:

1. “‘A’-frame sign” means any double face temporary rigid sign.
2. “Abandoned sign” means a structure not containing a sign for 90 continuous days or a sign not in use for 90 continuous days.
3. “Area” - see Section 18.780.085 for definition of sign area.
4. “Awning sign” means a wall sign incorporated into or attached to an awning.
5. “Balloon” - see “Temporary sign.”
6. “Banner” - see “Temporary sign.”
7. “Bench sign” means a bench designed to seat people with a sign painted or affixed on the surface.
8. “Billboard” means a freestanding sign in excess of the maximum size allowed, with adjustments, in the locations where it is located or proposed to be located. Billboards are prohibited by Tigard Municipal Code 18.780.070.M, Certain Signs Prohibited.
9. “Building official” means officer or designee of the city empowered to enforce the Uniform Building Code.
10. “Business” means all of the activities carried on by the same legal entity on the same premises and includes charitable, fraternal, religious, educational or social organizations. “Legal entity” includes, but is not limited to, individual proprietorships, partnerships, corporations, nonprofit corporations, associations or joint stock companies.
11. “Construct” means every type of display in the form of letters, figures, characters and/or representations.
12. “Cultural institution auxiliary sign” means a sign placed and maintained by, or on behalf of, a subordinate commercial use in a cultural institution.
13. “Cutout” means every type of display in the form of letters, figures, characters and/or representations in cutout or irregular form attached to or superimposed upon a sign.
14. “Development review” means the site development review process set forth in Chapter 18.360.
15. “Directional sign” means a permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

16. “Display surface” means the area made available by the sign structure for the purpose of displaying the advertising or identification message.
17. “Electrical sign” means any sign utilizing electrical wiring.
18. “Electronic information sign” means signs, displays, devices or portions thereof with lighted messages that change at intermittent intervals, each lasting more than two seconds, by electronic process or remote control. Electronic information signs are not identified as rotating, revolving or moving signs. Also known as an automatic changeable copy sign or electronic variable message center.
19. “Entryway sign” means a sign placed by the city at an entry to the city.
20. “Face of a building” means all windows and wall areas of a building in one or more parallel planes.
21. “Flashing sign” means any sign which is illuminated by an intermittent or sequential flashing light source whose interval is two seconds or less in duration, or which is in any other way animated so as to create the illusion of movement without actual physical movement or the illusion of a flashing or intermittent light or light source.
22. “Flush pitched roof sign” means a sign attached to a mansard or similar type of vertically aligned roof.
23. “Freestanding sign” means a sign erected and mounted on a freestanding frame, mast or pole and not attached to any building.
24. “Freeway interchange” means any intersection of an exit off-ramp of Interstate Highway 5 or State Highway 217 with a surface street.
25. “Freeway-oriented sign” means a sign primarily designed to be read by a motorist traveling on a highway designated by the Oregon State Highway Department as a freeway or expressway; specifically, these shall be Interstate 5 and Oregon State Highway 217, and shall not include Highway 99W.
26. “Frontage” means the length of the property line of any one premises along a public roadway.
27. “Housing complex” means a grouping of one or more single-family attached residential units or one or more multifamily residential units.
28. “Immediate or serious danger” means:
 - a. Whenever any portion of the structure is damaged by fire, earthquake, wind, flood or other cause, and any member or appurtenance is likely to fail, become detached or dislodged, or to collapse and thereby injure persons or damage property;
 - b. Whenever any portion of the structure is not of sufficient strength or stability or is not so anchored, attached or fastened in place as to be capable of resisting a wind pressure of one-half of that specified in the Uniform Building Code for this type structure or similar structure, and will not exceed the working stresses permitted in the Uniform Building Code for such structures; and

- c. Whenever the location of the sign structure obstructs the view of motorists traveling on the public streets or private property, and thus causes damage to property or thereby injures persons.
29. "Industrial park" means a parcel of land which complies with the requirements set forth in Chapter 18.530.
30. "Lawn sign" - see "Temporary sign."
31. "Lighting methods" means:
- a. Direct - exposed lighting or neon tubes on the sign face;
 - b. Flashing - lights which blink on and off randomly or in sequence;
 - c. Indirect or external - the light source is separate from the sign face or cabinet and is directed so as to shine on the sign; and
 - d. Internal - the light source is concealed within the sign.
32. "Maintenance" means normal care needed to keep a sign functional such as cleaning, oiling, changing and repair of light bulbs and sign faces. Does not include structural alteration.
33. "Nonconforming sign" means a sign or sign structure lawfully erected and properly maintained that would not be allowed under the sign regulations presently applicable to the site.
34. "Non-structural trim" means the moldings, battens, caps, nailing strips and latticing, letters and walkways which are attached to a sign structure.
35. "Painted wall decorations" means displays painted directly on a wall, designed and intended as a decorative or ornamental feature. Decorations may also include lighting.
36. "Painted wall highlights" means painted areas which highlight a building's architectural or structural features.
37. "Painted wall sign" means a sign applied to a building wall with paint and which has no sign structure.
38. "Person" means individuals, corporations, associations, firms, partnerships and joint stock companies.
39. "Premises" means one or more lots on which are constructed or on which are to be constructed a building or a group of buildings designed as a unit.
40. "Projecting sign" means a sign attached to a building other than a wall sign in which the sign face is not parallel to the wall. Such sign shall not project above the wall of the building to which it is attached, except where there is an existing parapet.
41. "Projection" means the distance by which a projecting sign extends from a building.

42. "Reader-board sign" means any sign with changeable copy or a message, except electronic information signs.
43. "Roof line" means the top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys or other minor projections.
44. "Roof sign" means a sign erected fully upon or directly above a roof line or parapet of a building or structure. Exceptions: include approved temporary balloons, signs attached to existing architectural features and flush mounted "roof" signs.
45. "Rotating, revolving or moving sign" means any sign, or portion of a sign, which moves in any manner.
46. "Shopping center" means developments of not less than eight business units.
47. "Shopping plaza" means developments of between two and seven business units.
48. "Sign" means materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, another property or from the air.
49. "Sign structure" means any structure which supports or is capable of supporting any sign as described in the Uniform Building Code. A sign structure may be a single pole and may or may not be an integral part of a building.
50. "Structural alteration" means modification of the size, shape or height of a sign structure. Also includes replacement of sign structure materials with other than comparable materials, for example metal parts replacing wood parts.
51. "Surface street" means a street which does not have limited access and which is not a freeway or expressway.
52. "Temporary sign" means any sign, banner, lawn sign or balloon which is not permanently erected or permanently affixed to any sign structure, sign tower, the ground or a building:
 - a. Balloon - an inflatable, stationary temporary sign anchored by some means to a structure or the ground. Includes simple children's balloons, hot and cold air balloons, blimps and other dirigibles;
 - b. Banner - a sign made of fabric or other nonrigid material with no enclosing framework;
 - c. Lawn sign - temporary signs placed on private property supported by one stick, post, rod, or A-frame in or on the ground. A lawn sign in residential zones is exempt from sign permit requirements provided the size requirements in Section 18.780.060 can be met. A lawn sign in commercial or industrial zones is subject to temporary permit requirements as provided for in Section 18.780.100.
53. "Tenant sign" means a sign placed in control of a current tenant or property owner.
54. "Uniform building code" means the most recent structural and specialty Oregon Uniform Building Code as adopted by the Oregon Department of Commerce, and which Uniform Building

Code, by this reference, is incorporated in this title to the extent of specific citations thereof in this title.

55. “Wall sign” means any sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall.

B. General rule. For the purpose of this chapter, words used in the present tense include the future, the singular number includes the plural, “shall” is mandatory and not directory, and “building” includes “structures” except “sign structures.” (Ord. 09-13; Ord. 06-13, Ord. 06-09, Ord. 04-03, Ord. 04-02)

18.780.020 Permits Required

A. Compliance with regulations. No sign or sign structure shall hereafter be erected, re-erected, constructed, structurally altered or relocated within the city limits except as provided by this title, and a permit for the same sign or sign structure has been issued by the director.

B. Separate permits for each sign. A separate permit shall be required for each sign or signs for each business entity and a separate permit shall be required for each group of signs on a single supporting structure.

C. Compliance with state building code. Separate structural permits under the state building code shall also apply.

D. Electrical permit required. An electrical permit shall be obtained for all illuminated signs, from the enforcing agency subject to the provisions of the state electrical code.

E. Retroactive sign permits. The director may require application for sign permits for all signage at a given address if no existing permits previously had been approved or documented. (Ord. 09-13)

18.780.030 Permit Approval Process

A. Permits for existing signs. Permits for modification of existing signs, or to legalize signs for which a permit was not obtained when it was constructed, will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.

B. Permits for new signs. Permits for new signs will be processed by means of a Type I procedure, as governed by Section 18.390.030, using the requirements of this chapter as approval criteria.

C. Site plan. The applicant shall submit a proposed sign site plan. The director shall provide the applicant with detailed information about this submission requirement.

18.780.040 Expiration of Approval—Standards for Extension of Time

A. Expiration of approval. Sign permit approval shall be effective for a period of 90 days from the date of approval.

B. Reasons for lapsing. The sign permit approval shall lapse if:

1. Substantial construction of the approved plan has not begun within the 90-day period; or
2. Construction on the site is a departure from the approved plan.

- C. Extension of approval. The director shall, upon written request by the applicant, grant an extension of the approval period not to exceed 90 days provided that:
1. No changes are made on the original sign permit plan as approved;
 2. The applicant can show intent of initiating construction of the sign within the 90-day extension period; and
 3. There have been no changes in the applicable policies and ordinance provisions and state building code provisions on which the approval was based.

18.780.050 Inspections

- A. Construction inspection. General requirements for the inspection of signs during and following construction:
1. All construction work for which a permit is required shall be subject to an inspection by the building official in accordance with the state building code and this title:
 - a. A survey of the lot or proposed location for sign erection may be required by the building official to verify compliance of the structure with approved plans; and
 - b. Neither the building official nor the jurisdiction shall be liable for expense or other obligations entailed in the removal or replacement of any material required to allow inspection.
- B. Inspection requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired.
- C. Required interim inspections.
1. Reinforcing steel or structural framework of any part of the proposed structure shall not be covered or concealed without first obtaining approval of the building official;
 2. Foundation inspections shall be made after all required excavations, form work and bolt settings are completed and ready to receive concrete;
 3. All anchorages shall be left exposed for inspection;
 4. Electrical inspection shall be made by the agency issuing electrical permits.
- D. Final inspections. Final inspection shall be called for by the applicant when all work is completed. This inspection shall cover all items required by the building official under state law or city ordinances such as the locations, landscaping if required, and general compliance with the approved plans and requirements of this title.
- E. Director's inspection. The director is authorized and directed to enforce all of the provisions of this chapter:
1. All signs for which permits are required shall be inspected by the director; and

2. Upon presentation of proper credentials, the director may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon the position by this chapter.

18.780.060 Permit Exemptions

A. Exemptions from permit requirements. The following signs and operations shall not require a sign permit but shall conform to all other applicable regulations of this chapter and the provisions of Subsection B of this section:

1. Lawn signs which do not exceed the maximum allowable area on one premises regardless of the number of signs as follows:
 - a. A total of 24 square feet in residential zones;
 - b. A-frame signs shall be no greater than six square feet per face in any residential zone. Lawn signs shall not exceed 12 square feet per face in the R-1, R-2, R-3.5, R-4.5, and R-7 zones. Lawn signs shall be placed on private property and not within the public right-of-way nor shall such signs obstruct the clear vision area described in Chapter 18.795. A-frame signs are permitted only between the hours of 8 a.m. and 6 p.m.;
2. Signs not oriented or intended to be legible from a right-of-way, other property or from the air;
3. Signs inside a building, except for strobe lights visible from a right-of-way, other property or from the air;
4. Painted wall decorations;
5. Painted wall highlights;
6. Signs affected by stipulated judgments to which the city is a party, entered by courts of competent jurisdiction;
7. Directional signs;
8. Interior window signs;
9. Nothing in this title shall prevent the erection, location or construction of directional signs on private property when such signs are solely designed to direct pedestrians or vehicular traffic while on the parcel of real property on which the signs are located. No sign permit or fee shall be required for such signs; and
10. Nothing in this title shall prevent the erection, location or construction of signs on private property where such erection, construction or location is required by any law or ordinance, nor shall any public agency or utility be prohibited from erecting signs on private property when otherwise permitted. No sign permit or fee shall be required for such signs.

B. Requirements for exempted signs. All signs exempt from permit requirements under Subsection A above shall meet the following requirements:

1. The sign shall be erected on private property with the consent of the lawful possessor of the property and shall not be placed on utility poles or in the public right-of-way; and

2. At least one sign shall be permitted per parcel of land; additional signs on such parcel shall be spaced at least 50 feet apart in residential zoning districts and 30 feet apart in nonresidential zoning districts.

C. Exceptions. The sign permit provisions of this section shall not apply to repair, maintenance or change of copy on the same sign (including, but not limited to the changing of a message on a sign specifically designed and permitted for the use of changeable copy), or unlawfully erected or maintained signs. (Ord. 04-02)

18.780.070 Certain Signs Prohibited

A. Prohibited display of flags and banners. It is a violation of this chapter to erect or maintain strings of pennants, banners or streamers, festoons of lights, clusters of flags, strings of twirlers or propellers, flashing or blinking lights, flares, balloons and similar devices of carnival character. Exceptions include:

1. National, state and institutional flags properly displayed;
2. Signs and banners approved as temporary signs; and
3. Balloons as allowed in 18.780.090.C.

B. Unsafe signs or improperly maintained signs. No sign shall be constructed, erected or maintained unless the sign and sign structure is so constructed, erected and maintained as to be able to withstand the wind, seismic and other requirements as specified in the state building code or this title.

C. Signs at intersections. No sign shall be erected at intersections of any streets in such a manner as to materially obstruct free and clear vision. All signs shall be consistent with Chapter 18.795 of this title:

1. No sign shall be erected at any location where, by reason of the position, shape or color, that interferes with, obstructs the view of, or could be confused with any authorized traffic signal or device; and
2. No sign shall be erected which makes use of the word “stop,” “look,” “danger,” or any other similar word, phrase, symbol, or character in such manner as is reasonably likely to interfere with, mislead or confuse motorists.

D. Obscenity. No sign shall bear or contain statements, words or pictures in which the dominant theme of the material, taken as a whole, appeals to the prurient interest in sex or is patently offensive because it affronts the contemporary community standard relating to the description or representation of sexual material which is utterly without redeeming social value.

E. Traffic obstructing signs. No sign or sign structure shall be constructed in such a manner or at such a location that it will obstruct access to any fire escape or other means of ingress or egress from a building or any exit corridor, exit hallway or exit doorway. No sign or supporting structure shall cover, wholly or partially, any window or doorway in any manner that it will substantially limit access to the building in case of fire.

F. Bare light bulbs. Strings of bare lights shall not be constructed, erected, or maintained within view of any private or public street or right-of-way except if designed as part of a structure’s architectural design. This subsection shall not apply to lighting displays as described in subsection A.2 of this

section.

- G. Roof signs. Roof signs of any kind are prohibited, including temporary signs with the sole exception of approved temporary balloons.
- H. Revolving signs. Revolving, rotating or moving signs of any kind are prohibited.
- I. Flashing signs. A sign which displays flashing or intermittent or sequential light, or lights of changing degrees or intensity, with each interval in the cycle lasting two seconds or less. Exposed reflective type bulbs, strobe lights, rotary beacons, par spots, zip lights, or similar devices shall be prohibited.
- J. Temporary signs with illumination or changeable copy. A sign not permanently erected or affixed to any sign structure, sign tower or building which is an electrical or internally illuminated sign or a sign with changeable message characteristics.
- K. Right-of-way. Signs in the public right-of-way in whole or in part, except signs legally erected for informational purposes by or on behalf of a government agency.
- L. Signs on a vehicle. Any sign placed on or painted on a motor vehicle or trailer, as defined by ORS Chapter 801, with the primary purpose of providing a sign not otherwise allowed for by this chapter.
- M. Billboards. Billboards are prohibited. (Ord. 09-13)

18.780.080 Sign Illumination

- A. Surface brightness. The surface brightness of any sign shall not exceed that produced by the diffused output obtained from 800 milliamperes fluorescent light sources spaced not closer than eight inches, center on center.
- B. No exposed incandescent lamps. Any exposed incandescent lamp which exceeds 25 watts shall not be used on the exterior surface of any sign so as to expose the face of such bulb or lamp to any public street or public right-of-way with the exception of electronic information signs.

18.780.085 Sign Measurement

- A. Projecting and freestanding signs.
 - 1. The area of a freestanding or projecting sign shall include all sign faces counted in calculating its area. Regardless of the number of sign cabinets or sign faces, the total allowable area shall not be exceeded.
 - 2. The area of the sign shall be measured as follows if the sign is composed of one or more individual cabinets or sides:
 - a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing and decorative roofing, provided there is no written advertising copy, symbols or logos on such embellishments;
 - b. If the sign is composed of more than two sign cabinets, sign facia or modules, the area enclosing the entire perimeter of all cabinets and/or modules within a single, continuous

geometric figure shall be the area of the sign. Pole covers and other embellishments shall not be included in the area of the sign measurement if they do not bear written advertising copy, symbols or logos; and

- c. The overall height of a freestanding sign or sign structure is measured from the grade directly below the sign to the highest point of the sign or sign structure and shall include architectural and structural embellishments.

B. Wall signs.

1. The area of the sign shall be measured as follows:

- a. The area around and enclosing the perimeter of each cabinet, sign face or module shall be summed and then totaled to determine total area. The perimeter of measurable area shall not include embellishments such as pole covers, framing and decorative roofing, provided there is no written advertising copy, symbols or logos on such embellishments;
- b. If the sign is composed of individual letters or symbols using the wall as the background with or without added decoration, the total sign area shall be calculated by measuring the area within the perimeter of all symbols and letters or other decoration including logos;
- c. Measurement of the wall area pertaining to flush pitched “roof” signs shall be calculated as if the sign were mounted directly on the wall face immediately below the sign; and
- d. Measurement of the wall area pertaining to awning or canopy signs shall be calculated to include the vertical surface of the awning or canopy on which the sign is to be mounted and the wall surface of the structure to which it is attached.

18.780.090 Special Condition Signs

- A. Applicability. Special-condition signs shall have special or unique dimensional, locational, illumination, maximum number or other requirements imposed upon them in addition to the regulations contained in this chapter.

B. Bench signs.

1. Bench signs shall only be permitted at designated transit stops in commercial, industrial and the R-12, R-25 and R-40 zones where no bus shelter exists:
 - a. There shall be no more than one bench sign per allowable transit stop;
 - b. Placement of the bench sign shall not interfere with pedestrian traffic or be located within a vision clearance area or a public right-of-way unless otherwise determined to be permissible by the city engineer;
 - c. Application for a bench sign shall include the signature of the affected property owner, proof of liability insurance and any required permits from the state highway division or Washington County, where applicable; and
 - d. The sign area shall be limited to a total of 14 square feet.

C. Balloons.

1. One inflatable, stationary balloon or one cluster of children's balloons firmly secured shall be allowed only if all of the following conditions are satisfied:
 - a. A City of Tigard sign permit is obtained for each single or cluster of balloons;
 - b. Each owner or legal occupant of property or a building shall be allowed one balloon per year;
 - c. A balloon sign shall be allowed to remain up for a period of no longer than 10 days per year;
 - d. A permit issued for a balloon will serve as one of the three sign permits allowed per business in a calendar year;
 - e. Balloons may be permitted as roof signs with a city sign permit;
 - f. The size of a balloon shall not exceed 25 feet in height; and
 - g. The balloon shall be secured to a structure on the ground and shall not be allowed to float in the air higher than 25 feet above the nearest building roof line.

D. Electronic message centers.

1. Electronic message center (variable message) sign regulations shall ~~be as follows~~ subject to all of the following restrictions:
 - a. Electronic message center signs shall be permitted only in the C-G, MUC, and MU-CBD zones, and at schools that front an arterial street where the sign is not less than 200 feet from an abutting residential use and is oriented to the arterial street~~;~~;
 - b. The maximum height and area of an electronic message center sign shall be that which is stipulated in Section 18.780.130~~, and any other applicable standards of this title;~~
 - ~~c. Electronic message centers may not be substituted for a nonconforming sign or mounted upon a nonconforming sign or sign structure, unless the sign and sign structure are brought into compliance with all of the provisions of this title;~~
 - ~~d. An electronic message center shall be allowed to substitute for one freestanding sign or one wall sign, except in the MUC zone where an electronic message center may only be substituted for one freestanding sign and no other sign type. Electronic message centers shall not be substituted for any other sign types set forth in this title, and shall not be allowed to replace or supplement a billboard, freeway oriented sign, or any other sign types other than those specifically allowed above;~~
 - ~~d. e~~ One electronic message center sign, ~~shall be either freestanding or wall mounted,~~, shall be allowed per premises~~; and~~
 - ~~e. f~~ With regard to light patterns:
 - i. Traveling light patterns ("chaser effect") shall be prohibited;

- ii. Messages and animation shall be displayed at intervals of greater than two seconds in duration.

E. Freestanding freeway-oriented signs.

1. For signs requiring a permit under the Oregon Motorist Information Act, the city will determine pursuant to a Type 1 process whether the sign meets all applicable city standards and provide that determination to any applicant for a state permit consistent with ORS 377.723.
2. Freeway-oriented signs shall be permitted only in the C-G, I-P, I-L and I-H zoning districts.
3. Freeway-oriented signs shall be permitted to be located within 200 feet of Highway 217 and/or Interstate Freeway No. 5 rights-of-way as shown in the freeway-oriented sign (FOS) overlay zone maps in Figure 1. (Figure 1 is on file in the city recorder's office.)
4. One freestanding freeway-oriented sign shall be allowed per premises.
5. The maximum height of a freeway-oriented sign shall not exceed 35 feet from the ground level at its base.
6. For freestanding signs a total maximum sign area of 160 square feet per face (320 square feet total) shall be allowed.
7. Freeway-oriented signs shall be oriented to be viewed from the freeway.
8. In addition to a freeway-oriented sign, each parcel, development complex or premises shall be allowed one freestanding sign provided all other provisions of this chapter can be met and both signs are located on separate frontages with different orientations.
9. Freeway-oriented signs are not permitted as roof, tenant, temporary, balloon, wall and awning signs.

F. Awning signs.

1. Awning signs shall be permitted in all zoning districts;
2. The copy on awning signs may not extend above the upper surfaces of the awning structure. They may be hung below the awning if the sign clears the sidewalk by at least 8-1/2 feet;
3. Awning signs may be internally or externally illuminated; and
4. Awning signs may extend into the public right-of-way 6-1/2 feet or 2/3 of the distance to the roadway, whichever is less. However, no sign may extend within two feet of the roadway. State highway division approval shall be necessary for awning signs on state highways.

G. Flush pitched "roof" sign.

1. Flush pitched roof signs shall be allowed in all zoning districts except residential;
2. The face of flush pitched roof signs may not extend more than six inches above the roof line;

3. Flush pitched roof signs shall be parallel to the building face. They may not extend beyond the building wall. Such surfaces shall be considered part of a wall surface in the calculation of total wall area;
 4. Such signs shall be attached to a mansard or other near vertical roof where the roof angle is greater than 45° from horizontal; and
 5. All code provisions applicable to wall signs shall also be applicable to this type of sign.
- H. Painted wall signs. Wall signs, including symbols or logos, which are painted directly onto the wall surface shall not exceed in gross wall area that percentage normally allowed for a wall sign in that zoning district; however, the vertical dimension of the sign cannot exceed 20% of the height of the wall.
- I. Entryway signs. Entryway signs shall be permitted in all districts.
- J. Cultural institution auxiliary signs.
1. Cultural institution auxiliary signs shall be permitted in all zoning districts.
 2. Cultural institution auxiliary signs are limited to one sign and must be either within the same sign structure as another freestanding sign on the property where the cultural institution is located or on a wall of the primary building of the cultural institution. A wall sign must be consistent in structure and materials with any existing wall sign on the cultural institution. The sign area of a cultural institution auxiliary sign shall not exceed four square feet per face. (Ord. 10-04 §1; Ord. 06-13, Ord. 06-09, Ord. 04-03)

18.780.100 Temporary Signs

- A. Authorization. The director shall be empowered to authorize temporary signs not exempted by Section 18.780.060 by means of a Type I procedure, as governed by Chapter 18.390, using approval criteria contained in Chapter 18.385. The director shall attach such conditions to the issuance of a permit for a temporary sign as may be necessary to ensure discontinuance of the use of the sign in accordance with the terms of the authorization, and to ensure substantial compliance with the purpose of this title.
- B. Expiration.
1. A temporary sign permit shall terminate within 30 days from the date of issuance; and
 2. No permit shall be issued for a period longer than 30 days, but a permit may be reissued by the director for two additional permit periods of 30 days each per calendar year.
- C. Types and locations. Types and locations of temporary signs shall be as follows:
1. The total number of temporary signs issued by permit shall not exceed one for any use at any one period of time; such signs are not permitted for single-family and duplex dwellings. Exempted lawn signs in residential zones are not governed by this provision;
 2. The total area of a temporary sign shall not exceed 24 square feet and no more than 12 square feet per face; such signs are not permitted for single-family and duplex dwellings. The permitted area

for a banner shall be no more than 24 square feet per face with the total sign area not to exceed 24 square feet;

3. See 18.780.015.A.52 for the types of temporary signs which may be approved;
 4. Special event banners to be hung across public right-of-ways may be permitted by the city Manager's designee;
 5. A balloon as provided in 18.780.090.C.
- D. Location. The location of a temporary sign requiring a permit shall be as approved by the director. Exempted lawn signs shall be placed only on private property, outside of the public right-of-way, and may not obstruct the clear vision area.
- E. Attachment. Temporary signs may not be permanently attached to the ground, buildings or other structures. (Ord. 04-02)

18.780.110 Nonconforming Signs

- A. Applicability. For the purposes of this chapter, non-conforming signs will be defined as follows:
1. Except as provided in this chapter, signs in existence on March 20, 1978, in accordance with Ordinance Nos. 77-89 and 78-16, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which may be continued until March 20, 1988.
 2. Signs in existence on January 11, 1971, which do not conform to the provisions of this chapter, but which were constructed, erected or maintained in compliance with all previous regulations, were regarded as nonconforming signs and could be continued for a period of 10 years from January 11, 1971. All such signs which were not brought into compliance with the standards in Ordinance Nos. 77-89 and 78-16 and the extensions granted, are now in violation of this chapter.
 3. Signs located on premises annexed into the city after January 11, 1971, which do not comply with the provisions of this chapter, shall be brought into compliance with this chapter within a period of ten years after the effective date of the annexation.
 4. Any sign which is structurally altered, relocated or replaced shall immediately be brought into compliance with all of the provisions of this chapter, except the repairing and restoration of a sign on site or away from the site to a safe condition. Any part of a sign or sign structure for normal maintenance shall be permitted without loss of nonconforming status.
- B. Restrictions. For purposes of this title, a sign face or message change shall be subject to the following provisions:
1. A sign face or message change on a nonconforming sign is not allowed as an alteration when the affected property and sign structure have been abandoned for greater than 90 days;
 2. A sign face or message change shall be allowed as an alteration only for existing conforming signs and for nonconforming signs prior to their amortization expiration date; and
 3. No sign permit shall be required for allowable sign face or message changes.

- C. Reconstruction. Should a nonconforming sign or sign structure or nonconforming portion of structure be destroyed or repaired by any means to an extent of more than 50% of its replacement cost, it shall not be reconstructed except in conformity with the provisions of this title.
- D. Requirements for conformance. Signs in existence on the effective date of this chapter which do not comply with provisions regulating flashing signs; use of par spotlights or rotating beacons; rotating and revolving signs; flags, banners, streamers, or strings of lights, or temporary or incidental signs; shall be made to conform within 90 days from the effective date of this chapter. (Ord. 04-03)

18.780.120 Sign Removal Provisions—Nonconforming and Abandoned Signs

- A. Conformance required. All signs erected after the effective date of this title, which are in violation of any provisions of this chapter, shall be removed or brought into conformance upon written notice by the director.
- B. Removal. All signs which do not comply with this chapter, but were erected prior to the effective date of the ordinance codified in this chapter, shall be removed or brought into conformance within 60 days from written notice by certified mail given by the director.
- C. Enforcement. If the owner of sign, building, structure or premises fails to comply with the written order, the director may then cite the owner into court subject to Chapter 18.230, Enforcement. The following exceptions apply:
 - 1. Section 18.780.110, Nonconforming Signs, provides for certain time limits and other conditions for certain signs as described therein.
 - 2. Any sign that by its condition or location presents an immediate or serious danger to the public, by order of the building official, shall be removed or repaired within the time the building official may specify. In the event the owner of such sign cannot be found or refuses to comply with the order to remove, the building official shall then have the dangerous sign removed and the owner cited for noncompliance and recovery of any damage or expense.
 - 3. All temporary signs shall be removed as provided in 18.780.100.B.1, or in the case of temporary balloons as provided in 18.780.090.C.1.
- D. Responsible party for removal. Any person who owns or leases a nonconforming or abandoned sign or sign structure shall remove such sign and sign structure when the expiration of the amortization period for the sign(s) as provided in Section 18.780.110 has occurred or the sign has been abandoned:
 - 1. If the person who owns or leases such sign fails to remove it as provided in this section, the director shall give the owner of the building, structure or premises upon which such sign is located, 60 days written notice to remove it;
 - 2. If the sign has not been removed at the expiration of the 60 days notice, the director may remove such sign at cost to the owner of the building, structure or premises;
 - 3. Signs which are in full compliance with city sign regulations, which the successor to a person's business agrees to maintain as provided in this chapter, need not be removed in accordance with this section; and

4. Costs incurred by the city due to removal, may be made a lien against the land or premises on which such sign is located, after notice and hearing, and may be collected or foreclosed in the same manner as liens otherwise entered in the liens docket of the city.

18.780.130 Zoning District Regulations

A. In the R-7, R-4.5, R-3.5, R-2 and R-1 zones. No sign of any character shall be permitted in an R-7, R-4.5, R-3.5, R-2 or R-1 zone except the following:

1. Wall sign(s) may not exceed a combined total area of four square feet;
2. Every housing complex shall be allowed one permanent freestanding sign at each entry point to the housing complex from the public right-of-way, with the site properly landscaped, and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;
3. Every platted subdivision shall be allowed one permanent, freestanding sign at each entry point to the subdivision from the public right-of-way, with the site properly landscaped and not exceeding 32 square feet per face in area. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;
4. For nonresidential uses, one illuminated or non-illuminated freestanding sign not exceeding six feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process will be permitted. Wall signs may not exceed five percent of the gross area of the wall face on which the sign is mounted;
5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets will be permitted. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
6. The signs specified in 18.780.060.A shall be allowed, subject to any restrictions imposed by this title;
7. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
8. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
9. Special condition signs in accordance with Section 18.780.090; and
10. Additional permitted sign include awning sign(s) and painted wall sign(s).

B. In the R-12, R-25 and R-40 zones. No sign shall be permitted in the R-12, R-25 or R-40 zone except for the following:

1. Wall sign(s) may not exceed a combined total area of one square foot per dwelling unit and may not project from the wall face;
2. Every housing complex shall be allowed one permanent freestanding sign at each entry point to the housing complex from the public right-of-way, with the site properly landscaped and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;

3. Every platted subdivision shall be allowed one permanent freestanding sign at each entry point to the subdivision from the public right-of-way, with the site properly landscaped, and not exceeding 32 square feet in area per sign face. Illumination may be approved as long as it does not create a public or private nuisance, as determined by the director considering the purpose of the zone;
 4. For nonresidential uses, one illuminated or non-illuminated freestanding sign not exceeding six feet in height and 32 square feet in area per sign face for uses approved under the site development review or conditional use process will be permitted. Wall signs may not exceed five percent of the gross area of the wall face on which the sign is mounted;
 5. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets will be permitted. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 6. The signs specified in 18.780.060.A shall be allowed, subject to any restrictions imposed by this title;
 7. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 8. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 9. Special condition signs in accordance with Section 18.780.090; and
 10. Additional permitted sign including awning sign(s) and painted wall sign(s).
- C. In the C-G and MU-CBD zones. No sign shall be permitted in the C-G and MU-CBD zones except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties in commercial zones:
 - a. One multi-faced, freestanding sign shall be permitted subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,
 - d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 90 square feet per face or a total of 180 square feet for all faces, and
 - e. Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line

or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 22 feet in height;

2. Wall signs.
 - a. Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area 15% of any building face on which the sign is to be mounted,
 - b. Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos, and letters;
3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
4. Electronic message centers per 18.780.090.D shall be permitted;
5. The signs specified in 18.780.060.A shall be allowed, subject to any restrictions imposed by this title;
6. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
7. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
8. Special condition signs in accordance with Section 18.780.090; and
9. Additional permitted sign including awning sign(s), flush pitched "roof" sign(s), freeway-oriented sign(s), tenant sign(s), projecting sign(s), and painted wall sign(s).

D. In the C-P zone. No sign shall be permitted in the C-P zone except for the following:

1. Freestanding signs shall have certain limitations and conditions when permitted on properties zoned C-P including:
 - a. One multifaced, freestanding sign per premises shall be permitted, subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of freestanding signs shall be 32 square feet per face or a total of 64 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,
 - d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved the

measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 52 square feet per face or a total of 104 square feet for all faces, and

- e. Freestanding signs located next to the public right-of-way shall not exceed eight feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement whichever is less to a maximum of 10 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties zoned C-P including:
 - a. Wall signs, including illuminated readerboards, may be erected or maintained but shall not exceed five percent in gross area of any wall face on which the sign is to be mounted,
 - b. Wall signs shall be parallel to the face of the building upon which the sign is located, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters;
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), flush pitched "roof" sign(s) and painted wall sign(s).
- E. In the C-N and C-C zones. No sign shall be permitted in the C-N and C-C zones except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties zoned C-N or C-C:
 - a. One multifaced, freestanding sign per premises shall be permitted subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of freestanding signs shall be 32 square feet per face or a total of 64 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,

- d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 52 square feet per face or a total of 104 square feet for all faces, and
 - e. Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement whichever is less to a maximum of 22 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties zoned C-N or C-C:
 - a. Wall signs, including illuminated reader-boards, may be erected or maintained but shall not exceed in gross area 10% of any building face on which the sign is to be mounted,
 - b. Wall signs shall be parallel to the face of the building upon which the sign is located, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters;
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), tenant sign(s), flush pitched "roof" sign(s) and painted wall sign(s).
- F. In industrial zones. No signs shall be permitted in an I-P, I-L or I-H zone except for the following:
1. Freestanding signs shall have certain limitations and conditions when permitted on properties in industrial zones;
 - a. One multifaced, freestanding sign shall be permitted subject to conditions and limitations as stated herein,
 - b. A reader-board assembly may be an integral part of the freestanding sign,
 - c. The maximum square footage of signs shall be 70 square feet per face or a total of 140 square feet for all sign faces. No part of any freestanding sign shall extend over a property line into public right-of-way space,

- d. The sign area may be increased one square foot for each lineal foot the sign is moved back from the front property line to which the sign is adjacent. If the street is curbed and paved, the measurement may be taken from a point which is 15 feet from the pavement. This increase in sign area is limited to a maximum of 90 square feet per face or a total of 180 square feet for all faces, and
 - e. Freestanding signs located next to the public right-of-way shall not exceed 20 feet in height. Height may be increased one foot in height for each 10 feet of setback from the property line or a point 15 feet from the edge of pavement, whichever is less, to a maximum of 22 feet in height;
2. Wall signs shall have certain limitations and conditions when permitted on properties in industrial zones:
 - a. Wall signs, including illuminated readerboards, may be erected or maintained but shall not exceed in gross area 15% of any building face on which the sign is to be mounted,
 - b. Wall signs may not project more than 18 inches from the wall or extend above the wall to which they are attached, and
 - c. If it is determined under the development review process that the wall sign's visual appeal and overall design quality would be served, an additional 50% of the allowable sign area may be permitted. No copy will be permitted, however, in the additional area permitted. For purposes of this subsection, "copy" includes symbols, logos and letters;
 3. Directional signs on private property when such signs are solely designed to identify driveway entrances and exits for motorists on adjoining public streets. One sign with an area of four square feet per face shall be permitted per driveway. Such signs shall be consistent with Chapter 18.795, Visual Clearance Areas;
 4. Temporary signs in accordance with Sections 18.780.090 and 18.780.100;
 5. Lawn signs in accordance with 18.780.060.A.1, A.6, and B.2;
 6. Special condition signs in accordance with Section 18.780.090; and
 7. Additional permitted sign including awning sign(s), tenant sign(s), freeway-oriented sign(s), projecting sign(s), flush pitched "roof" sign(s), and painted wall sign(s).
- G. Additional requirements in commercial and industrial zones. If it is determined under the site development review process that the sign's visual appeal and overall design quality would be served while maintaining the intent and purpose of this chapter, an additional 50% of the allowable sign area and 25% of sign height may be permitted. No copy will be permitted in the additional area or height. For purposes of this subsection the word "copy" includes symbols, logos and figures, as well as letters.
1. Each freestanding sign shall be surrounded by an area set aside to protect the sign from vehicles negotiating in the parking area of the business and the area set aside shall be landscaped.

- a. The size and shape of the area set aside and the landscaping shall be represented on the plot plan required by permit and shall be subject to the review and control of the director, under the site development review process; and
 - b. On existing sites where a landscape island is not feasible, the minimum clearance between the lowest portion of a freestanding sign and the ground shall be 14 feet in any vehicle maneuvering area.
2. No freestanding sign, nor any portion of any freestanding sign, shall be located or project over any portion of a street, sidewalk or other public right-of-way or property unless an exception has been granted.
3. When a premises contains more than a single tenant but is not defined as a shopping center, the provisions of a freestanding sign shall take into consideration the need for providing a signing system which is harmonious in appearance and legible:
 - a. The building owner shall provide, at his own expense, a common support for all tenant signage; and
 - b. Up to an additional 50% of sign copy area may be permitted under the site development review process so as to adequately identify the separate tenants when determined that the increased sign area will not be inconsistent with the purpose of this chapter.
4. Shopping centers or industrial parks shall establish a single signing format:
 - a. Up to an additional 50% of sign area may be permitted under the development review process to adequately identify the complex when it can be determined that the increased sign area will not be inconsistent with the purposes of this chapter;
 - b. This increase should be judged according to unique identification needs and circumstances which necessitate additional area to make the sign sufficiently legible; and
 - c. When a shopping center or industrial park has more than one main entrance on separate frontages, a second freestanding sign may be allowed under the site development review process. The two allowable signs shall face separate frontages and are not intended to be viewed simultaneously.
5. Legal owners or occupants of properties or buildings which are in shopping plazas and which are directly located or are proposed to be located on a commercially- and industrially-zoned corner property(ies) (one or more contiguous tax lots located at the intersection of two or more public streets), shall be allowed to have one freestanding sign along each street frontage when all of the following are met:
 - a. A sign permit shall be required for each sign prior to its erection;
 - b. The total combined height of two freestanding signs on the premises shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district;
 - c. Neither of the signs shall exceed the sign height normally allowed in the zoning district in which the signs are located (See Section 18.780.030);

- d. No more than two freestanding signs shall be permitted;
 - e. The two allowable signs shall face separate frontages and are not intended to be viewed simultaneously; and
 - f. All other provisions of this chapter shall apply.
6. Shopping centers in the C-G zoning district shall be entitled to freestanding signage according to the following optional standards:
- a. A maximum of two freestanding signs shall be permitted per roadway frontage provided they can meet both sign area and sign height requirements as set forth in this subsection;
 - b. The combined height of two signs shall not exceed 150% of the sign height normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the height normally allowed in the same zoning district;
 - c. Total combined sign area for both signs shall not exceed 150% of what is normally allowed for one freestanding sign in the same zoning district; however, neither shall exceed the area normally allowed in the same zoning district;
 - d. Neither sign shall pose a vision clearance problem or shall project into the public right-of-way;
 - e. A sign permit shall be required prior to erection of any freestanding sign referred to in this subsection. (Ord. 10-02 §2; Ord. 09-13)

18.780.140 Sign Code Adjustments

- A. Adjustments. The director may grant an adjustment to the requirements of this chapter by means of a Type I or Type II procedure, as governed by Chapter 18.390, using approval criteria in 18.370.020.C.8.
- B. If an adjustment is granted, the rights thereby given to the applicant shall continue to exist and to belong to the applicant or any other owner of the land for a period of 1-1/2 years from the date of final approval:
 - 1. If, at the expiration of 1-1/2 years from the date of approval, construction of the structure or initiation of the use giving rise to the need for the adjustment has not begun, the rights given by the adjustment approval shall terminate without further action by the city; and
 - 2. Said rights shall also terminate at or after the expiration of 1-1/2 years from approval if, though commenced within 1-1/2 years, construction ceases and is not resumed within 60 days. (Ord. 09-13) ■

**CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
February 9, 2015**

CALL TO ORDER

President Rogers called the meeting to order at 7:00 p.m. The meeting was held in the Tigard Civic Center, Town Hall, at 13125 SW Hall Blvd.

ROLL CALL

Present: President Rogers
Vice President Fitzgerald
Commissioner Feeney
Commissioner Lieuallen
Commissioner Middaugh
Commissioner Muldoon
Commissioner Ouellette
Commissioner Schmidt
Commissioner Smith

Absent: Alt. Commissioner Enloe; Alt. Commissioner Mooney

Staff Present: Tom McGuire, Assistant Community Development Director; John Floyd, Gary Pagenstecher, Associate Planner; Sean Farrelly, Redevelopment Project Manager; Doreen Laughlin, Executive Assistant

COMMUNICATIONS – Commissioners Fitzgerald, Muldoon, Lieuallen, & Schmidt reported that they'd attended a presentation on traffic & highway safety earlier in the month. They thought it was well worth the time.

CONSIDER MINUTES

February 2 Meeting Minutes: President Rogers asked if there were any additions, deletions, or corrections to the February 2 minutes; there being none, Rogers declared the minutes approved as submitted.

OPEN PUBLIC HEARING (Continued from January 12, 2015)

President Rogers opened the public hearing.

PUBLIC HEARING

MARIJUANA FACILITIES DEVELOPMENT CODE AMENDMENT

Development Code Amendment (DCA) 2014-00002

PROPOSAL: The City of Tigard proposes legislative amendments to the Tigard Development Code (TDC) to establish reasonable time, place, and manner regulations for marijuana facilities. Proposed changes include new definitions to be placed within Chapter 18.120 (Definitions); text amendments to Chapter 18.210 (General Administrative Provisions) to remove a requirement that development be consistent with federal law; and creation of a new chapter to be titled 18.735 (Marijuana Facilities) that

would limit hours of operation, establish minimum buffer distances from residential and park zones, require exterior design requirements to enhance security, establish off-site odor standards, and create an associated review procedure. The proposed text and map amendments for the Planning Commission’s review are included in **Attachment 1**, and summarized in Section IV of the staff report. **APPLICANT:** City of Tigard. **ZONES:** Citywide **LOCATION:** Citywide and properties identified in the staff report maps. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1 (Citizen Involvement), 2 (Land Use Planning), 6 (Air, Water, and Land Resources Quality), and 9 (Economic Development); ORS 475 (Oregon Medical Marijuana Act); Statewide Ballot Measure 91 (Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act); Comprehensive Plan Goals 1.1.2, 2.1.2, 2.1.3, 2.1.6, 2.1.11, 2.1.21, 2.1.23, 2.1.24, 6.1.7, 9.1.3, 9.1.12, 10.2.1 and 10.2.8.; and TDC Chapters 18.380.020 and 18.390.060.G

APPLICANT

The applicant in this case is the City of Tigard. Associate Planner John Floyd introduced himself and noted that this was a continuation of the January 12th public hearing. He reminded the commissioners that at meeting the Planning Commissioners had a list of questions that they’d wanted staff to address. John noted that he’d bundled those into four themes. He went over a PowerPoint to address their concerns (**Exhibit A**).

The four themes he based his presentation on are:

- Mixed Use Zones: Include or Exclude?
- Minimum Buffer Distances: increase or decrease? Exceptions?
- Minimum distances between facilities to reduce concentration/corridor effect?
- Site Security and Facility Design

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

QUESTIONS FROM THE COMMISSIONERS –

What is the definition of a permanent building? “A non-mobile structure with a roof supported by columns or walls, and attached to a permanent foundation or footings.”

Why is this a “cash only” business? My understanding of this, based on my conversations with the City Attorney and others, is that it’s a federalism issue in that marijuana is legal at the state level in Oregon now as well as in some other states, but is not recognized as legal by the federal government – it’s still a schedule 1 drug. So these businesses are operating out of compliance with Federal Law and I believe it has to do with the risk of prosecution by the federal government that a lot of banks are choosing to not participate in this economy.

TESTIMONY IN FAVOR

Lester Brock 25977 SW Meadowbrook Lane in Sherwood was of the opinion that the dispensaries should be in plain view. He thinks 99 and down through Main Street would be a good location. He thinks the grow operations would be better located in industrial parks. As a possible dispensary owner, he would want the public to be able to see it and believes it would be good for law enforcement to be able to see it easily as well. He doesn’t believe it would be safe to

be tucked behind somewhere in an industrial park. He said some banks do allow banking with them and said he thinks it's not only a "cash only" business.

Jeremy Audritsh, 1255 SW Pathfinder Court, Tigard wanted a definition of "facilities." Would that be a grow operation? A retail operation? John Floyd gave the definition, per the proposal, as follows: "A marijuana facility is a commercial or public use or structure where marijuana is produced, processed, distributed, transferred, sold, or consumed."

Layton Gorbett, 7110 SW Virginia Avenue, Portland, OR 97219 with the "Oregon Resource Group," said he consults businesses and individuals in the cannabis industry. He passed out some written information and showed the commissioners photos of what he believes are a good representation of what a lot of medical dispensaries look like (**Exhibit B**). He said there's no indication that a 1000 foot buffer around a school creates safety for anybody and that it's political, feeling based, legislation that got the law passed.

QUESTIONS

You talked about medical dispensaries - are you talking about recreational marijuana as well? Absolutely – when the state's figured out what Measure 91's going to look like – then of course, we'll go that route. Right now we're not advising any clients in that area. We don't know what it's going to look like so there's no way of giving any good advice.

TESTIMONY IN OPPOSITION

Art Cornelius, 13398 SW Benchview Terrace, Tigard, OR 97223 – believes that the distances you establish in this particular process will never be able to be expanded. He recommends that they look toward the broader buffer distances. He noted they can always be modified later on but you'll never be able to make them bigger. He recommends starting with the Washington County restriction which is a 2000 ft. buffer zone. Secondly, security is an issue because these are cash only businesses and are a magnet for predatory people to come in and try to rob them. He doesn't believe they should be too close to schools.

PUBLIC HEARING CLOSED

No further testimony or questions from the audience allowed.

DELIBERATION

President Rogers noted that staff had presented a very good proposal and had answered the questions that they'd sent to them at the last hearing. He noted that there'd been good testimony on both sides and that at the end of the day – or sometime in the future – they would need to come to the point of making a motion; this was the time to discuss the subject and come to a conclusion, if possible.

Some of the commissioners didn't see any value in putting minimum or maximum distances between these types of facilities; others disagreed and believe there's a need to have minimum buffer distances, whether medicinal or recreational.

President Rogers went around the table and asked for thoughts from all the commissioners. There were comments and discussion on buffer zones; minimum or maximum distances between the types of facilities; pros and cons of conservative buffer zones; allowing or disallowing in mixed-use areas; restricting to secluded or well lit areas; and the pros and cons of centralizing facilities to certain areas such as the use of a “green light” district.

After much discussion as to coming up with the language of a motion the following motion was made:

MOTION

Commissioner Smith made the following motion regarding DCA2014-00002:

“I propose we adopt the staff recommendation from January for producers, processors, and wholesalers that do not sell to the general public. For retailers and wholesalers that sell to the general public, I move that they only be allowed along Hwy99 and Main Street with 1000 ft buffer between facilities; they need to front face, or ‘see the door’ from Hwy99 or Main Street with that 1000’ buffer and the other staff conditions. That it would be 500’ from schools, 500’ from parks. I also recommend approving staff’s new definition of a building structure adding to it ‘permanently attached to the permanent foundation’.”

President Rogers added to the motion:

“We will forward a recommendation to Council on exploring how to deal with consumption on-site for retail establishments.”

Commissioner Muldoon seconded the motion.

A vote was taken: all in favor - none opposed, none abstained.

MOTION PASSES UNANIMOUSLY

John Floyd noted that this is scheduled to go before the City Council on March 10th.

5 MINUTE RECESS

OPEN PUBLIC HEARING

President Rogers opened the second public hearing.

OMNIBUS CODE AMENDMENT PACKAGE

Development Code Amendment (DCA) 2014-00003:

Proposed text amendments to the Tigard Development Code would result in the following changes to standards and procedures therein:

1. Establishment of design and siting standards for above-ground utility cabinets on private property;
2. Amendment of the “Railroad and Utility Corridor” use classification into “Transportation and Utility Corridors”, for the purpose of including trails; and

- associated amendments to Chapters 18.520 and 18.530 to allow trails as a permitted use in all commercial and industrial zones.
3. Amendment of the sign code to allow electronic message centers in the MUC zone in the Washington Square Plan District, and clarification of existing restrictions on these types of signs.
 4. Amendment of Map 18.610.A of the Downtown Tigard Plan District to expand the “Station Area Overlay” by approximately 17.94 acres to include ten properties near the intersection of Ash Avenue and Burnham Street.

APPLICANT

As the applicant, City of Tigard Associate Planner, John Floyd, explained that the omnibus package is a group of four different development code amendments and, for efficiency sake, they are being presented together, as a package:

Combined Development Code Amendments

1. Utility Cabinets: Development Standards on Private Property
2. Transportation and Utility Corridor Use Classification
3. Electronic Message Center Amendments
4. Expand Station Area Overlay in Downtown Plan District Chapter

With regard to the first amendment - utility cabinet standards – he explained that this is in response to anticipated changes in technology and utility service delivery to the city. New providers coming into the city may potentially have an interest in locating large utility boxes and structures on private property and some could be substantially larger than what we traditionally see in the city. The development regulations would come into play when a new utility cabinet is proposed on private property. It’s a conditional use and would be reviewed as such. There would be additional standards in that the equipment would have to be located underground. If it cannot be located underground, there are regulations where it’d have to be located in the most inconspicuous part of the property possible. This is because we’ve had a cabinet request for things 10’ wide by 30’ long – and this is a substantial change from what we typically see. It’s basically to reduce visual clutter in the city. It’s a rule change – not a specific proposal for a specific property in the city.

The second major change is a reclassification of multi-use trails. Presently, trails are included under the community recreation land use classification - so the zoning code treats them as recreational uses only. In fact, trails are becoming more of a primary transportation facility for a lot of people. We have a new strategic plan which calls for greater connectivity in the city. The idea behind this code amendment is to reclassify trails in a transportation and utility corridor classification which are longer than a year sort of facilities - and typically with people around. They would move from a conditional use to a permanent use in commercial and industrial zones but still be considered through a conditional use processing in residential zones. There’s potentially lower impact and more things to consider when placing trails in a residential zone.

The third change is two different sets of amendments to our sign code – both revolve around electronic message centers. Right now electronic message centers are allowed in two zones – plus there’s an exception. They’re basically allowed in the CG, general commercial zone in the MU-CBD zone. They’re also allowed at public or private schools under certain circumstances.

Electronic message centers are basically anything with a changeable message. They could be LED lights, or the old fashioned light bulbs; everything from a time and temperature sign, up to that large digital billboard you might have seen across from Washington Square Mall. There was a request to expand the allowed zones to Washington Square. A property owner there wanted a time and temperature sign so, on council direction, staff has prepared a code amendment to allow electronic message centers in the MUC zone around Washington Square Mall - but only as a freestanding sign, not as a wall sign – because wall signs are regulated. There was a recent LUBA case in Tigard regarding electronic message centers and nonconforming sign regulations. The city prevailed but LUBA noted that our language could have been clearer – so this code amendment also clarifies and strengthens our current restrictions on electronic message centers. That pertains to the billboard across from Washington Square Mall – which should be removed in a couple of weeks.

The fourth proposed code change is the proposed expansion of the station area overlay. As a background – the Downtown Tigard Planned District is broken up into sub-areas. Overlaying them is a station area overlay. It allows higher densities for properties in its overlay. It's meant to incentivize higher density near the Transit Center. Right now it doesn't cross Burnham Street and the idea would be to bring those additional properties in. The affected properties are within a roughly five minute walk from the station. So this would basically put people who are likely to use transit near the Transit Center.

QUESTIONS OF STAFF

Looking at this from an electrical, safety, and reliability point of view – is there anything that you reviewed having any impact? Secondly, as for general safety – will there be any risk of flooded vaults out of this as you're going underground? Thirdly, is there any impact on Certificates of Public Convenience & Necessity or CPCN's? Gary Pagenstecher answered no to all three of the questions. The standards are designed for “visual clutter” that John Floyd mentioned. The default that these standards propose is underground vaults – so there is no issue after that. If it's above ground because it's demonstrated that it has to be the type of cabinet it is, without cost being a factor, then these regulations would come into play and the effect of them would be to minimize the visual presence of the vault. First, you site it somewhere it's not visible. If it has to be visible then it needs to be dark and non-reflective – and it would also have to be screened from view. In that order, because we know screening is not reliable over time and dark paint and non-reflective materials have great effect in terms of not drawing your eye to them. They tend to minimize the size. So it's “avoid, minimize, and mitigate.” The same thing you'd use in a natural resource protection.

I know for a fact that there's a stainless steel signal light control cabinet at the corner of Durham and 99W. Does that mean that, since they're above ground, they have to be dark? Are the cabinets going to be replaced and retrofitted or is it geared towards new? It's geared towards new and this is not going to apply retroactively – and we're talking about larger cabinets than those. What size cabinet is subject to this regulation? I don't think we've determined that. Does this give Google the right to put a 4 ft. x 2 ft. x 2 ft. cabinet in someone's front yard now that they couldn't have done before? I think you've said that with existing rules they would have had to work out something with the property owner... now they're going to have the right to do it? We don't have a size requirement that triggers the applicability of the standards and that may be a problem for these regulations. What

we said is larger cabinet types greater than these control cabinets that we see now. Anything larger than that, they would apply to. President Rogers asked **“So is it too restrictive if the commission, during this hearing process, came up with a size standard?”** You could do that, yes.

TESTIMONY IN FAVOR – None.

TESTIMONY IN OPPOSITION

Mark Schnetzky – 11860 SW 91st Ave. Tigard 97223 – said he is opposed mostly because he doesn’t fully understand what it means in terms of the Tigard grange. The grange is looking at bringing in a type of shipping container. Would that be defined as a utility cabinet? President Rogers answered that a shipping container would not be defined as a utility cabinet. It’s more of a storage type facility. Mr. Schnetzky asked what this would mean so far as posting a sign outside of the Tigard Grange. John Floyd said the Tigard Grange is zoned General Commercial. You could install an electronic message center on the grange if the sign met all of the current sign requirements. For example there’s a 15% sign area limit so – proportional to the size of the building – but the grange could install one if it wanted to. Mr. Schnetzky said it wouldn’t be an electronic sign. It would more likely be 4 x 8 sheets of quilt squares to possibly put on the building. Vice President Fitzgerald suggested that Mr. Schnetzky visit the Permit Center to ask for more specific direction on what can and can’t be put on the outside of the grange. He agreed to do that.

Julia Good, 11865 SW 95th Ave., Tigard is concerned about utility cabinets being placed in her yard. She said it’s very important to keep control of where these types of things are placed. She’s concerned about the overlay expansion and high density. She said she’s disappointed in the WES system and the lack of service on the weekends and other times of the day on weekdays. She was also concerned about building height on Main Street, Scoffins, and Commercial. She’s concerned about density and whether Main Street or Hall Blvd can handle that.

James Good 11865 SW 95th Ave., Tigard – was astounded by the size of the “cabinets.” Thinks they’re more like a shed. He told a story about someone in Portland who came home and found a large cabinet on his property. He doesn’t understand the size of cabinets getting bigger.

PUBLIC HEARING – CLOSED

No further testimony or questions from the audience allowed.

DELIBERATION

President Rogers and the commission decided to go through the amendments one at a time to make any comments and bring up any possible issues.

With regard to:

Number 1: Utility Cabinets on Private Property

Commissioner Muldoon thinks this is a good attempt to ensure that if the cabinets end up above ground that they are not going to be reflective and will at least somewhat be screened or

minimally intrusive. It looks like an attempt without all the pieces that can't really be anticipated yet. Commissioner Feeney clarified that this is actually the City helping to control these types of things; it's a safeguard.

There was some discussion on stainless steel cabinets and their visual impact. Gary Pagenstecher said he wasn't sure how it would play out, but the idea is to bury it or use a product that is dark or non-reflective. Commissioner Smith was concerned about utilities possibly putting in very dark cabinets.

Number 2: Streamlined Permitting for Multiuse Trails

President Rogers said "This is about funding for trails – it's a long time coming in my opinion. With the new definition it frees up the ability to go get funding - because it's now transportation funding. Where before we'd have to apply for parks or open space permits for trails because it was defined as community space. This opens it up to transportation. This helps the city to complete the vision, that is, making the City of Tigard more walkable and a place that we can commute."

Number 3: Electronic Message Centers in Washington Square Plan District

There were some questions and discussion on what types of signs would be allowed... there are so many different kinds of signs... fade-outs, animated, etc. John Floyd clarified that a sign's message would have to be static for two seconds before it changes. So animation is prohibited in our current regulations. The distraction risk is out.

Number 4: Expand Station Area Overlay in Downtown Plan District Chapter

No one commented on this other than President Rogers. He said, "This is a long term vision. The Washington Square Master Plan has been in existence for a very long time but it doesn't look anything like what that Master Plan was thought to look like. The beauty of this vision is we're driving towards that but it doesn't mean tomorrow we're going to see 80' tall buildings."

MOTION

Commissioner Muldoon made the following motion - seconded by Commissioner Fitzgerald:

"I move the Planning Commission forward a recommendation of approval to the City Council of application Omnibus Code Amendment package - Development Code Amendment DCA2014-00003 and adoption of the findings and conditions of approval contained in the staff report."

A vote was taken, all in favor, none opposed; no one abstained.

MOTION PASSES UNANIMOUSLY

OTHER BUSINESS

President Rogers will be attending the City Council meeting on March 10th and will report back to the commissioners. He invited any of the other commissioners to feel free to join him.

ADJOURNMENT

President Rogers adjourned the meeting at 10:02 p.m.

Doreen Laughlin, Planning Commission Secretary

ATTEST: President Rogers

AIS-2045

6.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): 20 Minutes

Agenda Title: Economic Opportunity Analysis Post Acknowledgement Plan Amendment

Submitted By: Lloyd Purdy, Community Development

Item Type: Ordinance
Public Hearing - Legislative

Meeting Type: Council
Business Meeting - Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

Council is to consider a Post Acknowledgement Plan Amendment (PAPA) to the City of Tigard's 2011 Economic Opportunities Analysis (EOA) as shown in the attached ordinance. The EOA documents the city's employment lands, suitable sites for nonresidential development and anticipated regional demand for sites that support employment. Tigard's quantification of land supply in 2011 did not account for development costs of industrial lands on sites with slopes greater than 10%. Regionally, sites with slopes greater than 10% are not considered suitable for large footprint industrial use buildings. This resulted in an overstatement of the supply of vacant industrial land in Tigard's EOA. Findings from a staff report and a proposed amendment are attached as Exhibits A and B in the ordinance.

STAFF RECOMMENDATION / ACTION REQUEST

Adopt the proposed ordinance amending the 2011 Economic Opportunities Analysis.

KEY FACTS AND INFORMATION SUMMARY

The EOA is a technical study that compares projected demand for land for industrial, manufacturing and other employment uses (employment lands) to the existing supply of such land. It is a foundational document for the city's Comprehensive Plan Goal 9 and the Comprehensive Plan Map.

The purpose of the EOA is to inform policy that improves opportunities for Tigard to attract and maintain employment, grow the local and regional economy, and maintain the quality of life of residents. It emphasizes the preservation and protection of vacant land for industrial and employment uses. The study supports policies that ensure an adequate supply of industrial and other employment land within the city.

The EOA inventory of suitable sites (land supply) in 2011 did not account for the development costs on sites with significant slopes. Regionally, sites with slopes greater than 10% are not considered suitable for large footprint industrial use buildings. This resulted in an overstatement of Tigard's supply of vacant industrial land.

The proposed PAPA acknowledges that industrial zoned properties in Tigard with a slope 10% or greater are unsuitable for large footprint buildings. Adoption of this PAPA will allow industrial zoned properties with a significant portion of slope greater than 10% to be rezoned through a comprehensive plan amendment at the request of an applicant. Slopes greater than 10% exist on portions of 17 industrial zoned lots. However, when field verified, only four (4) of those lots include slopes of 10% or greater attributable to general grades across the property. On the remaining parcels slopes greater than 10% are attributable to minor cuts or fills or embankments within the property, and which otherwise is generally level ground. Maps documenting slope are included as Attachment 2 for reference.

The city has a very limited amount of industrial zoned land left for development. Reduction or reconciliation of the existing supply without a reduction in regional demand means the city will need to consider policies and programs that encourage redevelopment, higher density of employment per acre on existing land, or expansion of employment lands.

OTHER ALTERNATIVES

Not adopt the proposed amendment, leaving the inventory in the 2011 EOA unchanged.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Action on this item is supported by Tigard's Comprehensive Plan Goal 9.1 Policy 3 "The City's land use and other regulatory practices shall be flexible and adaptive to promote economic development opportunities, provided that required infrastructure is made available"; and Council's 2014 Goal #6 to "develop and adopt strategic priorities, resources and programs that support the local economy." This action is also consistent with the city's Strategic Plan Goal 2 Objectives 1 & 2 that seek to "make best use of undeveloped and underdeveloped land to increase the value of the city..." and "Build a healthy business climate that attracts, serves and employs more Tigard residents."

DATES OF PREVIOUS COUNCIL CONSIDERATION

Introduced as a possible Council action item on December 9, 2014 meeting.

Attachments

Ordinance

EOA PAPA Amendment

EOA PAPA Staff Report

Tigard EOA 2011

Attachment 2 Slope Analysis Map

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

AN ORDINANCE ADOPTING COMPREHENSIVE PLAN AMENDMENT CPA 2015-00001
TO AMEND THE TIGARD 2011 ECONOMIC OPPORTUNITIES ANALYSIS

WHEREAS, the Tigard 2011 Economic Opportunities Analysis is consistent with Oregon Administrative Rule 660 Division 9; and

WHEREAS, the city has proposed an amendment to the Tigard Comprehensive Plan by 1) acknowledging that slope was not applied as a development constraint factor in the Inventory of Suitable Sites (Land Supply); 2) applying slope as a suitable constraint for properties currently zoned industrial (I-P, I-L, and I-H), and 3) qualifying the Assessment of Potential with respect to slope constraints; and

WHEREAS, the Tigard Planning Commission held a public hearing, which was noticed in accordance with city standards, on March 2, 2015 and recommended approval of the proposed CPA 2015-00001 by motion and with unanimous vote in support; and

WHEREAS, on March 24, 2015, the Tigard City Council held a public hearing, which was noticed in accordance with city standards, to consider the Commission's recommendation on CPA 2015-00001, hear public testimony, and apply applicable decision-making criteria; and

WHEREAS, on March 24, 2015 the Tigard City Council adopted CPA 2015-00001 pursuant to the public hearing and its deliberations; and

WHEREAS, Council's decision to adopt CPA 2015-00001 was based on the findings and conclusions found in Exhibits "A" and "B" and the associated land use record which is incorporated herein by reference and is contained in land use file CPA 2015-00001.

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

- SECTION 1: Tigard Comprehensive Plan is amended to include new text as shown in Exhibit A.
- SECTION 2: Tigard City Council adopts the findings and conclusions contained in Exhibit B in support of the Council's action and to be the legislative basis for this ordinance.
- SECTION 3: Tigard City Council amends the Tigard 2011 Economic Opportunities Analysis Exhibit C as a component of Tigard Comprehensive Plan Goal 9: Economic Development.

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

PASSED: By _____ vote of all Council members present after being read by number and title only, this 24th day of March, 2015.

Norma I. Alley, Deputy City Recorder

APPROVED: By Tigard City Council this 24th day of March, 2015.

John Cook, Mayor

Approved as to form:

City Attorney

AMENDMENT TO THE CITY OF TIGARD'S 2011 ECONOMIC OPPORTUNITIES
ANALYSIS
(CPA2015-00001)
January 8, 2015

This proposed Post Acknowledgment Plan Amendment to the City of Tigard's 2011 Economic Opportunities Analysis (EOA), 1) acknowledges that slope was not applied as a development constraint factor in the Inventory of Suitable Sites (Land Supply), 2) applies slope as a suitability constraint for properties currently zoned industrial (I-P, I-L, and I-H), and 3) qualifies the Assessment of Potential with respect to slope constraints.

1) The INVENTORY OF SUITABLE SITES (LAND SUPPLY) on page 17 of the 2011 EOA includes the following analysis:

The City's BLI included an analysis of existing vacant and partially vacant (sub-dividable) tax lots by current zoning classification and deducted all significant environmental constraints to estimate buildable land area within the Tigard USB. The land supply analysis focused on the land use classifications that support employment uses, including commercial, mixed-use, and industrial zones.

The buildable land area for each tax lot was derived by analyzing GIS data pertaining to environmental features that would constrain the amount of potential site development on vacant and partially vacant areas. For purposes of this analysis, the environmental constraints were calculated for each site using estimates for land area that is constrained by the following: Metro Title 3 designation (waterways, wetlands, riparian buffers and the 100 year floodplain).

ANALYSIS:

Because the City's Buildable Lands Inventory (BLI) did not apply slope as an environmental constraint, slopes were also not included as a development constraint in the EOA suitability analysis, which was based on the BLI.

FINDING:

Therefore, staff finds and acknowledges that slope was not considered in the EOA's site suitability analysis that determines land supply.

2) Pursuant to Division 9, 660-009-0015(3)(a), the 2011 EOA includes an inventory of vacant and developed lands within the planning area designated for industrial or other employment use, including site characteristics and development constraints that affect the buildable area of sites in the inventory (Appendix G: Buildable Land Inventory).

ANALYSIS:

As an inventory refinement, this amendment applies slope as a potential development constraint. In Exhibit A, Slope Analysis on Buildable Industrial Lands, the city applied a 10% slope threshold to the buildable lands inventory of industrial zoned land to determine where slope is a potential constraint for lots within those zones (Metro 2009 Urban Growth Report uses slopes > 10% as a suitability threshold for industrial uses). Exhibit A shows that slopes greater than 10% exist on portions of 17 lots. However, when field verified, only four (4) of those lots include slopes attributable to general

grades across the property instead of slope variations attributable to minor cuts or fills or embankments within the property and otherwise characterized as generally level ground.

FINDING:

As shown in Exhibit A (Area 2), the suitability of the upland portions of the two largest contiguous vacant lots in the buildable lands inventory zoned I-P, 10.3 acres of 24.16 acres on TL2S101CA00100 and 6.74 acres of 13.25 acres on TL 2S101001100, may be constrained for some industrial uses that would require large-footprint buildings. In addition, all 1.2 acres of TL 2S101DC04100 and .21 acres of contiguous TL 2S101DD00700 zoned I-L (Area 3) would be similarly constrained.

3) The ASSESSMENT OF POTENTIAL (RECONCILIATION OF DEMAND AND SUPPLY) on page 20 of the 2011 EOA includes the following analysis:

Short-Term Land Need Determination

Commercial and industrial properties appear to clearly meet the statutory requirements for short-term land supply, as all of the long-term land supply can be classified as short-term as well as long-term supply. Industrial and commercial properties appear to be well served with adequate infrastructure, and there is an abundant supply of vacant industrial, office and retail building floor area being actively marketed in the Tigard USB today.

Long-Term Land Need Determination

Consistent with EOA documentation requirements, the economic trends analysis of land needs scenarios and the business clusters analysis indicates that the Tigard UPA can add approximately 794 net new industrial jobs without needing to add additional industrial-zoned land over the next 20 years. In light of current downward trends in industrial business activity, the land efficient need scenario appears to be most consistent with regional growth forecasts and anticipated market realities.

Industrial Land Need and Parcel Requirements

As indicated in Table 14, the land efficient need scenario assumes 48 acres of net new industrial vacant land demand, which is just below the estimated vacant industrial land supply of 50 acres. If the City opts to pursue a more aggressive economic growth strategy that is consistent with the moderate or high land need scenario, the City would need to identify another 14 to 30 acres of vacant industrial land area to meet the level of industrial demand associated with adding another 1,059 to 1,324 industrial jobs.

In light of the City's rather limited remaining vacant industrial land supply of tax lots in excess of five acres, the consultant/staff team recommends that the City adopt economic goals and objectives that preserve the remaining large contiguous industrial sites for large industrial employment users. A preliminary expected forecast of demand by parcel size is also provided in Table 14, and assumes that virtually all of the remaining vacant industrial land supply within the Tigard UPA will be absorbed over the next 20 years.

ANALYSIS:

With the city's limited industrial land supply, the city's industrial land need and parcel requirements were characterized by the land efficient need scenario. The slope analysis indicates that the land efficient need scenario still applies but is now potentially in deficit for industrial zoned vacant land.

When slope is considered as a suitability factor, it is apparent that larger industrial/employment use buildings may be constrained on land with slopes greater than 10%. However, other permitted uses in the I-P zone, such as office, would remain feasible. To the extent that some industrial land use building types are constrained, other industrial and employment uses need not be.

The EOA identified target industries for Tigard to include existing, established clusters, such as durable goods manufacturing (includes metals and machinery), education (private and non-profits), financial services, information (including software development), professional and technical services, and wholesale trade and identified emerging clusters, including health care and advanced technology (i.e., green energy) manufacturing and research operations.

Based on the site requirements described in **Table 11** and **Appendix F**, the recommended targeted business clusters will need sites ranging from one to twenty-five acres, with a majority of the need falling in the five to ten-acre range.

Table 12, which shows the distribution of vacant land by lot size and general land use zone classification, remains valid. However, the slope analysis indicates that the only two lots greater than 10 acres may now be considered constrained for large footprint building types. For that type of industrial development, the two lots would practically fall into the five to ten-acre range.

Appendix G, Buildable Land Inventory, remains valid, although the slope constrained portions of lots may not be suitable for some industrial use types.

FINDING:

The 2011 EOA and the applicable Goal Nine policies and action measures adopted for Tigard's Efficient Need Scenario focus on the promotion of well-designed and efficient development of vacant industrial lands and on actions that result in greater, more efficient, utilization of Metro-designated Employment and Industrial Areas. The site suitability analysis, including slope as a constraint, may limit some industrial uses that require large-footprint buildings and reduces the number of unconstrained tax lots greater than 10 acres from two to zero. Tigard's targeted business clusters may be only marginally affected as the majority of sites needed fall within the five to ten-acre range. The slope constraint reduces the suitability of a few sites for some industrial uses, but need not limit the potential for employment use of slope-constrained sites. However, a slope constraint on a third of the vacant industrial zoned land highlights the need to consider job density in employment land development and redevelopment.

Agenda Item: 6

Hearing Date: March 2, 2015 Time: 7:00PM

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



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: AMENDMENT TO THE CITY OF TIGARD'S 2011 ECONOMIC OPPORTUNITIES ANALYSIS

FILE NO.: Comprehensive Plan Amendment (CPA) CPA2015-00001

PROPOSAL: The City proposes to amend the adopted Tigard 2011 Economic Opportunities Analysis, a component of Tigard Comprehensive Plan Goal 9: Economic Development. The proposed amendments: 1) acknowledge that slope was not applied as a development constraint factor in the Inventory of Suitable Sites (Land Supply), 2) apply slope as a suitability constraint for properties currently zoned industrial (I-P, I-L, and I-H), and 3) qualify the Assessment of Potential with respect to slope constraints.

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

OWNER: N/A

LOCATION: Citywide

ZONING

DESIGNATIONS: I-P, I-L, I-H.

COMP PLAN: Industrial Park, Light Industrial, and Heavy Industrial comprehensive plan designations

APPLICABLE REVIEW

CRITERIA: Community Development Code Chapters 18.380 and 18.390; Comprehensive Plan Goals 1, 2, 9; Metro Urban Growth Management Functional Plan Title 4; Oregon Administrative Rule 660, Division 9; and Statewide Planning Goals 1, 2, and 9.

SECTION II. STAFF RECOMMENDATION

Staff recommends the Planning Commission find this request meets the necessary approval criteria and **RECOMMENDS** the Tigard City Council amend the Tigard Comprehensive Plan as determined through the public hearing process.

SECTION III. BACKGROUND INFORMATION

Project History

Trammell Crow and the Fields Estate are moving forward with development plans for a portion of the 42 acres of property along Wall Street in Tigard's Hunziker Industrial Core. The portion of the Fields Industrial Property fronting Wall Street includes approximately 17 acres suitable for development consistent with the City's I-P zoning.

The remaining approximately 25 acres are encumbered by a slope ranging from 6 to 10%. Regionally, development professionals consider property with this much slope unsuitable for large footprint industrial development. A study of the Fields Industrial Property has given the City of Tigard an opportunity to review the 2011 Economic Opportunity Analysis (EOA). The 2011 EOA did not take into account slope as an environmental constraint when documenting land supply suitable for industrial and manufacturing uses as part of Tigard's buildable lands inventory (BLI).

According to the Department of Land Conservation and Development, the city can complete a Post Acknowledgement Plan Amendment (PAPA) of the 2011 EOA to acknowledge that slope should be a factor in consideration of land use and zoning. The completion of a PAPA and the findings recognizing that slope should be a factor in accounting for Tigard's supply of property suitable for industrial and manufacturing would apply to similarly affected property throughout the City of Tigard.

According to our 2011 EOA, the City of Tigard is currently in a "land efficient" scenario, where demand for employment land is expected to outpace supply. The proposed amendment identifies approximately 18.4 acres of vacant land on four parcels in the Buildable Lands Inventory (BLI), or one third of the supply, that is constrained by slope. This land supply deficiency further highlights the importance of efficient use of industrial-zoned lands for employment use and the need to consider job density in employment land development and redevelopment.

The proposed amendment (Attachment 1) would amend the *Tigard 2011 Economic Opportunities Analysis (Tigard 2011 EOA)* which was developed in compliance with OAR 660 Division 9 (Statewide Planning Goal 9: Economic Development as one of the required Periodic Review work tasks. The 2011 EOA was adopted by Tigard City Council on May 24, 2011. The EOA is a technical study that compares projected demand for land for industrial and other employment uses to the existing supply of such land. The purpose of the *Tigard 2011 EOA* is to improve opportunities for Tigard to attract and maintain the type and quality of employment desired by its citizens, grow its economy, and maintain its quality of life. Goal 9 emphasizes the preservation and protection of vacant land for industrial and employment uses. Policies were adopted to ensure an adequate supply of industrial and other employment lands within the City of Tigard.

During the 2011 effort, the Tigard Planning Commission acted as the advisory committee for the project, reviewing each task during the process to complete the *Tigard 2011 EOA*. The six tasks reviewed by the Planning Commission included:

1. Economic Development Vision and Goals
2. Economic Trends Analysis
3. Site Suitability Analysis (Land Demand)
4. Inventory of Suitable Sites (Land Supply)
5. Assessment of Potential (Reconciliation of Demand and Supply)

6. Implementation Policies and Action Measures

The proposed amendment addresses tasks 3, 4, and 5 and provides amended findings. As amended, the *Tigard 2011 EOA* will continue to meet the state requirements for an economic opportunities analysis and serve as a component of the *Tigard Comprehensive Plan* Goal 9. It will continue to act as a resource for staff, decision makers, and the public.

Proposal Description

The City proposes to amend the City of Tigard's 2011 Economic Opportunities Analysis to:

- 1) Acknowledge that slope was not applied as a development constraint factor in the Inventory of Suitable Sites (Land Supply),
- 2) Apply slope as a suitability constraint for properties currently zoned industrial (I-P, I-L, and I-H), and
- 3) Qualify the Assessment of Potential with respect to slope constraints.

The proposed amendment will ensure that the EOA better represents the available land supply so that the City's Comprehensive Plan remains a viable tool for decision-makers. By adopting the amendment, the City will ensure it remains in compliance with applicable laws, rules, regulations, plans, and programs.

SECTION IV. SUMMARY OF REPORT

Applicable criteria, Commission findings and conclusions

- Tigard Community Development Code
 - Chapter 18.380
 - Chapter 18.390
- Applicable Comprehensive Plan Policies
 - Chapter 1: Citizen Involvement
 - Chapter 2: Land Use Planning
 - Chapter 9: Economic Development
- Metro Urban Growth Management Functional Plan Title 4
- Oregon Administrative Rule 660, Division 9
- Statewide Planning Goals
 - Goals 1, 2, and 9

SECTION V. APPLICABLE CRITERIA AND COMMISSION FINDINGS

CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Chapter 18.380: Zoning Map and Text Amendments

Chapter 18.380.020 Legislative Amendments to the Title and Map

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

Findings: The proposal is an amendment to the Tigard Comprehensive Plan, which provides analysis to support policies to be applied generally throughout the City of Tigard; therefore, the application is being processed as a Type IV procedure, Legislative Amendment, as governed by Section 18.390.060G.

Chapter 18.390: Decision-Making Procedures

Chapter 18.390.020. Description of Decision-Making Procedures

B.4. Type IV Procedure. 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.

Findings: The proposal is an amendment to the Tigard Comprehensive Plan, which establishes policies to be applied generally throughout the City of Tigard. Therefore, it is being reviewed under the Type IV procedure as detailed in Section 18.390.060.G. In accordance with this section, the amendment will be initially considered by the Planning Commission with City Council making the final decision.

Chapter 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.**

Findings: The Commission reviewed applicable Statewide Planning Goals, Metro Urban Growth Management Functional Plan, Oregon Administrative Rule 660, Division 9, the Tigard Community Development Code, and the Tigard Comprehensive Plan. As indicated, pursuant to the Commission's findings and conclusions found within this staff report, the amendment is consistent with the applicable factors.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment satisfies the applicable review criteria within the Tigard Community Development Code.

CITY OF TIGARD COMPREHENSIVE PLAN POLICIES:

General Findings

Finding: The City's Comprehensive Plan was adopted by the Tigard City Council in 1983, and acknowledged as being in conformance with the Statewide Planning Goals by the Land Conservation and Development Department (LCDC) on October 11, 1984. LCDC re-acknowledged the plan's compliance with the statewide planning goals through the Periodic Review process. The 2011 EOA was adopted May 24, 2011 as Task 3 of Periodic Review.

Finding: The Commission finds that the following Comprehensive Plan goals and policies apply to the amendment and the amendment satisfies the applicable goals and policies for the reasons stated below. During the course of public hearings, the Community Development Department and the Planning Commission provided all interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goals or policies that might apply to the amendment. No additional provisions were identified.

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.

Findings: The proposal has complied with all notification requirements pursuant to Chapter 18.390.060 of the Tigard Community Development Code. This staff report was also available seven days in advance of the hearing pursuant to Chapter 18.390.070.E.b of the Tigard Community Development Code.

As part of the Comprehensive Plan Amendment process, public notice of the Planning Commission and City Council public hearings was sent to the interested party list and published in the February 12, 2015 issue of The Times. 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 proposed amendment could be viewed.

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.

Findings: The proposed amendment refines the findings of the EOA in support of the general policy direction related to Tigard Comprehensive Plan Goal 9: Economic Development for the community. The policy statements are clear and serve the interests of the citizens. The development of the Tigard 2011 Economic Opportunities Analysis was required as a component of State Periodic Review and complies with Oregon Administrative Rule 660, Division 9, which governs the development of these studies in the state.

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

Findings: The proposed amendment refines the findings of the EOA in support of the general policy direction related to Tigard Comprehensive Plan Goal 9: Economic Development for the community. The Tigard 2011 Economic Opportunities Analysis compares projected demand to current supply of vacant employment and industrial lands to ensure the City's policies and implementing actions are sufficient to

preserve the needed 20-year supply of these vacant lands. The development of the Tigard 2011 EOA used current Tigard Comprehensive Plan policies and land use designations as part of the analysis of future vacant land needs as required by state law. The amendment is consistent with this policy.

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

Findings: The City sent out request for comments on the proposed amendment to all potentially affected jurisdictions and agencies. All were given 14 days to respond. Any comments that were received are addressed in Section VII: Outside Agency Comments of this Staff Report. Additionally, Department of Land Conservation and Development staff provided input throughout the development of the proposed amendment.

Policy 5. The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.

Findings: The Tigard 2011 EOA identified and acknowledged the City's desire for, and the potential for redevelopment of these areas. Assumptions made about redevelopment and refill potential were based on City policy and Metro guidance to determine the amount of vacant employment and industrial lands needed for the next 20-years. The site suitability analysis, including slope as a constraint, may limit some industrial uses that require large-footprint buildings and reduces the number of unconstrained tax lots greater than ten acres from two to zero. Tigard's targeted business clusters may be only marginally affected as the majority of sites needed fall within the five to ten-acre range. The slope constraint reduces the suitability of a few sites for some industrial uses, but need not limit the potential for employment use of slope-constrained sites. However, a slope constraint on a third of the vacant industrial zoned land highlights the need to consider job density in employment land development and redevelopment. The proposed amendment is consistent with the policy.

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.

Findings: The proposed amendment refines the findings of the Tigard 2011 EOA to take into account slope as a limiting site suitability factor for some industrial uses. The amendment ensures the Tigard 2011 EOA is reliable with up-to-date information regarding slope analyses to determine the 20-year vacant employment and industrial land needs. The Tigard 2011 EOA ensures compliance with Oregon Administrative Rule 660-009, which governs economic development planning in the state and requires this analysis. Findings of conformance to applicable state and regional requirements can be found in Section V of this Staff Report.

Chapter 9: Economic Development

Goal 9.1 Develop and maintain a strong, diversified, and sustainable local economy.

Findings: The proposed amendment refines the findings of the Tigard 2011 EOA, which compared the 20-year projected demand for employment and industrial land to the existing supply. The EOA found that the

land efficient need scenario would provide the necessary 20-year supply of vacant employment and industrial lands. The 2011 EOA and the applicable Goal 9 policies and action measures adopted for Tigard's Efficient Need Scenario focus on the promotion of well-designed and efficient development of vacant industrial lands and on actions that result in greater, more efficient, utilization of Metro-designated Employment and Industrial Areas. The site suitability analysis, including slope as a constraint, may limit some industrial uses that require large-footprint buildings and reduces the number of unconstrained tax lots greater than ten acres from two to zero. Tigard's targeted business clusters may be only marginally affected as the majority of sites needed fall within the five to ten-acre range. The slope constraint reduces the suitability of a few sites for some industrial uses, but need not limit the potential for employment use of slope-constrained sites. However, a slope constraint on a third of the vacant industrial zoned land highlights the need to consider job density in employment land development and redevelopment.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment satisfies the applicable goals and policies contained in the City of Tigard Comprehensive Plan.

METRO URBAN GROWTH MANAGEMENT FUNCTIONAL PLAN TITLE 4

Findings: The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities.

Metro staff has confirmed that the City of Tigard is in compliance with Title 4. The development of the Tigard 2011 Economic Opportunities Analysis involved discussions with Metro staff and Oregon Department of Land Conservation and Development staff. They were provided the opportunity to review and comment on all work leading up to the document proposed for adoption. The purpose of the collaboration was to ensure consistency and compliance with state and regional requirements.

This amendment (CPA2015-00001) applies slope as a suitability factor for industrial uses in Tigard's industrial zones but does not otherwise affect compliance with Title 4.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment is consistent with the Metro Urban Growth Management Functional Plan Title 4.

OREGON ADMINISTRATIVE RULE 660, DIVISION 9

Findings: The Land Conservation and Development Commission adopted Oregon Administrative Rule 660, Division 9 to implement Statewide Planning Goal 9 and "to provide an adequate land supply for economic development and employment growth in Oregon." The development of the Tigard 2011 Economic Opportunities Analysis and this proposed amendment complied with the rules outlined in Section 30, which requires multi-jurisdiction coordination. This was accomplished through collaboration with the Oregon Department of Land Conservation and Development and Metro, to ensure consistency with policies and regulations associated with Division 9 and the Metro Urban Growth Management

Functional Plan Title 4. Both organizations were given the opportunity to review and comment on the proposed amendment.

In addition, the proposed amendment to the Tigard 2011 EOA followed the rules set forth in Sections 15. Section 15 outlines the necessary elements of an economic opportunities analysis, including the inventory of industrial and other employment lands. The proposed amendment applies slope as a development constraint within the City's industrial zones. The proposed amendment is in compliance with Division 9.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment satisfies the requirements of Oregon Administrative Rule 660, Division 9.

THE STATEWIDE PLANNING GOALS AND GUIDELINES ADOPTED UNDER OREGON REVISED STATUTES CHAPTER 197

Statewide Planning Goal 1 – Citizen Involvement:

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

Findings: As part of the Comprehensive Plan Amendment process, public notice of the Planning Commission and City Council public hearings was sent to the interested parties list and published in the February 12, 2015 issue of The 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.

Statewide Planning Goal 2 – Land Use Planning:

This goal outlines the land use planning process and policy framework. The Comprehensive Plan was acknowledged by DLCD as being consistent with the statewide planning goals.

Findings: The proposed amendment to the Tigard Comprehensive Plan is being undertaken to update the City's acknowledged Comprehensive Plan in a manner consistent with current conditions. The amendment to the Tigard Comprehensive Plan is being processed as a Type IV procedure, which requires any applicable statewide planning goals, federal or state statutes or regulations, Metro regulations, comprehensive plan policies, and City's implementing ordinances, be addressed as part of the decision-making process. All applicable review criteria have been addressed within this staff report; therefore, the requirements of Goal 2 have been met.

Statewide Planning Goal 9: Economic Development

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

Findings: The City is currently in compliance with Goal 9 and Metro's Title 4: Industrial and Other Employment Areas through its acknowledged Comprehensive Plan. The proposed amendment updates the Tigard 2011 EOA, which was completed following the rules outlined in Division 9 and compares projected demand to current supply of vacant employment and industrial lands to ensure the City's policies and implementing actions are sufficient to preserve the needed 20-year supply of these vacant lands. The Department of Land Conservation and Development, who administers Division 9, was consulted through the development process and were requested to submit comments. The adoption of the

proposed amendment to the Tigard 2011 EOA as a part of Tigard's Comprehensive Plan maintains the City's compliance with Goal 9.

CONCLUSION: Based on the analysis above, the Commission finds that the proposed amendment is consistent with the applicable Statewide Planning Goals.

SECTION VI. ADDITIONAL CITY STAFF COMMENTS

The City of Tigard's Current Planning Division, Administrative Department, Public Works Department, and Police Department have had an opportunity to review this proposal and have no objections.

CONCLUSION: Based on no comment from City staff, staff finds the proposed amendment does not interfere with the best interests of the City.

SECTION VII. OUTSIDE AGENCY COMMENTS

The following agencies/jurisdictions had an opportunity to review this proposal and did not respond: Metro Land Use and Planning, Washington County Department of Land Use and Transportation

Oregon Department of Land Conservation and Development reviewed the proposal and provided verbal comment that they had no objections.

CONCLUSION: Based on responses from outside agencies listed above, the Commission finds the proposed amendment meets all requirements of these agencies and is consistent with the best interests of the City.

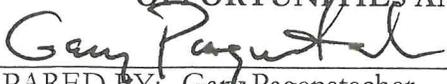
SECTION VIII. CONCLUSION

The proposed amendment complies 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.

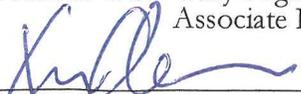
Therefore, Staff recommends that the Planning Commission recommend approval of the Comprehensive Plan Amendment to the Tigard City Council, as determined through the public hearing process.

ATTACHMENT:

EXHIBIT A: PROPOSED AMENDMENT TO THE CITY OF TIGARD'S 2011 ECONOMIC OPPORTUNITIES ANALYSIS


PREPARED BY: Gary Pagenstecher
Associate Planner

February 23, 2015
DATE


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Community Development Director

February 23, 2015
DATE

City of Tigard

2011 Economic Opportunities Analysis

Adopted by Tigard City Council on May 24, 2011

Prepared By

Cogan Owens Cogan, LLC
FCS GROUP

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Executive Summary

The City of Tigard has conducted an Economic Opportunities Analysis (EOA) as required by its Periodic Review work program to update its Comprehensive Plan. The City received grant funds from the Department of Land Conservation and Development (DLCD) for technical consultant assistance to complete this task. The EOA was developed in compliance with OAR 660 Division 9 (Statewide Planning Goal 9: Economic Development). The EOA is in-part a technically-based study that compares projected demand for land for industrial and other employment uses to the existing supply of such land. At the same time, it provides economic development policies and actions consistent with emerging economic opportunities, market trends, and local vision

Vision and Goals

In March 2008, as part of a robust public process, the City of Tigard updated the Economic Development chapter of its Comprehensive Plan. The chapter included the City's vision and goals for economic development to read:

Vision

The City shall have a strong and resilient local economy with a diverse portfolio of economic activity: retail, professional service and industrial jobs.

Goals

1. Develop and maintain a strong, diversified and sustainable local economy.
2. Make Tigard a center and incubator for innovative businesses including those that focus on environmental sustainability.
3. Make Tigard a prosperous and desirable place to live and do business.

Demographic and Employment Trends

Tigard has been increasing in population at a slower rate (1.3%) than Washington County, but above Oregon and national growth rates. Tigard population is estimated to be 47,460 as of 2009, up from 42,260 residents in 2000. Tigard currently is relatively "jobs rich" with a positive ratio of 2.3 jobs per household, which is well above the tri-county Metro regional average of 1.5 jobs per household. This is understandable given Tigard's concentration of regional employment centers, including Washington Square Mall, the "Tigard Triangle" employment area near the confluence of I-5/Hwy. 217, and pockets of industrial uses along the Hwy. 217 corridor.

Tigard also is home to a number of large retail employers at Washington Square Mall as well as several large high-tech manufacturing, construction contractors, professional, business operations, and state and local government operations. Regional commercial and industrial real estate brokers see Tigard as a well-defined submarket within the suburban Metro region. Tigard's office market is especially competitive within the inner southwest portion of the region. Additionally, various efforts are underway to make the Downtown Tigard area a more viable place to live and work.

Target Industries

In line with Tigard's vision and goals, and in consultation with the City Planning Commission, the consultant team and City staff recommend that the City focus on retaining and attracting a mix of existing and emerging business clusters that pay above average wages. This includes existing, established clusters such as:

- Durable goods manufacturing (includes metals and machinery)
- Education (private and non-profits)

- Financial services
- Information (including software development)
- Professional and technical services
- Wholesale trade

They also recommend that the City focus on emerging clusters, including health care and advanced technology (i.e., green energy) manufacturing and research operations.

Tigard’s Land Demand and Supply

The consulting team prepared a range of land need forecasts including: efficient, medium, and high land needs scenarios. These scenarios all take into account the Metro employment forecasts, but assume varying levels of industrial development and redevelopment.

As summarized in the table below, the land efficient need scenario assumes 48 acres of net new industrial vacant land demand, which is just below the estimated vacant industrial land supply of 50 acres. If the City chooses to pursue a more aggressive economic growth strategy that is consistent with the moderate or high land need scenario, the City would need to identify another 14 to 30 acres of vacant industrial land area to meet the level of industrial demand associated with adding another 1,059 to 1,324 industrial jobs.

20-Year Industrial Demand Forecast and Vacant Land Supply, Tigard USB

Land Demand and Supply	Efficient Land Need Scenario	Moderate Land Need Scenario	High Land Need Scenario
Demand for Vacant Industrial Land	48	64	80
Supply of Vacant Industrial Land	50	50	50
Land Surplus or (Deficit)	2	(14)	(30)
Preliminary Parcel Distribution, Efficient Land Need Forecast ¹	Existing Unconstrained Supply (tax lots)	Forecast of Parcel Size Demand (tax lots) ^{1/}	Surplus (tax lots)
Less than 1 acre	12	10	2
1 to 5 acres	5	5	0
5 to 10 acres	0	0	0
10 to 20 acres	2	2	0
20+ acres	0	0	0
Total	19	17	2

Notes: ¹ Tax lot demand forecast expected to meet or exceed supply in 20 years.

Source: Based on findings included in demand and supply analysis.

As shown in the table below, the land efficient needs scenario assumes 78 acres of net new commercial and mixed-use vacant land demand, which is just below the estimated vacant land supply of 86 acres. As with the industrial land needs, an economic growth strategy that is consistent with the moderate or

high land needs scenario would require the City to identify an additional 19 to 45 acres of vacant commercial and mixed-use land to meet the demand.

Reconciliation of Long-term Land Demand and Supply Commercial and Mixed Use 20-Year Land Use Forecast (gross buildable acres), Tigard USB

Land Demand and Supply	Efficient Land Need Scenario	Medium Land Need Scenario	High Land Need Scenario
Demand for Vacant Commercial Land	78	105	131
<i>Commercial Demand</i>	51	68	85
<i>Mixed-Use Demand</i>	27	36	45
Supply of Vacant Commercial Land	86	86	86
<i>Commercial Zoned Supply</i>	46	46	46
<i>Mixed-Use Zoned Supply</i>	40	40	40
Land Surplus or (Deficit)	8	(19)	(45)
Preliminary Parcel Distribution, Efficient Need Forecast	Existing Supply (tax lots)	Forecast of Demand (tax lots)	Surplus (tax lots)
Less Than 1 acre	89	30	59
1 to 5 acres	14	14	0
5 to 10 acres	3	3	0
10 to 20 acres	0	0	0
20+ acres	0	0	0
Total	106	47	59

Source: FCS GROUP, based on findings included in demand and supply analysis.

Recommendations

In accordance with the proposed vision and goals, the consulting team and City staff recommends the City pursue the “efficient land need scenario”. The implications of this recommendation are that the City will focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.

More detailed information on employment trends and projections, and land needs and supply is found throughout the remainder of the document.

INTRODUCTION

The City of Tigard has conducted an Economic Opportunities Analysis (EOA) as required by its Periodic Review work program. The City received grant funds from the Department of Land Conservation and Development (DLCD) for technical consultant assistance to complete this task. The EOA was developed in compliance with OAR 660 Division 9 (Statewide Planning Goal 9: Economic Development) and is a technical study that compares projected demand for land for industrial and other employment uses to the existing supply of such land.

The purpose of the EOA is to improve opportunities for Tigard to attract and maintain the type and quality of employment desired by its citizens, grow its economy, and maintain its quality of life. Goal 9 emphasizes the preservation and protection of vacant land for industrial and employment uses. This will happen by adopting policies that ensure an adequate supply of industrial and other employment lands within the City of Tigard.

The Tigard Planning Commission acted as the advisory committee for the project, reviewing each task during the process to complete the EOA. The anticipated outcomes of the project are:

1. An understanding of the characteristics of Tigard's employment lands and their adequacy to accommodate future economic activity;
2. Updated economic development policies and action measures as a basis to plan for a supply of appropriately zoned land necessary for existing businesses to expand and to accommodate future economic activities.

The six tasks reviewed by the Planning Commission included:

1. Economic Development Vision and Goals
2. Economic Trends Analysis
3. Site Suitability Analysis (Land Demand)
4. Inventory of Suitable Sites (Land Supply)
5. Assessment of Potential (Reconciliation of Demand and Supply)
6. Implementation Policies and Action Measures

The process and findings of these tasks are outlined in detail throughout the remainder of the EOA. This includes examining key demographic and employment opportunities and trends to assess Tigard's economic development potential, projecting employment growth, and determining short- and long-term demand for employment land. This demand is compared to an inventory of suitable commercial and industrial properties (supply) to assess the sufficiency of immediate and longer term (20-year) supply of commercial and industrial employment land in the City's Urban Planning Area (UPA). Finally, economic development policies and action measures are recommended for inclusion in the Tigard Comprehensive Plan.

ECONOMIC DEVELOPMENT VISION AND GOALS

In March 2008, as part of a robust public process, the City of Tigard updated the Economic Development chapter of its Comprehensive Plan. The chapter included the City's vision and goals for economic development:

Vision

The City shall have a strong and resilient local economy with a diverse portfolio of economic activity: retail, professional service and industrial jobs.

Goals

1. Develop and maintain a strong, diversified and sustainable local economy.
2. Make Tigard a center and incubator for innovative businesses including those that focus on environmental sustainability.
3. Make Tigard a prosperous and desirable place to live and do business.

Community Economic Development Objectives

Community Economic Development Objectives were developed through interviews with City staff and a review of Tigard's economic development vision, goals and recommended action measures. These objectives were refined based on comments from the Planning Commission and the results of interviews with key stakeholders, including state and regional agencies, the Chamber of Commerce, Tigard Central Business District Association, and local employers and developers.

- Encourage businesses that provide family-wage jobs to start-up, expand, or locate in Tigard.
- Develop industry clusters, and preserve jobs, through the retention, expansion, and recruitment of industries that already have a presence in Tigard.
- Promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.
- Ensure the City's land use and other regulatory practices are flexible and adaptive and that adequate public facilities and infrastructure exist to support a diverse and stable economic base.
- Focus significant employment growth in Tigard's designated centers and corridors and support the development of efficient regional multi-modal transportation systems.
- Limit the development of retail and service uses in Tigard's designated industrial areas to preserve the potential of these lands for industrial jobs. Support neighborhood commercial uses to meet smart growth goals.
- Encourage businesses that are environmentally and economically sustainable.

ECONOMIC TRENDS ANALYSIS

The consultant team conducted an economic overview for the City of Tigard, including a review of national, state, regional, county, and local economic trend data and real estate market analysis of office, commercial retail, industrial, and public government space development for the Tigard Urban Service Boundary. The analysis focuses on the expected level of demand for new commercial, industrial, and public development and related gross buildable land needs over the next 20 years (2011-2031).

Both the U.S. and Oregon economies are currently mired in the aftermath of a national economic recession that began in December 2007. The current economic slowdown is now the longest on record since the Great Depression; however, some economic expansion is beginning to occur. According to the U.S. Bureau of Economic Analysis, real Gross Domestic Product (GDP is the measure of value of all goods and services in the U.S.) increased at an annual rate of 3.7 percent during the first quarter of 2010, and increased by 2.4 percent during the second quarter of 2010.

Consumers are still very cautious as unemployment rates remain high and high levels of home foreclosures continue. Oregon posted a year-over-year overall job loss of 16,000 jobs between June 2009 and June 2010. At the same time, the state’s unemployment rate decreased to 10.5 percent in June 2010, compared to 11.6 percent in June 2009. It should be noted that Oregon’s employment levels have declined over the past year in spite of the drop in unemployment rate. This trend likely reflects a decline in the number of people who are actively seeking employment.

The U.S. and Oregon economies are now poised for a slow economic recovery. The July 2010 survey of the National Association of Business Economists reported expectations of slow growth in GDP during the second half of 2010 in the U.S. as industry demand, profit margins, employment, capital spending and credit conditions improve.

Despite job losses, population levels continue to increase in both Oregon and Tigard due to population migration patterns, increases in immigrant population levels and natural population increases. As indicated in **Table 1**, according to the Portland State University Population Research Center, the population in Tigard increased to 47,460 residents in 2009, up from 42,260 residents in 2000. The average annual growth rate (AAGR) for population in Tigard was 1.3% between 2000 and 2009, which was below the level of population growth recorded for Washington County, but above the Oregon and national growth rates.

Table 1. Population Trends, 2000 to 2009

	2000	2009	Annual % Change 2000-2009
Tigard	42,260	47,460	1.3%
Washington County	449,250	527,140	1.8%
Oregon	3,421,399	3,823,465	1.2%
USA	282,171,957	307,006,550	0.9%

Source: Portland State University, Population Research Center.

Metro (the regional government) has prepared forecasts for households and employment for all local jurisdictions in the Metro Urban Growth Planning Area. The most recently adopted Metro growth forecasts are referred to as the Metroscope Generation 2.3 model, and include a forecast period from 2005 to 2030. FCS GROUP extrapolated the Metro forecasts to year 2035 using Metro’s forecasted growth rate from the 2005-2030. While Metro is currently in the process of preparing updated growth forecasts for the region, the Metroscope Generation 2.3 forecasts are being used for this EOA since they are the only set of officially adopted forecasts at this time. As indicated in **Table 2**, the 2005 to 2035 forecasts anticipate that Tigard will add approximately 3,185 households and 24,167 jobs over the 25-year period. The extrapolated 2035 Metro job forecasts shown in **Table 2** are provided for informational purpose only. In light of the recent national economic recession that caused severe declines in Oregon employment (from 2007 through 2010), Metro's 2030 job forecast for Tigard is assumed to be achieved by year 2035 under the "medium forecast" scenario used in the Tigard EOA.

As noted in **Table 2**, the Metro job growth forecasts reflect the fact that Tigard currently is relatively “jobs rich” with a positive ratio of 2.3 jobs per household, which is well above the tri-county Metro regional average of 1.5 jobs per household. This is no surprise given Tigard’s concentration of regional employment centers, including Washington Square Mall, the “Tigard Triangle” employment area near the confluence of I-5/Hwy. 217, and pockets of industrial uses along the Hwy. 217 corridor.

Table 2. Metro Growth Forecasts for Households and Employment, 2005 to 2035

Households				Projected Change 2005-2035	Projected. Avg. Annual Change (%)
2005	2030	2035			
Tigard	17,724	20,341	20,909	3,185	0.6%
Clackamas County	140,415	241,821	269,594	129,179	2.2%
Multnomah County	288,926	372,913	392,439	103,513	1.0%
Washington County	189,925	272,998	293,545	103,620	1.5%
<i>Total 3 County Region</i>	<i>619,266</i>	<i>887,732</i>	<i>955,578</i>	<i>336,312</i>	<i>1.5%</i>
Employment*				Projected. Change 2005-2035	Avg. Annual Change (%)
2005	2030	2035			
Tigard	41,308	60,637	65,475	24,167	1.5%
Clackamas County	145,581	251,286	280,273	134,692	2.2%
Multnomah County	493,671	705,721	758,005	264,334	1.4%
Washington County	269,660	450,970	499,820	230,160	2.1%
<i>Total 3 County Region</i>	<i>908,912</i>	<i>1,407,977</i>	<i>1,538,098</i>	<i>629,186</i>	<i>1.8%</i>
Jobs Per Household Ratio				Projected. Tigard Capture of Region HHs	Projected Tigard Capture of Region Jobs
2005	2030	2035			
Tigard	2.3	3.0	3.1	0.9%	3.8%
Clackamas County	1.0	1.0	1.0	N/A	N/A
Multnomah County	1.7	1.9	1.9	N/A	N/A
Washington County	1.4	1.7	1.7	N/A	N/A
<i>Total 3 County Region</i>	<i>1.5</i>	<i>1.6</i>	<i>1.6</i>	<i>N/A</i>	<i>N/A</i>

Source: Metro adopted housing and employment growth forecasts, 2007; Metroscope Gen. 2.3; extrapolated to 2035 by FCS GROUP.

*The extrapolated 2035 Metro job forecasts shown in Table 2 are provided for informational purpose only. In light of the recent national economic recession that caused severe declines in Oregon employment (from 2007 through 2010), Metro's 2030 job forecast for Tigard is assumed to be achieved by year 2035 under the "medium forecast" scenario used in the Tigard EOA.

Washington Square Mall already functions as a regional commercial center that draws shoppers and patrons from over a 30-mile radius. With 1,458,734 square feet (sf) of retail and entertainment space, the mall has five anchor stores including JC Penny, Macy's, Nordstrom, Sears, and Dick's Sporting Goods and 170 specialty stores. The mall added 28 new stores and restaurants in 2005, along with a new multi-level parking structure.

In addition to large retail employers, Tigard is also home to several large high-tech manufacturing, construction contractors, professional, business operations and state and local government operations. **Table 3** provides a list of Tigard employers with more than 250 jobs per establishment.

Table 3. Large Employers in Tigard with More Than 250 Employees, 2008

Firm Name	Specialty	Employment Range
Nordstrom	Retail/Gen. Merchandise	500 – 999
Tigard-Tualatin School District	Local Government	500 – 999
AEROTEK, Inc.	Temp. Emp. Agency	250 – 499
City of Tigard	Local Government	250 – 499
COSTCO Corp.	Retail. Merchandise	250 – 499
Health Net Health Plan of Oregon	Health Insurance Carrier	250 – 499
JC Penny	Retail Merchandise	250 – 499
MACYS	Retail Merchandise	250 – 499
Performance Contracting, Inc.	Industrial Contractors	250 – 499
PERS Headquarters	Pension Fund Mgmt.	250 – 499
Remedy Intelligent Staffing, Inc.	Temp. Emp. Agency	250 – 499
Rockwell Collins Aerospace	Aero. & Tech. Part Mfg.	250 – 499
STARPLEX Corp.	Temp. Emp. Agency	250 – 499
Western Patricians, Inc.	Bldg. Interior Contractors	250 – 499

Source: Oregon Employment Department.

According to regional commercial and industrial real estate brokers, Tigard is a well-defined submarket within the suburban Metro region. Tigard’s office market is especially competitive within the inner southwest portion of the region, with businesses considering locations among several areas including Tigard; 217 Corridor/Beaverton; Kruse Way; Barbur Blvd/Capitol Hwy; Tualatin and Wilsonville.

Recent office leasing market statistics indicate that office vacancy rates in the Metro region have been increasing since 2008 as many businesses have shed jobs and scaled back on required space needs. As indicated in **Appendix A**, negative absorption levels have been occurring during the first six months of the year, particularly in Class A Office space, where Tigard experienced a net loss of 13,097 sf during the first half of this year. As of July 1, 2010 Tigard had total Class A vacancy rates of 151,900 sf and another 66,000 sf in vacant Class B and C space.

Tigard’s Class B inventory has experienced positive absorption this year, with 12,800 sf of net absorption. Since July 2010, Tigard has recorded several positive lease transactions, which rank among the largest in the region, such as Bridgewell Resources (32,088 gsf); Comsys into the Lincoln Center; State Farm Mutual Insurance (23,712 gsf) into Fanno Creek Place; and CAN Insurance (17,843 gsf) into the Pacific Parkway Center.

Industrial leasing activity and vacancy rates were also significantly impacted by the recent economic recession. As indicated in **Appendix B**, Tigard had approximately 170,000 sf of vacant flex space (13.4% vacancy rate), and 339,000 sf of vacant warehouse space (7.7% vacancy rate) as of July 1, 2010.

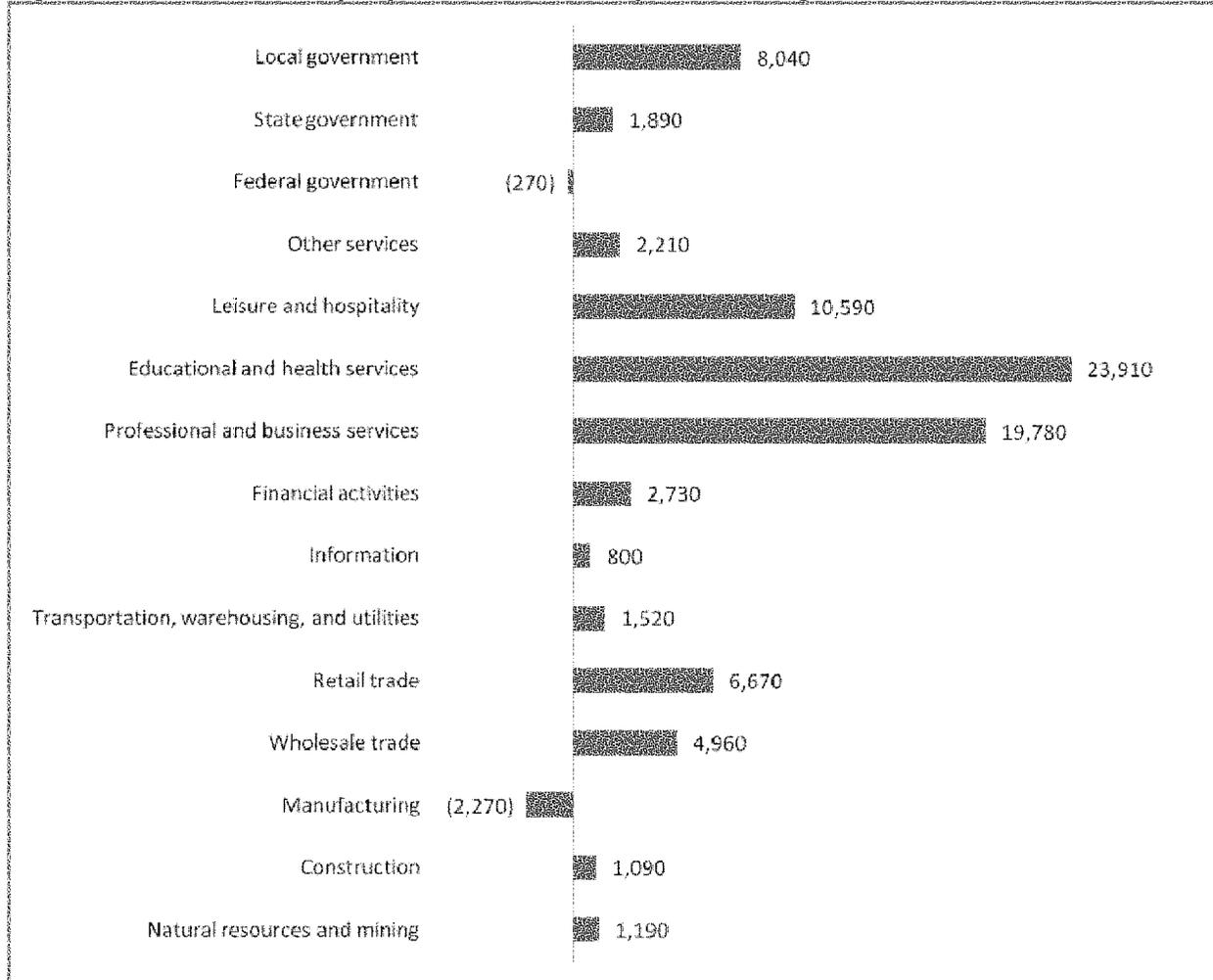
Overall industrial lease rates in the Tigard submarket averaged \$7.68 per sf/year, and were among the highest in the Metro suburbs.

The City of Tigard and the Oregon Department of Transportation (ODOT) are taking steps to enhance the Downtown Tigard area to make it a more viable place to live and work. At a cost of \$12 million, intersection improvements along Pacific Highway at Hall Blvd. and Greenburg Rd. are being paid for by ODOT, Washington County and the City of Tigard. This project is slated for completion by Spring 2011 and will include a third through-lane on the highway, turn lanes on side streets, an extended median, wider sidewalks, new bike lanes, improved pedestrian crossings, and wider corners for truck turning movements. This effort will also enhance access into and from Downtown Tigard.

Tigard's recently completed Downtown Plan is setting the regulatory stage and establishing a new vision for renovating downtown. The vision is intended to be a 50-year look at how the downtown could change into a "mixed-use urban village" with a wide range of housing and commercial opportunities that optimize natural features, such as Fanno Creek and Fanno Creek Park, transportation facilities, such as Pacific Hwy. and the Westside Express Commuter Rail system, and even light rail or bus rapid transit service to/from Portland.

To estimate future development potential for Tigard employment, FCS GROUP evaluated the 10-year employment growth forecasts prepared by the Oregon Employment Department for the Metro Tri-County region, and Metro growth forecasts for Tigard. As shown in **Figure 1**, the 10-year job growth forecasts for the Metro Tri-County Region portend a positive trend towards job growth for all industry sectors, except federal government and the manufacturing sector. The sectors that are expected to grow the fastest in the Tri-County Metro Region include: educational and health services; professional and business services; leisure and hospitality; local government; retail; and wholesale trade.

Figure 1 Non-Farm Employment, Tri-County Metro Region, 2008-2018 Forecast



Source: Oregon Employment Department includes Multnomah, Washington and Clackamas Counties.

To estimate future development potential for Tigard, FCS GROUP evaluated the 10-year employment growth forecasts prepared by the Oregon Employment Department as well as the extrapolated employment growth forecasts from Metro. In light of the recent national economic recession that caused severe declines in Oregon employment (from 2007 through 2010), Metro's 2030 job forecast for Tigard is assumed to be achieved by year 2035 under the "medium forecast" scenario.

As indicated in **Appendix C**, the 20-year job growth forecasts for Tigard indicate a more positive trend towards job growth for all industry sectors. According to Metro (and FCS GROUP interpretation of Metro data), the general sectors that are expected to grow the fastest in Tigard over the next 20 years include: services (+10,092 jobs); retail (+3,810 jobs), industrial/other (+1,324 jobs), and government (+882 jobs).

The job growth projections indicate that Tigard should expect to experience significant redevelopment opportunities over the next 20-years. A range in employment forecasts is provided to take into account current weak market conditions and national economic expectations that expect lower-rates of job growth over the next several years. As indicated in **Table 4**, there is a great level of uncertainty

regarding potential job growth for Tigard in light of weak regional and national employment growth predictions.

Table 4. Forecasted 20-Year Employment Growth and Building Space Needs in Tigard

Employment Growth Forecast	Slow	Moderate	High
Retail Trades	2,286	3,048	3,810
Services	6,055	8,073	10,092
Industrial/Other*	794	1,059	1,324
Government*	529	706	882
Total	9,665	12,886	16,108

Notes: See supporting analysis in Appendix C.

*Metro employment growth forecasts for "Other" were allocated to 60% industrial/other and 40% government by FCS GROUP based on local observations and assumptions.

Tigard is expected to add between 9,665 and 16,108 new jobs over the next 20 years. As indicated in **Table 5**, this amount of employment growth translates into approximately 4.2 to 7.1 million of new or renovated building square footage (floor area).

Table 5. Forecasted 20-Year Total Building Space Needs in Tigard for Employment

Employment Type	Slow	Moderate	High
Office	1,499,000	1,998,000	2,497,000
Institutional	170,000	227,000	285,000
Flex/Business Park	451,000	602,000	752,000
General Industrial	257,000	342,000	428,000
Warehouse	374,000	499,000	624,000
Retail	1,498,000	1,997,000	2,497,000
Total	4,249,000	5,665,000	7,083,000

Notes: See supporting analysis in Appendix C.

Source: FCS GROUP.

A large portion of this demand will need to be met by redevelopment and utilization of vacant buildings since large vacant undeveloped tracts of land are becoming increasingly scarce. It is estimated that redevelopment and utilization of vacant buildings is expected to accommodate 70% of the retail space demand, 50% of the service/office demand, 40% of the industrial demand, and 40% of the government facilities demand.

Table 6 shows the expected level of redevelopment and refill in the Tigard USB over the next 20 years. As the existing vacant land supply in Tigard gets developed, the level of redevelopment activity is expected to rise. Prime redevelopment locations in Tigard include Downtown and the Tigard Triangle, and future planned high capacity transit stations along Pacific Hwy. The City's Downtown Plan envisions 2,500 dwelling units and over one million square feet of commercial office and retail space being added over the next few decades.

Table 6. Redevelopment and Refill Assumptions (2011 to 2031) Tigard USB

Employment Type	Slow	Moderate	High
Office	1,004,000	1,339,000	1,673,000
Institutional	114,000	152,000	191,000
Flex/Business Park	203,000	271,000	338,000
General Industrial	116,000	154,000	193,000
Warehouse	168,000	225,000	281,000
Retail	899,000	1,198,000	1,498,000
Total	2,504,000	3,339,000	4,174,000

Source: FCS GROUP; derived from Appendix C, based primarily on Metro 2009-2035 Urban Growth Report (December 2009 draft) and local assumptions.

After accounting for the levels of redevelopment activity identified in **Table 6**, the amount of vacant land demand in Tigard for employment uses over the next 20-years is expected to range from 126 to 210 acres. Preliminary estimates for vacant lands needs in Tigard by general building type are provided in **Table 7**, and supporting assumptions are reflected in **Appendix D** and **Appendix E**.

Table 7. Vacant Land Needs by General Land Use Zoning Classification (2011 to 2031)**Tigard USB (gross buildable acres)**

Land Use Zoning Classification	Slow	Moderate	High
Commercial	51	68	85
Mixed Use	27	36	45
Industrial	48	64	80
Total	126	168	210

Source: FCS GROUP; derived from Appendix C, based primarily on Metro 2009-2035 Urban Growth Report (December 2009 draft) and local assumptions.

To help validate these assumptions, FCS GROUP conducted an additional analysis of retail sales inflow/outflow within Tigard. The retail analysis provided in **Appendix D** indicates that the amount of local retail trade in Tigard over the next 20 years could support an additional 1.4 million square feet of redevelopment or new development activity, even if current levels of retail sales inflow were cut by 50%. Hence, it appears that the “slow” or “land efficient” vacant land demand scenario is the best match with respect to the retail market potential for the Tigard USB.

The actual amount and timing of new development will vary from year to year. The wide range in development forecasts reflects current uncertainty regarding the region’s ability to retain and attract major employers, the City’s desire to stimulate redevelopment in downtown, and limited ability to accommodate new commercial and industrial development on vacant lands.

Business Clusters Analysis

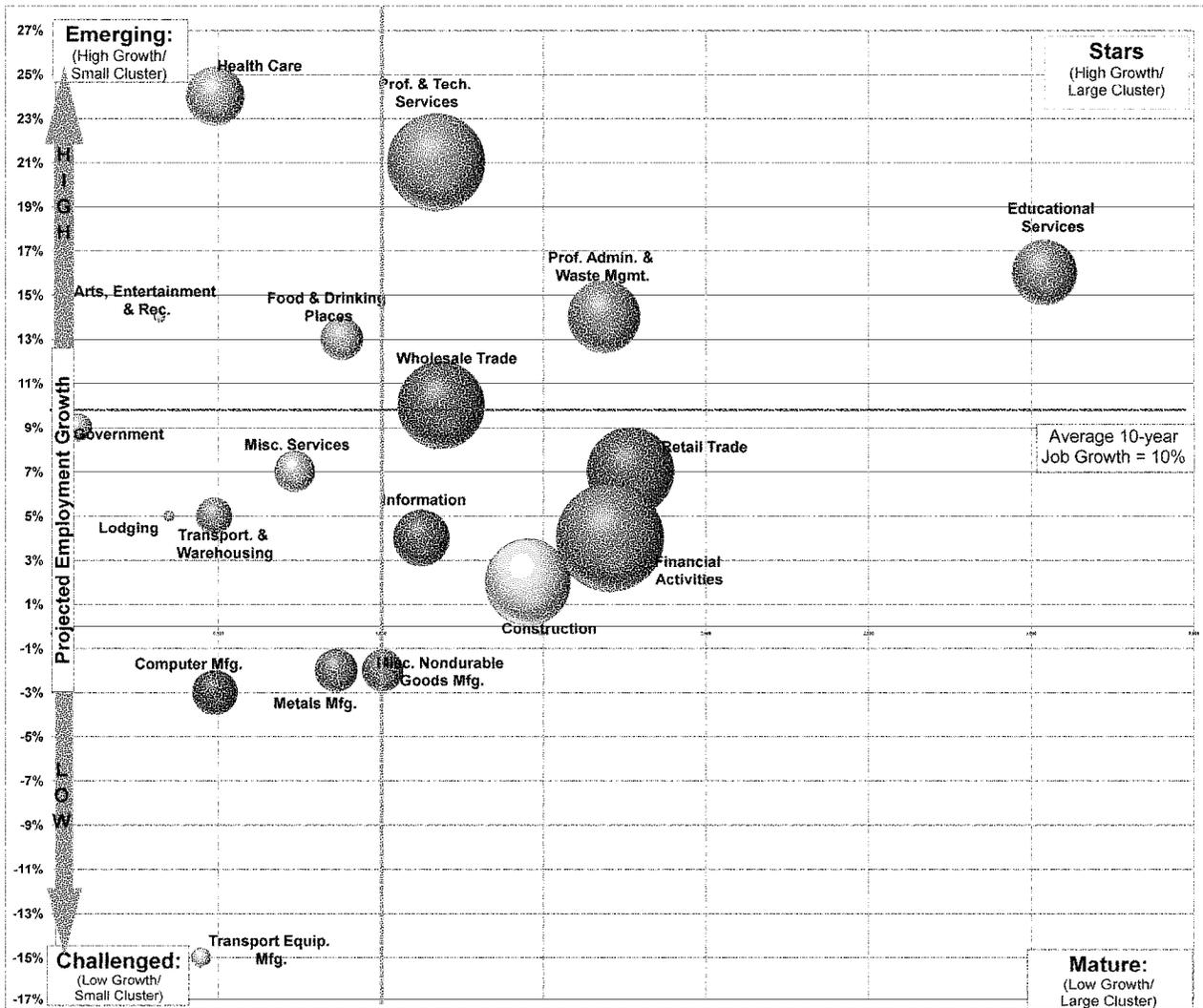
It is a widely accepted theory among economic development professionals that “business clusters” are the primary force driving local economic currents and business location decisions. Clusters of business activity go well beyond mere concentrations of industry or employment types. They represent unique competitive market advantages with regard to employment, work force, creativity, entrepreneurship, business costs, and supporting natural resources.

The clusters analysis prepared by FCS Group is intended to identify potential employment sectors that are most compatible with local economic policy objectives. The process entailed:

1. Obtaining Employment Security (ES202) wage and salary employment data from the Oregon Employment Department (OED) for the Tigard Urban Service Boundary (USB), Washington County, Multnomah County and Clackamas County (tri-county region) for the year 2008.
2. Conducting a location-quotient (LQ) analysis to evaluate business and industrial clusters in the Tigard UGB relative to the tri-county region.
3. Evaluating business clusters within the Tigard UGB with regard to the LQ, projected growth rates, economic size of each cluster, and average wage rates.
4. Classifying each business cluster with regard to one of four classifications, including:
 - I. STARS: Businesses with large LQ (propensity to locate in the Tigard USB) and higher than average projected growth rate compared to the tri-county region.
 - II. EMERGING: Businesses with small LQ and high average growth rate (possible pent up demand or competitive market disadvantage relative to other locations).
 - III. MATURE: Businesses with large LQ but lower than average growth rate.
 - IV. CHALLENGED: Businesses with small LQ and lower than average growth rate.

The business cluster analysis summarized in **Figure 2** identifies the business sectors within the Tigard USB by their LQ, size and growth potential. Each sector has been analyzed by their North American Industrial Classification System (NAICS) code. This code is used by the federal government to classify types of businesses for tax accounting and economic research purposes. The data was derived from the OED ES202 wage and salary employment statistics for the year ending in 2008.

Figure 2
Existing Business Clusters in Tigard USB, 2008



Note: X-axis denotes the Location Quotient (LQ) average set at 1. All sectors to right of the yellow line have an LQ greater than 1; all sectors to the left of the yellow line have an LQ less than 1.
 Source: Oregon Employment Department; data compiled by FCS GROUP.

The clusters analysis classifies the existing business sectors in the Tigard USB into four general categories:

Industry Sectors with Large LQ/High Growth Potential (“Stars”)

- Educational Services (private or non-profit)
- Professional and Technical Services
- Professional Administration and Waste Management Services
- Wholesale Trade

Industry Sectors with Small LQ/High Growth Potential (“Emerging”)

- Health Care and Social Services
- Food Service and Drinking Places
- Arts, Entertainment and Recreation

Industry Sectors with Large LQ/Low Growth Potential (“Mature”)

- Retail Trade
- Information Services
- Financial Activities and Services
- Construction
- Nondurable Goods Manufacturing

Industry Sectors with Small LQ/Low Growth Potential (“Challenged”)

- Transportation, and Warehousing
- Miscellaneous Services
- Metals Manufacturing
- Computer Parts and Equipment Manufacturing
- Lodging
- Transportation Equipment Manufacturing
- Government

In addition to evaluating existing *local* business clusters, the City may also consider the expected *regional* growth in business sectors and emerging clusters. According to the Oregon Employment Department, the job sectors with the highest potential for new growth in the greater Portland metropolitan region include:

- Business administration and waste management
- Finance and insurance
- Health care
- Hotel/motel accommodations and food services
- Professional
- Retail trade
- Scientific and technical service (computer science, engineering)
- State and local government
- Transportation and utilities (warehousing, distribution and energy research, private utilities)
- Wholesale trade¹

While manufacturing of durable goods does not make the list of the top growth sectors, there are certain subsectors within manufacturing that are growing faster than others. The manufacturing sectors with the greatest net new job growth potential in the greater Portland metropolitan region include: computer-related parts manufacturing, transportation equipment, other miscellaneous durable goods (such as solar panels), and miscellaneous non-durable goods (such as apparel research and design).

¹ These emerging business clusters are documented in the Regional Wired Workforce Innovation and Regional Economic Development, Global Development Strategy, prepared by FCS GROUP et al, 2008.

The greater Portland metropolitan region is now considered an epicenter within the United States for sustainable technology. According to Global Insight, the greater Portland metropolitan region employs 6,700 people in “green jobs” which is more than Denver, Austin, Seattle and San Jose. The number of workers in green jobs (such as solar panel manufacturing, wind energy, bio energy research and manufacturing) is expected to increase to 53,000 over the next two decades. Portland General Electric and Pacific Power are ranked in the top three among the nation’s top utility companies for Green Energy sales, and the greater Portland region has more LEED-certified buildings than any other U.S. metropolitan area.

With the Portland metropolitan region, recent federal and state tax policies have helped spur major investments in green technology and energy by firms such as: SolarWorld, SunEdison, Vestas and Portland General Electric—creating a major new industrial cluster in clean technology. Additional investments in advanced manufacturing are being made by Intel, Flir Systems (producer of night vision and thermal imaging systems), Precision Castparts (maker of parts used in Vestas wind turbines, Boeing aircraft and other products), Genentech, and other firms. These are examples of manufacturing companies that are finding success within the greater Portland metropolitan region, even in challenging economic times.

Focused marketing and business recruitment efforts are being made by the State of Oregon and regional economic development stakeholders to attract certain established and emerging business clusters. The business and industry clusters that are currently being targeted by the Oregon Business Development Department, Portland Business Alliance and the Portland Development Commission include advanced manufacturing, clean technology (with sustainability sub-clusters in green building, solar & wind power), active wear/outdoor gear, and software.

Targeted Business Clusters

According to its Community Economic Development Objectives, the City of Tigard may target businesses that generally offer above average wages and provide health care and retirement benefits that support families. According to the U.S. Bureau of Labor Statistics, the occupations that had the fastest growth and highest pay over the past 10 years nationally included: computer systems analysts, registered nurses, computer support specialists, teachers, social workers, college faculty, computer programmers, engineering sciences, police officers, securities and financial services, physicians, advertising, marketing, management analysts, electrical engineers, paralegals, writers/editors, commercial artists, medical and health service managers. It is interesting to note that almost two-thirds of the jobs filled in these fast growing occupations required some level of on-the-job training in addition to high school and a college degree.²

In light of these findings, the consultant team and City staff recommend that Tigard focus on retaining and attracting a mix of existing and emerging business clusters that pay above average wages. This includes existing, established clusters, such as durable goods manufacturing (includes metals and machinery), education (private and non-profits), financial services, information (including software development), professional and technical services, and wholesale trade. They also recommend that the City focus on emerging clusters, including health care and advanced technology (i.e., green energy) manufacturing and research operations. As indicated in **Table 8**, these recommended business clusters (with the exception of educational services) pay above average wage rates.

² Based on findings contained in publications provided by JIST Works, including the Occupational Outlook Handbook, 2008-2009; and America's Fastest Growing Jobs by Michael Farr.

Table 8. Summary of Existing Businesses in Tigard USB, 2008

	Number of Entities	Average Employment	Average Annual Pay
Total Private	2,914	41,032	\$43,542
Natural resources and mining	6	21	\$38,742
Construction	272	3,329	\$56,080
Manufacturing	117	2,743	\$54,300
Durable goods	53	1,814	\$58,229
Metals and machinery manufacturing	36	897	\$51,425
Computer and electronic product mfg.	15	774	\$65,308
Transportation equipment manufacturing	2	143	\$62,594
Nondurable goods	64	929	\$46,628
Trade, transportation, and utilities	704	11,375	\$36,742
Wholesale trade	333	2,987	\$64,284
Retail trade	329	7,621	\$25,407
Transportation, warehousing, and utilities	42	767	\$42,114
Information	69	1,206	\$66,469
Financial services	405	5,037	\$58,459
Professional and business services	638	8,146	\$45,971
Professional and technical services	449	3,858	\$62,851
Administrative and waste services	189	4,288	\$30,784
Educational and health services	269	5,037	\$38,133
Educational services	55	2,912	\$36,384
Health care and social assistance	214	2,125	\$40,531
Leisure and hospitality	204	3,018	\$16,579
Arts, entertainment, and recreation	23	184	\$16,241
Accommodations and food services	181	2,834	\$16,601
Accommodations	10	131	\$20,072
Food services and drinking places	171	2,703	\$16,433
Other services	230	1,120	\$36,618
Government	5	390	\$49,275
Total	2,919	41,422	\$43,596

Notes: Shading indicates targeted business cluster.

Source: Oregon Employment Department, 2008. Average payroll reflects Washington and Multnomah counties.

SITE SUITABILITY ANALYSIS (LAND DEMAND)

The majority of the targeted businesses that consider expanding or relocating into Tigard will consist of small business operations (less than 50 employees) that can locate within existing professional office or

industrial buildings, or within new office or flex/industrial buildings that are developed on vacant sites of less than five acres in size.

It is also likely that there will be larger potential business and high-tech industrial operations that consider Tigard as a potential location for new campus-style developments. Certain opportunities may emerge as regional businesses expand and desire to remain within the tri-county region. Other opportunities may occur as global and national businesses desire to establish a presence in the Pacific Northwest. In any event, it is likely that Tigard could attract three to four large professional service, health care, education, and/or high tech industrial businesses over the next 20 years.

As indicated in **Table 9**, Tigard is already home to 41 large private business operations (with between 70-250 employees). Tigard could continue to retain and attract large businesses if adequate sites are available. These types of large private operations usually require surplus adjacent land areas to accommodate future business expansion.

Table 9. Existing Private Businesses by Size Class, Tigard USB, 2008

Sector	Total Establishments		Large Establishments		Small/Medium Establishments	
	Number	Jobs	Number	Jobs	Number	Jobs
Natural resources and mining	6	21	--	--	6	21
Construction	272	3,329	4	571	268	2,758
Manufacturing	117	2,743	10	1,300	107	1,443
Durable goods	53	1,814	10	1,300	43	514
Nondurable goods	64	929	--	--	64	929
Trade, transport., utilities & communications	704	11,375	20	3,997	684	7,378
Wholesale trade	333	2,987	1	125	332	2,862
Retail trade	329	7,621	16	3,517	313	4,104
Transport., warehousing and communications	42	767	3	355	39	412
Information	69	1,206	2	376	67	830
Financial, professional & tech. services	1,043	13,183	4	1,426	1,039	11,757
Educational and health services	269	5,037	--	--	269	5,037
Educational services	55	2,912	--	--	55	2,912
Health care and social assistance	214	2,125	--	--	214	2,125
Leisure and hospitality	204	3,018	--	--	204	3,018
Arts, entertainment, and recreation	23	184	--	--	23	184
Accommodations and food services	181	2,834	--	--	181	2,834
Other services	230	1,120	1	99	229	1,021
Total	2,914	41,032	41	7,769	2,873	33,263

Notes: green shading indicates targeted business cluster.

Source: Oregon Employment Department, 2008. Note: large establishments are those with at least 70 employees.

The consultant/staff team recommends that Tigard provide a variety of small, medium and large vacant sites that meet the targeted business and industrial requirements. As indicated in **Table 10**, the existing businesses within Tigard can generally be grouped into three general land use categories: industrial, commercial and office.

Table 10. Existing Private Businesses by Size Class and General Land Use or Building Type, Tigard USB, 2008

Primary Land Use/Building Type	Total Entities		Large Entities ⁴		Small/Medium Entities	
	Firms	Jobs	Firms	Jobs	Firms	Jobs
Industrial ¹	770	9,847	18	2,351	752	7,496
Commercial ²	763	11,759	17	3,616	746	8,143
Office ³	1,381	19,426	6	1,802	1,375	17,624
Total	2,914	41,032	41	7,769	2,873	33,263

Notes: ¹ Reflects natural resources, construction, manufacturing, wholesale trade, transportation, warehousing, utilities, and communications sectors.

² Reflects retail trades, lodging, accommodations, and misc. service sectors.

³ Reflects information, financial, professional and technical service, health care and educational service sectors.

⁴ Large establishments reflect establishments with at least 70 employees.

Source: Oregon Employment Department, 2008. Compiled by FCS GROUP.

Most small and medium business establishments prefer to lease space in office or commercial buildings, and/or could locate into redevelopment sites in downtown or in selected redevelopment locations (e.g., near planned high capacity transit stations or within the Tigard Triangle). No special vacant land requirements are identified for future small or medium businesses. However, the City should pursue more proactive redevelopment strategies to accommodate small and medium sized businesses.

Larger business establishments that are included within the targeted business clusters will likely have minimum site size and infrastructure service requirements. Typical site requirements for the larger targeted business sectors are described in **Table 11** and described in more detail in **Appendix F**. Based on the site requirements described in **Table 11** and **Appendix F**, the recommended targeted business clusters will need sites ranging from one to twenty-five acres, with a majority of the need falling in the five to ten-acre range.

Table 11. Typical Site Size Requirements for Targeted Business Types

	Small Users <i>Less than 50 jobs per business</i>	Medium Users <i>50 to 70 jobs per business</i>	Large Users <i>70 to 200+ jobs per business</i>
Industrial <ul style="list-style-type: none"> • Advanced Technology Manufacturing • Metals/Machinery Manufacturing • Wholesale Trade 	Building tenants or infill redevelopment sites in established industrial locations	4 to 6 acres per user Prefers industrial or business park settings	6 to 20 acres per user Prefers industrial or business park campus settings
Office <ul style="list-style-type: none"> • Education • Professional and Technology. Services • Information • Financial Services • Health Care* 	Building tenants or infill redevelopment sites in town center, regional center, or transit station areas	1 to 2 acres per user Prefers town center, corridors or transit station areas	2 to 4 acres per user* Prefers business park campus setting with transit service
Retail	Not in Targeted Clusters		

Notes: Assumes site development requirements shown in Appendix F.

**Larger medical facility campus could require 15 to 30 acres.*

INVENTORY OF SUITABLE SITES (LAND SUPPLY)

Consistent with the employment land demand forecast, the buildable land inventory (BLI) for the Tigard EOA documents industrial and commercial inventory that currently exists within the Tigard Urban Planning Area (UPA). This analysis documents existing land use inventories and compares industrial and commercial land use needs required for addressing the slow, moderate and high growth forecast scenarios.

Employment Land Inventory

The Tigard EOA includes a recent buildable land inventory completed by the City of Tigard Planning staff using Geographic Information Systems (GIS) data that is consistent with the current Draft 2009-2035 Urban Growth Report (accepted by Metro Council in December 2009).

The City’s BLI included an analysis of existing vacant and partially vacant (sub-dividable) tax lots by current zoning classification and deducted all significant environmental constraints to estimate buildable land area within the Tigard USB. The land supply analysis focused on the land use classifications that support employment uses, including commercial, mixed-use, and industrial zones. The City has 10 commercial zones to account for a wide variety of uses ranging from retail to medical centers to mixed use centers. Tigard has three zones which accommodate industrial uses. Please refer to **Appendix E** for a detailed description of the allowed, conditional, and permitted uses within each of the City’s zone classifications.

The buildable land area for each tax lot was derived by analyzing GIS data pertaining to environmental features that would constrain the amount of potential site development on vacant and partially vacant areas. For purposes of this analysis, the environmental constraints were calculated for each site using

estimates for land area that is constrained by the following: Metro Title 3 designation (waterways, wetlands, riparian buffers, 100 year floodplain).

The vacant and partially vacant land inventory for the Tigard UPA includes 125 tax lots with a total buildable land area of 136.1 acres, as indicated in **Table 12**. Tigard’s vacant land supply primarily consists of small (less than one acre) tax lots and tax lots between one and five acres in size. As indicated in **Table 12**, the tax lots of less than five acres in size comprise 79.3 acres or nearly sixty percent of the total vacant land supply. The larger tax lots include three lots of five to ten acres (22.1 acres total), and two contiguous tax lots more than ten acres in size (34.7 acres total). Please refer to **Appendix G** for additional detail.

Table 12. Distribution of Vacant and Part Vacant Lands by General Land Use Zone Classification, Tigard USB

	Vacant and Partially Vacant Property									
	< 1 acre		1 to 5 acres		5 to 10 acres		> 10 acres		Total	
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres
Commercial	26	9.5	8	20.2	2	16.4	0	0	36	46.1
Mixed Use	63	25.3	6	8.9	1	5.7	0	0.0	70	39.9
Industrial	12	4.2	5	11.2	0	0.0	2	34.7	19	50.1
Total	101	39.0	19	40.3	3	22.1	2	34.7	125	136.1

Source: City of Tigard.

As mentioned in the Site Suitability Analysis, the recommended targeted business clusters will need sites ranging from one to twenty-five acres to expand or locate within the Tigard UPA, with a majority of the need falling in the five to ten-acre range. The City appears to have a range of sites available to accommodate the targeted business clusters. However redevelopment sites may be needed to accommodate development needing five to ten-acre parcels.

In light of the importance of redevelopment to the City’s ability to grow and diversify its economic base, the City and consultant team also evaluated the relative level of high, medium and low redevelopment potential for each developed tax lot in the Tigard UPA. While this is not a stated requirement within OAR 660, Division 9, it is considered an important factor in deciding which land use growth scenario to target.

The analysis of redevelopment opportunities is based on the ratio of assessed improvement value to land value for each tax lot using 2010 Washington County Assessor data. The results provided in **Table 13** indicate that there are significant amounts of high and moderate redevelopment potential within the Tigard USB. The redevelopment analysis identifies 169 tax lots with a total of 115.6 acres as having “high” redevelopment potential, and 180 tax lots with 166.6 acres as having “moderate” redevelopment potential.

Table 13. Analysis of Redevelopment Tax Lots by General Land Use Zone Classification, Tigard USB

City of Tigard Redevelopable Potential (Improvement to Land Value)*						
	High (< 0.33)		Moderate (0.33 to 1.00)		Low (> 1.00)	
	Lots	Acres	Lots	Acres	Lots	Acres
Commercial	19	7.2	31	17.8	199	299.8
Mixed Use	132	81.4	124	89.9	232	344.3
Industrial	18	27.0	25	58.8	146	437.9
Total	169	115.6	180	166.6	577	1,082.0

Notes: ¹ Improvement to Land Value calculated from Washington County Tax Assessor data (Sept 2010).

² 196 Properties contained a zero Improvement or Land Value and are not represented here.

Source: City of Tigard.

Short-Term Land Supply Determination

In addition to the long-term land supply, OAR 660-009-0005 also requires the identification of a short-term supply of land meaning “suitable land that is ready for construction within one year of an application of a building permit or request for a service extension.” OAR 660-009-0025 also requires that cities must provide “at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.”

In Tigard’s case, all of the land supply currently included within the Tigard UPA is deemed by the City to be within the short-term supply category. Hence, there are existing roads, water, sewer, and other infrastructure facilities that are sized appropriately to handle some level of new development on the remaining vacant tax lots.

One issue the City has been dealing with is that of highway capacity. This will continue to be an issue until a regional solution is found. This constraint was the cause of a maximum floor-to-area ratio of 0.4 being applied to the Tigard Triangle when a portion of it was rezoned to mixed-use employment. This severely limits the ability to maximize the development potential of available sites. It also causes proposed developments to provide mitigating measures when it is determined the increased vehicle trips will not meet ODOT performance measures. This can be financially constraining to a project if additional lanes, medians, or intersection improvements are required to be paid for by the development.

Additionally, the Transportation Planning Rule (OAR 660-12-0600) and related ODOT performance standards for the state highways have presented a barrier to Tigard achieving its aspirations. This includes amending existing zoning to allow higher density developments that are consistent with the Region 2040 land use designations. The TPR requires an amendment to an adopted plan not cause an affected roadway to fail to meet performance standards, or if the forecast roadway operations are already failing to meet performance standards, the plan amendment must not further degrade performance. This is a known issue in Downtown, Washington Square Regional Center, along Pacific Highway, and in the Tigard Triangle, and may also arise in other areas near state highways or freeway interchanges.

These issues are being addressed at the state and regional levels and could be somewhat mitigated as the City, Metro, and ODOT work to develop alternative performance standards through a corridor

refinement plan for Pacific Highway. The Pacific Highway corridor is also being studied for potential high-capacity transit service in the future. The presence of high-capacity transit could also alleviate some of the issues associated with ODOT performance measures by allowing new development to allocate additional trips to transit and reduce automobile trip demand. Strategies to promote transit-oriented development and address ODOT capacity issues are recommended as part of the implementation plan policies for the Tigard EOA.

ASSESSMENT OF POTENTIAL (RECONCILIATION OF DEMAND AND SUPPLY)

Short-Term Land Need Determination

Commercial and industrial properties appear to clearly meet the statutory requirements for short-term land supply, as all of the long-term land supply can be classified as short-term as well as long-term supply. Industrial and commercial properties appear to be well served with adequate infrastructure, and there is an abundant supply of vacant industrial, office and retail building floor area being actively marketed in the Tigard USB today.

Long-Term Land Need Determination

Consistent with EOA documentation requirements, the economic trends analysis of land needs scenarios and the business clusters analysis indicates that the Tigard UPA can add approximately 794 net new industrial jobs without needing to add additional industrial-zoned land over the next 20 years. In light of current downward trends in industrial business activity, the land efficient need scenario appears to be most consistent with regional growth forecasts and anticipated market realities.

Industrial Land Need and Parcel Requirements

As indicated in **Table 13**, the land efficient need scenario assumes 48 acres of net new industrial vacant land demand, which is just below the estimated vacant industrial land supply of 50 acres. If the City opts to pursue a more aggressive economic growth strategy that is consistent with the moderate or high land need scenario, the City would need to identify another 14 to 30 acres of vacant industrial land area to meet the level of industrial demand associated with adding another 1,059 to 1,324 industrial jobs.

In light of the City's rather limited remaining vacant industrial land supply of tax lots in excess of five acres, the consultant/staff team recommends that the City adopt economic goals and objectives that preserve the remaining large contiguous industrial sites for large industrial employment users. A preliminary expected forecast of demand by parcel size is also provided in **Table 14**, and assumes that virtually all of the remaining vacant industrial land supply within the Tigard UPA will be absorbed over the next 20 years.

Table 14. 20-Year Industrial Demand Forecast and Vacant Land Supply, Tigard USB

Land Demand and Supply	Efficient Land Need Scenario	Moderate Land Need Scenario	High Land Need Scenario
Demand for Vacant Industrial Land	48	64	80
Supply of Vacant Industrial Land	50	50	50
Land Surplus or (Deficit)	2	(14)	(30)

Preliminary Parcel Distribution, Efficient Land Need Forecast ¹	Existing Unconstrained Supply (tax lots)	Forecast of Parcel Size Demand (tax lots) ^{1/}	Surplus (tax lots)
Less than 1 acre	12	10	2
1 to 5 acres	5	5	0
5 to 10 acres	0	0	0
10 to 20 acres	2	2	0
20+ acres	0	0	0
Total	19	17	2

Notes: ¹ Tax lot demand forecast expected to meet or exceed supply in 20 years.

Source: Based on findings included in demand and supply analysis.

Commercial Land Need and Parcel Requirements

As indicated in **Table 15**, the land efficient needs scenario assumes 78 acres of net new commercial and mixed-use vacant land demand, which is just below the estimated vacant land supply of 86 acres. As with the industrial land needs, an economic growth strategy that is consistent with the moderate or high land needs scenario would require the City to identify an additional 19 to 45 acres of vacant commercial and mixed-use land to meet the demand. .

In light of the City’s rather limited remaining vacant commercial and mixed-use land supply of lots in excess of five acres, the consultant/staff team recommends that the City adopt economic goals and objectives that preserve the remaining large contiguous commercial sites for strategic commercial retail and office employment users, and allow housing in these areas, only as part of a mixed-use development. A preliminary expected forecast of demand by parcel size is also provided in **Table 15**, and assumes that virtually all of the remaining vacant commercial land supply over one acre in size within the Tigard UPA will be absorbed over the next 20 years.

The City also anticipates the development of high-capacity transit along the Pacific Highway corridor. The region has made a commitment to high-capacity transit and this corridor is the next to be studied. Any development of high-capacity transit would trigger the City to identify station areas to accept higher, transit supportive mixed-use densities. The logical locations for station areas would more than likely result in the rezoning of general commercial lands to mixed-use zoning. As both commercial and mixed-use zoned lands are included in this analysis, any rezoning would not decrease the amount of vacant or partially vacant land available. The range of allowed uses, from retail to multi-story office buildings, would not be affected.

Table 15. Reconciliation of Long-term Land Demand and Supply Commercial and Mixed Use 20-Year Land Use Forecast (gross buildable acres), Tigard USB

Land Demand and Supply	Low Land Need Scenario	Medium Land Need Scenario	High Land Need Scenario
Demand for Vacant Commercial Land	78	105	131
<i>Commercial Demand</i>	51	68	85
<i>Mixed-Use Demand</i>	27	36	45
Supply of Vacant Commercial Land	86	86	86
<i>Commercial Zoned Supply</i>	46	46	46
<i>Mixed-Use Zoned Supply</i>	40	40	40
Land Surplus or (Deficit)	8	(19)	(45)
Preliminary Parcel Distribution, Efficient Need Forecast	Existing Supply (tax lots)	Forecast of Demand (tax lots)	Surplus (tax lots)
Less Than 1 acre	89	30	59
1 to 5 acres	14	14	0
5 to 10 acres	3	3	0
10 to 20 acres	0	0	0
20+ acres	0	0	0
Total	106	47	59

Source: FCS GROUP, based on findings included in demand and supply analysis.

Planning, Market, Cost and Risk Factors

Consistent with EOA documentation requirements, the economic trends analysis, stakeholder interviews and business clusters analyses indicate that the Tigard USB is uniquely positioned within the greater Portland metropolitan region to experience continued success in retaining and attracting businesses and economic development.

Risk of Losing Large Commercial and Industrial Sites

As Tigard’s vacant land supply of large parcels (more than five acres) becomes diminished, the City could risk losing economic growth potential if remaining larger industrial and commercial sites allow non-employment uses that displace prospective business opportunities. While the current short-term employment market is sluggish at best, the future long-term job growth trends bode well for Tigard if it preserves large commercial and industrial zoned parcels for intended business activity. These risks can be mitigated in part by adopting new economic development objectives that preserve large commercial and industrial areas for desired commercial and industrial business activities.

Risk of Not Adequately Preparing for Targeted Area Redevelopment

As Tigard’s population and employment levels increase with time, and vacant land diminishes, the City will need to rely more upon redevelopment areas, and productivity increases from existing developed lands and businesses to achieve long-term economic strength and diversity. New economic

development objectives should be formulated to enable the City to leverage desired redevelopment in targeted locations such as downtown, and within planned transit-station communities.

Risk of Expanding the USB in the Future

Beyond the 20-year forecast time horizon the City should consider the need to grow into urban reserve locations, if the City's investment in infrastructure extensions yields a favorable return to its residents and businesses. An Urban Planning Area expansion is not necessary at this time to accommodate industrial and other employment land needs for the next 20 years, unless the City opts to pursue the moderate or high land needs scenario to accommodate additional commercial and industrial job growth.

Planning and Permitting Risks

The City should review its land use development code to ensure that it preserves sites for their intended use, yet is flexible enough to accommodate a full diversity of commercial and light industrial uses consistent with public safety, public facilities, and positive urban design characteristics. The ability to provide a streamlined and predictable permitting process can be a challenge as the City relies more on smaller infill and redevelopment sites to accommodate business growth.

Non-Local Regulatory Risks

The City is dependent upon ODOT to achieve higher trip caps in targeted redevelopment areas. As the City and Metro pursue high capacity transit facilities and assessed service levels, these regulatory risks may be addressed by assuming higher non-vehicle mode shares that result in reduced traffic impacts from new development.

Most of the risk factors described above may be addressed by the City of Tigard. Others will require partnerships with regional and state regulatory agencies, such as Metro, Washington County and ODOT. The City can take a leadership position by providing a local planning and permitting environment that is favorable to business investment and more proactive economic marketing to raise awareness of Tigard's strengths as a preferred location for over 2,900 existing business establishments.

IMPLEMENTATION POLICIES AND ACTION MEASURES

OAR 660-009-0020 stipulates that comprehensive plans must provide community economic development objectives, a commitment to providing a competitive short-term land supply, and identification and provision of adequate sites and public facilities to serve economic development demand.

Since the City of Tigard updated the economic development chapter of its Comprehensive Plan in 2008, the document contains a fairly complete set of economic development goals, policies and action measures. The following is a list of topics and recommended policy updates to comply with state statutes and/or implement the City's economic goals.

Policies

Community Economic Development Objectives (CEDOs)

The majority of these objectives are already embedded in existing policies. Two new policies are recommended:

"The City shall encourage neighborhood commercial uses that support economic opportunities, multi-modal transportation options, neighborhood vitality, and the goals of efficient land use patterns."

“The City shall encourage businesses that are environmentally and economically sustainable.”

Commitment to Provide Adequate Sites and Facilities and Commitment to Provide a Short-Term Land Supply of Land

The commitment to provide adequate public facilities is embedded in existing Policy 9.1.4 of the Comprehensive Plan. One new policy is recommended to describe the commitment to provide adequate sites and a short-term land supply:

“The City shall monitor and update its Buildable Lands Inventory to ensure adequate short and long-term supplies of buildable employment land.”

Provide for Prime Industrial Land Development on Large Lots

Existing Policy 9.1.7 addresses the need to protect prime industrial land but does not address the need for large lots. It is recommended the policy be revised as follows:

“The City shall limit the development of retail and service land uses in Metro-designated industrial areas, and especially on lots of 10 or more acres, to preserve the potential of these lands for industrial jobs.”

Promote Targeted Redevelopment in Downtown and other areas

This issue is addressed by several existing policies and recommended action measures, but most directly by Policy 9.3.1: “The City shall focus a significant portion of future employment growth and high-density housing development in its Metro-designated Town Center (Downtown); Regional Center (Washington Square); High Capacity Transit Corridor (Hwy 99W); and the Tigard Triangle.” No new language is proposed.

Recommended Action Measures

Assist property owners with the Oregon Industrial Site Certification Process

A new recommended action measure is suggested:

“Assist property owners with the Oregon Industrial Site Certification Process to help preserve and market the City’s inventory of industrial lands.”

Economic Development Marketing and Incentives Directed Towards Strategic Clusters

This issue is addressed indirectly by several recommended action measures, but could benefit from more concise language. A new recommended action measure is suggested:

“Explore an economic development marketing and incentives program targeting strategic business clusters.”

Work with ODOT to address mobility standards

Capacity issues on state highways (particularly Pacific Highway, Hwy. 217, and Interstate 5) impact economic development opportunities through trip caps, limited floor-to-area ratios, and required road improvements that are expensive. The conversation is just getting started at the regional level. A new recommended action measure is suggested:

“Work with state and regional partners to develop alternative mobility standards that will benefit the community and its economic development efforts.”

Monitor Local and Regional Economic Development Initiatives

This request from the Planning Commission led to a suggested new recommended action measure:

“Monitor local and regional economic development initiatives to assess their effectiveness related to cost and outcome.”

Metro Designated Centers and Corridors

Based on a resolution passed by the Tigard City Council, Metro recently amended its Growth Concept Map expanding the Tigard Town Center Boundary to include the entire Tigard Urban Renewal District and the Tigard Triangle. The City is required to adopt this change into its Comprehensive Plan. Staff recommends adopting a definition that will refer to the Metro Growth Concept Map, thus eliminating the need to amend the Tigard Comprehensive Plan each time the Metro Growth Concept Map is amended.

APPENDIX A – OFFICE LEASING ACTIVITY SUMMARY, MID-YEAR REPORT

OFFICE Leasing Activity, Mid-Year 2010 (as of June 30, 2010)								
Class A Market Statistics								Mid-Year 2010
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	41	11,389,435	1,412,066	12.4%	(135,590)	368,800	62,200	\$24.42
Suburban	141	17,234,745	2,225,626	12.9%	(130,126)	-	-	\$23.74
Tigard	6	509,087	151,931	29.8%	(13,097)	-	-	\$23.93
217 Corridor/Beaverton	12	1,142,430	303,750	26.6%	(15,550)	-	-	\$21.77
Kruse Way	19	1,961,855	495,615	25.3%	(26,228)	-	-	\$26.05
Barbur Blvd/Capitol Hwy	-	-	-	-	-	-	-	\$0.00
Tulalatin	4	361,270	154,503	42.8%	5,604	-	-	\$24.31
Wilsonville	4	325,501	55,071	16.9%	-	-	-	\$24.77
Total	182	28,624,180	3,637,692	12.7%	(265,716)	368,800	62,200	\$24.01
Class B Market Statistics								Mid-Year 2010
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	130	9,423,902	927,523	9.8%	61,787	-	-	\$20.18
Suburban	1,155	30,095,314	4,345,461	14.4%	(62,639)	14,000	268,854	\$17.82
Tigard	83	1,979,955	277,469	14.0%	12,806	-	-	\$20.88
217 Corridor/Beaverton	72	1,719,571	314,759	18.3%	5,148	-	-	\$16.40
Kruse Way	26	728,262	93,241	12.8%	(14,059)	-	-	\$20.76
Barbur Blvd/Capitol Hwy	42	890,672	121,398	13.6%	2,337	-	-	\$16.79
Tulalatin	30	704,815	105,798	15.0%	(7,289)	-	-	\$19.36
Wilsonville	17	622,051	30,169	4.8%	(10,369)	-	-	\$16.71
Total	1,285	39,519,216	5,272,984	13.3%	(852)	14,000	268,854	\$18.38
Class C Market Statistics								Mid-Year 2010
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	177	4,093,913	489,486	12.0%	11,201	-	-	\$17.49
Suburban	2,815	18,283,763	129,081	0.7%	68,665	-	-	\$14.36
Tigard	97	662,182	66,493	10.0%	(3,199)	-	-	\$15.60
217 Corridor/Beaverton	82	609,431	70,635	11.6%	1,202	-	-	\$14.50
Kruse Way	19	133,044	2,452	1.8%	-	-	-	\$18.00
Barbur Blvd/Capitol Hwy	120	846,865	99,822	11.8%	(5,090)	-	-	\$15.60
Tulalatin	20	119,561	29,278	24.5%	(5,598)	-	-	\$14.73
Wilsonville	21	103,496	2,681	2.6%	5,609	-	-	\$17.21
Total	2,992	22,377,676	618,567	2.8%	79,866	-	-	\$14.93
Class B and C Market Statistics								Mid-Year 2010
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	307	13,517,815	1,417,009	10.5%	72,988	-	-	\$19.37
Suburban	3,970	48,379,077	4,474,542	9.2%	6,026	14,000	268,854	\$16.51
Tigard	180	2,642,137	343,962	13.0%	9,607	-	-	\$19.56
217 Corridor/Beaverton	154	2,329,002	385,394	16.5%	6,350	-	-	\$15.90
Kruse Way	45	861,306	95,693	11.1%	(14,059)	-	-	\$20.33
Barbur Blvd/Capitol Hwy	162	1,737,537	221,220	12.7%	(2,753)	-	-	\$16.21
Tulalatin	50	824,376	135,076	16.4%	(12,887)	-	-	\$18.69
Wilsonville	38	725,547	32,850	4.5%	(4,760)	-	-	\$16.78
Total	4,277	61,896,892	5,891,551	9.5%	79,014	14,000	268,854	\$17.14
<i>Quoted Rates for Class B and C table are weighted average of individual B and C markets according to the total RBA inventory</i>								
<i>Source: CoStar Office Report Mid-Year 2010; Capacity Commercial Group.</i>								

APPENDIX B: INDUSTRIAL LEASING ACTIVITY, MID-YEAR 2010 REPORT

Flex Building Market Statistics							Mid-Year 2010	
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	3	45,000	10,000	22.2%	-	-	-	\$16.50
Suburban	741	18,956,577	2,268,793	12.0%	(336,814)	70,020	-	\$10.23
Tigard	50	1,277,751	170,855	13.4%	(12,799)	-	-	\$12.30
217 Corridor/Beaverton	87	2,204,502	419,258	19.0%	(69,237)	-	-	\$11.77
Kruse Way	2	88,928	-	0.0%	-	-	-	\$0.00
Barbur Blvd/Capitol Hwy	7	53,681	6,771	12.6%	5,100	-	-	\$10.35
Tulalatin	14	430,840	23,229	5.4%	(2,531)	-	-	\$7.54
Wilsonville	29	1,661,734	201,334	12.1%	(18,316)	7,020	-	\$9.31
Total	744	19,001,577	2,278,793	12.0%	(336,814)	70,020	-	\$10.24
Warehouse Building Market Statistics							Mid-Year 2010	
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	41	1,616,833	141,090	8.7%	(1,843)	-	-	\$5.78
Suburban	4,694	167,214,476	13,813,643	8.3%	91,337	119,723	415,000	\$5.55
Tigard	119	4,394,617	339,683	7.7%	57,333	-	-	\$6.38
217 Corridor/Beaverton	75	3,332,391	471,805	14.2%	31,770	-	-	\$6.30
Kruse Way	13	301,069	3,378	1.1%	10,240	-	-	\$7.20
Barbur Blvd/Capitol Hwy	17	209,963	5,000	2.4%	8,000	-	-	\$6.16
Tulalatin	221	8,453,141	675,494	8.0%	(39,805)	-	-	\$5.20
Wilsonville	83	6,155,906	1,268,475	20.6%	47,351	-	-	\$5.95
Total	4,735	168,831,309	13,954,733	8.3%	89,494	119,723	415,000	\$5.55
Total Industrial Market Statistics							Mid-Year 2010	
Market	Existing Inventory		Vacancy		YTD Net	YTD	Under Const	Quoted
	# Builds	Total RBA	Total SF	Vac %	Absorbtion	Deliveries	SF	Rates
Central Business District	44	1,661,833	151,090	9.1%	(1,843)	-	-	\$7.16
Suburban	5,435	186,171,053	16,082,436	8.6%	(245,477)	189,743	415,000	\$6.19
Tigard	169	5,672,368	510,538	9.0%	44,534	-	-	\$7.68
217 Corridor/Beaverton	162	5,536,893	891,063	16.1%	(37,467)	-	-	\$8.07
Kruse Way	15	389,997	3,378	0.9%	10,240	-	-	\$7.20
Barbur Blvd/Capitol Hwy	24	263,644	11,771	4.5%	13,100	-	-	\$8.01
Tulalatin	235	8,883,981	698,723	7.9%	(42,336)	-	-	\$5.29
Wilsonville	112	7,817,640	1,469,809	18.8%	29,035	7,020	-	\$6.72
Total	5,479	187,832,886	16,233,526	8.6%	(247,320)	189,743	415,000	\$6.20
Source: CoStar Office Report Mid-Year 2010; Capacity Commercial Group.								

APPENDIX C: ANALYSIS OF EMPLOYMENT AND SPACE NEEDS

Projected Tigard Employment, Medium Forecast Scenario, 2005-2035

	2005	Proj. 2035	Change	
			Jobs	%
Retail Trades	9,854	14,426	4,572	46%
Services	11,372	23,482	12,110	106%
Industrial/Other*	12,049	13,637	1,588	13%
Government*	8,033	9,092	1,059	13%
Total	41,308	60,637	19,329	47%

Source: Metro adopted housing and employment growth forecasts, 2007; Metroscope Gen. 2.3. Assumes allocation of "Other" jobs at 60% industrial, and 40% government. In light of the recent national economic recession that caused severe declines in Oregon employment from 2007 through 2010, Metro's 2030 job forecast for Tigard is assumed to be achieved by year 2035 under the "medium forecast" scenario.

Projected Tigard Net New Average Annual Employment Forecast (1 Year Forecast)

	Low	Medium	High
Retail Trades	114	152	191
Services	303	404	505
Industrial/Other*	40	53	66
Government*	26	35	44
Total	483	644	805

Projected Tigard Net New 20-Year Employment Forecast

	Low	Medium	High
Retail Trades	2,286	3,048	3,810
Services	6,055	8,073	10,092
Industrial/Other*	794	1,059	1,324
Government*	529	706	882
Total	9,665	12,886	16,108

APPENDIX C: ANALYSIS OF EMPLOYMENT AND SPACE NEEDS (CONTINUED)

Job Sectors and Building Type Assumptions							
Employment Sectors	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail Trades	5%	1%	6%	0%	12%	76%	100%
Services	72%	1%	5%	1%	1%	20%	100%
Industrial/Other	8%	0%	50%	40%	2%	0%	100%
Government	43%	37%	5%	0%	0%	15%	100%

Source: Metro Draft 2009-2030 Urban Growth Report; modified to reflect local observations.

Proj. Tigard Net New 20-Year Employment Forecast by Building Type, Low

	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail Trades	114	23	137	-	274	1,737	2,286
Services	4,360	61	303	61	61	1,211	6,055
Industrial/Other*	64	-	397	318	16	-	794
Government*	228	196	26	-	-	79	529
Total	4,765	279	863	378	351	3,028	9,665

Proj. Tigard Net New 20-Year Employment Forecast by Building Type, Medium

	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail Trades	152	30	183	-	366	2,316	3,048
Services	5,813	81	404	81	81	1,615	8,073
Industrial/Other*	85	-	529	424	21	-	1,059
Government*	304	261	35	-	-	106	706
Total	6,353	372	1,151	504	468	4,037	12,886

Proj. Tigard Net New 20-Year Employment Forecast by Building Type, High

	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Retail Trades	191	38	229	-	457	2,896	3,810
Services	7,266	101	505	101	101	2,018	10,092
Industrial/Other*	106	-	662	529	26	-	1,324
Government*	379	326	44	-	-	132	882
Total	7,942	465	1,439	630	585	5,046	16,108

Source: FCS GROUP based on Metro Draft 2009-2030 Urban Growth Report; modified to reflect local observations.

APPENDIX C: ANALYSIS OF EMPLOYMENT AND SPACE NEEDS (CONTINUED)

Building Type to Land Needs Assumptions*							
	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	
Refill/Redevelopment Rate ¹	67%	67%	45%	45%	45%	60%	
Jobs Needing Vacant Land Rate ²	33%	33%	55%	55%	55%	40%	
Building SF Per Job ²	370	630	550	700	1,100	510	
Floor-Area-Ratio ²	0.50	0.50	0.31	0.30	0.30	0.30	
Public Facility Net:Gross Adjustment ³	1.10	1.05	1.10	1.05	1.05	1.10	
Work at Home Adjustment ⁴	0.15	0.03	0.05	0.03	0.03	0.03	
* assumptions are intended to reflect a long-term average over 20 years, some "ramp up" is expected to attain these density levels.							
1/ Adjusts for building refill & vacancy allowances.							
2/ Building density derived from Metro UGR assumptions.							
3/ Allowances take into account land dedicated to public/utility easements.							
4/ Allowance based on national statistics by US Dept. of Labor, Bureau of of Labor Statistics, Technical information: "Work at Home i							
Source: assumptions are generally consistent with the Metro Draft 2009-2030 Urban Growth Report; modified to reflect local observatio							
Proj. Tigard Net New 20-Year Redevelopment Building Space Needs (Floor Area)							
	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Low	1,004,000	114,000	203,000	116,000	168,000	899,000	2,504,000
Medium	1,339,000	152,000	271,000	154,000	225,000	1,198,000	3,339,000
High	1,673,000	191,000	338,000	193,000	281,000	1,498,000	4,174,000
Proj. Tigard Net New 20-Year Building Floor Area on Vacant Lands (Floor Area)							
	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Low	495,000	56,000	248,000	141,000	206,000	599,000	1,745,000
Medium	659,000	75,000	331,000	188,000	274,000	799,000	2,326,000
High	824,000	94,000	414,000	235,000	343,000	999,000	2,909,000
Proj. Tigard 20-Year Vacant Lands (gross buildable acres)							
	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Low	25	3	20	11	17	50	126
Medium	33	4	27	15	22	67	168
High	42	5	34	19	28	84	210

APPENDIX C: ANALYSIS OF EMPLOYMENT AND SPACE NEEDS (CONTINUED)

Land Use Assignment Assumptions							
Local Zoning Classification	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	
Commercial	50%	60%	20%	10%	10%	60%	
Mixed Use	40%	20%	5%	5%	0%	30%	
Industrial	10%	20%	75%	85%	90%	10%	
Total	100%	100%	100%	100%	100%	100%	

Assumptions by FCS GROUP and Tigard based on local observations.

Proj. Tigard 20-Year Vacant Land Needs Forecast by Zoning Classification, Low

Land Use Classification	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Commercial	13	2	4	1	2	30	51
Mixed Use	10	1	1	1	-	15	27
Industrial	3	1	15	10	15	5	48
Total	25	3	20	11	17	50	126

Proj. Tigard 20-Year Vacant Land Needs Forecast by Zoning Classification, Medium

Land Use Classification	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Commercial	17	2	5	2	2	40	68
Mixed Use	13	1	1	1	-	20	36
Industrial	3	1	20	13	20	7	64
Total	33	4	27	15	22	67	168

Proj. Tigard 20-Year Vacant Land Needs Forecast by Zoning Classification, High

Land Use Classification	Office	Institutional	Flex/Bus. Park	Gen. Industrial	Warehouse	Retail	Total
Commercial	21	3	7	2	3	50	85
Mixed Use	17	1	2	1	-	25	45
Industrial	4	1	25	16	25	8	80
Total	42	5	34	19	28	84	210

Summary of 20-Year Vacant Land Demand Forecast by Zoning Classification, Tigard USB (with current zoning regulations)

Land Use Classification	Low	Medium	High
Commercial	51	68	85
Mixed Use	27	36	45
Industrial	48	64	80
Total	126	168	210

Assumptions by FCS GROUP based on Dec. 2009 Metro 2009-2035 Urban Growth Report assumptions and local observations.

APPENDIX D: ANALYSIS OF RETAIL INFLOW/OUTFLOW

Analysis of Retail Development Potential								
Tigard Area								
2010 to 2030								
Est. 2010 Population in City	48,100							
Proj. 2030 Population in City	62,278							
Analysis of Effective Buying Income (EBI)								
Est. 2010 Per Capita Income 1/	\$33,000							
Proj. 2030 Per Capita Income 1/	\$36,462							
Est. 2010 Aggregate EBI (000)	\$1,587,300							
Proj. 2030 Aggregate EBI (000)	\$2,270,749							
Change in Aggregate EBI (000)	\$683,449							

Store Group	Analysis of Existing & Future Retail Sales				Future 2030 Supportable Retail Development Potential			
	Distribution of Local Income by Store Group 2/	2010 Retail Buying Power from Local Residents (000) 2/	2030 Retail Buying Power from Local Residents (000) 2/	Change in Retail Buying Power (000)	Sales Attributed to Local Residents (000)	Sales Attributed to Retail Inflow (000) 4/	Total Supportable Retail Sales (000)	Supportable Sq.Ft. of New Retail Development 5/
Food Stores	8.3%	\$131,746	\$188,472	\$56,726	\$51,054	\$12,763	\$63,817	236,000
Eating & Drinking	5.0%	\$79,365	\$113,537	\$34,172	\$30,755	\$13,181	\$43,936	162,000
Gen. Merchandise	5.5%	\$87,302	\$124,891	\$37,590	\$33,831	\$27,680	\$61,510	227,000
Furniture, Fixtures & Appliances	2.2%	\$34,921	\$49,956	\$15,036	\$13,532	\$11,072	\$24,604	91,000
Automotive Services	9.6%	\$152,381	\$217,992	\$65,611	\$52,489	\$42,945	\$95,434	352,000
Other/Misc.	11.3%	\$179,365	\$256,595	\$77,230	\$54,061	\$23,169	\$77,230	285,000
Total	41.9%	\$665,079	\$951,444	\$286,365	\$235,722	\$130,810	\$366,532	1,353,000

Notes:

1/ Derived from US Census estimates; assumes .05% annual real income growth.

2/ Store group sales allocations from U.S. Bureau of Economic Analysis, Consumer Expenditure Survey, Western United States.

3/ Based upon employment estimates: assumes 500 sq.ft. per job, 5% vacancy allowance, and avg. sales of \$275/sq.ft.

4/ Future retail inflow assumed to account for 30% to 45% of total retail sales.

5/ Building area assumes \$285/per sq. ft. annual sales, and 5% vacancy allowance.

Source: analysis by FCS GROUP.

APPENDIX E: SUMMARY OF TIGARD EMPLOYMENT ZONES AND REGULATIONS

The following is an overview of regulations related employment lands and zones for the City of Tigard. A general description of each zone is provided along with common and specific development standards when applicable. A summary table highlights specific regulations, such as building height, lot size, setbacks, landscaping and lot coverage.

COMMERCIAL ZONES

Neighborhood Commercial District (C-N)

Provide convenience goods and services (those purchased frequently) within a small cluster of stores adjacent to residential neighborhoods. A limited number of other uses such as restaurants, gas stations and medical centers are permitted conditionally.

Community Commercial District (C-C)

Provide convenience shopping facilities to meet regular needs of nearby (1.5 miles) residential neighborhoods. Typically range in size from 30,000-100,000 sf on 2 to 8-acre sites. Separated from other commercial zones by at least one half-mile. Housing is permitted on the second floor at densities not to exceed 12 units/net acre. Limited other uses are allowed conditionally. Mandatory site development review.

General Commercial District (C-G)

Accommodate a full range of retail, office and civic uses with a City-wide and even regional trade area. Residential uses limited to single family residences on same site as permitted use. A wide range of uses are permitted conditionally.

Professional Administrative Commercial District (C-P)

Accommodate civic and business/professional services and compatible support services in close proximity to residential areas and major transportation facilities. Within the Tigard Triangle and Bull Mountain Road District, residential uses at a minimum density of 32 units/net acre are permitted in conjunction with commercial development. Heliports, medical centers, religious institutions and utilities are permitted conditionally. Developments are intended to serve as a buffer between residential areas and more intensive commercial and industrial areas.

Mixed Use-Central Business District (MU-CBD)

Provide a pedestrian friendly urban village in Downtown Tigard. A wide variety of commercial, civic, employment, mixed-use, multi-family and attached single family residences are permitted. All uses are allowed in all areas.

Specific Development Standards (18.610):

Four sub-areas (see MU-CBD Development Standards Matrix) have different setback and height limits in order to create a feeling of distinct districts within the larger zone.

- Pacific Hwy. and Hall Boulevard Corridor: designed to create a “pulse-point” along the Pacific Hwy. corridor. Regional retail draw and potential future high capacity transit.
- Main Street – Center Street: pedestrian-oriented with smaller scale development.
- Scoffins Street – Commercial Street: higher density residential and employment base of civic, office and commercial uses.

- Fanno – Burnham Street: medium scale residential or mixed use development.

Mixed Use Employment (MUE)

Designed to apply to a majority of land within the Tigard Triangle, it permits a wide range of uses including major retail goods and services, business/professional offices, civic uses and housing (multi-family at a max density of 25 units/acre. A wide range of uses are permitted conditionally. Acknowledges a majority of trips by automobile, but supports alternative modes of transportation to the greatest extent possible and encourages a mix of uses. Includes special design standards for Tigard Triangle (18.620).

Mixed Use Employment Districts (MUE-1 and MUE-2)

Apply to areas where employment uses such as office, research and development and light manufacturing are concentrated. Commercial and retail support uses are allowed but limited, and residential uses are permitted when compatible with employment character of the area. MUE-1 example is Lincoln Center (high density). MUE-2 example is Nimbus area (more moderate densities).

Mixed Use Commercial District (MUC)

Includes land around Washington Square Mall and immediately west of Highway 217. Primary uses include office buildings, retail, and service areas. Also permits mixed use developments and housing at 50 units/acre. Large buildings encouraged with parking under behind or to sides. Includes special design standards for Washington Square Regional Center (18.630).

Mixed Use Commercial (MUC-1)

Applies to portion of the Durham Quarry site. Subject to IGA agreement between Tigard and Tualatin. Permits a wide range of uses including commercial lodging, general retail, offices and housing at min density of 25 units/acre and max of 50 units/acre. Includes special design standards for Durham Quarry (18.640).

Mixed Use Residential Districts (MUR)

Applies to predominantly residential areas where mixed-uses are permitted when compatible with residential use.

INDUSTRIAL/INSTITUTIONAL ZONES

Industrial Park District (I-P)

Provides appropriate locations for combining light manufacturing, office and small-scale commercial uses (restaurants, personal services and fitness centers) in a campus-like setting. Only those uses with no off-site impacts are permitted. Mandatory site development review and specific design standards (18.530).

Light Industrial District (I-L)

Provides appropriate locations for general industrial uses, including manufacturing and production, research and development, warehousing and freight movement and wholesale sales activities with few, if any, nuisance characteristics.

Heavy Industrial District (I-H)

Provides appropriate locations for intensive industrial uses including I-L uses as well as railroad yards and waste-related activities. Uses include those which involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Properties are carefully located to minimize impacts on established residential, commercial and light industrial areas.

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MUE													
	C-N	C-C ^[9]	C-G	C-P	MU-CBD**	C-G	R-25	MUC -1	MUC	MUE 1	MUE 2	MUR 1	MUR 2	
							MF DU*		[17][18]	[17][16]	[17][14]	[17][16]	[17][14]	
Minimum Lot Size	5,000 sq ft	5,000 sq ft	None	6,000 sq ft	None	None	-	None	None	None	None	None	None	
- Detached unit	ft	-	-	-	-	-	1,480 sq ft	-	-	-	-	-	-	
- Boarding, lodging, rooming house	-	-	-	-	-	-	6,100 sq ft	-	-	-	-	-	-	
Minimum Lot Width	50 ft	50 ft	50 ft	50 ft	None	50 ft	None	None	None	None	None	None	None	
Minimum Setbacks														
- Front yard	20 ft	0/20 ft ^[10]	0 ft ^[11]	0 ft ^[11]	□	0 ft ^[11]	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	0 ft ^[21]	10 ft ^[21]	
- Side facing street on corner & through lots ^[1]	20 ft	-	-	-	□	-	20 ft	▽	0 ft ^[19]	0 ft ^[21]	0 ft ^[21]	5 ft ^[21]	10 ft ^[21]	
- Side yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	□	0/20 ft ^[8]	10 ft	▽	0	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]	0 ft ^[20]	
- Side or rear yard abutting more restrictive zoning district	-	-	-	-	-	-	30 ft	▽	ft ^{[19][20]}	-	-	-	-	
- Rear yard	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	0/20 ft ^[8]	□	-	20 ft	▽	-	0 ft ^[20]	0 ft ^[20]	0	0	
- Distance between front of garage & property line abutting a public or private street.	-	-	-	-	-	0/20 ft ^[8]	20 ft	▽	ft ^{[19][20]}	N/A	N/A	ft ^{[20][22]}	ft ^{[20][22]}	
Minimum Building Height	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	2 stories	2 stories	None	2 stories	None	
Maximum Building Height	35 ft	35 ft	45 ft	45 ft	□	45 ft	45 ft	70 ft	200 ft	200 ft	60 ft	75 ft	45 ft	
Maximum Site Coverage ^[2]	85 %	80 %	85 %	85 %	□	85 %	80 % ^[10]	90%	85%	85%	85%	80%	80%	
Minimum Landscape Requirement	15 %	20 %	15 %	15 %	□	15 %	20 %	10%	15%	15%	15%	20%	20%	
Minimum FAR ^[3]	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	1.25	1.25	0.6	0.6	0.3	
Minimum Residential Density ^{[4][5][6]}	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	50 unit/acre	50 unit/acre	25 unit/acre	50 unit/acre	25 unit/acre	
Maximum Residential Density ^{[4][5][6][7]}	N/A	N/A	N/A	N/A	□	N/A	N/A	N/A	None	None	50 unit/acre	None	50 unit/acre	

* Multiple-family dwelling unit.

** See Table 18.610.1 and Map 18.610.A for development standards.

▽ = See 18.640.050.B.

□ = See Table 18.610.1 and Map 18.610.A for development standards.

- [1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.
- [2] Includes all buildings and impervious surfaces.
- [3] Applies to all nonresidential building development and mixed use development which includes a residential component. In mixed use development, residential floor area is included in the calculations of floor area ratio to determine conformance with minimum FAR.
- [4] Notwithstanding the requirements of Section 18.715.020, minimum and maximum density shall be determined for residential only projects using the number of residential units per acre shown in the above table. The provisions for density transfer described in Section 18.715.030.B apply, using the minimum and maximum density shown in the above table. Any mixed-use or commercial only development does not have a minimum density requirement.
- [5] For purposes of determining floor area ratio and residential densities, the net development area shall be used to establish the lot area, determined per Section 18.715.020.A.
- [6] Adjustments to minimum density in the Washington Square Regional center area subject to the standards set forth in Section 18.630.020.E.
- [7] The maximum density requirements for developments that include or abut designated Water Resources Overlay district Riparian setbacks per Chapter 18.797 are described in Section 18.630.020.D.
- [8] No setback shall be required except 20 feet shall be required where the zone abuts a residential zoning district.
- [9] See Section 18.520.050.B for site and building design standards.
- [10] No front yard setback shall be required, except a 20-foot front yard setback shall apply within 50 feet of a residential district.
- [11] There shall be no minimum front yard setback requirement; however, conditions in Chapters 18.745 and 18.795 must be met.
- [12] There are no setback requirements, except 30 feet where a commercial use within a district abuts a residential zoning district.
- [13] The maximum height of any building in the CBD zone within 100 feet of any residential zoning district shall not exceed 40 feet.
- [14] Where the side or rear yard of attached or multiple-family dwellings abut a more restrictive zoning district, such setbacks shall not be less than 35 feet.
- [15] Landscaped areas on existing developed property in the CBD shall be retained. Buffering and screening requirements set forth in Chapter 18.745 shall be met for existing and new development.
- [16] Lot coverage includes all buildings and impervious surfaces.
- [17] Modifications to dimensional and minimum density requirements for developments that include or abut designated Water Resources Overlay District Riparian setbacks per Chapter 18.797 are described in Section 18.630.040.F.
- [18] The requirements contained in the Buffer Matrices in Tables 18.745.1 and 18.745.2 shall be used in calculating widths of buffering/screening and required improvements to be installed between proposed uses in the MUC, MUE and MUR zones within the Washington Square Regional Center (WSRC) and abutting zoning districts not included within the WSRC, or zoning districts within the WSRC which are not mixed-use. For MUC and MUE zones, the requirements for Commercial Zones apply. For MUR zones, the requirements for the Neighborhood Commercial Zone apply.
- [19] For Commercial and Mixed-use developments, the maximum front and street side yard setback is 10 feet. For Residential only developments, the maximum front and street side yard setback is 20 feet.
- [20] Side and rear yard setbacks shall be 20 feet when the zone abuts residential districts shown in Section 18.510.020 except R-25 and R-40.
- [21] The maximum setback is 20 feet.
- [22] The maximum setback is 10 feet.

C-N - Neighborhood Commercial District	MUC 1 – Mixed Use Commercial
C-C - Community Commercial District	MUC – Mixed Use Commercial
C-G - General Commercial District	MUE 1 – Mixed Use Employment/High Density
C-P - Professional/Administrative Office Commercial	MUE 2 – Mixed Use Employment/Medium Density
MU-CBD – Mixed Use Central Business District	MUR 1 – Mixed Use Residential/High Density
	MUR 2 – Mixed Use Residential/Medium Density

MU-CBD Development Standards Matrix ^{1, 2, 3}

STANDARD	SUB-AREAS			
	Main Street (MS)	99W/Hall Corridor (99H)	Scoffins/Commercial (SC)	Fanno/Burnham (FB)
Front setback				
Minimum	0 ft.	0/5 ft. (5 ft. for frontage on 99W)	0 ft.	0 ft.
Maximum	10 ft.	25 ft.	20 ft.	20 ft.
Side facing street on corner and through lots				
Minimum	0 ft.	0 ft.	0 ft.	0 ft.
Maximum	10 ft.	N/A	N/A	N/A
Sideyard				
Minimum/maximum	N/A	N/A	N/A	N/A
Rear setback				
Minimum	0 ft.	5 ft.	5 ft.	5 ft.
Maximum	N/A	N/A	N/A	N/A
Building height				
Minimum	20 ft.	20 ft.	20 ft.	20 ft.
Maximum (stories/feet)	3 stories (45 ft.)	3 stories (45 ft.)	6 stories (80 ft.)	6 stories (80 ft.) ⁷
Ground floor height minimum	15 ft.	15 ft.	None	None
Site coverage maximum	100%	90%	90%	80%
Minimum landscaping ⁴	0% ⁵	10%	10%	20%
Minimum building frontage	50%	50%	50%	50%
Residential density (units per acre)				
Minimum ⁸	25	25	25	15
Maximum	50	50	50 ⁶	50 ⁶

¹ This table does not apply to existing development. All new buildings in the district must meet these development standards, including projects using the Track 3 approval process.

² For standards for development surrounding the future public plaza see Section 18.610.040, Special Requirements for Development Bordering Urban Plaza.

³ See also Section 18.610.045, Exceptions to Standards in the MU-CBD zone.

⁴ In the MU-CBD zone, required landscaping can be provided on roofs.

⁵ Landscaping/screening requirements for parking lots must be met.

⁶ Station Area Overlay permits a maximum of 80 units per acre (see Map 18.610A).

⁷ 3 stories/45 feet within 200 feet of Fanno Creek Park boundary (see Map 610.A) or within 50 feet of low or medium density residential district.

⁸ Minimum density applies to residential-only development (not mixed use).

DEVELOPMENT STANDARDS IN INDUSTRIAL ZONES

STANDARD	I-P	I-L	I-H
Minimum Lot Size	None	None	None
Minimum Lot Width	50 ft.	50 ft.	50 ft.
Minimum Setbacks			
- Front yard	35 ft.	30 ft.	30 ft.
- Side facing street on corner & through lots [1]	20 ft.	20 ft.	20 ft.
- Side yard	0/50 ft. [3]	0/50 ft. [3]	0/50 ft. [3]
- Rear yard	0/50 ft. [3][4]	0/50 ft. [3]	0/50 ft. [3]
- Distance between front of garage & property line abutting a public or private street	--	--	--
Maximum Height	45 ft.	45 ft.	45 ft.
Maximum Site Coverage [2]	75 % [5]	85 %	85 %
Minimum Landscape Requirement	25 % [6]	15 %	15%

[1] The provisions of Chapter 18.795 (Vision Clearance) must be satisfied.

[2] Includes all buildings and impervious surfaces.

[3] No setback shall be required except 50 feet shall be required where the zone abuts a residential zoning district.

[4] Development in industrial zones abutting the Rolling Hills neighborhood shall comply with Policy 11.5.1.

[5] Maximum site coverage may be increased to 80% if the provisions of Section 18.530.050.B are satisfied.

[6] Except that a reduction to 20% of the site may be approved through the site development review process.

I-P - Industrial Park District I-L - Light Industrial I-H - Heavy Industrial
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APPENDIX F: TYPICAL SITE REQUIREMENTS FOR DEVELOPMENT TYPES

Typical Criteria For Specific Development Sites

Development Type	Heavy Industrial/ Manufacturing	General Manufacturing	Food Processing	Hi-Tech Manufacturing & Processing	Campus Industrial/ Electronic and Computer Assembly	Warehouse/ Distribution	Call Center/ Business Services	Office (Class A)	Commercial Shopping Center	Hotel
Typical Size (NCDA)	5 to 25	5 to 10	5 to 10	10 to 25	5 to 25	10 to 25	3 to 5	1 to 5	5 to 10	3 to 5
Location Preference	Interstate, state highway or principle arterial within 1-10 miles	Interstate, state highway or principle arterial within 1-20 miles	Interstate, state highway or principle arterial within 1-30 miles	Interstate, state highway or principle arterial within 1-15 miles	Interstate, state highway or principle arterial within 1-10 miles	Interstate or limited access four-lane highway within 1-15 miles	Along arterial or streets	Along arterial or streets or in down town centers and transit areas	Arterial street visibility, prefers transit areas	Arterial or interstate visibility or downtown centers
Typical Infrastructure	<ul style="list-style-type: none"> • Water flow \geq 36,100 GPD • Sewer flow \geq 32,500 GPD • 1.0 MW Electricity 	<ul style="list-style-type: none"> • Water flow \geq 17,000 GPD • Sewer flow \geq 15,300 GPD • 0.5 MW Electricity 	<ul style="list-style-type: none"> • Water flow \geq 24,900 GPD • Sewer flow \geq 22,400 GPD • 1.0 MW Electricity 	<ul style="list-style-type: none"> • Water flow \geq 65,300 GPD • Sewer flow \geq 58,800 GPD • 2.0 MW Electricity • Fiber-telecom and route diversity 	<ul style="list-style-type: none"> • Water flow \geq 74,300 GPD • Sewer flow \geq 74,300 GPD • 0.5 MW Electricity • Fiber-telecom 	<ul style="list-style-type: none"> • Water flow \geq 11,700 GPD • Sewer flow \geq 11,700 GPD • 0.5 MW Electricity 	<ul style="list-style-type: none"> • Water flow \geq 4,600 GPD • Sewer flow \geq 4,600 GPD • 0.5 MW Electricity • Broadband Internet access 	<ul style="list-style-type: none"> • Water flow \geq 3,500 GPD • Sewer flow \geq 3,500 GPD • 0.5 MW Electricity • Broadband Internet access 	<ul style="list-style-type: none"> • Water flow \geq 4,000 GPD • Sewer flow \geq 4,000 GPD • 0.5 MW Electricity • Broadband Internet access 	<ul style="list-style-type: none"> • Water flow \geq 10,000 GPD • Sewer flow \geq 10,000 GPD • 0.5 MW Electricity • Broadband Internet access

NCDA - Net Contiguous Developable Acres

Source: Compiled by FCS Group based on Business Oregon Industrial Site Certification requirements and industry standards.

APPENDIX G: BUILDABLE LAND INVENTORY

City of Tigard Buildable Lands Inventory (as of January 1, 2010)

Vacant and Part-Vacant Property										
	< 1 acre		1 to 5 acres		5 to 10 acres		> 10 acres		Total	
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres
Commercial										
C-C	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
C-G	19	6.8	6	14.0	2	16.4	0	0.0	27	37.3
C-N	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
C-P	7	2.7	2	6.2	0	0.0	0	0.0	9	8.9
Mixed Use										
MU-CBD	3	1.1	0	0.0	0	0.0	0	0.0	3	1.1
MUC	3	1.4	1	1.3	0	0.0	0	0.0	4	2.8
MUE	35	13.9	4	6.1	0	0.0	0	0.0	39	19.9
MUE-1	10	3.8	1	1.5	1	5.7	0	0.0	12	11.0
MUE-2	1	1.2	0	0.0	0	0.0	0	0.0	1	1.2
MUR-1	9	3.2	0	0.0	0	0.0	0	0.0	9	3.2
MUR-2	2	0.8	0	0.0	0	0.0	0	0.0	2	0.8
Industrial										
I-H	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
I-L	7	2.2	2	4.5	0	0.0	0	0.0	9	6.7
I-P	5	2.0	3	6.7	0	0.0	2	34.7	10	43.4
Total	101	38.9	19	40.4	3	22.1	2	34.7	125	136.2

Summary of Vacant Land by General Land Use Zoning Classification

Vacant and Part-Vacant Property										
	< 1 acre		1 to 5 acres		5 to 10 acres		> 10 acres		Total	
	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres	Lots	Acres
Commercial	26	9.5	8	20.2	2	16.4	0	0	36	46.1
Mixed Use	63	25.3	6	8.9	1	5.7	0	0.0	70	39.9
Industrial	12	4.2	5	11.2	0	0.0	2	34.7	19	50.1
Total	101	38.9	19	40.4	3	22.1	2	34.7	125	136.2

Source: City of Tigard.

APPENDIX H: REDEVELOPMENT LAND INVENTORY

City of Tigard Redevelopable Potential (Improvement to Land Value) ¹						
	High (< 0.33)		Moderate (0.33 to 1.00)		Low (> 1.00)	
	Lots	Acres	Lots	Acres	Lots	Acres
C-C	0	0.0	0	0.0	4	8.5
C-G	8	3.4	13	6.8	158	255.0
C-N	0	0.0	1	0.2	2	2.8
C-P	11	3.8	17	10.9	35	33.6
MU-CBD	24	10.5	50	38.4	86	59.0
MUC	7	12.6	11	24.2	35	155.0
MUE	70	40.5	22	12.3	59	61.8
MUE-1	15	11.5	10	6.9	24	30.9
MUE-2	0	0.0	0	0.0	6	29.4
MUR-1	10	3.9	23	5.6	16	5.3
MUR-2	6	2.4	8	2.6	6	3.0
I-H	2	3.4	4	5.5	9	41.3
I-L	3	11.0	8	25.1	61	203.5
I-P	13	12.5	13	28.2	76	193.1
Total	169	115.6	180	166.6	577	1,082.0

Summary of Redevelopable Potential

City of Tigard Redevelopable Potential (Improvement to Land Value) ²						
	High (< 0.33)		Moderate (0.33 to 1.00)		Low (> 1.00)	
	Lots	Acres	Lots	Acres	Lots	Acres
Commercial	19	7.2	31	17.8	199	299.8
Mixed Use	132	81.4	124	89.9	232	344.3
Industrial	18	27.0	25	58.8	146	437.9
Total	169	115.6	180	166.6	577	1082.0

Notes: ¹ Improvement to Land Value calculated from Washington County Tax Assessor data (Sept 2010).

² 196 Properties contained a zero Improvement or Land Value and are not represented here.

Source: City of Tigard.

APPENDIX I: SUMMARY OF STAKEHOLDER INTERVIEWS

In support of the City of Tigard's statewide planning Goal 9 Economic Opportunity Analysis, consulting staff interviewed twelve business leaders, employers and economic experts to gather perspectives on the City's current position and future economic opportunities. Summary of interview responses are included after each question, shown in italics. The list of respondents is included at the end of the summary.

1. *What is Tigard's primary market advantage within the state and region with regard to attracting population and jobs? What do you feel are its greatest assets?*

Stakeholders consistently reported that Tigard's location is its primary asset, particularly its proximity to I-5 and other major transportation corridors such as Highway 217 and Highway 99W. Other factors frequently cited included Tigard's position relative to Portland, an educated, affluent population, and open spaces. Four respondents mentioned that the size of Tigard and its suburban setting are attractive. Other named assets include the variety of housing options, diversity of office and industrial buildings and availability of land.

2. *I'm going to read you a list of seven (7) items. From the list, please identify Tigard's primary strengths as a place to do business.*

The list below is organized in order of frequency of response, shown in parentheses.

- Proximity to I-5 and other transportation corridors (11)
- Quality of life (10)
- Available, skilled workforce (10)
- Adequate public infrastructure (transportation, utilities, etc.) (5)
- Access to local markets and customers (5)
- General business climate (4)
- Interaction with firms in the same and/or related industries (2)

3. *(Optional- for employers) Do you have plans to maintain or expand your business in Tigard? If not, will you relocate within the region or elsewhere? Why or why not?*

Most employers who were interviewed said they plan to maintain their current location but are unlikely to expand. Two others said they hope to expand as the economy improves. Reasons for not moving include preferred location, access, and property ownership. One employer said a recent employee survey showed that most of their employees live near the business. One business owner said they may relocate when the current lease expires and relocate to a more thriving business district.

4. *What geographic area(s) do you think best define(s) Tigard's competitive market region for commercial office, retail and industrial development?*

Most interviewees responded to this question by identifying areas in the City that are thriving or successful employment districts. Four respondents felt that the Tigard Triangle is a particularly competitive market area within the city, especially for industrial and retail uses. One person felt strongly that the Triangle was not as competitive as the Hunziker area. Washington Square and the surrounding area were cited twice as being competitive for retail. Other areas mentioned by one person included Oregon Business Park, PacCorp and the area between Highway 99W and Scholls Ferry Road.

5. *The City is interested in redevelopment in its downtown and along the Highway 99W corridor, developing a mixed-use district in the triangle south of Highway 99W and north of Highway 217, and adding more neighborhood commercial uses to meet local needs. Do you agree with these priorities? Why or why not? Are there other areas or corridors the City should focus on?*

Most respondents agreed with these priorities, though several cautioned against development that would compound existing transportation problems (particularly along Highway 99W). There was support for revitalizing downtown by adding new businesses and destinations; including mixed uses, parks and housing that contribute to a unique identity for the City. There was also a good deal of support expressed for improving the Triangle by adding services and diversifying the types of businesses there with available land. Other ideas for focused efforts included the Tiedeman/Greenburg area, the area north of Highway 99W and in the Oak Street or Locust Street areas by Washington Square.

6. *What can Tigard do locally to complement the regional and state economy?*

Several respondents felt that improvements to the transportation network are important to support the Tigard economy. This included improving conditions for vehicle traffic, providing access to alternative transportation facilities such as bike lanes and light rail, and working with regional agencies (e.g., JPACT) to solve transportation problems. Two respondents suggested that the City needs an economic development department and/or active business recruitment by the mayor, city manager and economic development staff. Other ideas included lower taxes, incentives to start a business or re-locate in Tigard, and grants for small businesses. Two respondents recommended continuing to improve upon the current level of service and responsiveness of City building and planning staff. One suggested retaining large industrial tracts to attract potential employers.

7. *What types of land and/or economic development actions or incentives are most needed in the City to nurture job growth and private investment?*

Respondents' most common suggestion was for the City to improve infrastructure – particularly transportation. Others suggested lowering taxes and strategically reducing system development charges (SDCs) for small businesses or other potential employers. Another suggested using enterprise zones or urban renewal areas to capture future tax revenues. Two others emphasized the importance of diversifying local businesses and professional services, particularly downtown.

8. *What actions should be taken by the City to create a more balanced and sustainable community?*

Interview respondents had several ideas about how to create a balanced and sustainable community. These include diversifying the types of business in the city, adding more transportation options and creating mixed-use districts. Two people said that the City needs to focus its efforts and build a distinct identity and greater sense of community, including supporting local business and adding more commercial services to residential areas. Others suggested creating affordable housing and mixed-use districts near commuter rail and future light rail. Two respondents noted that they thought the City is doing well with its current efforts.

9. *Along those lines, the City wishes to better balance jobs and housing. What types of housing do you think are most needed?*

While three interviewees responded that the current mix of housing is adequate, others suggested the need for a more diverse housing stock. Specific needs include moderate to low-income housing in or near downtown and commercial services, second-floor residential, condominiums and small lot or zero lot line homes. A few respondents suggested siting mixed-income housing near transit routes.

10. *What business clusters exist or should exist in Tigard? What can the City do to build and strengthen these clusters?*

Most interview respondents said that Tigard does not have business clusters other than some collection of general services and industry. One identified a cluster of finance and professional services. Several felt that Tigard has a good diversity of businesses and does not need to build clusters. Others suggested that the City could encourage clusters by recruiting a large company so that supporting organizations follow, or by acquiring and consolidating large parcels to sell to a major employer. One respondent recommended the City find a niche such as specialty medical, technical or manufacturing that does not compete with existing retail establishments including Washington Square.

11. *What opportunities and challenges are there to expanding the traded sector in Tigard? What goods and services could be produced locally rather than imported, and what could be exported?*

Most respondents did not have an answer for this question. One suggested that all services are imported and another suggested polling the manufacturing sector to identify existing goods and services offered in Tigard. Another interviewee pointed out that there is a great deal of vacant Class A and B office and industrial space, which is both a challenge and an opportunity for the City to attract new industry and business.

12. *Are there certain goods or services that you think are missing in the City of Tigard today?*

Goods and services that interviewees said were missing from Tigard include downtown grocery and retail, upscale restaurants and neighborhood commercial services. Others suggested that Tigard needs light rail or bus rapid transit as well as more parks and trails. One recommended that Tigard develop a unique identity based on neighborhood and housing design in order to compete with the large surrounding retail and cited Sierra Madre, CA as a successful example.

13. Is there anything else you'd like to add?

Interview respondents offered the following closing comments:

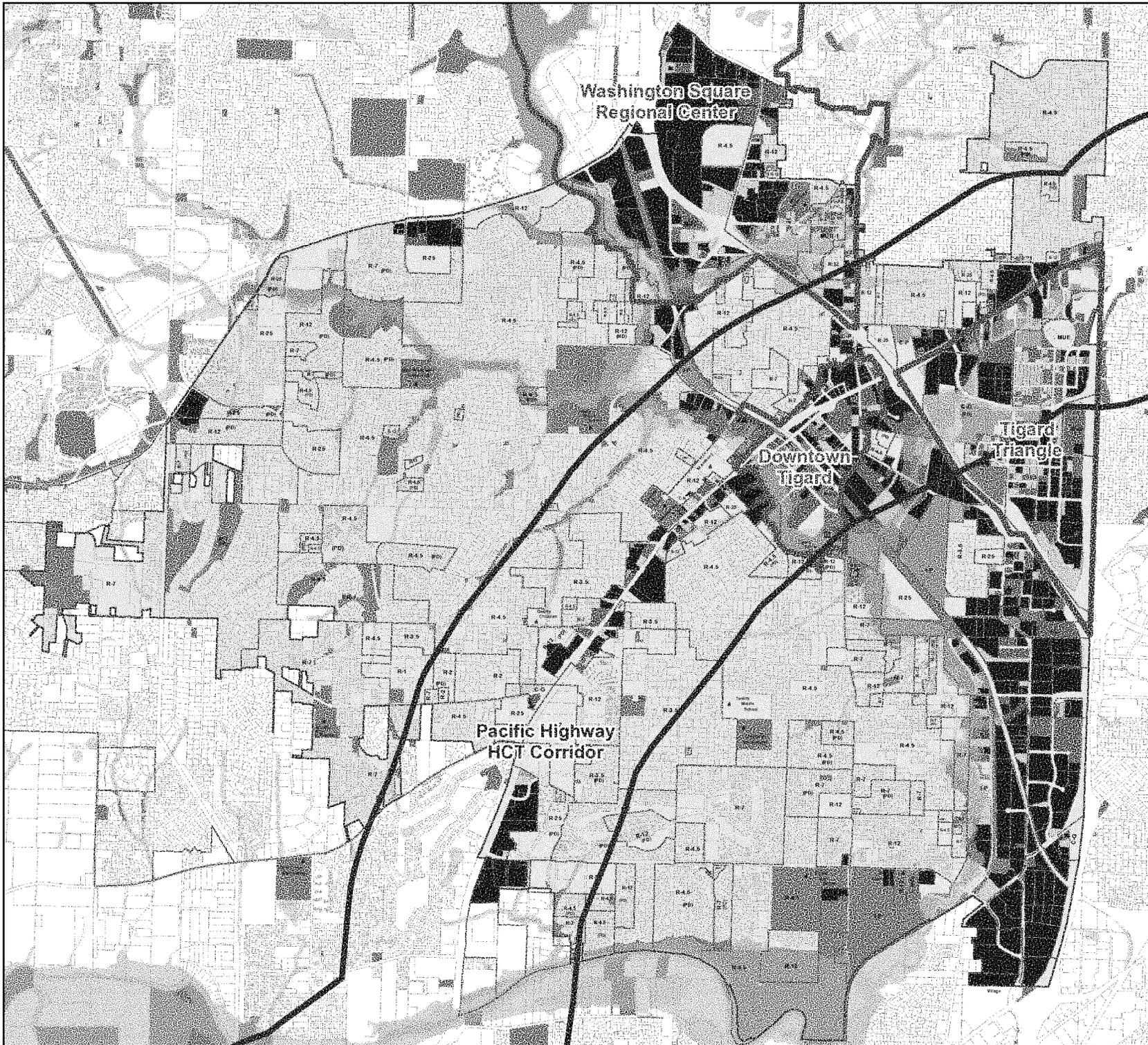
- One person stated that he is frustrated with the lack of economic development activity on the part of the City.
- Tigard has the opportunity to be a good example for a small city. Improve transportation options and get people off the freeways while maintaining mobility in and between towns.
- The City needs to be efficient to support businesses. Be prepared for the economic upturn. Keep an eye on the planning department and have a contingency plan to respond to an increase in business activity (e.g., hire contractors or new staff).
- Be sure to “over-communicate” this and other City projects. Explore and use a variety of communication media, including mail and social media.
- It is great that the City is doing this type of outreach and planning.
- Tigard’s city council members toured Vancouver, BC a few years ago to look at urban planning and transportation issues. The trip, hosted by Metro, was very beneficial in generating ideas on how to meet these challenges.

List of Interviewees

1. Kirsten Alvares, Gerber Legendary Blades
2. Jonae Armstrong, Washington Square
3. Mark Ellsworth, Economic Revitalization Team
4. Donald Fox, Fox Chiropractic Clinic
5. Mike Marr, Tigard Central Business District
6. Debi Mollahan, Tigard Area Chamber of Commerce
7. Bonnie Nakashimada, George Fox University
8. Jonathan Schlueter, Westside Economic Alliance
9. George Specht, Specht Properties
10. Eric Sporre, PACTrust/Oregon Business Park
11. Mike Stevensen, B&B Printing
12. Eric Turner, GVA/Kidder Matthews

Appendix J: Buildable Lands and Redevelopment/ Refill Potential

City of Tigard Oregon



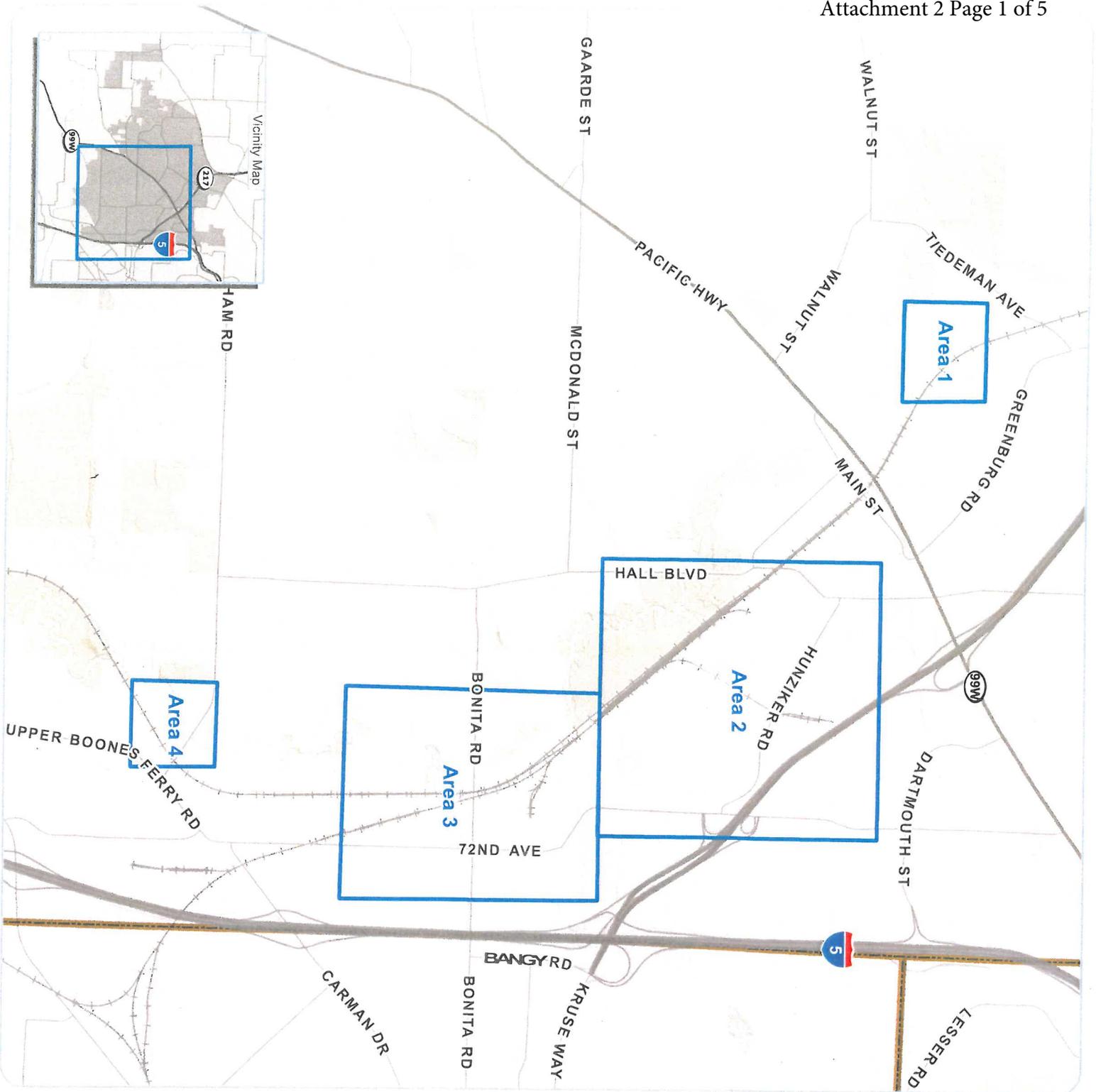
- City Limits
- Zoning
- Taxlot Boundary
- Wetland
- Water
- Stream Corridor
- 100 yr Floodplain
- Buildable Lands**
 - Commercial
 - Industrial
 - Mixed Use
 - Residential
- Redevelopment Potential**
- Improve_Land**
 - High
 - Moderate
 - Low
 - Government Owned Land

The inventory presented is based on specific assumptions and was formulated over a four year period. The inventory should not be considered an exhaustive list of what is or is not available for development, but a static representation based on the available data. Inclusion does not mean a property will develop or confers a mandate to do so, as exclusion does not prevent a property from developing in the future. For purposes of this inventory, buildable lands were identified as property outside of Title 3 lands that are:

1. Fully vacant, undeveloped, privately-owned parcels
2. Partially vacant, developed, privately-owned parcels with 1/4 acre or more of the parcel vacant

** The information represented on this map is current as of January 1, 2010. Revisions will be made as new decisions or amendments occur to alter the content of the map.





Slope Analysis on Buildable Lands in Industrial Zoned Land

City of Tigard Oregon

Economic Opportunity Analysis Comprehensive Plan Amendment

Case No: CPA (2015-00001)

Exhibit A



Map created 5/5/2014

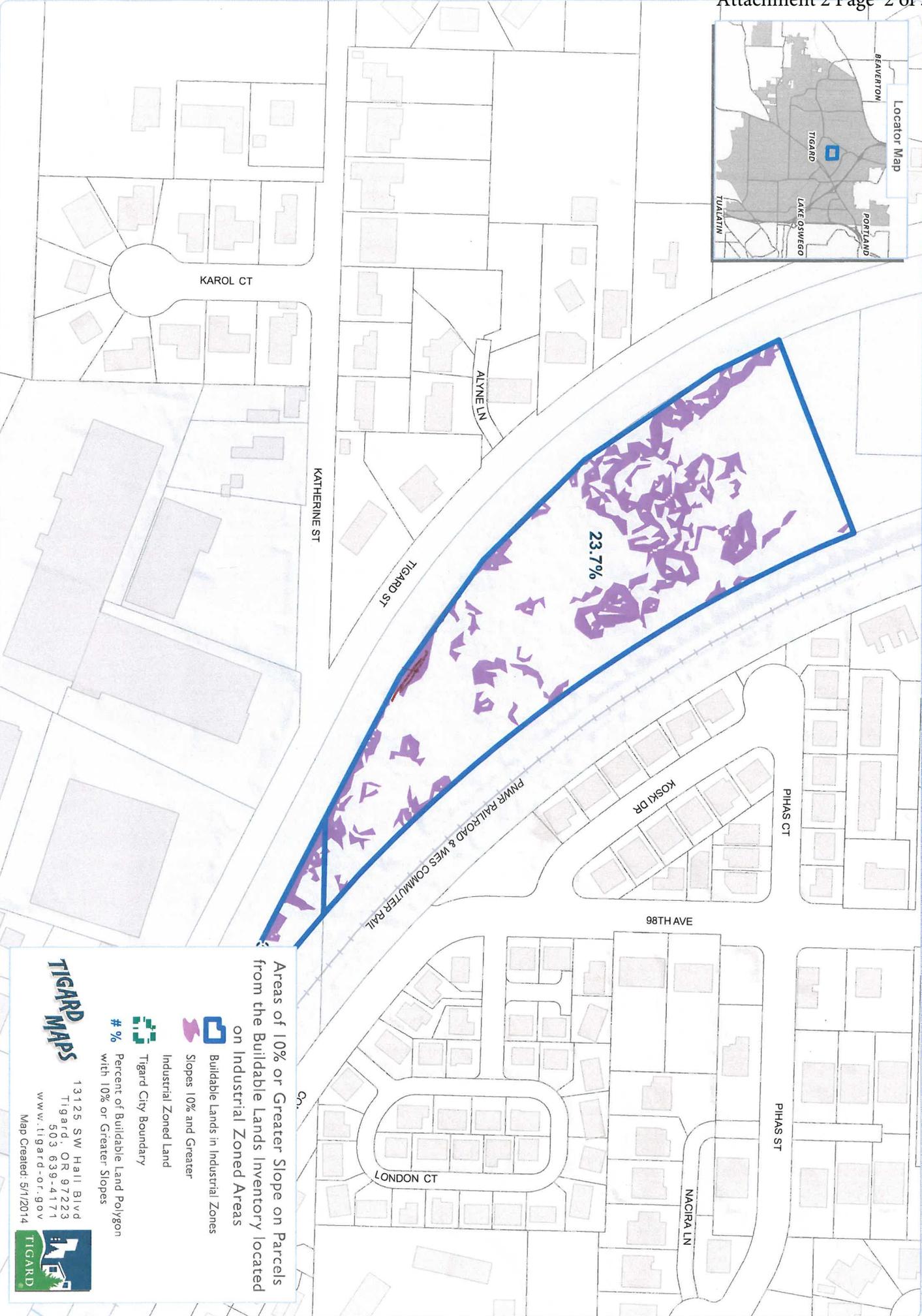
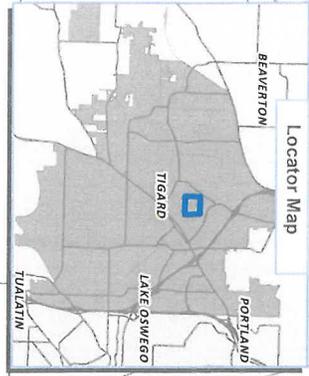
"A Place to Call Home"

City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503 639-4171
www.tigard-or.gov



Slope Analysis on Buildable Industrial Lands

Area 1



TIGARD MAPS

13125 SW Hall Blvd
Tigard, OR 97223
503.639.4171
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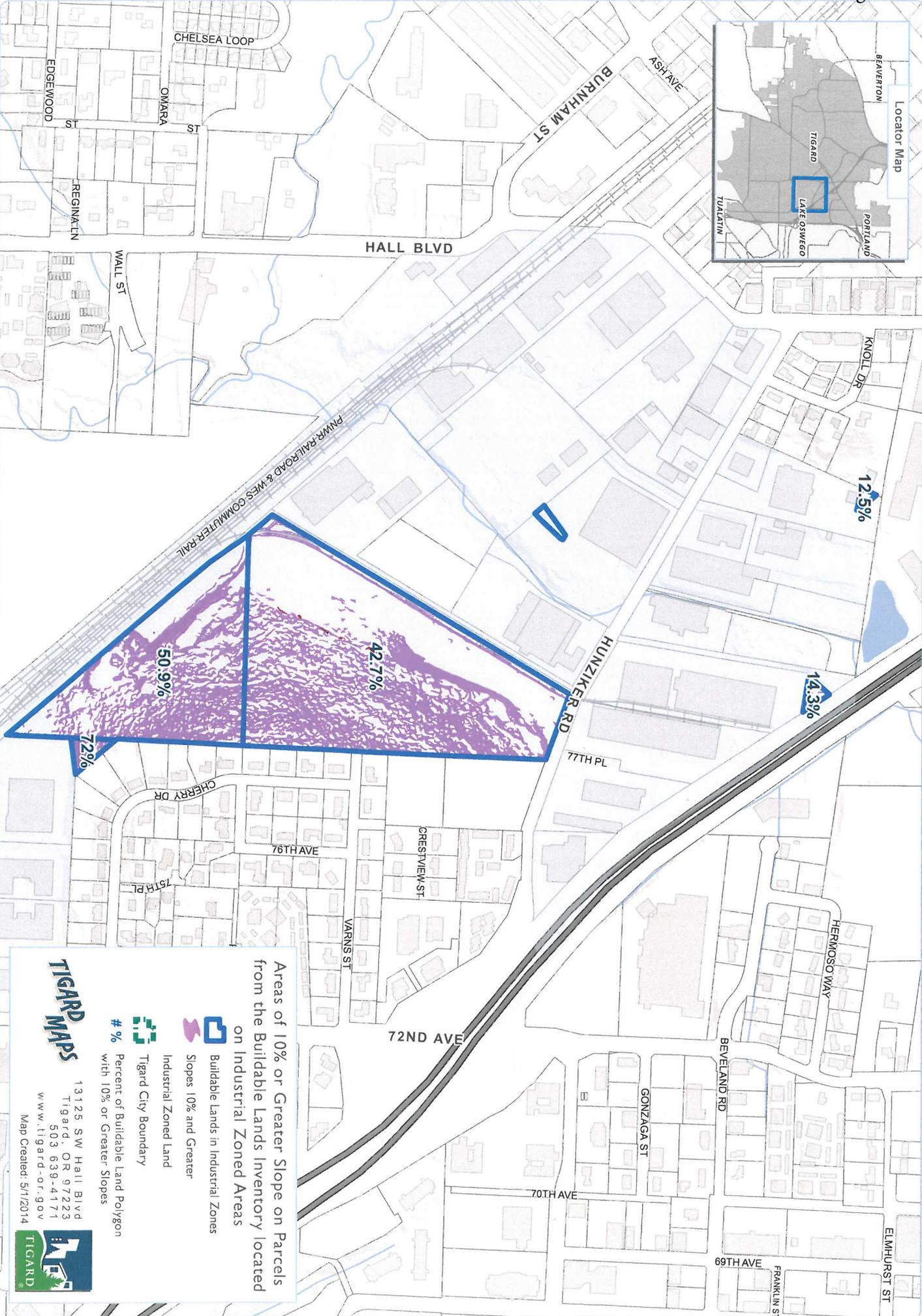
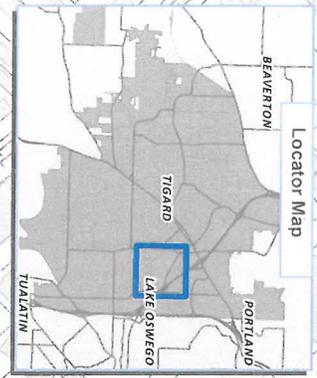
Map Created: 5/1/2014

Areas of 10% or Greater Slope on Parcels from the Buildable Lands Inventory located on Industrial Zoned Areas

- Buildable Lands in Industrial Zones
- Slopes 10% and Greater
- Industrial Zoned Land
- Tigard City Boundary
- # % Percent of Buildable Land Polygon with 10% or Greater Slopes

Slope Analysis on Buildable Industrial Lands

Area 2



TIGARD MAPS

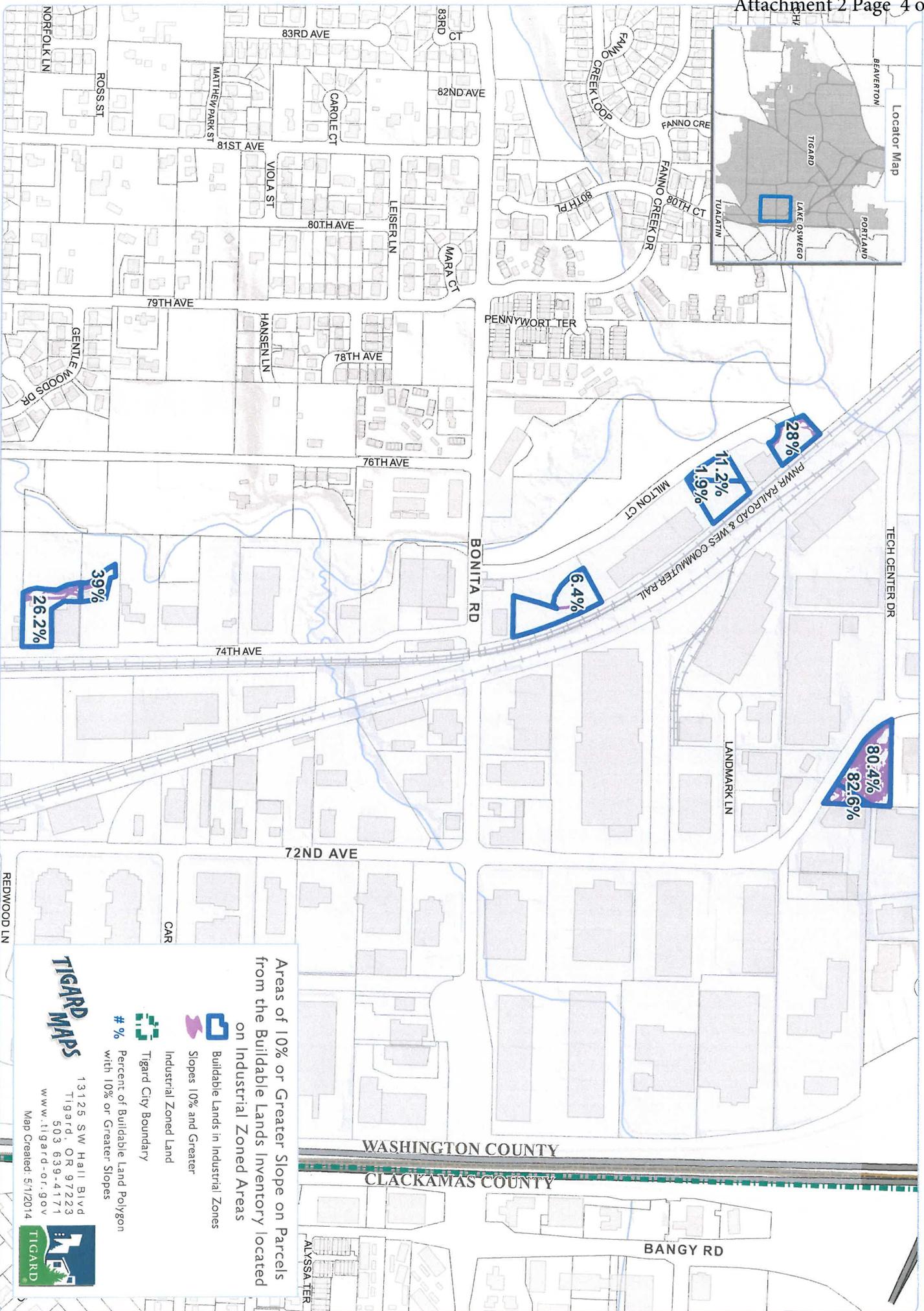
13125 SW Hall Blvd
Tigard, OR 97223
503.639.4171
www.tigard-or.gov
Map Created: 5/11/2014

Areas of 10% or Greater Slope on Parcels from the Buildable Lands Inventory located on Industrial Zoned Areas

- Buildable Lands in Industrial Zones
- Slopes 10% and Greater
- Industrial Zoned Land
- Tigard City Boundary
- # % Percent of Buildable Land Polygon with 10% or Greater Slopes

Slope Analysis on Buildable Industrial Lands

Area 3



Areas of 10% or Greater Slope on Parcels from the Buildable Lands Inventory located on Industrial Zoned Areas

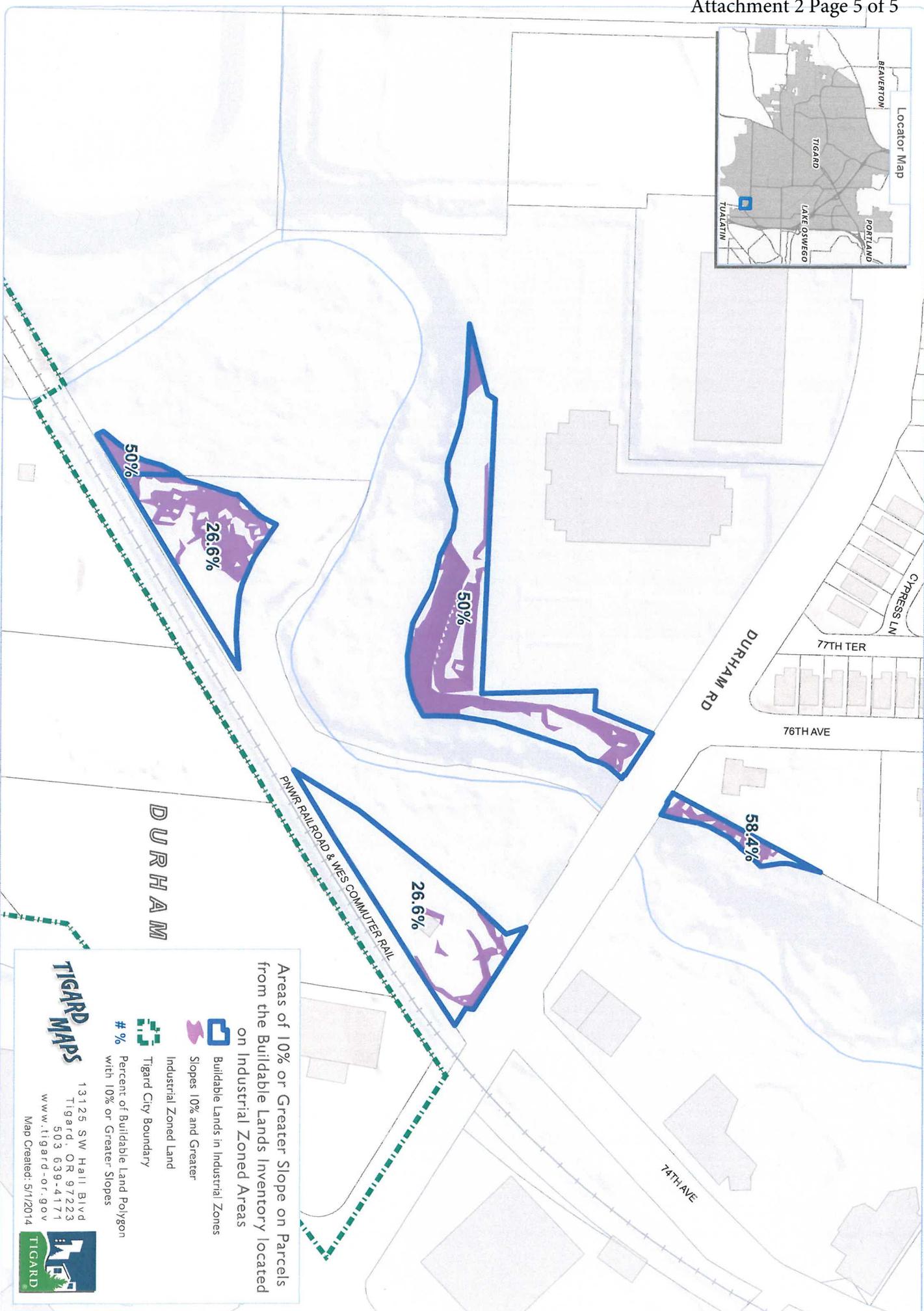
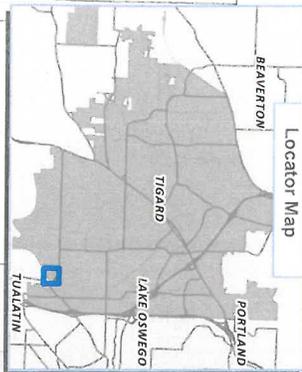
- Buildable Lands in Industrial Zones
- Slopes 10% and Greater
- Industrial Zoned Land
- Tigard City Boundary
- Percent of Buildable Land Polygon with 10% or Greater Slopes

TIGARD MAPS
 13125 SW Hall Blvd
 Tigard, OR 97223
 503.639.4171
 www.tigard-or.gov
 Map Created: 5/11/2014

TIGARD

Slope Analysis on Buildable Industrial Lands

Area 4



Areas of 10% or Greater Slope on Parcels from the Buildable Lands Inventory located on Industrial Zoned Areas

- Buildable Lands in Industrial Zones
- Slopes 10% and Greater
- Industrial Zoned Land
- Tigard City Boundary
- # % Percent of Buildable Land Polygon with 10% or Greater Slopes

TIGARD MAPS
 13125 SW Hall Blvd
 Tigard, OR 97223
 503 639-4171
 www.tigard-or.gov
 Map Created: 5/11/2014

AIS-2143

7.

Business Meeting

Meeting Date: 03/24/2015

Length (in minutes): 10 Minutes

Agenda Title: Consider a Resolution Granting Exemption from Property Taxes under TMC 3.50 for Five Non-Profit Low Income Housing Properties

Prepared For: Toby LaFrance

Submitted By: Liz Lutz, Financial and Information Services

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

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Shall four low-income housing projects owned and operated by Community Partners for Affordable Housing (CPAH) and one project owned by Hawthorne Urban Development LLC be exempted from City of Tigard property taxation for 2015?

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends approval of this resolution.

KEY FACTS AND INFORMATION SUMMARY

Tigard Municipal Code 3.50 allows certain organizations providing low-income housing to be exempted from Tigard property taxation upon application by March 1 of each year and a demonstration of compliance with certain criteria listed in the code.

Community Partners for Affordable Housing owns and operates Greenburg Oaks located at 11875 SW 91st Avenue in Tigard. They also own Village at Washington Square at 11157-11163 SW Hall Blvd in Tigard; the Knoll at Tigard, 12291 SW Knoll Drive; and a single family house located at 9330 SW Tangela Court in Tigard. Hawthorne Urban Development LLC owns and operates Hawthorne Villa at 7705 SW Pfaffle St.

These projects are operated as low-income housing and meet all criteria listed in the Tigard Municipal Code. Community Partners for Affordable Housing submitted four applications

for exemption from 2015 property taxes on February 26, 2015, and Hawthorne Urban Development submitted their application on February 26, 2015, which is within the March 1 deadline.

These applications were reviewed by staff in the city's Community Development Department and staff determined that the requested tax exemptions are consistent with the applicable Tigard Municipal Code and also the adopted City Housing Policy.

The attached resolution gives consent from the City of Tigard for this tax exemption.

OTHER ALTERNATIVES

Do not approve this tax exemption.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

NA

DATES OF PREVIOUS CONSIDERATION

NA

Fiscal Impact

Cost: \$39,126
Budgeted (yes or no): Yes
Where Budgeted (department/program): General Fund

Additional Fiscal Notes:

The cost of \$39,126 is the amount of Property Tax that Tigard will not collect next year by granting the exemptions. Attached to the AIS is a table showing the properties and their estimated values and the impact to Tigard.

Attachments

- Resolution
 - Greenburg Oaks
 - Tangela
 - Knoll at Tigard
 - Village at Washington Square
 - Hawthorne Villa
 - Fiscal Impact
-

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

A RESOLUTION GRANTING AN EXEMPTION FROM PROPERTY TAXES UNDER TIGARD MUNICIPAL CODE SECTION 3.50 FOR FIVE NON-PROFIT LOW-INCOME HOUSING PROJECTS OWNED AND OPERATED BY COMMUNITY PARTNERS FOR AFFORDABLE HOUSING (CPAH) AND HAWTHORNE URBAN DEVELOPMENT LLC.

WHEREAS, Tigard Municipal Code (TMC) section 3.50 provides procedures for application and consideration on non-profit corporation low-income housing project exemptions from property taxes; and

WHEREAS, the TMC requires application for exemption be filed with the city by March 1 ; and

WHEREAS, Community Partners for Affordable Housing is a qualified non-profit organization, filed a request dated February 26, 2015 for exemption from property taxes for four low-income housing projects, and Hawthorne Urban Development LLC, also a qualified non-profit organization, filed a request dated February 26, 2015 for exemption from property taxes, for one low-income housing project, both under TMC 3.50 and meets all the applicable criteria for exemption; and

WHEREAS, upon review of the application it was found granting the exemptions would be consistent with the applicable Tigard Municipal Code and also with the adopted city housing policies.

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

SECTION 1: The applicants, Community Partners for Affordable Housing and Hawthorne Urban Development LLC, qualified for the exemption set forth in Tigard Municipal Code Section 3.50.

SECTION 2: The Finance and Information Services Director is directed to certify to the Assessor of Washington County that the City of Tigard agrees to the continued exemption of property taxes for the following five properties that received exemption in the prior year:

- a. Village at Washington Square, 11157-11163 SW Hall Blvd., Tigard
- b. Single-family house located at 9330 SW Tangela Court, Tigard
- c. Greenburg Oaks, 11875 SW 91st Avenue, Tigard
- d. The Knoll @ Tigard, 12291 SW Knoll Drive, Tigard
- e. Hawthorne Villa, 7705 SW Pfaffle, Tigard

SECTION 3: The Finance and Information Services Director is directed to certify to the Assessor of Washington County that the City of Tigard has not added any new properties receiving exemption of property taxes this year that did not receive exemption in the prior year.

SECTION 4: The Finance and Information Services Director is informing the Assessor of Washington County that the City of Tigard has not dropped exemption of property taxes for any properties that received exemption in the prior year:

SECTION 5: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



City of Tigard

Application for Tax Abatement

February 20, 2015

Greenburg Oaks (formerly Villa La Paz) Apartments
11875 SW 91st Avenue, Tigard

A. Property Description

B. Project's Charitable Purpose

C. Certification of Resident Income Levels

D. How Tax Exemption Will Benefit Residents

E. Tax Exempt Status

F. Verification of Information

G. IRS Letter

A. Property Description

Greenburg Oaks Apartments (Tax account # R-276472), 11895 SW 91st Avenue, is just off Greenburg Road, near Pacific Highway. The site sits on 3.01 acres and consists of 84 units in four buildings: 12 one-bedroom/one-bath 564 square foot units, 60 two-bedroom/one-bath 839 square foot units, and 12 three-bedroom/one-bath 1,007 square foot units. In 1998, CPAH added the now much used Community Center to the complex. The Community Center houses a computer center, library, multipurpose room and property management office. In 2005/2006, CPAH completed a \$3.5 million dollar rehabilitation of the apartment interiors, building exteriors and project site. Highlights of the rehab included: replacing all building siding and windows, re-configuring and repaving the parking lot, replacing all landscaping, upgrading the recreation facilities, upgrading site lighting and signage. Interior work included replacing all waterlines and drains, replacing all cabinets, countertops, light fixtures and most appliances (refrigerators, dishwashers, hot water heaters) with Energy Star rated devices, replacing all window coverings and many carpets, re-texturing and repainting all apartment interiors. The rehab project featured energy saving appliances, compact fluorescent light fixtures, better insulation, and low volume plumbing fixtures, all of which have reduced tenant energy costs.

The rehab work was done without displacing any tenants and with very minimal rent increases. As a testament to the quality of the rehab work, vacancies generally average under 5%, accounts payable are current and annual cash flow is positive. In 2011, CPAH completed exterior re-caulking and exterior painting as part of on-going quality maintenance at Greenburg Oaks.

Financing for the project came from a number of public and private grants and low income housing tax credit investments. No new debt was taken on. Approximately \$10,000 of the funding was provided by the City of Tigard Affordable Housing Fee Assistance program. Other funding came from the Meyer Memorial Trust, the Paul Allen Foundation, the Oregon Community Foundation, Washington County Office of Community Development through the CDBG and HOME investment programs, and the State of Oregon. Key Bank increased its investment by over \$2 million dollars.

Legal Description: The site is located in the southeast ¼ of Section 35, Township 1 South, Range 1 West (Willamette Meridian).

Tax Lot: The Washington County Map shows the site as tax lot 23-74-2000, Parcels I, II, and III.

B. Project's Charitable Purpose

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.

CPAH's acquisition and renovation of the complex has ensured that the previously neglected property is professionally managed as safe, decent, and affordable housing. Greenburg Oaks has significantly reduced the housing cost burdens of our families. The efficient delivery of our services improves the health and prospects for all household members, and serves to help break the multi-generational cycles of poverty. CPAH's commitment to 40 years of affordability for

those at 50 and 60% of median income guarantees that these apartments will be affordable effectively for the life of the buildings.

CPAH maintains active partnerships with the Tigard Police Department, Tualatin Valley Fire & Rescue, Tigard Libraries, and the Tigard School District to enhance the safety and quality of life for residents and to be sure that our programs are well-coordinated with other community resources. Partnerships with Community Action, Good Neighbor Center, Luke-Dorf, HopeSpring, Neighborhood House, Lifeworks NW and other organizations to provide information and referral as well as emergency services like food boxes and rent and utility assistance. Coordination agreements with these agencies enhances ongoing case management and provides a fresh start to many families facing significant barriers moving from homelessness to permanent housing. Several families each year are being reunited with their children as a result of receiving a housing opportunity at Greenburg Oaks. Three of the apartments are reserved for low income families with at least one member in active recovery from alcohol or drug addiction and an additional two apartments are set-aside for clients of the LukeDorf Housing Team.

The Community Center at Greenburg Oaks is the focal point for support, skill building, and community building activities offered by CPAH through its resident services program which includes after-school and summer youth programs as well as the annual winter coat distribution and holiday event. CPAH's on-site computer learning center is used by youth for homework, research, e-mail, and educational games; and by adults for job search activities and Internet access. The Tigard Library has twice obtained grant resources to purchase children's material for our on-site library.

CPAH offers a variety of adult services as well. The Community Center is also host to a number of general community activities including rent readiness courses, HopeSpring parenting classes, financial literacy classes, parenting safety skills and budget and nutrition classes. The Community Center hosts weekly meetings for AA, NA, and Alanon groups. Food distributions are also held in the Community Center for both the residents at Greenburg Oaks and others in the Tigard community.

C. Certification of Resident Income Levels

Resident income levels are verified upon application for tenancy and are recertified each year. CPAH has covenants with the state and with Washington County to use the property exclusively for low income rentals for a period of at least 40 years. These covenants require that all households have earnings at or below 60% of the area median income. Some units are restricted to households earning at or below 50%. Compliance with these covenants is monitored by the State of Oregon Department of Housing and Community Services and by the Washington County Office of Community Development. We certify that all apartments in this property are targeted to and remain affordable to households earning at or below 60% of the Area Median Income.

D. How Tax Exemption Will Benefit Residents

100% of the property tax exemption is a direct subsidy for the residents. Every dollar reduction in operating costs is passed on as a reduction in the scheduled rents. Some costs, such as the cost of operating our youth programs, must be funded from outside sources mostly through fund raising. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.



City of Tigard

Application for Tax Abatement

February 20, 2015

Tangela Single Family Rental Home
9330 SW Tangela Tigard, OR

A. Property Description

B. Project's Charitable Purpose

C. Certification of Resident Income Levels

D. How Tax Exemption Will Benefit Residents

E. Tax Exempt Status

F. Verification of Information

G. IRS Letter

A. Property Description

Community Partners for Affordable Housing, Inc. acquired the single family “Tangela House” at 9330 SW Tangela in Tigard, on December 31, 1999, with assistance from the Washington County CDBG program and an original loan from Washington Mutual Savings Bank which is now with Banner Bank. The Tangela home is located just two blocks from CPAH’s multifamily project, Greenburg Oaks Apartments and is overseen by the site manager at Greenburg Oaks.

The two story 1,916 square foot house sits on a 5,450 square foot lot and is zoned R-7 residential. CPAH converted an upstairs bonus room into a 5th bedroom and completed other necessary repairs after the initial acquisition as well as additional upgrades after the first turnover. In 2013, CPAH replaced the furnace and plans to re-roof and re-paint the home in the next two years.

The first residents lived in the home from early 2000 until late 2006 when they moved out of the area. The current residents have been in the home since February 2007 and remain in the home today. We consider these tenancies as very successful outcomes providing a stable neighborhood environment to raise families that had previously experienced transient and sub-standard housing.

Legal Description: Barbee Court, Lot 1, Tigard, County of Washington, State of Oregon.

Tax Lot: 1S135DC-05300.

B. Project’s Charitable Purpose

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of permanent affordable housing, sustainable economic growth, and community-based partnerships.

CPAH acquired the single family home in order to assist the County and the Good Neighbor Center Shelter in meeting a “replacement unit” requirement triggered by the Uniform Relocation Act when the shelter acquired its current site and demolished a single family home housing a low-income family. CPAH completed needed repairs and upgraded the Tangela home to a five-bedroom dwelling, in order to provide a rare opportunity in our community — an affordable single-family rental house for a very large family.

The home is proximate to CPAH’s Greenburg Oaks property, where management and resident services are available to the household. These services include a computer center, community room, neighborhood watch, Individual Development Account grants, and other programs. The resident services coordinator and property management staff visit the home on a regular basis to ensure that the property is well managed and to maintain an ongoing relationship with the residents.

The home is located within a census tract (309) which has a higher than average concentration of low-income rental households. The number of residents without a high school diploma is notably higher than for Tigard as a whole. This area boasted the second highest concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard’s population base, it is home to nearly 16% of the city’s minority households.

City of Tigard

Application for Tax Abatement

February 20, 2015

The Knoll @ Tigard

12291 SW Knoll Drive

Tigard, Oregon 97223

A. Property Description

B. Project's Charitable Purpose

C. Certification of Resident Income Levels

D. How Tax Exemption Will Benefit Residents

E. Tax Exempt Status

F. Verification of Information

G. IRS Letter

A. Property Description

The Knoll @ Tigard is located at 12291 SW Knoll Drive in Tigard (on Hall Boulevard between SW Knoll and SW Hunziker). The Knoll is a prime example of urban development, perched on the edge of the developing downtown of the City of Tigard, walking distance to the library, senior center, transportation, shopping and a variety of other amenities. Previously, three parcels of land totaling 1 acre supported only 3 single family residences. Following the recent zone change, and consistent with the long range goals of the City development plans, The Knoll @ Tigard brings this density to nearly 50 units per acre. The design takes advantage of a site with an established infrastructure of utilities, adjacent transportation and services. The Knoll receives a "very walkable" rating from Walkscore.com.

The Knoll @ Tigard is a 45,000 square foot, 48-unit apartment building along with common rooms and meeting space, providing active living for independent, low-income seniors. Streetscape improvements were required on all 3 street frontages, including development of sidewalks, planting strips with street trees and below-grade utilities. Public spaces including entry courtyards and site walks are well lit. The Knoll @ Tigard is a secure access building with a surveillance system.

The total site contains .98 acres.

Legal Description: see attached Exhibit A

Tax Lot: R458454, R458436, R458445

B. Project's Charitable Purpose

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.

The Knoll @ Tigard is CPAH's first affordable units for seniors in Tigard and compliments CPAH's affordable units for seniors in Hillsdale. The 48 units are affordable to very low and low income residents on a permanent basis (The Knoll @ Tigard provides affordable housing for a minimum of sixty (60) years, with maximum rents regulated by covenants on the property). Rents are affordable to households at 30% to 60% of area median income and below market rents. 45 of the units are one bedroom units and 3 of the units are two bedroom units (1 of which for the on-site manager). 12 of the one bedroom units are Project Based Section 8 units through the Washington County Housing Authority and are set-aside for Veterans.

CPAH has expanded its community partnerships with the Tigard Police, the Tigard Library and the VA. The common areas include a nice living room and kitchen for residents' use as well as a computer center. The community room is available for resident potlucks, holiday events and other activities.

C. Certification of Resident Income Levels

Resident income levels are certified upon application. The seniors at The Knoll may remain in their units as long as they income qualify at entry. Rents for the one bedroom units average \$677 per month for the one-bedroom apartments (18% + below market rates). Rents are \$757 per month for the two-bedroom apartments. Water, sewer and trash are included in the monthly rental.

D. How Tax Exemption Will Benefit Residents

The property tax exemption is a direct savings for the residents, allowing for reduced operating costs which results in reduced rents for the seniors at The Knoll. For both the initial development, and long term operations of the project, full tax abatement is essential. The project pro forma allowed for the construction of The Knoll which meets all City and State design requirements along with affordable rents for our seniors.

The Knoll includes financing through Washington County HOME and CDBG funds, State of Oregon Trust Fund and Tax Credits. JP Morgan Chase is the private lender with Enterprise Neighborhood Partners as the investor (under the tax credit program). Tax abatement was critical in meeting lender and investor requirements while keeping rents affordable for The Knoll @ Tigard and is key to long-term sustainability of the project operating with affordable rents for seniors.

E. Tax Exempt Status

CPAH, an Oregon non-profit, is the general partner of The Knoll @ Tigard Limited Partnership, a single asset entity. CPAH's IRS Determination Letter is attached. CPAH undergoes full audit of its books annually, as does The Knoll @ Tigard. Mark Schwing of Markusen & Schwing in Beaverton currently provides audit services for CPAH and CPAH's single asset properties. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development both inspect and audit the project annually. The tax credit investor (Limited Partner) also monitors and inspects the project as does Washington County.

F. Verification of Information

As CPAH's executive director, I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management acts as the property management agent providing the day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.

Sheila Greenlaw-Fink

Sheila Greenlaw-Fink, CPAH Executive Director

Date: 1.18.15



City of Tigard

Application for Tax Abatement

February 20, 2015

Village at Washington Square

11157-11163 SW Hall Boulevard, Tigard

A. Property Description

B. Project's Charitable Purpose

C. Certification of Resident Income Levels

D. How Tax Exemption Will Benefit Residents

E. Tax Exempt Status

F. Verification of Information

G. IRS Letter

A. Property Description

Village at Washington Square is located at 11157-11163 SW Hall Boulevard, between SW Spruce and SW Pfaffle in Tigard. The site is located within the Washington Square Regional Center and is proximate to employment opportunities as well as public transportation and other services. The Village at Washington Square includes three residential buildings with a total of 26 dwelling units, and a community building, all arranged around a central courtyard/play yard. The project includes one studio, seven one-bedroom, five two-bedroom, seven three-bedroom and six four-bedroom units. Eleven of the units are traditional apartment flats, while the other 15 are two-story townhomes with bedrooms above the main floor living space. The total site sits on .84 acres.

In 2012, Village at Washington Square received exterior caulking and painting as part of the on-going focus on quality maintenance. Some additional landscaping was completed in 2013.

Legal Description: Partition Plat 1998-038, Lot 1 and Partition Plat 1998-038, Lot 2 in the City of Tigard, County of Washington, State of Oregon

Tax Lot: 1S135DA (04600 & 04700)

B. Project's Charitable Purpose

The mission of Community Partners for Affordable Housing, Inc. (CPAH) is to promote a healthy community through the development of: permanent affordable housing, sustainable economic growth, and community-based partnerships.

When it opened in 2002, The Village at Washington Square was the first addition of affordable units to the Tigard housing stock in a decade. The 26 units are priced to be affordable to very low, low, and moderate-income residents. The project is subject to an extended use agreement to keep the rents affordable for 60 years, effectively the full life of the project. This covenant is recorded with the title of the property and requires that rents will be affordable to households at 30%, 45% and 60% of area median income and significantly below market rents. Half of the units are three and four bedroom apartments serving larger families who are often unable to find affordable rental opportunities in Tigard.

CPAH maintains active partnerships with the Tigard Police Department, Tualatin Valley Fire & Rescue, Tigard Libraries, and the Tigard School District to enhance the safety and quality of life for residents and to ensure that our programs are well-coordinated with other community resources. CPAH works closely with Community Action and other agencies to provide information and referral as well as emergency services such as food boxes as well as rent and utility assistance. Coordination agreements with social service programs such as HopeSpring (a partnership of Lutheran Family Services, Community Action Organization, Good Neighbor Center, Luke-Dorf, and Lifeworks NW) enhance ongoing case management and link stable housing with successful program outcomes.

CPAH offers a variety of programs for youth including after school and summer programs as well as adult services including Neighborhood Watch, classes in support of parenting skills, budgeting and other financial literacy skills, and nutritional shopping and cooking. The Community Center is also host to HopeSpring self-sufficiency classes.

The Village at Washington Square is located within a census tract (309) which has a higher than average concentration of low-income rental households. The number of residents without a high school diploma is notably higher than for Tigard as a whole. This area has the second highest

concentration of children under 9 of the eight census tracts in Tigard. While this area represents 9% of Tigard's population, it is home to nearly 16% of the city's minority households.

C. Certification of Resident Income Levels

Resident income levels are verified upon application for tenancy and at annual re-certification. Residents may remain in their units as long as they income qualify at entry. Rents are well below the market for the area. We certify that all apartments in this project are targeted to and remain affordable to households earning at or below 60% of the AMI. Compliance with income restriction requirements is audited annually by the State of Oregon Department of Housing and Community Services, Washington County Office of Community Development, and by our limited partner investor, Key Bank.

D. How Tax Exemption Will Benefit Residents

100% of the property tax exemption is a direct subsidy for the residents (lower rents) as operating costs are lower due to tax abatement. Some costs, such as the cost of operating our youth programs, must be funded from outside sources. Without property tax abatement, we would have to shift some of our fundraising efforts from developing sources for these programs and use them instead to cover basic operations.

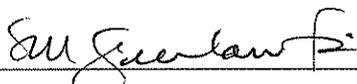
It can be argued that using property tax revenues to subsidize well managed affordable housing units results in a net savings of public resources. Fewer and less-severe police calls, healthier students, and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

E. Tax Exempt Status

CPAH is the general partner of the Village at Washington Square Limited Partnership, a single entity asset. CPAH's IRS Determination Letter is attached. CPAH undergoes full audit of its books annually, as does the Village at Washington Square. The State of Oregon Housing and Community Services Department and the U.S. Department of Housing and Urban Development review the project and resident files annually.

F. Verification of Information

I hereby certify that the information in this application for tax abatement is accurate and complete to the best of my knowledge. Income Property Management Company performs day-to-day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.



Sheila Greenlaw-Fink, Executive Director

2.19.15
Date

ACCESSIBLE LIVING INC.

6160 SW Main Avenue

Beaverton Oregon, 97008

City of Tigard

Application for Tax Abatement

February 15, 2015

Hawthorne Villa Apartments

Address: 7705 SW Pfaffle St, Tigard OR 97223

A.	Property Description
B.	Projects Charitable Purpose
C.	Certification of Residents Income Levels
D.	How Tax Exemption Will Benefit Residents
E.	Tax Exempt Status
F.	Verification of Information
G.	Attachments (List)

A. Property Description

Hawthorne Villa Apartments, (Tax account # R282429, is located at 7705 SW Pfaffle St, Tigard OR 97223 just off of Pacific Highway in Tigard Oregon. The site sits on 4.76 acres and provides 119 units of affordable housing for low-income residents of Tigard. The property includes 8 apartment buildings and a house that contains the manager's unit and office. The property has 30 studios, 84 - 1 bedroom and 5 - 2 bedroom units.

The project was purchased by Hawthorne Urban Development LLC in September of 2011 for the purpose of maintaining affordability of Hawthorne Villa, Improving its' accommodations to a sustainable and thriving community and re-establishing resident service activities through a non-profit partnership.

The project has received private financing totaling \$2.45 million. An additional \$1,008,300 of additional financing is secured to complete project renovations. This is based on the Owner's commitment to deliver quality affordable housing in the City of Tigard.

The project is close to transportation and retail. Employment proximity is also excellent to many entry level service jobs, including many stores, banks or restaurants along Pacific Highway in Tigard. Many of the existing residents at Hawthorne Villa work within walking distance of the property.

Legal Description: See Attached as part of Oregon Affordable Housing Commitment Documents

GENERAL INFORMATION

Name: Hawthorne Villa Apartments
Property Type: Multi-Family (Garden/Low Rise) LIHTC Apartments
Address: 7705 SW Pfaffle Street
Tigard, Oregon 97223
Assessor's Parcel #: R282429
Census Tract No.: 306.00

Site Description:

USABLE AREA	EXCESS AREA	SURPLUS AREA	GROSS AREA
SF ACRES	SF ACRES	SF ACRES	SF ACRES
207,346 4.76	0 0.00 0	0.00	207,346 4.76

Zoning: Medium-Density Residential (R-12)

Improvement Description:

No. of Total Buildings: 9 (8 one and two-story apartment buildings and 1 single-family home that is used as a leasing office and manager's unit).

Number of Units: 118

Amenities: Laundry rooms, storage units, and leasing office. Several landscaped courtyards on the property.

The property has 30 studios, 84 - 1 bedroom and 5 - 2 bedroom units.

B. Project's Charitable Purpose

Accessible Living Inc.'s mission is to provide low- cost housing which meets the specialized needs of seniors and disabled persons and their families and to promote the public's awareness of the plight of disabled persons to obtain low-cost accessible housing.

ALI's involvement in Hawthorne Villa will be to provide support to residents in obtaining and retaining affordable housing through the delivery of resident services. ALI will work to identify the needs of Hawthorne Villa residents and work with the residents and property management to support residents in connecting with community programs and services to address those needs, including access to emergency services such as local food programs, utility assistance, eviction prevention and services for individuals and families struggling with addiction, mental health issues and other disabilities.

ALI has developed and will continue to develop partnerships with organizations such as the Oregon Food Bank, Luke- Dorf (draft MOU already established), Lifeworks NW, Community Action, Hope Spring, and other community organizations to provide resource and referral. Where appropriate ALI will develop MOU's and release of information with residents, property management and community partners to better coordinate services and housing and to avoid tenant eviction.

ALI will partner with Housing Independence, a non-profit service provider for individuals with special needs including seniors, individuals with physical and developmental disabilities, veterans and other underserved special needs populations that may need support in obtaining and retaining housing.

The project has developed a current budget and commitment of \$30,000 per year to sustain service delivery to residents. The services budget and delivery will be the sole and direct responsibility of ALI.

C. Certification of Resident Income Levels

Resident income levels are verified upon application. Hawthorne Villa currently has an extended use agreement with Oregon Housing and Community Services that will restrict the property be exclusively used for low income rentals until January 1, 2025. These covenants require that all households have earnings at or below 60% of the area median income. Currently the property income demographics demonstrate the need for continued affordability and a service commitment. We certify that all apartments in this property are currently rented to and will remain affordable to households earning at or below 60% of the area median income until January 1, 2025.

D. How tax exemption will benefit residents

100% of the property tax exemption is a direct subsidy that benefits residents. Every dollar in tax reduction is passed on in scheduled rents and in the delivery of resident services programs. Without this funding Hawthorne Villa would not be able to retain its current affordability (below the 60% restriction). The tax exemption also allows for a \$30,000 per year services budget to offer much needed services that supports residents in obtaining and retaining their housing, including connecting them with emergency services for eviction prevention.

It can be argued that using property tax revenues to subsidize well managed affordable housing unit's results in a net savings of public resources. Fewer and less-severe police calls, healthier residents and stably housed social service consumers, all provide a direct reduction in the demand for government funded services.

E. Tax exempt status

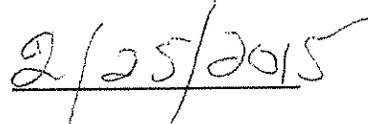
Hawthorne Urban Development is the Owner (Landlord) who has entered into a lease agreement with Hawthorne Villa General Partnership (Tenant). ALI is a General Partner to Hawthorne Villa General Partnership who is responsible for day to day operation of the project. Hawthorne Villa General Partnership has a leasehold interest in Hawthorne Villa through the lease (attached).

F. Verification of Information

I hereby certify that the information for this tax abatement application is accurate and complete to the best of my knowledge. Cascade Property Management performs the day to day management of the property and is responsible for certifying income levels of each resident for compliance with program guidelines.



Karen Voiss, Executive Director
Accessible Living, Inc.
General Partner of Tenant (Hawthorne Villa GP)



Date

G. Attachments

OHCS Low Income Housing Commitments and Assignment
Lease to Hawthorne Villa General Partnership
Hawthorne Villa General Partnership Agreement
Accessible Living Inc. 501c(3) evidence

ATTACHMENT

**ACCESSIBLE LIVING, INC. 501(C)3
EVIDENCE**

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
2 COPANIA CIRCLE
MONTEREY PARK, CA 91754

DEPARTMENT OF THE TREASURY

Date: FEB 24 1993

ACCESSIBLE LIVING INC
7435 SW SORRENTO
BEAVERTON, OR 97005

Employer Identification Number:
94-3081823
Contact Person:
TYRONE THOMAS
Contact Telephone Number:
(213) 894-2289

Our Letter Dated:
May 1989
Addendum Applies:
No

Dear Applicant:

This modifies our letter of the above date in which we stated that you would be treated as an organization that is not a private foundation until the expiration of your advance ruling period.

Your exempt status under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3) is still in effect. Based on the information you submitted, we have determined that you are not a private foundation within the meaning of section 509(a) of the Code because you are an organization of the type described in section 509(a)(1) and 170(b)(1)(A)(vi).

Grantors and contributors may rely on this determination unless the Internal Revenue Service publishes notice to the contrary. However, if you lose your section 509(a)(1) status, a grantor or contributor may not rely on this determination if he or she was in part responsible for, or was aware of, the act or failure to act, or the substantial or material change on the part of the organization that resulted in your loss of such status, or if he or she acquired knowledge that the Internal Revenue Service had given notice that you would no longer be classified as a section 509(a)(1) organization.

As of January 1, 1984, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more you pay to each of your employees during a calendar year. You are not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

You are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. For guidance in determining whether your gross receipts are "normally" more than \$25,000, see the instructions for Form 990. If a return is required, it must be filed by the 15th day of the fifth month after the end of your annual accounting period. A penalty of \$10 a day is charged when a return is filed late, unless there is reasonable cause for the delay. However, the maximum penalty charged cannot exceed \$5,000 or 5 percent of your gross receipts for the year, whichever is less. This penalty may also be charged if a return is not complete, so please be sure your return is complete before you file it.

If we have indicated in the heading of this letter that an addendum applies, the addendum enclosed is an integral part of this letter.

Letter 1050 (DO/CG)

ACCESSIBLE LIVING INC

Because this letter could help resolve any questions about your private foundation status, please keep it in your permanent records.

If you have any questions, please contact the person whose name and telephone number are shown above.

Sincerely yours,

A handwritten signature in cursive script that reads "Michael J. Quinn". The signature is written in dark ink and is positioned above the typed name.

Michael J. Quinn
District Director

AIS-Fiscal Impact of Tax Exemption

Property	Estimated Market Value*	City of Tigard Tax Rate (Including Bond Levy)	City of Tigard Property Tax Impact (Estimated)	Total Tax Rate	Total Property Tax Impact
Village at Washington Square	\$879,600	\$2.931/\$1,000	\$2,578	\$16.6195/\$1,000	\$14,619
Single Family Home – 9330 SW Tangela Ct.	\$256,530	\$2.931/\$1,000	\$752	\$16.6195/\$1,000	\$4,263
Greenburg Oaks	\$3,872,360	\$2.931/\$1,000	\$11,350	\$16.6195/\$1,000	\$64,357
The Knoll @ Tigard	\$3,573,450	\$2.931/\$1,000	\$10,474	\$16.6195/\$1,000	\$59,389
Hawthorne Villa	\$4,766,910	\$2.931/\$1,000	\$13,972	\$16.6195/\$1,000	\$79,224
Total Impact			\$39,126		\$221,852

* Because these properties have been exempted from property taxation in the past, Washington County does not show a current assessed value. These figures are an updated market value.