City *of* Tigard

Tigard Business Meeting – Agenda

TIGARD CITY COUNCIL & CITY CENTER DEVELOPMENT AGENCY MEETING

MEETING DATE AND TIME: October 13, 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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MEETING DATE AND TIME: October 13, 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 **6:30 p.m. estimated time**

B. DISCUSS TIGARD ENTERPRISE ZONE EXPANSION WITH CITY OF LAKE OSWEGO **6:45 p.m. estimated time**

C. RECEIVE BRIEFING ON TWO UPCOMING IGAs WITH METRO FOR TRAIL SEGMENTS **6:55 p.m. estimated time**

D. DISCUSS CITY MANAGER EVALUATION CRITERIA AND PROCESS **7:05 p.m. estimated time**

- EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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. Tigard High School Student Envoy

C. Tigard Area Chamber of Commerce

D. Citizen Communication – Sign Up Sheet

3. CONSENT AGENDA: (Tigard City Council) 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: **7:35 p.m. estimated time**

A. RECEIVE AND FILE:

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

B. APPROVE CITY COUNCIL MINUTES:

- September 8, 2015
- September 15, 2015
- September 22, 2015

- *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. LEGISLATIVE SESSION WRAP UP **7:40 p.m. estimated time**

5. DEVELOP 2016 FEDERAL AND STATE LEGISLATIVE AGENDA **8:00 p.m. estimated time**

6. QUASI-JUDICIAL PUBLIC HEARING: COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE FOR FIELDS TRUST **8:20 p.m. estimated time**

7. CONSIDER RESOLUTION APPROVING FY 2016 FIRST QUARTER BUDGET SUPPLEMENTAL **8:45 p.m. estimated time**

8. CITY CENTER DEVELOPMENT AGENCY

CONSIDER RESOLUTION APPROVING FY 2016 CITY CENTER DEVELOPMENT AGENCY BUDGET SUPPLEMENTAL **8:55 p.m. estimated time**

9. CONSIDERATION OF TASER PURCHASE CONTRACT **9:00 p.m. estimated time**

10. APPROVE 72ND AND DARTMOUTH INTERSECTION IMPROVEMENTS DEVELOPER COSTS AND AUTHORIZE THE CITY MANAGER TO APPROVE REIMBURSEMENT **9:10 p.m. estimated time**

11. NON AGENDA ITEMS **9:20 p.m. estimated time**

12. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. 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.

13. ADJOURNMENT **9:25 p.m. estimated time**

AIS-2073			**A.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	15 Minutes		
Agenda Title:	Council Liaison Reports		
Submitted By:	Norma Alley, Central Services		
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	Council Business Mtg - Study Sess.
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Council will present liaison reports.

STAFF RECOMMENDATION / ACTION REQUEST

KEY FACTS AND INFORMATION SUMMARY

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

No file(s) attached.

AIS-2347 **B.**

Business Meeting

Meeting Date: 10/13/2015

Length (in minutes): 10 Minutes

Agenda Title: Tigard Enterprise Zone Expansion with City of Lake Oswego

Prepared For: Lloyd Purdy, Community Development

Submitted By: Lloyd Purdy, Community Development

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

Public Hearing: No **Publication Date:**

Information

ISSUE

The City of Lake Oswego requests an expansion of the Tigard Enterprise Zone to include 96 acres of Lake Oswego's industrial/commercial zoned land. This expanded enterprise zone would be called the *Tigard/Lake Oswego Enterprise Zone*.

STAFF RECOMMENDATION / ACTION REQUEST

In coordination with the City of Lake Oswego, pass a resolution on October 27 expanding Tigard's current enterprise zone to include the portion of Lake Oswego outlined in the attached maps, and authorize the City of Tigard's economic development manager to manage this multi-jurisdictional program.

Exhibit I shows the existing Tigard Enterprise Zone in blue and the proposed expansion area in green. Exhibit II shows a preliminary view of the area that the Lake Oswego City Council would like to include in the proposed Tigard/Lake Oswego Enterprise Zone.

KEY FACTS AND INFORMATION SUMMARY

The Tigard Enterprise Zone was created by Tigard City Council Resolution 14-51 in October 2014. The Tigard Enterprise Zone was authorized by the Director of the State's Economic Development Agency, Business Oregon, in November 2014.

Currently ten enterprise zones act as a tool for economic development in the Portland metro region. Forest Grove/Cornelius and Troutdale/Fairview are examples of cities that work together through enterprise zones that cross municipal boundaries. A similar partnership between The City of Tigard and City of Lake Oswego would result in the creation of the Tigard/Lake Oswego Enterprise Zone.

Enterprise zones offer qualified businesses that are located within a defined boundary, a three to five year tax abatement on **new** investment (equipment, buildings, and facilities) when the firm also invests in new employees by increasing their workforce by 10%. To date, three firms in Tigard are eligible to participate in this program. The Tigard Enterprise Zone currently includes all the industrial, manufacturing and commercially zoned properties in Tigard eligible for this program based upon the State's economic hardship criteria. Exhibit III provides background on the Tigard Enterprise Zone.

Amending the Tigard Enterprise Zone boundary to support business growth in a neighboring city is allowed via a formal request to Business Oregon, the State of Oregon's economic development agency. Expanding the enterprise zone to include industrial land in Lake Oswego's Southwest Employment Area will add:

- 96 acres of property.
- 84 industrial zoned or commercial tax lots.
- 15 eligible businesses (estimated).
- 1 firm ready for an immediate investment within the next 12 months.

The Tigard/Lake Oswego Enterprise Zone will be managed by the City of Tigard's Economic Development Manager. An IGA will govern the specifics of that partnership.

OTHER ALTERNATIVES

Limit the Tigard Enterprise Zone to the boundaries of the City of Tigard.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Expanding the Tigard Enterprise Zone is consistent with the recommendations of Tigard's Comprehensive Plan Goal 9 encouraging regional partnerships and economic development. It is also supported by the strategic vision of a more interconnected city connecting us through a collaboration with a neighboring municipality.

DATES OF PREVIOUS COUNCIL CONSIDERATION

February 2014 Council discussion of Enterprise Zone program.
October 2014 Resolution (14-51) to create the Tigard Enterprise Zone.

Attachments

Proposed Tigard/Lake Oswego Enterprise Zone Map (Draft)

Expaned view of sites in Lake Oswego (Draft)

Tigard Enterprise Zone

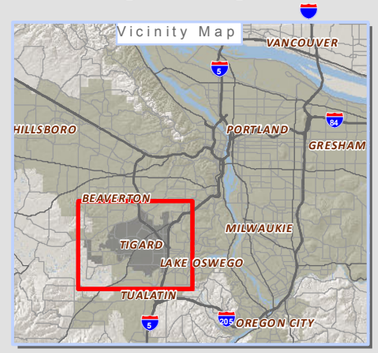
AIS 2347 Exhibit I

Enterprise Zone Expansion Map (DRAFT)

- Proposed Lake Oswego Expansion 2015
- Tigard Enterprise Zone 2014
- Tigard City Boundary

Area in blue shows the existing enterprise zone in Tigard. Area in green shows the portion of the zone that, after expansion, would include Lake Oswego resulting in the *Tigard/ Lake Oswego Enterprise Zone.*

City of Tigard Oregon



TIGARD MAPS

Map Created: 9/24/2015

City of Tigard, Oregon
13125 SW Hall Blvd
Tigard, OR 97223
503 639-4171
www.tigard-or.gov

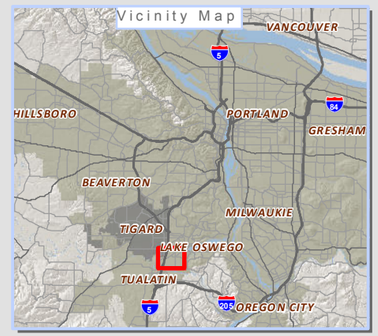
Path: \\192.168.109.215\GIS_Projects\FIS_projects\2015\enterprise_zone\enterprise_zone1117.mxd

Enterprise Zone Expansion (draft) Lake Oswego Southwest Employment Area

Lake Oswego area to include
Tigard Enterprise Zone
Tigard City Boundary

Expanded view of sites in Lake Oswego that will be included in the proposed Tigard/Lake Oswego Enterprise Zone.

City of
Tigard Oregon



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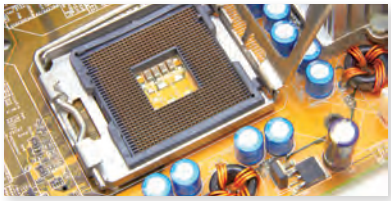
Tigard's Enterprise Zone

Supporting business growth and job creation in Tigard

BUILDINGS

EMPLOYEES

EQUIPMENT



FACILITIES

TIGARD

Lloyd Purdy
Economic Development Manager
503.718.2442

City *of* Tigard
Community Development Department
13125 SW Hall Blvd., Tigard, OR 97223
www.tigard-or.gov

ENTERPRISE ZONE OVERVIEW

Tigard's Enterprise Zone supports local business growth and job creation within the city.

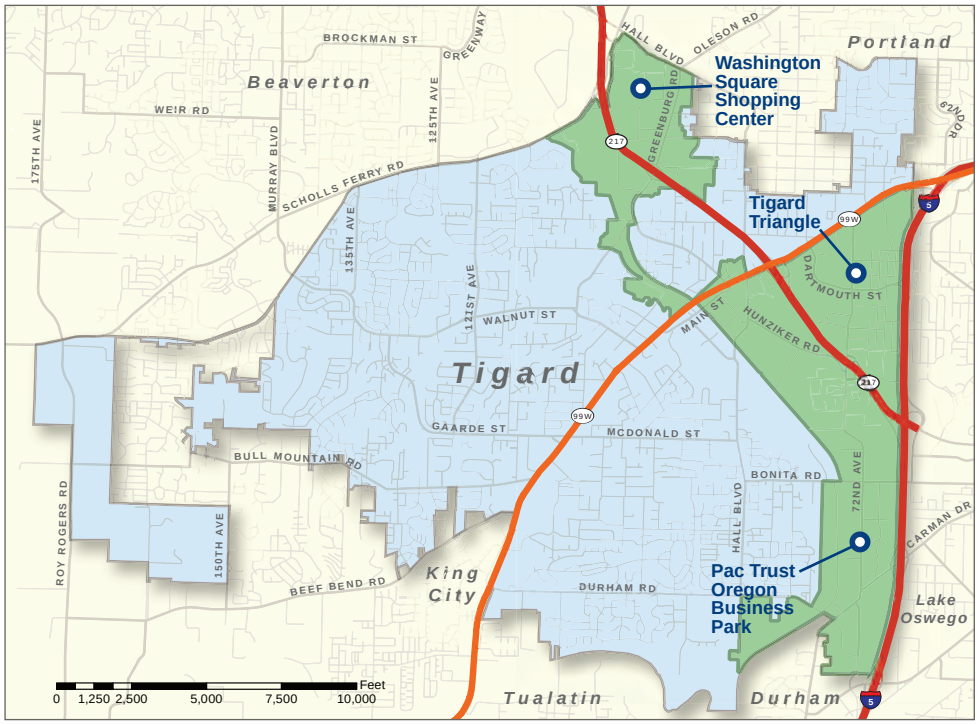
Businesses located in Tigard's Enterprise Zone may be eligible for a three to five year tax exemption on ***new equipment, facilities and buildings***.

Tigard's Enterprise Zone Program offers a 100 percent waiver of real property tax on eligible investments for up to five years. These investments must meet state and local requirements, including a ***10 percent increase in employment.***

Land and existing equipment are not eligible for the Tigard Enterprise Zone exemption. Once the abatement period of three to five years is over the entire asset enters the tax role.

ENTERPRISE ZONE ELIGIBILITY

The property and investment for industrial, manufacturing and commercial firms must be located within the Tigard Enterprise Zone boundaries, and meet the state and local requirements found on the next page.



Tigard's Enterprise Zone, shown above shaded in green, is as inclusive as possible given state requirements. This was done to allow as many businesses as possible an opportunity to participate.

Tigard's Enterprise Zone

Supporting business growth and job creation in Tigard

Tigard's Enterprise Zone was created in 2014 to induce *additional private-sector investment and jobs* as well as a short-term benefit to a project's cash flow.

- Encourage Tigard-based entrepreneurs and firms to start up and grow.
- Prompt bigger re/investments than might otherwise occur.
- Accelerate investment, expansion and hiring.
- Expand employment.
- Bolster early success of business projects.
- Attract investment and facilities that would move or locate outside of the City of Tigard.

Lloyd Purdy
Economic Development Manager
503.718.2442

City *of* Tigard
Community Development Department
13125 SW Hall Blvd., Tigard, OR 97223
www.tigard-or.gov

STATE REQUIREMENTS

Written Agreement: Participating business is required to enter into a written agreement with the municipality that will be based on the terms of the company's Authorization Application and Oregon Statute and Administrative Rules.

First Source Hiring Agreement (FSA): Prior to or concurrently with the execution of the written agreement, firm shall enter into an FSA with WorkSource Oregon Employment Department for employees hired at the qualified facility throughout the project's construction and tax exemption period.

Employment Qualifications: By the first exemption filing, firm must increase employment (and maintain that throughout the exemption period) by 10 percent in the zone.

LOCAL INCENTIVES

Expedited Land Use Review: Fast tracking of the land use review process.

Fee Waivers: The following fees are also waived by 50 percent:

A. Pre-application conference fees
B. Business registration fees
C. Sign permit
D. Development Code provision review

Extended Abatement: The City Council may extend the standard exemption by up to two more years if the qualifying company increases employment by 10 percent each year and new jobs are compensated (wages plus benefits) at 200 percent of Oregon minimum wage (Oregon minimum wage is $9.10 per hour as of 2/2014).

LOCAL REQUIREMENTS

In addition to state requirements, the City of Tigard has elected to add the following requirements to its Enterprise Zone program:

Minimum Investment: A minimum investment of $500,000 is required.

Procurement Plan: A procurement plan to increase purchasing with Tigard-based companies is required.

Job Quality:

A. Total compensation for 75 percent of company's zone facility jobs (wages plus benefits) must exceed 200 percent of Oregon minimum wage after one year of employment (Oregon minimum wage is $9.10 per hour as of 2/2014);
B. Must provide benefits to employees that meet or exceed the national average of non-mandated benefits for the size of the company, and
C. Must offer sufficient training and advancement opportunities for all employees.

Application Fee: There is an application fee of one tenth of one percent (.001) of the value of the investment for qualified property that is proposed in the application, capped at $50,000.

Community Service Fee: Companies applying for the extended abatement of up to two additional years must pay a community service fee. This fee is calculated at a rate of 25 percent of the abated taxes for years four and five, and is paid by the eligible business to the City of Tigard.

EXPRESSION OF INTEREST

If you are interested in participating in Tigard's Enterprise Zone, please contact the City of Tigard's Economic Development Manager **Lloyd Purdy** at **503.718.2442**.

Businesses interested in Tigard's Enterprise Zone program can obtain the state application online at: **http://www.oregon.gov/DOR/PTD/docs/303-029.pdf**

AIS-2350			**C.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	10 Minutes		
Agenda Title:	Briefing on Two Upcoming IGA's with Metro for Trail Segments		
Prepared For:	Steve Martin, Public Works	**Submitted By:**	Steve Martin, Public Works
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	Council Business Mtg - Study Sess.
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Council will be briefed on upcoming intergovernmental agreements (IGA) with Metro. The first two will be discussed in detail, as they are near completion:
1. An IGA for an easement and maintenance of a trail near Sunrise Lane.

2. An IGA for the construction and maintenance of a trail near Tiedeman Avenue and Woodard Park.

The following two IGAs will also be brought to council's attention:
3. An IGA to allow the Fanno Creek Trail to be built on the Fields and Brown properties for the Regional Flexible Funding Account grant.

4. An IGA to maintain the infrastructure that Friends of Bull Mountain Park will add to Bull Mountain Park.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends council receive the briefing and give staff direction, if needed.

KEY FACTS AND INFORMATION SUMMARY

Council will be briefed on two draft IGAs currently being reviewed by staff; maps are attached that show these segments.

1. The first IGA is to receive and maintain a trail segment that connects Sunrise Lane to Sandridge Lane. There is currently a small paved trail in this area that is on private property.

Metro is negotiating to purchase the property, and the IGA will allow Tigard to maintain this trail segment. The trail connects the future Westside Trail and several neighborhoods on Bull Mountain to Sunrise Lane and the future Sunrise Community Park. This trail segment is identified in the Neighborhood Trails Plan as #9 (it is erroneously marked #14 on the photo). This IGA will apply to future METRO acquisitions in Tigard under this METRO program.

2. The second IGA is for Tigard to be reimbursed for up to $660,000 in Metro bond funds for the design and construction of a bridge over Fanno Creek and the connecting trail segments for realignment of the Fanno Creek Trail adjacent to Tiedeman Avenue. There is no required match for this funding grant, however Tigard's responsibility will be to construct and maintain the trail segment. This project will remove one dangerous turn on the existing trail and move the trail off Tiedeman Avenue and onto the Metro-owned Swann property and Woodard Park. This trail segment is identified in the Greenway Trail System Master Plan as project "H".

If time permits, staff will brief the council on two other IGAs that are still in process of development. That briefing will be informational and will inform council as to IGA status and provide them opportunity to give direction as to having these items in future study sessions. Those agreements are:

3. An IGA to allow the city to build the Fanno Creek Trail from the Library through the Fields and Brown properties. This is mostly a formality, as the city is already committed to building and maintaining the future trail in this area.

4. An IGA will be required for the Friends of Bull Mountain Park to receive their grant from Metro to build a shelter, playground, and trail segments. The IGA assures the city will maintain these facilities and add to the parks inventory when they are completed in Bull Mountain Park.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Council approves all IGAs. These IGAs will help further the city's strategic plan for walkability.

DATES OF PREVIOUS COUNCIL CONSIDERATION

There has been no previous discussion on these IGAs.

Fiscal Impact

Fiscal Information:

The fiscal impact for these IGAs will involve budgeting for maintenance of the trail sections. Additionally, the Tiedeman realignment will require the City to pay invoices to be reimbursed by Metro for construction of the bridge and trail. Better fiscal information should be available for these items when the IGAs come back for Council approval.

Attachments

Tiedeman Description

Tiedeman Map

Sunrise Area

Sunrise Aerial

FANNO CREEK TRAIL – TIEDEMAN AVENUE CROSSING REALIGNMENT (ALIGNMENT 5B)

H

Summary

This alignment would improve the difficult Fanno Creek Trail crossing of Tiedeman Avenue. The City is constructing short-term improvements, including: signage, curb ramps, and high-visibility crossings.

This alignment would additionally eliminate the 90 degree turns currently required in this segment and cross Fanno Creek via a bridge near the existing road bridge. The trail would connect to the Fanno Creek Trail in Woodard City Park. The land this alignment crosses is currently owned by Metro under the terms of a life estate. Trail use is prohibited on the property until the life estate is relinquished and would be subject to Metro approval thereafter.

Opportunities

- Enhances safe routes to schools opportunities
- Improves safety and user comfort on a popular segment of a regional trail

Constraints

- Majority of trail in flood plain
- Crossing improvements on Tiedemann Avenue
- Requires bridge over Fanno Creek
- 105' in 'strictly limit' habitat area

Cost Opinion

Length: 450'

High Design Option: Alignment

- Design: 12' permeable asphalt, precast concrete bridge, fencing
- Planning-level cost: $274,000

Medium Design Option: Alignment

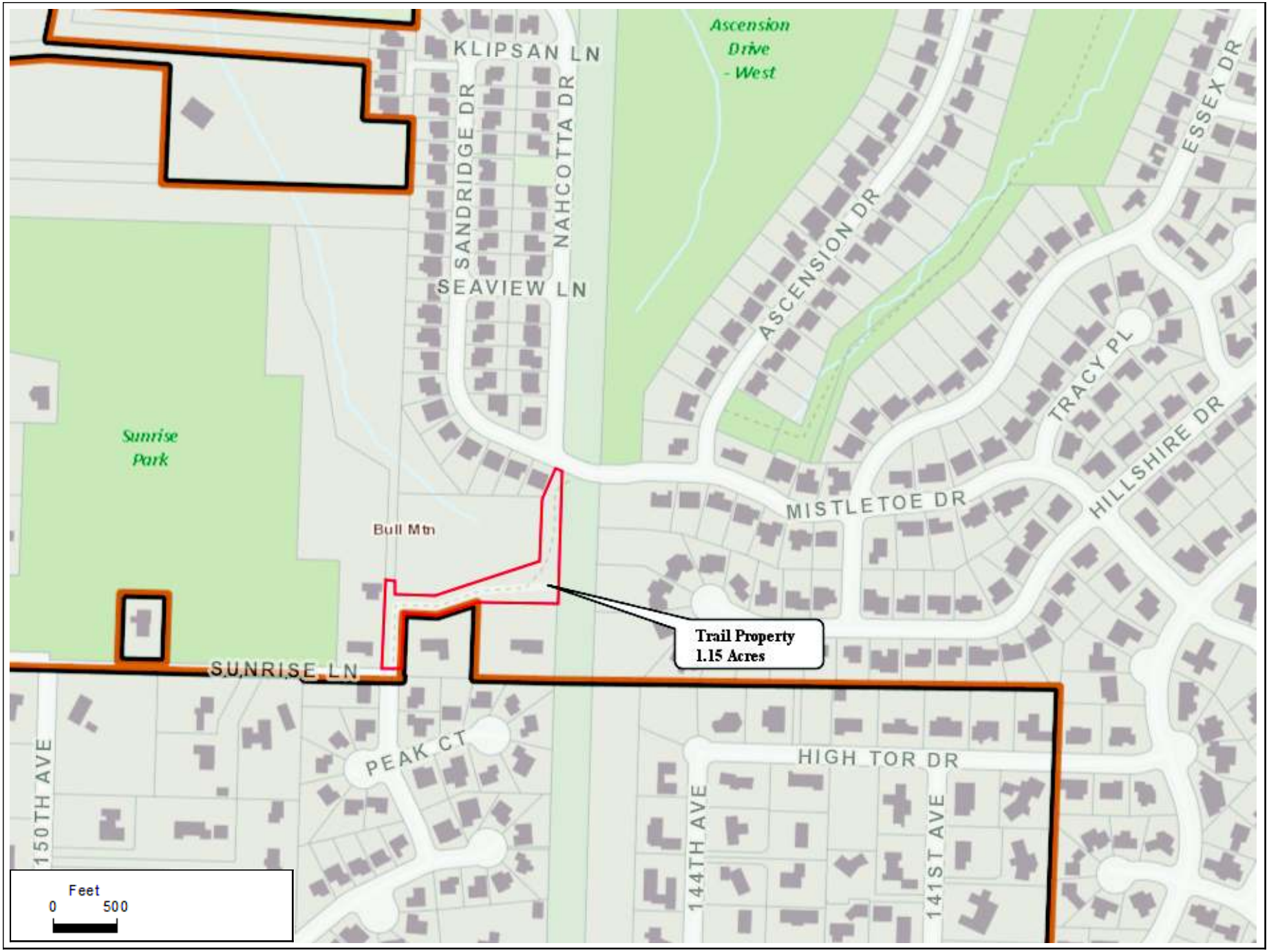
- Design: 10' asphalt, wood bridge, Planning-level cost: $173,000

Low Design Option: Length: Alignment

- Design: 6' gravel, wood bridge
- Planning-level cost: $139,000

FANNO CREEK TRAIL – TIEDEMAN AVENUE CROSSING REALIGNMENT (ALIGNMENT 5B)

H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Ascension Drive - West
SANDRIDGE DR
NAHCOTTA DR
SEAVIEW LN
ASCENSION DR
ESSEX DR
TRACY PL
HILLSHIRE DR
MISTLETOE DR
Sunrise Park
Bull Mtn
Trail Property
1.15 Acres
SUNRISE LN
150TH AVE
PEAK CT
HIGH TOR DR
144TH AVE
141ST AVE
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SANDRIDGE DR
NAHCOTTA DR
MISTLETOE DR
ASCENSION DR
HILLSHIRE DR
SUNRISE LN
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Sunrise Trail Connection
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AIS-2371 **D.**

Business Meeting

Meeting Date: 10/13/2015

Length (in minutes): 10 Minutes

Agenda Title: City Manager Evaluation Criteria and Process

Submitted By: Dana Bennett, City Management

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

Public Hearing: Yes **Publication Date:**

Information

ISSUE

Initiating the City Manager's Annual Performance Evaluation Process

STAFF RECOMMENDATION / ACTION REQUEST

Council to review attached 2015 City Manager evaluation criteria and process and provide guidance/direction to staff regarding any desired changes to criteria, process and/or evaluator list.

KEY FACTS AND INFORMATION SUMMARY

Please see the attached memo to Council regarding the prior year's process. Also attached is a blank copy of the following documents -- the 2014 evaluation tool, the 2014 external partner's evaluation questions, and also revised tools for the 2015 evaluation process for Council consideration.

OTHER ALTERNATIVES

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

DATES OF PREVIOUS COUNCIL CONSIDERATION

This is the first meeting for Council to consider the 2015 City Manager's evaluation process.

Attachments

City Mgr. 2015 Process Memo to Council

City Mgr. 2014 Eval Form

City Mgr. 2014 External Partner Questions

City Mgr. 2015 Eval Form Draft

City *of* Tigard

Memorandum

To: Mayor and City Council

From: Dana Bennett, Human Resources Director

Re: City Manager Annual Performance Review

Date: October 1, 2015

In accordance with the Employment Agreement for City Manager Marty Wine, the City Council is required to conduct an annual performance review in December 2015. The first step to be taken by Council is to decide on the criteria and process to be used for the evaluation. This is scheduled for your October 13th meeting, during a study session. On November 10, 2015 during a business meeting, the Council will request public input on the criteria and process that has been selected, as required by employment law for public employees. Following these two steps, then I will initiate the process of collecting information/evaluations data to compile. Once that process is completed, the performance evaluation will take place during an executive session.

Last year's performance review of the City Manager included the following process/steps:

1) The City Council decided to have both the council and other evaluators complete a written performance review of the City Manager for the prior 12 month period. The Council approved a review form to be used and a list of raters/evaluators. A copy of the completed final review is attached. The format that was used by external evaluators was a set of questions, as the external evaluators would not have the benefit or opportunity of observing internal operations, last year's list of questions is also attached.

2) The Human Resources Director coordinated the distribution of forms to all raters.

3) The Human Resources Director received all completed review forms and collated ratings and comments into two final documents: one that incorporated all City Council comments and ratings, and a second which incorporated all ratings and comments from the other evaluators. The information was transferred without reference to the rater's name, and each category/criteria was assigned an average score.

4) Both documents were submitted to the Council for their review prior to the date of the performance review of the City Manager.

5) If there were no further changes, both documents were provided to the City Manager prior to the actual review.

6) A performance review was conducted for the City Manager with the City Council in an Executive Session.

The other evaluators who provided input for last year's evaluation, in addition to City Council included:

> External Partners: TDA Board (Murphy, DeAngelo, Mollahan Shearer, Thomburg and Stevenson), Tom Anderson (Planning Commission), Randy Ealy (City of Beaverton, Chief Administrative Officer), Joel Rubin (CFM Strategic Communications Inc., VP Federal Affairs), Mike Duyck (TVFR, Fire Chief), Alan Kennedy (TVFR, Battalion Chief), Joel Komarek (City of Lake Oswego, LO-Tigard Water Project), Scott Lazenby (City of Lake Oswego, City Manager)
>
> All Department Directors: Toby LaFrance (Finance and IT Director), Dennis Koellermeier (LO-Tigard Water Project Director), Margaret Barnes (Library Director), Chief Orr (Chief of Police), Liz Newton (Assistant CM), Kenny Asher (CD), Brian Rager (PW), Nadine Robinson (Central Services Director) and Dana Bennett (HR Director)
>
> Other Staff: Joanne Bengtson (Exec. Assistant to the CM), Loreen Mills (Assistant to the CM), Rudy Owens (Communications Strategist) and Lloyd Purdy (Economic Development Manager)

Based upon some Council feedback regarding last year's tool, the form has been modified to address some of the concerns that were raised, while largely maintaining the same core rating dimensions. A copy of the 2015 City Manager Goals, that were established as a result of the Council's 2014 performance review and feedback, have been built into a draft evaluation tool that will be before Council, to measure the City Manager's performance against the stated goals and objectives

The issues before the City Council for your October 13th meeting are:

1) What criteria does the Council wish to include in the review document (a draft tool is attached for your consideration based on feedback from last year's review)
2) What process do you want to use to collect this information (note any changes from last year)
3) Who do you want to include for this year's evaluator list (note any changes from last year)

I will be at the meeting of the 13th to collect any feedback or direction and to assist in any way I can.

Thank you

CITY OF TIGARD
CITY MANAGER PERFORMANCE EVALUATION

Review period: January 2014- December 2014

I. In completing this evaluation, please consider the City-wide core values adopted to set the standard for service excellence at the City of Tigard ("Get it Done", "Do the Right Thing", and "Respect and Care").

Please use the following criteria: *4 = Exceeds Expectations; 3 = Fully Effective; 2 = Developing; 1 = Needs Improvement; NA = Not applicable (have not observed this area during the evaluation period).*

PERFORMANCE ASSESSMENT

II. Evaluate and discuss the City Manager's overall job performance in achievement of the GOALS set for the current review period. Base your evaluation upon the job requirements, achievement of the goals established during the past review period, and your assessment of the City Manager's accomplishments.

1. GOAL 1 -Economic Development
   a. Establish an ED strategy so Tigard is organized to support developing the local economy
   b. Set up staff resources to carry out and support the strategy
   c. Engage a community committee or group to help with and carry out the strategy
   d. Create transportation connections by continuing to pursue Ash Avenue rail crossing
   e. Downtown Tigard and Urban Renewal District
   f. Advance plaza development through property acquisition
   g. Pursue a housing redevelopment project
   h. Pursue a retail and mixed-use project
   i. Create a bike/pedestrian connection with Tigard Triangle

   RATING: NA 1 2 3 4

2. GOAL 2 -Financial Stability: build the city's financial reserves
   a. Work with employees to establish "fair share" benefit contribution
   b. Defer or delay projects or find more efficient ways to do business
   c. Pursue local option levy in spring of 2014
   d. Find creative solutions to increase revenues
   e. Plan for Growth: River Terrace Community Plan substantially complete, bring entitlement/zoning decisions to Council as soon as possible (in calendar year 2013 if possible); communication with annexing residents to understand service desires
   f. Community recreation: find financing to support increasing recreation capacity in Tigard

   RATING: NA 1 2 3 4

3. GOAL 3 -LO-Tigard Water Partnership: continue to build partnership relationships and keep current sources and project on track

   RATING: NA 1 2 3 4

4. GOAL 4 -Community Engagement: develop venues to meet with the public quarterly to gather input on key issues facing the City, including:

a. Annexation
b. Transportation/HCT

   RATING: NA 1 2 3 4

5. GOAL 5 -State and Regional Relations

a. Effectively represent Tigard on revenue reform issues in 2013

b. Work with neighboring jurisdictions to advance joint transportation and economic development goals at the state and federal level

RATING: NA 1 2 3 4

III. Evaluate and discuss the City Manager's job performance for the current review period. Please provide specific examples to support your assessment/evaluation. Consider the City Manager's performance in the following areas.

a. Administrative Ability/Professional Skills including planning, organizing, time management, decision-making, and organizational/strategic thinking

RATING: NA 1 2 3 4

b. Personnel Functions including supervision, delegation, labor relations, and leadership/management style

RATING: NA 1 2 3 4

c. Budget and Finance including financial management and operational efficiency

RATING: NA 1 2 3 4

d. Community Relations including public service, sensitivity, public involvement, and media relations

RATING: NA 1 2 3 4

e. Intergovernmental Relations including representation and developing resources
RATING: NA 1 2 3 4

f. Interpersonal Skills / Individual Characteristics including professionalism, creativity, ethics, and adaptability
RATING: NA 1 2 3 4

g. Communications including community / public, employees, and Council
RATING: NA 1 2 3 4

h. Economic Growth & Development including strategy, vision and community engagement
RATING: NA 1 2 3 4

ADDITIONAL COMMENTS (OPTIONAL)

IV. Are there areas of exceptional performance that should be particularly noted? Provide specific examples.

V. Are there areas of performance needing more attention or improvement? Provide specific examples.

ESTABLISHMENT OF GOALS FOR UPCOMING RATING PERIOD

List and discuss your expectations and suggested goals for the City Manager for the upcoming performance evaluation period. Goals should be: (1) related to community goals, (2) may include new projects or ongoing fundamental portions of the position, and (3) should include specific measures including outcomes and timeframes.

ADDITIONAL COMMENTS (OPTIONAL)

Please provide any additional comments on the City Manager's performance review in the space provided here.

CITY OF TIGARD
CITY MANAGER EXTERNAL PARTNER EVALUATION FORM

Review period: January 2014- December 2014

PERFORMANCE ASSESSMENT

1. How has Marty's leadership impacted the City of Tigard's partnership / relationship with you and your organization?

2. What has Marty done to increase, improve, or enhance the partnership / relationship with you and your organization?

3. What are some areas where Marty could improve the City's partnership / relation with you and your organization?

CITY OF TIGARD
CITY MANAGER PERFORMANCE EVALUATION

Review period: January 2015- December 2015

I. In completing this evaluation, please consider the City-wide core values adopted to set the standard for service excellence at the City of Tigard ("Get it Done", "Do the Right Thing", and "Respect and Care").

Please use the following criteria: *4 = Exceeds Expectations; 3 = Fully Effective; 2 = Developing; 1 = Needs Improvement; NA = Not applicable (have not observed this area during the evaluation period).*

PERFORMANCE ASSESSMENT

II. Evaluate and discuss the City Manager's overall job performance in achievement of the GOALS set for the current review period. Base your evaluation upon the job requirements, achievement of the goals established during the past review period, and your assessment of the City Manager's accomplishments.

1. GOAL 1 –Economic/Community Development
   a. Adopt Tigard Triangle Strategic Plan and Enable Future Development Capacity
   b. Enable Groundbreaking in River Terrace by Summer 2015
   c. Make Downtown Tigard a Place Where People Want to Be
   d. Purchase Park Plaza

RATING:	NA	1	2	3	4

2. GOAL 2 –Recreation
   a. Provide Recreation Opportunities for the residents of Tigard
   b. Fund and Hire Recreation Coordinator

RATING:	NA	1	2	3	4

3. GOAL 3 – Homelessness
   a. Address Homelessness -- squatting, camps, and panhandling through robust public policy discussions/resources that include our Downtown area and throughout Tigard

RATING:	NA	1	2	3	4

4. GOAL 4 –Strategic Vision
   a. Lead the Implementation of the City's Strategic Plan

RATING:	NA	1	2	3	4

5. GOAL 5 –Community Engagement
   a. Expand Opportunities to Engage People in the Community
   b. Provide Open Communication
   c. Promote Trust
   d. Make Network Neighborhoods Websites active and useful for all of council and community outreach and volunteer project purposes (e.g., neighborhood volunteer coordination, functions, promote city recreation, events and activities, list city events and social grant awards, identify neighborhood nuisances that include vagrant and pandering activities and homeless camp siting policy review, etc.)

RATING:	NA	1	2	3	4

6. GOAL 6 –Council Support/General Improvements
   a. Balance history and context on issues before Council and help Council develop collegial style
   b. Assist Mayor in efficient Council Meetings
   c. Prevent Waste
   d. Fund and Hire additional Police if assessment determines need for RT this year

RATING:	NA	1	2	3	4

7. GOALS 7 –State and Regional Relations
   a. Help Facilitate Intergovernmental Communications
   b. Advance Tigard's membership on JPACT and MPAC

RATING:	NA	1	2	3	4

III. Evaluate and discuss the City Manager's job performance for the current review period. Please provide specific examples to support your assessment/evaluation. Consider the City Manager's performance in the following areas.

a. Professional Skills/Decision Making Ability to anticipate and analyze problems and map effective solutions. In making decisions considers the best available facts, projections, and evidence and to the extent that resources permit, ensures that such tools are available. Has a solid understanding of all departmental functions within city government.

RATING:	NA	1	2	3	4

b. Leadership Sets the performance tone and culture of the organization, recognizes opportunities, capitalizes on partnerships, promotes trust, builds and motivates teamwork, provides vision and direction, encourages and seeks to develop the skills and abilities of others. Treats all with respect and sets the standard for performance accountability by example.

RATING:	NA	1	2	3	4

c. Personnel/Risk/Labor Relations Understands contract negotiations, labor strategy and contract administration. Equitably, fairly and with consideration addresses issues related to labor matters. Recognizes the value of excellent staff and seeks to maintain high performers while balancing the containment of costs. Implements effective programs and decisions to ensure management and control of liability and loss.

RATING:	NA	1	2	3	4

d. Budget and Finance Including financial management and operational efficiency such as accurately and concisely reports and projects the financial condition. Management practices and policies are designed to maintain or achieve a sound long-range financial condition. Obtains the best possible result for the money spent, and monitors efficiency, service improvement and effectiveness for programs.

RATING:	NA	1	2	3	4

e. Community Relations Including public service, sensitivity, public involvement, and media relations

RATING:	NA	1	2	3	4

f. Intergovernmental Relations Develops good working relationships with other local, county, regional, state and federal agencies and effectively represents city interests

RATING:	NA	1	2	3	4

g. Interpersonal Skills / Individual Characteristics Including professionalism, creativity, honesty, ethics, and adaptability

RATING:	NA	1	2	3	4

h. Communications Provides Council with well-informed concise oral and written communication, responds to the direction of the majority of the Council--while still recognizing the concerns of the minority, approachable and responsive, is able to represent Council to the community through forums, publications and other venues. Pursues an outreach style of management as a spokesperson for city issues.

RATING:	NA	1	2	3	4

i. Economic Growth & Development Including strategy, vision and community engagement

RATING:	NA	1	2	3	4

ADDITIONAL COMMENTS (OPTIONAL)

IV. Are there areas of exceptional performance that should be particularly noted? Provide specific examples.

V. Are there areas of performance needing more attention or improvement? Provide specific examples.

ESTABLISHMENT OF GOALS FOR UPCOMING RATING PERIOD

List and discuss your expectations and suggested goals for the City Manager for the upcoming performance evaluation period. Goals should be: (1) related to community goals, (2) may include new projects or ongoing projects, and (3) should include specific measures including outcomes and timeframes.

1. Goal/Project/Training:

2. Goal/Project/Training:

3. Goal/Project/Training:

4. Goal/Project/Training:

5. Goal/Project/Training:

6. Goal/Project/Training:

ADDITIONAL COMMENTS (OPTIONAL)

Please provide any additional comments on the City Manager's performance review in the space provided here.

City Manager's Signature: Date:

Mayor's Signature: Date:

CITY OF TIGARD
CITY MANAGER EXTERNAL PARTNER EVALUATION FORM

Review period: January 2015- December 2015

PERFORMANCE ASSESSMENT

1. How has Marty's leadership impacted the City of Tigard's partnership / relationship with you and your organization?

2. What has Marty done this year to increase, improve, or enhance the partnership / relationship with you and your organization?

3. What are some things that Marty could do differently that would help the City of Tigard in its relationship with you and your organization?

4. Other observations you would like to share?

AIS-2386 **3. A.**

Business Meeting

Meeting Date: 10/13/2015

Length (in minutes): Consent Item

Agenda Title: Receive and File: Council Calendar and Council Tentative Agenda

Submitted By: Carol Krager, Central Services

Item Type: Receive and File **Meeting Type:** Consent - Receive and File

Public Hearing: No **Publication Date:**

Information

ISSUE

Receive and file the Council Calendar and the Tentative Agenda for future council meetings.

STAFF RECOMMENDATION / ACTION REQUEST

No action is requested; these are for information purposes.

KEY FACTS AND INFORMATION SUMMARY

Attached are the Council Calendar and the Tentative agenda for future Council meetings.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A - Receive and File Items

Attachments

Council Calendar

Tentative Agenda

M E M O R A N D U M

TO: Honorable Mayor & City Council/City Center Development Agency Board

FROM: Carol A. Krager, City Recorder

RE: Three-Month Council/CCDA Meeting Calendar

DATE: October 6, 2015

October

6	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
8	Thursday	Voters Forum – 6:00-7:30 p.m. Twality Middle School Commons, 14650 SW 97th Avenue
13*	Tuesday	Council Business/CCDA Meeting – 6:30 p.m., Town Hall
16	Friday	Council Tailgate - 5:00-6:30 p.m. (before football game, Tigard High Tennis Courts 9000 SW Durham Road
20*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
27*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

November

3	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall (ELECTION DAY)
10*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
17*	Tuesday	Council Workshop Meeting – 6:30 p.m., Town Hall
24*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall

December

1	Tuesday	City Center Development Agency – 6:30 p.m., Town Hall
8*	Tuesday	Council Business Meeting – 6:30 p.m., Town Hall
15*	Tuesday	Council Workshop/Business Meeting – 6:30 p.m., Town Hall
22*	Tuesday	Council Training & Groundrules Meeting – 5:30-9:30 p.m, Location TBD

Regularly scheduled Council meetings are marked with an asterisk (*).

i:\adm\city council\council calendar\3-month calendar word format.doc

Meeting Banner
Study Session
Consent Agenda
Workshop Meeting
Business Meeting
Special Meeting
Meeting is Full
CCDA Meeting

City Council Tentative Agenda
10/5/2015 11:01 AM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	----------Title----------	Department	Inbox or Finalized
2036	10/13/2015	Norma Alley	AAA	October 13, 2015 Business and CCDA Meeting		
2073	10/13/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Management	12/22/2014
2347	10/13/2015	Lloyd Purdy	ACCSTUDY	10 Minutes - Tigard Enterprise Zone Expansion with City of Lake Oswego	Community Development	10/05/2015
2350	10/13/2015	Steve Martin	ACCSTUDY	10 Minutes - Briefing on Two Upcoming IGA's with Metro for Trail Segments	Public Works	10/05/2015
2371	10/13/2015	Dana Bennett	ACCSTUDY	10 Minutes - City Manager Evaluation Criteria and Process	City Management	Newton L, Asst City Manager
			Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL			
2286	10/13/2015	Carol Krager	CCBSNS	1 20 Minutes - Legislative Session Wrap-up	City Management	Newton L, Asst City Manager
2303	10/13/2015	Norma Alley	CCBSNS	2 20 Minutes - Develop 2016 Federal and State Legislative Agenda	City Management	Newton L, Asst City Manager
2192	10/13/2015	Lloyd Purdy	CCBSNS	3 25 Minutes - QJ Public Hearing: Comprehensive Plan Amendment and Zone Change for Fields Trust	Community Development	Pagenstecher G, Assoc Planner
2316	10/13/2015	Carissa Collins	CCBSNS	4 10 Minutes - FY 2016 First Quarter Budget Supplemental	Finance and Information Services	10/05/2015
2344	10/13/2015	Carissa Collins	CCBSNS	5 5 Minutes - FY 2016 City Center Development Agency Budget Supplemental	Finance and Information Services	10/05/2015
2329	10/13/2015	Lisa Shaw	CCBSNS	6 10 Minutes - Consideration of Taser purchase contract	Police	10/05/2015
2379	10/13/2015	Carol Krager	CCBSNS	7 10 Minutes - 72nd and Dartmouth Intersection Improvements Developer Costs	Finance and Info Services	LaFrance T, Fin/Info Svcs Director
			Total Time: 100 of 100 Minutes Scheduled – MEETING IS FULL			
	10/16/2015			October 16, 2015 Tailgate with the Council Tigard High School Football Game 5:00-6:30 p.m.		

Meeting Banner
Study Session
Consent Agenda
Workshop Meeting
Business Meeting
Special Meeting
Meeting is Full
CCDA Meeting

City Council Tentative Agenda
10/5/2015 11:01 AM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	----------Title----------	Department	Inbox or Finalized
2037	10/20/2015	Norma Alley	AAA	October 20, 2015 Workshop and Business Meeting		
2330	10/20/2015	Buff Brown	CCWKSHOP	1 50 Minutes - Tigard Transportation Advisory Committee (TTAC) / City Council Joint Meeting	Community Development	Brown, B., Assoc Transp Planner
2320	10/20/2015	Carissa Collins	CCWKSHOP	2 30 Minutes - Discussion on Sidewalk Gap Program	Finance and Info Services	Asher, K, Comm Dev Dir.
2326	10/20/2015	Norma Alley	CCWKSHOP	3 75 Minutes - Discussion on Parks & Recreation Charge	Finance and Info Services	Rager B, PW Director
2365	10/20/2015	John Floyd	CCWKSHOP	4 30 Minutes - Heritage Crossing Continuation	Community Development	McGuire, T, Asst CD Director
			Total Time: 185 of 180 Minutes Scheduled – MEETING IS OVER SCHEDULED			
2038	10/27/2015	Norma Alley	AAA	October 27, 2015 Business Meeting		
2074	10/27/2015	Norma Alley	ACCSTUDY	1 15 Minutes - Council Liaison Reports	City Management	12/22/2014
2359	10/27/2015	Joseph Barrett	ACCSTUDY	2 5 Minutes - Discussion on Upcoming Contracts	Finance and Info Services	Barrett J, Sr Mgmt Analyst
2312	10/27/2015	Carol Krager	ACCSTUDY	3 25 Minutes - Update from Metro Councilor Dirksen	Central Services	09/16/2015
			Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL			
2383	10/27/2015	Joanne Bengtson	CCBSNS	1 5 Minutes - Proclaim Manufacturing Day in Tigard	City Management	09/28/2015
2387	10/27/2015	Carol Krager	CCBSNS	2 10 Minutes - Tree for All Award Presentation	City Management	Krager C, City Recorder
2322	10/27/2015	Judy Lawhead	CCBSNS	3 5 Minutes - Briefing on an Agreement with the City of Beaverton Related to Maintenance of Barrows Road	Public Works	Rager B, PW Director
2349	10/27/2015	Sherri Russell	CCBSNS	4 10 Minutes - Consider a Resolution Concurring with Washington County Findings Regarding Right-of-Way Vacation of an Unnamed Street	Public Works	Barrie, L, Sr. Admin Spec.
2342	10/27/2015	Lloyd Purdy	CCBSNS	5 10 Minutes - Enterprise Zone: Resolution Expanding Tigard Enterprise Zone	Community Development	Purdy, L, Econ Development Mgr

Meeting Banner		Business Meeting	
Study Session		Special Meeting	
Consent Agenda		Meeting is Full	
Workshop Meeting		CCDA Meeting	

City Council Tentative Agenda
10/5/2015 11:01 AM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	----------Title----------	Department	Inbox or Finalized
2364	10/27/2015	Laura Barrie	CCBSNS	6 30 Minutes - First Quarter CIP Council Update	Public Works	Barrie, L, Sr. Admin Spec.
			Total Time: 70 of 100 Minutes Scheduled			
2141	11/03/2015	Norma Alley	AAA	November 3, 2015 CCDA Meeting – **ELECTION NIGHT Mayor Cook Absent**		
2134	11/03/2015	Sean Farrelly	CCDA	1 20 Minutes - Downtown Housing Inventory and Report	Community Development	Farrelly S, Redev Project Manager
2135	11/03/2015	Sean Farrelly	CCDA	2 20 Minutes - Downtown Jobs Inventory and Report	Community Development	Farrelly S, Redev Project Manager
2127	11/03/2015	Sean Farrelly	CCDA	3 25 Minutes - Future of Saxony Site - Update	Community Development	Farrelly S, Redev Project Manager
2133	11/03/2015	Sean Farrelly	CCDA	4 20 Minutes - Brownfield Initiative Update	Community Development	Farrelly S, Redev Project Manager
			Total Time: 85 of 180 Minutes Scheduled – MEETING IS CLOSED			
2039	11/10/2015	Norma Alley	AAA	November 10, 2015 Business Meeting		
2075	11/10/2015	Norma Alley	ACCSTUDY	1 15 Minutes - Council Liaison Reports	City Mgt	12/22/2014
2310	11/10/2015	Judy Lawhead	ACCSTUDY	2 10 Minutes - Briefing on an Agreement with Metro Regarding a Grant to Develop Dirksen Nature Park	Public Works	08/26/2015
2357	11/10/2015	Joseph Barrett	ACCSTUDY	3 20 Minutes - Discussion on Upcoming Contracts	Finance and Info Services	Barrett J, Sr Mgmt Analyst
			Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL			
2323	11/10/2015	Sherri Russell	CCBSNS	1 10 Minutes - Consider Authorizing the City Manager to Sign an Agreement with Beaverton Related to Maintenance of Barrows Road	Public Works	Rager B, PW Director
2360	11/10/2015	Joseph Barrett	CCBSNS	2 10 Minutes - Contract Award Dirksen Nature Park Environmental Education Center & Pathway Improvement	Finance and Info Services	Barrett J, Sr Mgmt Analyst

Meeting Banner | Business Meeting
Study Session | Special Meeting
Consent Agenda | Meeting is Full
Workshop Meeting | CCDA Meeting

City Council Tentative Agenda
10/5/2015 11:01 AM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	----------Title----------	Department	Inbox or Finalized
2381	11/10/2015	John Floyd	CCBSNS	3 20 Minutes - Tentative Continuance Date for Heritage Crossing	Community Development	Floyd J, Associate Planner
2382	11/10/2015	Lisa Shaw	CCBSNS	4 15 Minutes - Update to Chronic Nuisance Property Ordinance (TMC 7.42)	Police	Shaw L, Police Business Manager
2389	11/10/2015	Judy Lawhead	CCBSNS	5 10 Minutes - Briefing on an IGA with the Oregon Department of Transportation for Design and Construction of New Sections of Fanno Cr. Trail	Public Works	McCarthy M, St./Trans Sr. Proj Eng
2368	11/10/2015	Dana Bennett	CCBSNS	6 15 Minutes - City Manager Evaluation Criteria and Process Adoption	City Management	Bennett, D, HR Director
2375	11/10/2015	Lloyd Purdy	CCBSNS	7 15 Minutes - Intent to Pursue Grant Funding	Community Development	Purdy, L, Econ Development Mgr
			Total Time: 95 of 100 Minutes Scheduled			
2040	11/17/2015	Norma Alley	AAA	November 17, 2015 Workshop Meeting		
2338	11/17/2015	Steve Martin	CCWKSHOP	1 50 Minutes - Joint Meeting with the Park and Recreation Advisory Board	Public Works	Martin S, Division Manager
2327	11/17/2015	Norma Alley	CCWKSHOP	2 60 Minutes - Continued Discussion on Parks & Recreation Charge	Finance and Info Services	LaFrance T, Fin/Info Svcs Director
2325	11/17/2015	Carissa Collins	CCWKSHOP	3 20 Minutes - Continued Discussion on the Sidewalk Gap Program	Finance and Info Services	Collins C, Sr Mgmt Analyst
2167	11/17/2015	Lloyd Purdy	CCWKSHOP	4 20 Minutes - Economic Development Update	Community Development	Purdy, L, Econ Development Mgr
2363	11/17/2015	Liz Hormann	CCWKSHOP	5 30 Minutes - Safe Routes to School Update	Community Development	Hormann L, SRTS Program Coord
			Total Time: 180 of 180 Minutes Scheduled – MEETING IS FULL			
2041	11/24/2015	Norma Alley	AAA	November 24, 2015 Business Meeting		
2076	11/24/2015	Norma Alley	ACCSTUDY	1 15 Minutes - Council Liaison Reports	City Management	12/22/2014

Meeting Banner ☐ Business Meeting ☐
Study Session ☐ Special Meeting ☐
Consent Agenda ☐ Meeting is Full ☐
Workshop Meeting ☐ CCDA Meeting ☐

City Council Tentative Agenda
10/5/2015 11:01 AM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	----------Title----------	Department	Inbox or Finalized
2388	11/24/2015	Mike Lueck	ACCSTUDY	2 10 Minutes - Natural Hazard Mitigation Plan Mandated 5 year Review	Public Works	Rager B, PW Director
2384	11/24/2015	Dennis Koellermeier	ACCSTUDY	3 20 Minutes - Briefing on Lake Oswego/Tigard Water Partnership Activities	Public Works	Koellermeier D, LOT Water Proj Coord
			Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL			
2311	11/24/2015	Judy Lawhead	CCBSNS	1 10 Minutes - Authorize the City Manager to Sign an Agreement with Metro Regarding a Grant to Develop Dirksen Nature Park	Public Works	Staedter C, Project Coordinator
2390	11/24/2015	Judy Lawhead	CCBSNS	2 10 Minutes - Consider Authorizing the City Manager to Sign an IGA with ODOT for Design and Construction of New Sections of the Fanno Creek Trail	Public Works	McCarthy M, St/Trans Sr Proj Eng
2378	11/24/2015	Joseph Barrett	CCBSNS	3 10 Minutes - Contract Award - Street Sweeping Services	Finance and Information Services	Barrett J, Sr Mgmt Analyst
1758	11/24/2015	Carol Krager	CCBSNS	4 15 Minutes - PLACEHOLDER - Google Franchise Agreement	City Management	Mills L, Asst to City Manager
2380	11/24/2015	Norma Alley	CCBSNS	5 10 Minutes - Update on the Strategic Plan	City Management	Wyatt K, Management Analyst
			Total Time: 55 of 100 Minutes Scheduled			
2142	12/01/2015	Norma Alley	AAA	December 1, 2015 CCDA Meeting		
2125	12/01/2015	Sean Farrelly	CCDA	15 Minutes - Fanno Creek Overlook Update	Community Development	Farrelly S, Redev Project Manager
2136	12/01/2015	Sean Farrelly	CCDA	45 Minutes - Annual Report on the Urban Renewal District	Community Development	Farrelly S, Redev Project Manager
			Total Time: 60 of 180 Minutes Scheduled			

Meeting Banner
Study Session
Consent Agenda
Workshop Meeting
Business Meeting
Special Meeting
Meeting is Full
CCDA Meeting

City Council Tentative Agenda
10/5/2015 11:01 AM - Updated

Form #	Meeting Date	Submitted By	Meeting Type	----------Title----------	Department	Inbox or Finalized
2042	12/08/2015	Norma Alley	AAA	December 8, 2015 Business Meeting		
2077	12/08/2015	Norma Alley	ACCSTUDY	15 Minutes - Council Liaison Reports	City Mgt	12/22/2014
2369	12/08/2015	Dana Bennett	ACCSTUDY	30 Minutes - ORS 192.660 (2)(i) Executive Session	City Mgt	09/14/2015
			Total Time: 45 of 45 Minutes Scheduled – STUDY SESSION IS FULL			
2353	12/08/2015	Liz Lutz	CCBSNS	1 5 Minutes - Appoint Audit Committee Members	Finance and Info Services	Lutz L, Conf Exec Asst
2354	12/08/2015	Liz Lutz	CCBSNS	2 5 Minutes - Appoint Budget Committee Members	Finance and Info Services	Lutz L, Conf Exec Asst
2358	12/08/2015	Joseph Barrett	CCBSNS	3 10 Minutes - Contract Award - Utility Billing Mailing Services	Finance and Info Services	Barrett J, Sr Mgmt Analyst
2324	12/08/2015	Carissa Collins	CCBSNS	4 15 Minutes - Info. PH: Sidewalk Gap Program	Finance and Info Services	Collins C, Sr Mgmt Analyst
2293	12/08/2015	Norma Alley	CCBSNS	5 20 Minutes - Placeholder - Update on Homelessness	City Management	Newton L, Asst City Manager
			Total Time: 55 of 100 Minutes Scheduled			
2043	12/15/2015	Norma Alley	AAA	December 15, 2015 Workshop Meeting		
	12/22/2015			December 22, 2015 Council Training Location TBD from 5:30-9:30 p.m.		

AIS-2391 **3. B.**

Business Meeting

Meeting Date: 10/13/2015

Length (in minutes): Consent Item

Agenda Title: Approve City Council Meeting Minutes

Submitted By: Carol Krager, Central Services

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

Public Hearing: **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:

- September 8, 2015
- September 15, 2015
- September 22, 2015

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

September 8, 2015 Draft Council Minutes

September 15, 2015 Draft Council Minutes

September 22, 2015 Draft Council Minutes

City *of* Tigard
Tigard City Council Meeting Minutes
September 8, 2015

STUDY SESSION

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

Staff Present: City Manager Wine, Assistant City Manager Newton, City Attorney Ramis, City Recorder Krager, Parks Manager Martin, Assistant Community Development Director McGuire, and Associate Planner Floyd

Mayor Cook called the study session to order at 6:30 p.m.

A. COUNCIL LIAISON REPORTS

Councilor Henderson said the Tigard Youth Advisory Council members will host a chalk walk activity at the Downtown Tigard Street Fair. The youth are publicizing and coordinating it.

Councilor Goodhouse reported on a Westside Economic Alliance meeting. He also reported on a Tigard Transportation Advisory Committee (TTAC) meeting and said a loan from the Gas Tax Fund is required to begin the Wall Street planning.

Mayor Cook attended a Washington County Coordinating Committee (WCCC) meeting where the proposed list of Transportation Development Tax (TDT) projects was amended. The Roy Rogers Road widening project was included. The Major Streets Transportation Improvement Program (MSTIP) planning for the next round beginning in 2019 will start earlier than usual. There is $35 million annually for five years available and Tigard will be submitting projects for inclusion on the list.

B. RECEIVE LAND USE PROCESS BRIEFING

City Attorney Ramis gave a refresher on the quasi-judicial public hearing process. He said once the hearing winds down, five things need to get managed in a coordinated way. 1) The 120-day clock cannot be exceeded and staff will keep council apprised of this date. There may be a request for a waiver depending on what the city wants to accomplish. 2) A final statement by staff is needed so council can ask questions and staff can comment on the evidence. At the close of oral testimony staff loses any opportunity to comment further unless council reopens

the record. 3) The applicant has the burden of proof so they have the right to give the last word. They can do this by filing a final written submission. No evidence is allowed after this. 4) Council deliberates to reach a decision. 5) Findings are adopted describing the decision. City Attorney Ramis said these five things usually need to happen in a short timeframe.

Mr. Ramis said once the record is closed council enters deliberation to determine their decision, but could also elect to reopen the record if they think there is additional information or a different option needed. This requires a meeting notice and is a new opportunity for people to comment. He referred to the Heritage Crossing quasi-judicial public hearing on the agenda later in this meeting and stated there is a request that council reopen the record. He recommended that if council decides tonight to reopen the record, it be done well before deliberation because there is no point in deliberating and then deciding to reopen.

City Attorney Ramis said the specific request by the applicant tonight is that council reopen the record to consider a map showing a compromise proposal. This map is not before council so he was speaking generally, not specifically, but said it suggests a compromise and partial zone change. If council is interested in adding this to the record and deliberating about it, they will need to motion to reopen the record and work with staff to select a date for a continued hearing which will need to be noticed. The applicant in this case has offered to pay for the notice. The continued hearing would be specifically targeted on this compromise, but everyone who has testified has the opportunity to testify again on the issues raised by staff. The final point is adoption of findings. Mayor Cook clarified that this would not go back through the Planning Commission. Councilor Henderson asked why it would not and City Attorney Ramis said it was reasonable to characterize this as a proposal for conditions, but Council could decide that this change is so substantially different or extreme that they want to remand it back to the Planning Commission or ask the applicant to do a new application. The city code is silent on this subject so it is up to council.

Regarding findings, City Attorney Ramis said council should make their decision tentative subject to reviewing findings submitted by staff for review and adoption. Usually the prevailing party is consulted because they have the burden to defend the findings if the case goes to the Land Use Board of Appeals. He said if a land use application is approved, the city's position is that it is the applicant's burden to defend it, so for that reason it is fair to allow them substantial input into what the findings say. Staff reviews the findings to make sure they do not set a bad precedent or are at odds with the city's code.

City Attorney Ramis described the outline for the hearing tonight. There will be a brief staff report which will be a short statement on the status of the case, a call for disclosures and conflicts, a brief attorney procedural statement since testimony guidelines are not needed, and council deliberation. He said if anyone on council wished to reopen the record, the logical point to do that is at the deliberation stage.

Councilor Woodard said the process was confusing and City Attorney Ramis agreed it is not typical to have the applicant come in with new evidence after the record and hearing are closed. He said council could elect to deliberate and make a decision tonight on the evidence already in

the record. If they want to see the new evidence the hearing must be continued, the record opened for the new evidence and an opportunity allowed for everyone to hear the new information and testify on the case.

City Manager Wine said the purpose of having the city attorney discuss this with council was to receive generic information on what council should do when it comes time to deliberate on a quasi-judicial land use matter. Staff wishes to formalize the steps so the process is smoother in the future.

C. UPDATE ON YOUTH SPORTS LEAGUE AGREEMENTS

Assistant City Manager Newton introduced this item and acknowledged former Tigard Little League (TLL) President Kim Kelleher, who has been helping with the process, and was present tonight. Ms. Newton said she spoke with Southside Soccer just prior to this meeting. She will loop back with their representative one more time but the agreement has already been distributed to their board and no comments were received. She praised both league representatives for their thoughtful comments and commitment. She said staff and the leagues have reached agreement on some key assumptions and these are listed in the staff report.

Ms. Newton said the TLL had some suggestions and she covered these briefly. She said in her 35 years with the city there was a period where park staff was cut back to one employee. Public Works parks staff are concerned that if that unlikely event happened again the city would be in the position where the fields might not be maintained and the agreement would need to be terminated. She said both Southside and Little League understand that the city would not necessarily want to terminate the agreement but might need to until things recovered. Councilor Henderson asked if an arbitrator would be used in that instance. Ms. Newton replied that when this happened before, the city had a plan and that was to go out for a levy. The levy passed so there was just a nine-month period where the city did not have the funding to maintain the fields for league use. It would be a budget/council decision.

Their second concern is about the term of the agreement. TLL suggested that the term be for an initial 15 years with the option for two renewals rather than an initial ten years with three renewals. Early discussions with council showed a preference for ten years but she did not know if this was a deal breaker and asked for feedback.

The last concern is that the agreement allowed 14 days to cure the breach if there is a violation in the contract. TLL pointed out they are working with volunteers so more time may be needed. City Attorney Rihala suggested 30 days and TLL requested 60. Ms. Newton requested that council decide.

Councilor Woodard said he was not present when this was first discussed and he had some concerns. He asked why other leagues would not have these same opportunities when the ten-year period passes. He said the term goes above and beyond what would be fair compensation. Ten years is fair but he had problems with qualifying statements and challenges that might come from other leagues. The two leagues are paying for their own operations but the taxpayers might take the position that their taxes are paying for wear and tear on the fields.

Council President Snider asked if another league met the qualifications if there was anything that would stop the city from forming a similar agreement with them for city facilities. Ms. Newton said that was true. Mayor Cook said they would need to bring in some capital for improving a field for him to support this.

Council President Snider said he did not think the termination wording was needed in the case of a dire financial issue with the city. He suggested a middle-ground where they can use the field but the city does not guarantee the field condition. He said terminating the agreement for a few months and then restarting it when a levy is passed is not logical. Ms. Newton said staff is taking on the responsibility for making sure the field is safe for children to play on.

Councilor Goodhouse suggested instead of termination in a dire financial time for the city, the agreement could state that the users would need to maintain the field so it does not deteriorate too much in the time it takes the city to recover and take over maintenance again.

Councilor Henderson said there was a communication problem between the leagues and the city and the cure was an annual meeting. He asked if just one meeting each year was adequate and would there be more if an issue develops. City Manager Wine said that scenario is covered in Section 16 Dispute Resolution.

Mayor Cook said alternate language as suggested by Councilors Snider and Goodhouse was fine with him for the first question. He said a 15-year term was good and after serving on these boards, he understands the leagues' desire for 60 days to cure a contract breach. Councilor Goodhouse and Council President Snider agreed with the 60 days and a 15-year term. Councilor Woodard said he preferred a ten year term. He asked for, and Assistant City Manager Newton said she will provide, the calculations from the Finance Department on the property contribution payments made by the leagues. Ms. Newton said she will incorporate this feedback into the league agreements and they will come to council for consideration on September 22.

D. RECEIVE UPDATE ON TIGARD/BEAVERTON IGA FOR JOINT LAND PARTITION

Assistant Community Development Director McGuire directed council to a map showing a parcel of land that straddles Scholls Ferry Road and is located partially within both Tigard and Beaverton. West Hills Development Corporation has purchased the property and wishes to partition it into two parcels north of Scholls Ferry Road located in the Beaverton City limits, and one parcel south of Scholls Ferry Road located within the Tigard city limits.

Mr. McGuire said an IGA between Beaverton and Tigard will provide an efficient approach to achieve this partition. Beaverton would have primary authority and will use their development code process in their portion and Tigard's development code for the area south of Scholls Ferry Road. Beaverton will prepare a staff report for Tigard to review and then they will approve the entire partition. Council President Snider asked if it is a recommended practice for a city to approve another city's land use action. City Attorney Ramis said it is allowed in

the intergovernmental agreement section of the statute and it is his recollection that this was done with Tualatin previously for the Bridgeport Village shopping center. City Manager Wine said the IGA would be on a future council consent agenda.

Administrative Items: Assistant City Manager Newton asked if council would be available on January 28 for the winter outreach Town Hall at Summerfield.

The Study Session ended at 7:27 p.m.

1. BUSINESS MEETING

A. At 7:34 p.m. Mayor Cook called to order the meeting of the Tigard 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 join him in the Pledge of Allegiance.

D. Mayor Cook asked Council and Staff for Non-Agenda Items. None.

2. CITIZEN COMMUNICATION

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

B. Tigard High School Student Envoy –

Associated Student Body President Shaina Azbari reported on recent and upcoming activities at Tigard High School. A staff breakfast hosted annually by the class presidents was held on August 31. The Powerhouse Coffee Shop began operations, raising money for various entities. Today was Freshmen Orientation, hosted by the Link Crew. There are over 500 freshmen this year and over 160 upper classmen volunteered to help to make their first day of high school an easier adjustment. An Open Table cultural event, educating students on different cultures and uniting them with food will be held on September 21 at the Commons. Homecoming is scheduled on October 2 for the game and parade with the dance on October 3. The theme this year is "Night under the Big Top." The October 9 football game will be a "pink out" supporting breast cancer research, raising money and awareness for the Susan G. Komen Foundation. Mayor Cook said he was impressed with

the number of students attending the first football game even though school had not begun for the year.

C. Tigard Area Chamber of Commerce – Tigard Chamber CEO Mollahan will give an update at the September 22 meeting.

D. Citizen Communication – Zachery Dean, 7814 SW Cedarcrest Street, Tigard, OR, said he was elected as the new Tigard Youth Advisory Council (TYAC) president and is looking forward to helping out the council and the city. TYAC will be helping at the Downtown Tigard Street Fair with the chalk walk. Anyone can participate and will be assigned a space on the Burnham Street sidewalk to show off their artistic skills with chalk. Mayor Cook noted that the Tigard Downtown Street Fair is from 11 a.m. to 5 p.m. on Saturday, September 12, with food, beer garden, wine, booths and entertainment. Councilor Henderson noted that people will have an opportunity to meet Tigard's newest police dog, Diesel.

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

A. RECEIVE AND FILE:

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

B. APPROVE CITY COUNCIL MINUTES:

July 14, 2015 Minutes

C. AUTHORIZE THE CITY MANAGER TO SIGN AN AGREEMENT WITH CLEAN WATER SERVICES AND BEAVERTON REGARDING BARROWS ROAD SANITARY SEWER PHASE 3

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

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

Mayor Cook announced that the Consent Agenda was approved unanimously.

4. CONTINUATION OF QUASI-JUDICIAL PUBLIC HEARING – APPEAL OF HERITAGE CROSSING ZONE CHANGE AND SUBDIVISION (ZON2015-00002/SUB2015-00001/VAR2015-00001)

a. Mayor Cook announced that tonight's council deliberations are to focus on the appeal filed by the applicant. Final written arguments were due on July 28, 2015 and the record and hearing are closed. There will be a statement by the city attorney regarding procedures.

b. City Attorney Ramis said because the proceedings are at the point of deliberation he could dispense with going over testimony guidelines because no testimony will be taken tonight.

c. Mayor Cook asked if any members of Council wished to report any exparte contact or information gained outside the hearing, including any site visits. Councilor Goodhouse said he runs and drives by the site daily. Council President Snider said he lives in the neighborhood and has been paying more attention to the area and the density. Councilor Woodard said he walks by the site. Councilor Henderson related that he has admired the site for years. Mayor Cook said some people came to a National Night Out event and asked if they could talk to him about this and he said no, it was in a quasi-judicial process and they respected that and they did not discuss it.

Mayor Cook asked if all members had familiarized themselves with the application and no one said they had not. He asked if there were any challenges from the audience pertaining to the council's jurisdiction to hear this matter or if there was a challenge on the participation of any member of the council. There were none stated.

d. Mayor Cook called for final remarks by staff.

Associate Planner Floyd said this is a proposal for a concurrent zone change and subdivision. The zone change would convert 9.1 acres of land from R-12 to R-7. The site is located on Hall Boulevard just north of the intersection on Durham Road. On July 14, 2015, staff and the applicant both made presentations regarding the three approval criteria. This is before council on appeal from the Planning Commission's

decision to deny the request. On July 14, after staff and the applicant made presentations regarding the three approval criteria, council took oral and written testimony from the public and closed the record with one exception. The applicant was allowed to provide final written argument by July 28, 2015. The applicant met the deadline and provided their argument which is in the staff report before council. Staff had no comment on the argument.

Mr. Floyd said the city council is obligated to make a decision within 120 days of the application being deemed complete. The 120 days expired on July 23, 2015. The applicant provided an extension until tonight. Council must make a decision to uphold the Planning Commission decision, overturn the decision, or reopen the record to consider new evidence, which will require re-noticing the project. City Attorney Ramis concurred with the staff remarks.

e. Mayor Cook asked if council had any questions or comments before consideration of a motion.

Councilor Goodhouse moved to reopen the record. Mayor Cook asked for the reason and Councilor Goodhouse responded, "for additional information." Council President Snider seconded the motion. He added that he was prepared to make a decision tonight and is always troubled by late in the game information but he understands the applicant has additional information that may be a compromise. He said he did not want to stifle a compromise and would prefer to make a motion, but without even knowing what it is, can support the general concept that there might be a better way for everyone. Councilor Woodard said he was also concerned to learn that there is additional information but he cannot know what it is at this point. He said he agreed with reopening the record. He said he also was prepared to make a decision but this got him curious and he does not want to feel like he is blinded in any area so he agreed with opening the record. Council President Snider asked City Attorney Ramis to clarify the process.

City Attorney Ramis said it made sense for the staff to determine what hearing schedule dates might be available, select one, ask the applicant if they are willing to extend to that date, and then put that in the record.

Associate Planner Floyd said staff had not received an official submittal of a compromise solution and in terms of noticing, would need four weeks lead time in order to satisfy requirements for newspaper publication and mailing notification to the neighbors. The absolute soonest date would be October 6, 2015, provided the applicant could provide materials tomorrow. He said staff would feel more comfortable with mid-October. He asked the city recorder what dates were available and asked if council had a preference regarding their availability. City Manager Wine said if council is willing to hold a combined business and workshop meeting they could meet on October 20 or after that, the October 27 business meeting. Councilor Woodard noted he was unavailable on October 27. Associate Planner Floyd said the October 20th date is within the 245-day maximum extension period.

City Attorney Ramis said applicant's counsel indicated to him that they would be agreeable to an extension to the 120-day clock to a date that is two weeks beyond the date of the hearing in order to provide an opportunity to prepare adoption findings. He said they will put that in writing.

Mayor Cook asked if there was any additional discussion. Council President Snider asked if council would be hearing the additional information tonight and City Attorney Ramis said there will be a hearing on the date set, council will receive a staff report and will consider the evidence taken that night.

Councilor Goodhouse and Council President Snider withdrew their motion and second.

Mayor Cook moved to continue the hearing to the date certain of October 20 and reopen the record, give the public notice that they will be able to comment, extend the 120-day rule to two weeks from the October 20 date to give time for hearing procedures. Councilor Woodard seconded the motion. There was no further discussion.

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

Mayor Cook announced that the motion passed unanimously.

5. INFORMATIONAL PUBLIC HEARING – CONSIDERATION OF ORDINANCE APPROVING CENTURYLINK FRANCHISE AGREEMENT

a. Mayor Cook opened the public hearing.

b. Staff Report: Network Administrator Sears introduced Metropolitan Area Communications Commission Administrator Fred Crist. Mr. Crist said there is a unanimous recommendation from MACC for a CenturyLink cable franchise in the Tigard area and four other MACC jurisdictions. He said it is a franchise similar to Comcast in that they wish to roll out a cable TV service but it would only be for the small area where they are currently providing telecommunications service, in north and northeast Tigard near Highway 217. The term is just five years in order to inspire additional build out.

c. Public Testimony - No one signed up to speak

d. Council Discussion and Questions – There were none.

e. Mayor Cook closed the public hearing.

f. Council Discussion and Consideration

Councilor Woodard moved to approve Ordinance No. 15-14. Councilor Henderson seconded the motion. There being no further discussion, Mayor Cook asked City Recorder Krager to read the number and title of the ordinance.

ORDINANCE NO. 15-14 – AN ORDINANCE OF THE CITY OF TIGARD GRANTING A NON-EXCLUSIVE CABLE FRANCHISE TO QWEST BROADBAND SERVICES, INC. D/B/A CENTURYLINK

City Recorder Krager conducted a roll-call vote.

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

Motion passed unanimously.

6. RECEIVE UPDATE FROM GREATER PORTLAND INC. ON REGIONAL ECONOMIC DEVELOPMENT

Economic Development Manager Purdy introduced Greater Portland Inc. (GPI) Vice President Derek Olson who was present to give a report on GPI and their services.

Mr. Olson gave an overview of GPI's services and their work plan. They are a regional public/private partnership that came together for three core functions: marketing, recruitment, and retention/expansion. Their territory is bi-state and they approach what is beneficial for the region as a whole. He noted that companies looking for a location look at regions first and once a decision is made, GPI helps them focus on specific areas based on land availability and other factors.

The GPI work plan is Uniting Regionally to Compete Globally. They build cross-border and cross-sector collaboration that leverages the region's assets, engages leadership and aligns efforts to compete in the global market. They develop best practices and other efforts to show cities how to grow and develop their economy.

Their Stay and Grow in Greater Portland effort develops tools and services that support local community partners in their ongoing efforts to retain and grow existing traded-sector companies in the region. Work is focused on bread and butter industries to retain them. They do not control incentives but piece together taxes, etc.

Choose Greater Portland creates targeted awareness of the regional value proposition as a place for businesses. They re-launched their website and targeted the Silicon Valley with

advertising. Their website is new and designed for those not familiar with the region. It is targeted for site selectors and Tigard helped pioneer this focus. Research and analysis has been expanded, with information on comparative costs, utilities and taxes. Mr. Olson said GPI can also do modeling of what additional jobs would do for an area. This is information a city might use to develop incentives.

Economic Development Manager Purdy said site selection for the state does not zero in on Tigard. GPI shares inquiries with his real estate professionals and if there seems to be a fit, that connection is made. When communities collaborate it is better for the region as a whole.

Councilor Henderson asked who the biggest competitor to the Portland area is. Mr. Olson said they look at who we are compared to and also with what cities they would like to be compared to. He mentioned Salt Lake City and Austin but not Seattle so much. San Francisco area companies are looking at the Portland area for expansion. Companies are looking for access to Asia and that is why GPI partners with the ports of Vancouver and Portland. One area that is a strength and also a weakness is that wages are lower here; we are a cost competitive large metro area in the west coast states. Our software industry is up and coming. There are workforce challenges but many of our competitors face the same thing.

In response to a question about the Port of Portland losing its container business, Mr. Olson said that was a negative but the container business was always a small part of the Port's business. Most exports were already going through Seattle, Long Beach or by air. It does impact some in this region such as hay and other agricultural products. Because other Portland competitors are land-locked, such as Cincinnati and Salt Lake, it is a loss but not a crippling one. The port leaders are working hard to replace it. For some, air cargo is more important than sea cargo and the PDX airport is doing well.

Mayor Cook said he appreciates GPI's effort to help cities retain businesses. Mr. Olson said it is also about growing trust and building relationships with businesses and they hope to do even more in those areas. Mayor Cook gave Mr. Olson a city of Tigard pin.

7. EXECUTIVE SESSION - None

8. NON AGENDA ITEMS - None

9. ADJOURNMENT

At 8:39 p.m. Councilor Woodard moved for adjournment. Council President Snider seconded the motion and all voted in favor.

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

_____

City Recorder Carol A. Krager

Attest:

_____

Mayor John L. Cook

Date:_____

City *of* Tigard
Tigard City Council Meeting Minutes
September 15, 2015

1. BUSINESS/WORKSHOP MEETING – September 15, 2015

   A. At 6:33 p.m. Mayor Cook called the meeting of the Tigard City Council to order

   B. City Recorder Krager called the roll.

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

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

   D. Mayor Cook called to council and staff for any Non-Agenda Items. City Manager Wine said she had an item to present at the end of the meeting.

2. PROCLAIM PLAY BALL MONTH & HONOR TIGARD/TUALATIN CITY LITTLE LEAGUE TEAM

   Mayor Cook proclaimed September as Play Ball Month and honored the Tigard/Tualatin City Little League Team and their coaches and manager. Mayor Cook said when attending the United States Council of Mayors Conference in June he heard about a joint initiative from the U.S. Council of Mayors and Major League Baseball. Tigard joined many other cities to promote sports activities (baseball and softball).

   Mayor Cook said the Tigard-Tualatin City Softball Team represents Oregon District 4 and is a majors division of 11-12 year olds. The city recognizes them for making it to the World Series. He commended them for their goodwill and sportsmanship and noted that Fusion is the team name because they are two leagues joined together. Manager Steve Dardis, and Coaches Howard Hoyle and Steve Harms were present with many of the team members. Mayor Cook presented the manager and coaches with baseballs and a city pin and the players with t-shirts and city pins.

3. CONTINUED DISCUSSION ON THE STREET MAINTENANCE FEE

Finance and Information Services Director LaFrance led the discussion and was joined by Streets and Transportation Senior Project Engineer McCarthy. He reviewed the history of the street maintenance fee program. He said the focus tonight would be on how council's policy direction from January and March, 2015 was included in proposed changes and to confirm if council feels this is ready for a public hearing.

Mr. LaFrance said the city's public outreach included both residential and commercial customers. Key results from the outreach presented to council in January showed that residential customers did not want to pay a higher share. Responses were mixed regarding the commercial share. Commercial customers did not want to pay more; residents thought commercial customers could pay more. Both felt commercial and residential should pay for right-of-way maintenance. Responses leaned towards businesses paying for right-of-way maintenance in areas that are largely commercial. There was no clear direction on the program to cap parking lot spaces at 250 and there was a question as to if we should raise the cap. Council direction was to remove the cap so additional spaces create revenue. Council directed that the road type splits in the code remain the same.

Mr. LaFrance said the street maintenance fee pays for Tigard's Pavement Management Program (PMP). In 2009 council set a Pavement Condition Index (PCI) goal of 72-75. The city's PCI is currently a little below that. Council wishes to raise the PCI to 80-82, which would be less costly to maintain once achieved. However, much work needs to be done to rise to that PCI. $11 million over ten years would be added to the PMP. ADA requirements for curb cuts have been added and Tigard's current code is ambiguous about whether the street maintenance fee can pay for these. Earlier, council indicated they wish to amend the code to allow the use of street maintenance fee dollars including these federally required sidewalk curb cuts.

Councilor Henderson said staff provided no information identifying what the ADA curb cut costs are. Mr. LaFrance said that is not currently split out from the total. Appendices A and B include the cost of curb cuts. Councilor Henderson asked if the city needs to subsidize that in a fee increase and how much that would be. Engineer McCarthy said the city has been doing 50 curb cuts per year at around $5,000 per ramp which is 12-13 percent of the overall program. He said that is figured into the calculations going forward. Councilor Henderson commented that it is normally a residential cost and not necessarily a commercial one. Engineer McCarthy said the ADA ramps are built into the cost of the street.

Finance and Information Services Director LaFrance said looking ahead, arterial roads will become the largest share. This road type is paid 62 percent by commercial customers so there is a general shift towards higher costs for commercial customers. The fee increase for commercial customers would be larger than residential customers will bear.

Mr. LaFrance said once the backlog is taken care of the street maintenance fee will lower. He directed council to Table 5 in the staff report attachment which shows impacts of the backlog. In this case, the share of different street type costs is a one-third, two-thirds split. It would cost $2.34

more per month for residents and .66 cents per parking spot per month for businesses. The $50,000 charge for commercial right-of-way maintenance adds about .12 cents per parking spot. He said the commercial fee would be doubled.

Councilor Henderson said he understands how the figures were arrived at but doubling the commercial street maintenance fee did not seem logical. He said when businesses are charged more, they pass it along through their prices to consumers. He said this is concerning to him.

Mr. LaFrance discussed how the commercial and residential fees were reached. Council agreed that the dollar figures were clear, but requested that Mr. LaFrance work on the table showing percentages.

Council President Snider said it is well described and thought through. It reflects council's policy direction at the high level and makes sense. He said he thought it good that businesses pass their expenses on to customers who do not live in the area but use the roads. He said if the city is serious about reducing the backlog this needs to be done.

Councilor Goodhouse said he was favorable to the idea of passing it onto businesses. He noted that commercial drivers are using side streets and take detours through neighborhoods. He asked if catching up on the backlog will prevent any future backlogs. Engineer McCarthy replied that is the goal but an unknown is the future cost of asphalt which could limit what the city can afford to do each year.

Councilor Henderson said when Tigard goods and services cost more than goods and services in other cities, it is hard to believe customers will want to shop here. Council President Snider said he did not think Washington Square would lose any customers. He said there was no rationale for the cap. Mayor Cook said he mentioned this to the general manager of Washington Square so they are aware they will see an increase. Council President Snider commented they have been getting a subsidy for all these years. Councilor Goodhouse mentioned that their customers take nearby side streets.

Councilor Henderson commented that it would be good if Portland was having this conversation. He said while it is understandable that maintaining the CPI at a high level saves money, the CPI jump is sizable for a small town. He commented that the politics were strong last time this was considered and council did not err by talking to businesses.

Transportation Project Engineer McCarthy said Hillsboro recently doubled their fee. West Linn and Oregon City are currently at $10 per month. Councilor Goodhouse asked about projections for what will be raised by River Terrace construction. Mr. LaFrance said for the next ten years River Terrace roads will be brand new. He said when homes are occupied this will increase the residential base and there will be more people to spread the costs. Engineer McCarthy commented that these new residents will also be driving on other Tigard streets.

Finance and Information Services Director LaFrance asked if council wanted to move forward with code changes or fees. He asked if a hearing should be scheduled or was another workshop discussion desired. Mayor Cook acknowledged the outreach already done but suggested further

outreach to residents and commercial customers with actual dollars listed. Council President Snider said it needs to be clear what the city is trying to achieve. Councilor Goodhouse mentioned that a question came up at the Cooking with the Council event about why a road that already looked good was being paved. He said people need to hear that preventive maintenance on good roads is easier and cheaper in the long run. Council President Snider suggested tying communication about this to the future and sharing that everyone's cost will get cheaper by the mile.

Councilor Henderson said in the past we found our street maintenance program was not working. We are increasing the index and must do some extra work. He acknowledged previous councils were brave to tackle this and did a good job of protecting Tigard's streets. He said he is still upset about the federally demanded ADA curb cuts having to come out of this budget.

City Manager Wine confirmed that the street maintenance fee report reflects the direction council is prepared to consider. She said staff will replicate the residential outreach poll and extend it to businesses, perhaps through Tigard's Chamber of Commerce or the city's fall community survey. Staff will put the feedback results in a report for Council so they will have it before considering any policy changes. Council President Snider suggested giving survey responders information about the public hearing date.

4. QUASI-JUDICIAL PUBLIC HEARING TO CONSIDER VACATION OF PUBLIC UTILITY EASEMENT ADJACENT TO ASH AVENUE

a. Mayor Cook opened the public hearing.

b. City Attorney Olsen gave a statement describing procedures.

c. Mayor Cook asked council if they have any conflicts of interest. None were mentioned. Mayor Cook asked council members to declare any contacts about this case with a member of the public or if they have independent knowledge or relevant facts, such as from a visit to the site in question. Councilor Goodhouse said he walked past the site.

d. Statement by Mayor Cook:

Mayor Cook said the conduct for tonight's hearing shall be as follows:

1. City staff will summarize the written staff report.
2. Council will take public comment.
3. Staff will have an opportunity to respond.

Council members may also ask the staff and witnesses questions throughout the hearing. After the record is closed the City Council will deliberate. During deliberations, the City Council may re-open the public portion of the hearing if necessary to receive additional evidence before making a decision.

e. Redevelopment Project Manager Farrelly gave a brief staff report and said this easement is no longer needed. Utility providers and adjacent property owners were notified and only one response was received. Frontier said they have no objections to the vacation.

f. Public Testimony: Mayor Cook asked if anyone in the audience wanted to speak. No one testified.

g. Staff response to public testimony: (Not needed as there was no public testimony.)

h. Mayor Cook closed the public hearing.

i. Council consideration of Ordinance No. 15-15

Councilor Goodhouse moved for adoption of Ordinance No. 15-15. Council President Snider seconded the motion. City Recorder Krager read the number and title of the ordinance:

ORDINANCE NO. 15-15 AN ORDINANCE VACATING APPROXIMATELY 100 SQUARE FEET OF PUBLIC UTILITY EASEMENT ALONG SW ASH AVENUE IN THE CITY OF TIGARD, WASHINGTON COUNTY, OREGON (VAC2015-00001) AND DECLARING AN EMERGENCY

There was no further discussion. Mayor Cook asked City Recorder Krager to conduct a roll-call vote.

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

Mayor Cook announced that Ordinance No. 15-15 passed by a unanimous vote of council.

5. PREVIEW AND UPDATE ON THE LIBRARY'S AUTOMATED MATERIALS HANDLING

Library Director Barnes said the Lyngsoe automated materials handling system is fully operational and has been well received by library patrons. Efficiencies in checking in items and returning them to the shelves have improved. She said council will be given a demonstration at the library at the end of this meeting.

Councilor Henderson mentioned he heard a comment about volunteers losing 189 hours because of automation. Library Director Barnes said the 189 hours represents 4.5 FTE volunteers which was a fluctuating workforce. She said they love their volunteers but they do not meet the same schedule requirements as for employees. The automated system provides a more consistent work flow and also frees up other volunteer opportunities. She said staff spent six months meeting with volunteers

to offer them other areas of the library where assistance is needed. She acknowledged that the check-in process changed dramatically and for the public good but there are many other activities that have been transferred over to volunteers.

At 7:42 p.m. Mayor Cook said the council would go over to the library to see a demonstration on the new automated materials handling system. He announced that the meeting would adjourn from the library.

At 7:45 p.m. Councilor Henderson left the meeting. Mayor Cook, Council President Snider, Councilor Goodhouse, City Manager Wine, Assistant City Manager Newton, and City Recorder Krager went to the Tigard Public Library where Library Director Barnes gave a tour and demonstrated the automated materials handling system. Council identified some security concerns and asked about the unit cost for checking in library materials and the difference in efficiency since the new system was implemented. Ms. Barnes said she will have this data by the next budget preparation cycle.

6. NON AGENDA *ITEMS * This item was heard prior to council leaving Town Hall to tour the Library.* City Manager Wine said she sent a memo to council outlining content of materials the city will use to educate and inform voters on the three measures on the November ballot. She encouraged council to read them and give her any comments. She said all materials have been reviewed by the Secretary of State. The only other planned election activity council will be a public forum to be scheduled for October. Councilor Henderson asked if council suggests changes would the material have to go back to the Secretary of State's office for review. City Manager Wine said it would.

7. EXECUTIVE SESSION None Scheduled.

8. ADJOURNMENT At 8:20 p.m. Council President Snider moved for adjournment and Councilor Goodhouse seconded the motion. The motion passed.

	Yes	No
Councilor Goodhouse	✓	
Councilor Henderson (left at 7:45 p.m.)		
Council President Snider	✓	
Councilor Woodard (absent)		
Mayor Cook	✓	

_____
Carol A. Krager, City Recorder

Attest:

_____
John L. Cook, Mayor

_____
Date

City *of* Tigard
Tigard City Council Meeting Minutes
September 22, 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 and Deputy City Recorder Alley

A. COUNCIL LIAISON REPORTS

Councilor Woodard reported the Park and Recreation Advisory Board (PRAB) had a robust discussion on the ballot measure and had decided to wait until after the election to continue discussions. The PRAB agreed they wish to have a five year recreational plan. Councilor Woodard reported on his travels to the National Parks and Recreation Association Conference stating the U.S. Surgeon General noted he was a proponent of walkability and encouraged cities to begin moving in that direction. He went over the sessions he attended noting they were very robust educational sessions on developing recreation and he would be willing to share the material.

Councilor Henderson reported the Community Development Block Grant (CDBG) Plan has been completed and he will provide the councilors and staff with a copy. He expressed excitement for the Plan and wished for the Council and staff to begin promoting the CDBG program. He announced the Tigard Youth Advisory Council's (TYAC) Chalk Walk was not a great success, but the ambition was there. The city of Forest Grove is a great example of a successful Chalk Walk program and the TYAC will look to glean information from them.

Mayor Cook stated there was a SW Corridor Meeting with the same presentation Council recently received shown at the meeting. There will be future meetings and he will keep the Council informed of those dates when they are set. He stated the LOT Water Project is under budget and ahead of schedule. The committee recently approved the purchase of a filter that was originally cut from the budget due to costs. It was the committee's wish to purchase the filter now with the money left in contingency at the reduced costs quoted for the four already being purchased rather than wait five-plus years to purchase it at a higher cost.

B. EXECUTIVE SESSION

At 6:29 p.m. Mayor Cook announced that the Tigard City Council was entering into Executive Session to review and evaluate, pursuant to standards, criteria, and policy directives adopted by the governing body, the employment-related performance of a public officer under ORS 192.660(2)(i). The Executive Session ended at 7:06 p.m.

C. ADMINISTRATIVE ITEMS – These were announced during the Business Meeting under Non Agenda Items.

Study Session adjourned at 7:30 p.m.

1. BUSINESS MEETING

A. Mayor Cook called the City Council meeting to order at 6:30 p.m.

B. Deputy City Recorder Alley called the roll:

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

C. Mayor Cook led the Pledge of Allegiance.

D. Mayor Cook asked Council and Staff for any Non-Agenda Items. City Manager Wine said she had six administrative items to go over.

2. CITIZEN COMMUNICATION

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

B. Tigard Area Chamber of Commerce – No report given.

C. Citizen Communication - Noone signed up.

3. CONSENT AGENDA: (Tigard City Council)

A. Approve Minutes for:
- July 28, 2015
- August 18, 2015
- August 25, 2015

B. Consider a motion approving an Intergovernmental Agreement with the city of Beaverton regarding a joint land partition

C. Consider a Proclamation declaring October 11-17, 2015 as Community Action Week – *This item was pulled from the Consent Agenda to be voted upon separately.*

Councilor Woodard moved for approval of the Consent Agenda. Councilor Goodhouse seconded the motion. The motion passed unanimously.

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

Mayor Cook introduced the future Community Action Executive Director Rene Bruce. Ms. Bruce requested the Council consider approving a proclamation declaring October 11-17, 2015, as Community Action Week. She invited the Council to an Empowerment Summit to be held October 13, 2015 from 7:30-10:00 a.m. at the NW Event Center in Hillsboro. She also announced there is a The Changing Face of Poverty in Washington County exhibit open at the Hillsboro Civic Center Plaza Building until November 21, 2015.

Councilor Henderson moved to approve a Proclamation declaring October 11-17, 2015, as Community Action week. Council President Snider seconded the motion. The motion passed unanimously.

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

4. CONSIDER A MOTION AUTHORIZING THE CITY MANAGER TO SIGN AN AGREEMENT WITH THE TIGARD-TUALATIN SCHOOL DISTRICT REGARDING JOINT USE OF PROPERTY

Parks Manager Martin summarized the staff report and recommended approval authorizing the city manager to sign the agreement. Mr. Martin noted the agreement terms will be introduced to the parents at the Back to School Night on September 30th.

Councilor Woodard shared his concern that there were not consulting services provided from a recreational expertise to draft the agreement. He noted he preferred to see the agreement approved after the recreational coordinator was hired and had the opportunity to review it.

City Manager Wine commented the agreement is a step toward pursuit of looking at a better way to make use of underused school district fields and establish a partnership between the city and the school district. This agreement sets the stage for future opportunities.

Councilor Woodard asked how many Tigard residents the fields in the agreement would serve. Mr. Martin said he did not have a specific number, but knew the Metzger area is under served with parks and the need is there. Councilor Woodard asked if any concern had been expressed over servicing an area that is not specific to Tigard. He said there is good and bad to investing dollars in an area not in Tigard. Mr. Martin said the school is inside Tigard and serves a lot of Tigard residents. The Park and Recreation Advisory Board recommends approval and Metzger Elementary is mentioned in the Parks Master Plan.

Council President Snider moved to authorize the city manager to sign an agreement with the Tigard-Tualatin School District regarding joint use of property. Councilor Woodard seconded the motion. The motion passed unanimously.

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

5. CONSIDER A MOTION APPROVING AGREEMENTS BETWEEN THE CITY OF TIGARD AND TIGARD LITTLE LEAGUE AND THE CITY OF TIGARD AND SOUTHSIDE SOCCER CLUB

Assistant City Manager Newton summarized the staff report pointing out the highlighted changes in the agreements from the September 8 council meeting and recommended approval of the agreements.

Councilor Woodard expressed concern with the contract being approved prior to the recreational coordinator being hired as things in the contract may affect their job responsibilities. In addition, he was concerned for the contract's length of term being fifteen years and felt it was too long and may not be equitable for the tax

payer. In time, the cost of inflation creates disparity in revenue for the city and the loss of collection of an administrative fee. He stated he had grave concerns with the term and concessions made. Ms. Newton stated the agreements are requiring the leagues to reserve the field time where they are actually going to use the field. This allows fields to be opened up to other users who would pay the administrative fees. The city also added the preclusion of closing the parks when the fields are in use.

Council President Snider commented he understands this contract is for the good of the community by providing a service to the children in Tigard and is clearly not a cost recovery model. It was about how much the city is willing to lose, not recover, for a public good and service. Ms. Newton said the city loses about $30,000 in fees from both leagues in a year.

Tigard Little League Representative Kim Kelleher commented she understands the different positions and concerns expressed tonight. She noted she is a little biased that a recreational coordinator is not going to create a program supporting a baseball or soccer league. She said a lot of work had been put into negotiating the contract before the Council and was hopeful the Council would support it as presented.

Councilor Goodhouse said the length of the contract gives the organization certainty and stability of what they can operate within to provide service to the families in the communities and he supports the contracts as presented.

Mayor Cook said in the many negotiations over the last two years, both sides do not feel like they got everything they wanted, but concessions were made from all parties. He said there are some aspects in the agreements he really liked which is why he supports it.

Councilor Woodard expressed concern the members on the negotiating team did not have the expertise to negotiate recreational contracts and there was a possibility something was missed that an expert might have caught. He reiterated his concern for the increased cost of maintaining the fields that the city would be responsible for. Ms. Newton said the city will continue discussions with the leagues regarding replacement of equipment with the city driving those discussions.

Councilor Woodard expressed concern that the check and balances were not in place and the term is too long.

Council President Snider moved for approval of agreements between the city of Tigard and Tigard Little League and the city of Tigard and Southside Soccer Club. Councilor Goodhouse seconded the motion. The motion passed with the following votes of the Council:

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

Councilor Henderson moved to amend the contracts to have an executive review every three years. Councilor Woodard seconded the motion. The motion failed with the following votes of the Council:

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

Councilor Woodard moved to amend the contracts to reduce the term of the contracts to five year renewal periods for the contract to last fifteen years. Councilor Henderson seconded the motion. The motion was withdrawn.

Mayor Cook asked if the Tigard Little League would be amenable to the amendment. Ms. Kelleher said if the amendment would be for ten years that would probably be amenable. This amendment would have to be taken back to the League Board as it is significantly off from what was discussed.

Councilor Woodard moved to amend the contracts to reduce the term of the contracts to ten years with two five year renewals. Councilor Henderson seconded the motion. The motion failed with the following votes of the Council:

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

6. CONSIDER A MOTION AUTHORIZING A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION FOR COMMERCIAL STREET SIDEWALK PROJECT

Senior Transportation Planner Brown summarized the staff report provided in the packet and asked for Council's approval to authorize staff to apply for a Community Development Block Grant (CDBG) application for a section of sidewalk on Commercial Street from Lincoln Street to 95th Avenue.

Councilor Henderson expressed concern ensuring the project happens and the city does not pull out of the project. Mr. Brown said he is more than confident the city can deliver on meeting all the stipulations of the grant.

Councilor Henderson moved authorizing a Community Development Block Grant Application for Commercial Street Sidewalk Project. Council President seconded the motion. The motion passed unanimously.

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

7. CONSIDER A MOTION AUTHORIZING THE CITY MANAGER TO SIGN A US DEPARTMENT OF COMMERCE EDA GRANT APPLICATION FOR THE HUNZIKER INFRASTRUCTURE PROJECT

Economic Development Manager Purdy presented the staff report notifying staff intends to pursue a grant for the Hunziker Infrastructure Project.

Councilor Henderson moved authorizing the city manager to sign a US Department of Commerce EDA grant application for the Hunziker Infrastructure Project. Council President Snider seconded the motion. The motion passed unanimously.

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

8. NON AGENDA ITEMS

City Manager Wine reported on the following:

- Requested a start time for the January 28, 2016 Summerfield Gathering - Consensus was to meet at the Summerfield Clubhouse from 6:00-7:30 p.m.
- Announced the council staff is working on an open forum to discuss the ballot measure to be held on October 8, 2015. Additional details will follow.
- Provided dates for possible Council training follow-up with Lenny Borer and requested the Council let staff know what dates work best. Council consensus was to have two sessions at two hours each or a Saturday for four hours. Ms. Wine said she would come back with additional dates.
- Requested guidance on how Council would like to proceed in purchasing clothing with the city's logo on it for Council to wear at meetings. Consensus was to purchase clothing with the city's logo.
- Reminded the Council's Tailgate to be held on October 16, 2015 at the Tigard High School Tennis Courts from 5:00-6:30 p.m.
- Announced the December 22, 2015 Council meeting has been cancelled.

9. EXECUTIVE SESSION

At 9:08 p.m. Mayor Cook announced that the Tigard City Council was entering into Executive Session to discuss exempt public records under ORS 192.660(2)(f). He said the City Council would adjourn from Red Rock Creek Conference Room at the conclusion of the Executive Session. The Executive Session ended at 10:09 p.m.

10. ADJOURNMENT

At 10:09 p.m. Council President Snider motioned to adjourn the meeting. Councilor Goodhouse seconded the motion. The motion was approved by a unanimous vote of City Council present.

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

_____
Norma I. Alley, Deputy City Recorder

Attest:

_____
Mayor, City of Tigard

Date: _____

AIS-2286			**4.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	20 Minutes		
Agenda Title:	Legislative Session Wrap-up		
Prepared For:	Liz Newton, City Management	**Submitted By:**	Carol Krager, Central Services
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	Council Business Meeting - Main
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Wrap-up of the 2015 State Legislative Session and 2015 federal lobbying efforts.

STAFF RECOMMENDATION / ACTION REQUEST

State Senator Ginny Burdick and State Representative Margaret Doherty will share their perspectives on the 2015 state legislative session with council.
Staff will present a brief summary of the 2015 federal lobbying efforts

KEY FACTS AND INFORMATION SUMMARY

The city had a very successful year advocating for its legislative priorities in partnership with elected representatives in 2015. Mayor Cook made the trip to Salem at least monthly to attend regular meetings with Senator Burdick and other legislators; and met monthly with Representative Doherty to advance Tigard's legislative priorities. Highlights include Representative Doherty's tireless efforts on the city's behalf to obtain $1.5 million in lottery back bonds for future infrastructure improvements to the Hunziker Industrial Core. Representative Doherty also introduced HJR 1; a bill requesting the US Postal Service recognize Tigard as a city designation in the 97223 and 97224 zip codes. Both Representative Doherty and Senator Burdick testified in support of the legislation which passed both chambers. Senator Burdick co-chaired the Joint House-Senate Committee on Marijuana Legislation successfully passing rules for implementation of the legislation.

For your reference, the city's 2015 State Legislative Agenda is attached.

At the end of April, Mayor Cook spent a couple of days in Washington, DC meeting with

representatives of federal agencies and the city's congressional delegation to present and discuss Tigard's legislative priorities. Attached are summary notes from those meetings prepared by Joel Rubin of CFM. A couple of items are noteworthy: The city was encouraged to apply for a clean-up grant through the Brownfield program and the Mayor accepted an invitation to participate in the Mayor's Institute on City Design this November in Houston. An initial meeting to discuss potential projects is scheduled in Tigard at the end of October.

A copy of the city's 2015 Federal Legislative Agenda is attached.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

N/A

DATES OF PREVIOUS COUNCIL CONSIDERATION

N/A

Attachments

2015 Federal Lobbying Trip Follow-up

Federal Legislative Agenda

State Legislative Agenda

Environmental Protection Agency, Brownfield Program: David Lloyd

Action Items:

- $200,000 is the maximum amount for cleanup grants per site. Tigard can submit 3 separate applications for the 3 potential sites the City hopes to acquire in the next few months. So the total request could be up to $600,000.
- Tigard should continue to work closely with local EPA staff as the assessment moves forward. In addition, Tigard should continue to consult with CCLR on any cleanup grant proposals.
- When preparing for the Cleanup application, Tigard should review EPA's "Getting Started Early" resource: http://www.epa.gov/brownfields/pdfs/getting-started-early-on-preparing-your-assessment-cleanup-proposal.pdf
- EPA expects to release the 2016 Cleanup grant guidelines sometime August. The application will be open approximately 30-60 days.
- Tigard must own the site at the time of application submittal.

Notes:

EPA staff provided the following guidance as Tigard moves forward:

- The All Appropriate Inquiry (AAI) document cannot be older than 180 days at the time of submission. This is your liability protection.
- When preparing a cleanup application, it is important to tell a story. The narrative should be concise and explanatory. Tigard should incorporate its vision for the City and highlight aspects of its strategic plan. EPA staff also suggested explaining the amount of water in the community and the need to protect the streams and creeks from contamination.
- Reviewers are looking for a sound approach— what is your plan and how will it be conducted? Budget and tasks should be clear.
- It's also important to explain how you will leverage your project with other resources. What do you have to keep this project going?
- Partnerships and your relationship with the state are key. Explain these roles.
- Commitment letters are also important. If an entity is contributing money, there must be documentation.

Economic Development Administration: Barrett Haga

Action Items:

- Barrett was impressed with the City's preparation and materials. He indicated this project would be very competitive.
- Tigard should keep continue to in touch with David Porter as the Hunziker project moves forward.
- David Porter can conduct a pre-application evaluation, which can be helpful as the application is drafted. Tigard can also invite EDA regional directors to look at the project. This may help David "sell" the project to the selection committee.
- Barrett explained that the 3rd and 4th quarters generally have the most funds available for projects.

Notes:

- EDA funds applications that present a strong needs assessment, provide compelling data and seek measurable outcomes.
- Should Tigard receive funding, Barrett suggested that Tigard designate the area as a "Department of Commerce" site. This could help with branding and marketing the site to future companies.
- Tigard should think about what the site will look like 20 years from now. So Tigard might want to consider renaming to "Hunziker Commercial Core" or "Hunziker Business Core"… this is strictly a branding strategy.

DOJ Community Oriented Policing Services: Danielle Ouellette

Action Items:

- The COPS Hiring Application will open mid-May. Staff expect to have a "soft launch" where applicants can view guidelines. Grant proposals will likely be due the end of June. Awards will be announced September 30th.
- $134 million available for FY 2015 grants. The program supports 75 percent of the approved entry-level salaries and fringe benefits of each newly hired and/or rehired full-time officer, up to $125,000 per officer position over three years. Agencies are required to retain officer(s) in the 4th year.
- Tigard may want to nominate the police officer responsible for solving the theft of home appliances case for the Goldstein Award. The award recognizes officers who solve difficult cases and are creative in their approach to catching perpetrators.

Notes:

- Reviewers focus on crime data (compiled over the past 3 years), budget, unemployment rate and the community policing development plan. Staff explained that there is some flexibility on the crime data time frame provided you report 3 years total.
- Although crime statistics and fiscal need are significant parts of the application, the narrative section allow agencies to go into detail to highlight need and present their story. It is important Tigard elaborates in this section.
- As in previous years, priorities will focus on the community policing strategy. Staff also explained that the hiring of veterans, gun violence, school-resource officers, trust problems and homeland security will likely still be priority funding areas.
- In 2014, the office received 1800 applications and 215 proposals were funded. Tigard will be competing against local agencies in areas with populations less than 150,000.

Mayors's Institute on City Design: Jeff Jamawat

Notes:

- MICD offered an invitation to Mayor Cook to attend the regional session in Houston, Texas in November.
- MICD will work with the Mayor and City staff to come up with three potential case studies to present at the conference.

Senator Ron Wyden: Lauren Goldschmidt and Ryan Abraham

- CFM will work with Wyden's scheduler to get him out to Tigard this summer.
- Wyden supports a long-term transportation reauthorization bill and is continuing to work on a funding plan. CFM will track Wyden's new legislation that would provide up to $45 billion in "Move America" infrastructure tax credits and up to $180 billion in "Move America Bonds," a new kind of tax-exempt vehicle used to finance road, bridge, port, rail and airport projects. The bonds would be similar to tax-exempt facility bonds without the customary government ownership requirements, as long as the facilities are generally available for public use. The tax credits are aimed at freeing up private equity for infrastructure projects, by giving states the ability to either sell the credits to raise capital or allocate them to a project sponsor.
- Wyden will continue to support Tigard's projects and CFM will coordinate with his office on support letters for any future grant submissions.

Senator Jeff Merkley: Liz Cooney

- Merkley is supportive of Tigard's projects, and CFM will coordinate support letters as federal grant applications are submitted.

Congresswoman Suzanne Bonamici: Sarah Round

Bonamici supports a long-term transportation reauthorization bill and a funding mechanism thar will enable Congress to pass the legislation.

TIGARD, OREGON. Located just eight miles southwest of Portland, Tigard is Oregon's 12th largest city with a population of 50,044. The city is largely residential and offers a mix of industrial, commercial and retail space which results in a daytime population around 100,000. Because of the demand placed on its transportation, water and public safety resources, Tigard faces big-city infrastructure issues.

Tigard is ideally located to meet regional employment demand. The region's workforce lives here. What's lacking, however, is infrastructure that supports business expansion here.

Late in 2014, the City Council adopted a strategic plan to become *"the most walkable community in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives."* This 20-year strategic vision, along with four strategic goals, will provide guidance and direction for the city's priorities over the long term by leveraging and building on our strengths to grow Tigard as a thriving community.

Tigard continues to work with its regional partners toward creative solutions that address infrastructure and service delivery challenges. We are committed to responsible stewardship of public funds and to making sound fiscal decisions that will guide us to a sustainable future.

POLICY ITEMS

Robust Transportation Reauthorization Bill

Congress should develop a comprehensive transportation reauthorization bill that would create jobs by providing robust funding for bridges, highways, mass transit and other local infrastructure needs. Within the reauthorization bill, Tigard strongly supports inclusion of:

- **The bipartisan Innovations in Surface Transportation Act**, which creates a grant program that would put transportation funds in the hands of local communities. The Innovation grants would be awarded on merit by a panel with representatives from state and local jurisdictions, ensuring that funds go to well-conceived projects with the most local support. Needed projects in Tigard with local support include:
  - ***Hall Boulevard – Burnham Street to Durham Road***
    This project will add turn lanes at key intersections, illuminate, add transit stop amenities and fill in the sidewalk gap along Hall Boulevard from downtown Tigard to Durham Road. Sidewalks along Hall Boulevard are one of the top priorities identified by citizens to make the city more walkable.

    REQUEST AMOUNT: $7,100,000

  - ***Highway 217 Interchange with 72nd Avenue***
    Evaluate and develop a conceptual design to address transportation issues in the interchange of Highway 217 with 72nd Avenue. This project will focus on planning, not construction, for ramp terminals, cross street and streets intersecting 72nd Avenue.

    REQUEST AMOUNT: $1,000,000

- **Safe Routes to Schools.** A key aspect of the city's recently adopted vision is to ensure that children have safe routes to walk to school. In July 2012, Congress passed the transportation law MAP-21. As part of that law, they folded the Safe Routes to School program into a new program called Transportation Alternatives and cut funding by approximately 30 percent. When Congress considers the next transportation bill in 2015, the city supports increased funding for Safe Routes to School and a sustained federal commitment to these critical safety projects.

- **The Bicycle and Pedestrian Safety Act** which would require the U.S. Department of Transportation to set a performance measure to reduce the number of bicyclists and pedestrians killed on our roads.

FY 2016 Program Levels

Maintain adequate funding levels for TIGER, CDBG, HOME, BYRNE, EDA, and COPS funding.

- **COPS Hiring and Technology Funding**
  Tigard strongly supports additional funding for the COPS Hiring and Technology programs. The city plans to apply for a COPS position in 2015 to advance public safety through community policing. There are very few funding options at the federal level to help police departments purchase equipment, despite the fact that federal mandates continue to require costly upgrades. Federal funds for equipment upgrades are important, especially for police departments with cash strapped budgets.

Protect Municipal Bonds

Protect tax exempt municipal bonds from being eliminated or limited. Since federal income tax was instituted in 1913, interest earned from municipal bonds issued by state and local governments have been exempt from federal taxation. These bonds are the primary financing mechanism for state and local infrastructure projects, with three-quarters of the infrastructure projects in the U.S. built by state and local governments, and with over $3.7 trillion in outstanding tax-exempt bonds, issued by 30,000 separate government units.

Local governments save an average of 25 to 30 percent on interest costs with tax-exempt municipal bonds as compared to taxable bonds because investors are willing to accept lower interest on tax-exempt bonds in conjunction with the tax benefit. If the federal income tax exemption is eliminated or limited, states and localities will pay more to finance projects, leading to less infrastructure investment, fewer jobs, and greater burdens on citizens.

Secure a Tigard ZIP Code

State Representative Margaret Doherty has introduced a measure urging the United States Postmaster General to recognize ZIP codes 97223 and 97224 as Tigard ZIP codes that are separate and distinct from Portland ZIP codes.

HUNZIKER INDUSTRIAL CORE

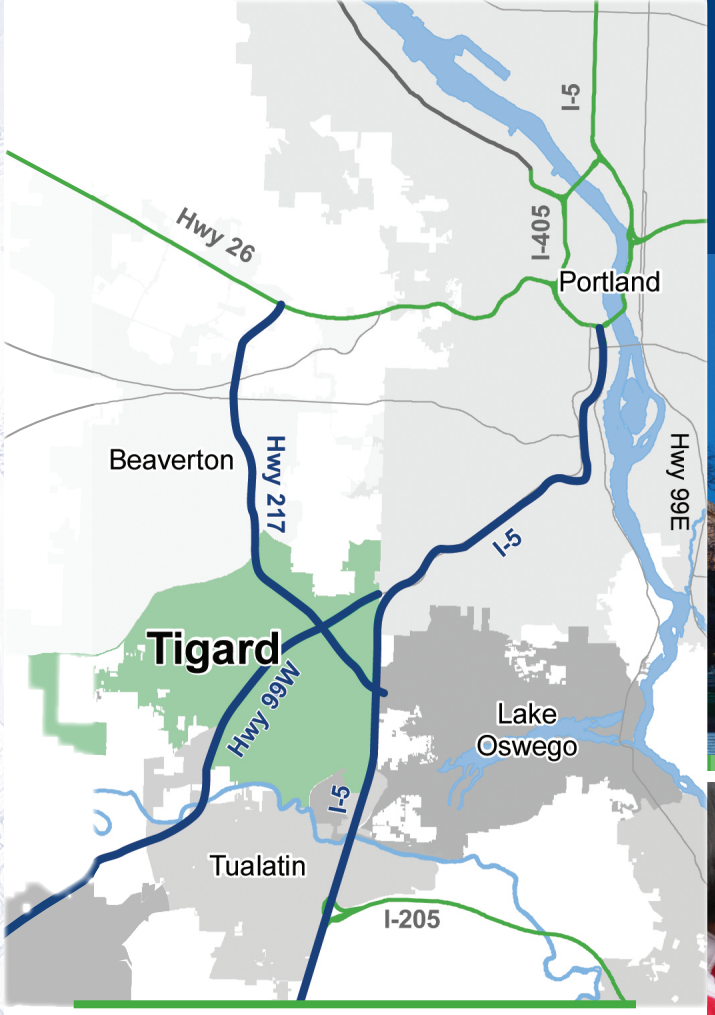
Tigard's Hunziker Industrial Core project represents a unique and exciting opportunity to redevelop industrial land in an urban setting. When complete, the project will foster significant economic growth and provide long-term high-skill, high-wage job opportunities for the region.

The core includes more than 138 acres of industrial-zoned property located three-quarters of a mile from Interstate 5, one-half mile from Highway 217 and immediately accessible by existing rail. In this area, 96 acres are developed but underutilized. Forty-two acres are undeveloped but limited in their development potential. The area exemplifies the challenge inner-ring suburban cities face when trying to support business growth.

A private developer is working on a 225,000 square foot development on 18 acres; an estimated $22 million private investment and home to 115–300 new jobs. New infrastructure here will support new investment and redevelopment on the adjacent 120 acres of industrial property. This sets the stage for another 300–500 jobs and $35 million in private investment.

Through a state grant, and in partnership with local property owners, Tigard completed a Public Infrastructure Finance Plan in 2014. The total cost of public infrastructure (roads, water, wastewater and stormwater) to support private sector development in the Hunziker Industrial Core is estimated at about $10.5 million. The city is seeking $1.5 million from the U.S. Department of Commerce Economic Development Administration program to fund some of the public infrastructure improvements.

REQUEST AMOUNT: $1,500,000



For more information…

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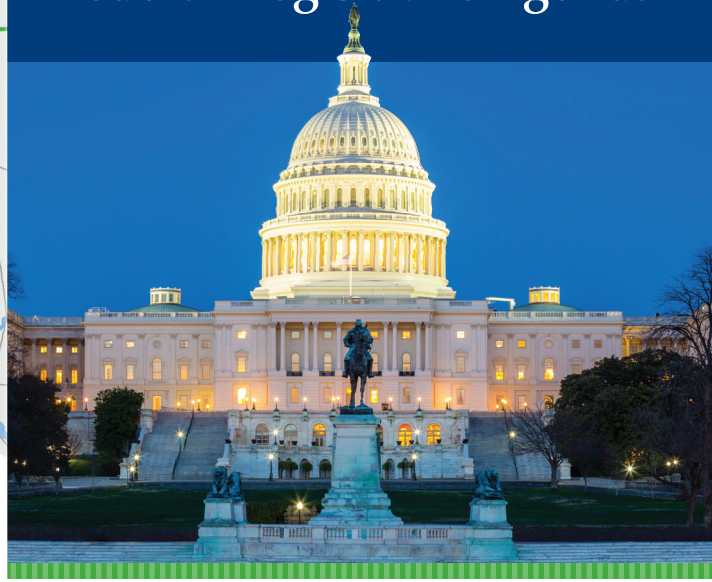
City *of* Tigard, Oregon

2015

Federal Legislative Agenda



Economic Development and Land Use

- Support funding and policies to facilitate for brownfield mediation and clean-up.
- Request funding for infrastructure to support development of the underutilized Hunziker Industrial Core and support funding for SB 246 which would provide funds and authority to Business Oregon which could assist in assembling infrastructure funding for the area.
- Support renewal of the State's Vertical Housing and Development program (which sunsets Jan. 2016). The city recently established a VHD program which will be an important tool in advancing targeted development in the downtown urban renewal district.
- Advocate for legislative funding of the Oregon Transportation Forum on Climate Smart Communities

Finance

- **Property Tax Reform:**
  - Support referral to voters that would allow local control of temporary property tax outside of statewide caps;
  - Support an amendment of the state constitution that would reset a property's assessed value to its real market value at the time of sale or construction;
  - Support a statutory change regarding the way new property is added to the tax rolls to provide the option of applying a city-wide changed property ratio to new property.
- Allow for price comparison when procuring the services of architects and engineers.
- Oppose preemption of the ability of cities to manage and receive compensation for the use of public ROW.
- Advocate for a change to the current fiscal year (July 1 to June 30) as mandated by state law to a calendar that better coincides with the legislative session.

Transportation

- Support passage of a comprehensive transportation funding and policy package to address multi-modal needs with a priority of maintaining and preserving existing infrastructure.
- Support legislative priorities that address traffic congestion, economic development and jobs.
- Request funding for improvements to SW Hall Boulevard – Burnham Street to Durham Road. This project will add turn lanes at key intersections, illuminate, add transit stop amenities and fill in the sidewalk gap along Hall Boulevard from downtown Tigard to Durham Road. Sidewalks along Hall Boulevard are one of the top priorities identified by citizens to make the city more walkable.

Request Amount: $7,100,000

Other Focus Areas

- Advocate for legislative changes that will clarify and enhance public safety and local control related to marijuana dispensaries.
- Support increased resources for persons with mental health issues, especially in crisis situations.

Oregon's 2015 Regular Legislative Session: February 2 – July 11 (est.)

Sen. Ginny Burdick
SENATE DISTRICT 18
900 Court St. NE, S-213
Salem, OR 97301
sen.ginnyburdick@state.or.us

Rep. Margaret Doherty
HOUSE DISTRICT 35
900 Court St. NE, H-282
Salem, OR 97301
rep.margaretdoherty@state.or.us

Oregon uses a system of single-member districts to elect its legislators. Each of the 90 members represent a designated senatorial or representative district, meaning each Oregonian is represented by a single senator and a single representative. Representative districts have a population of about 63,850; Senate districts contain about 127,700 people. These district lines are redrawn every ten years.

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"She flies with her own wings." –Judge Jessie Quinn Thornton

2015 Legislative Agenda

Tigard, Oregon

TIGARD

AIS-2303			**5.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	20 Minutes		
Agenda Title:	Develop 2016 Federal and State Legislative Agenda		
Prepared For:	Kent Wyatt, City Management	**Submitted By:**	Norma Alley, Central Services
Item Type:	Update, Discussion, Direct Staff	**Meeting Type:**	Council Business Meeting - Main
Public Hearing:	No	**Publication Date:**	

Information

ISSUE

Council is asked to identify potential areas or issues for advocacy on the state and federal level for the upcoming year. This could include ways to partner with neighboring jurisdictions on issues of common interest, or key legislation that will be considered that Tigard should track and communicate with our state and federal legislative delegation

STAFF RECOMMENDATION / ACTION REQUEST

Discuss the city's 2016 state and federal legislative priorities and direct staff to prepare State and Federal Legislative Agendas.

KEY FACTS AND INFORMATION SUMMARY

Each fall, city council adopts state and federal legislative priorities for the coming year. The 2015 Oregon legislature recognized Tigard's legislative agenda by granting $1.5 million to build public infrastructure in the Hunziker Industrial Corridor.

The purpose of this discussion is to provide council an opportunity to review priorities from the past year, consider council goals, citizen's priorities, and issues and opportunities the city may face in the coming year and reach consensus on priorities for 2016.

The state legislature will convene in February for a short session. A majority of their action will focus around policies fixes. It is unclear whether the state legislature will address transportation funding.

Attached are the state and federal legislative agendas from 2015. The League of Oregon Cities

has not released its 2016 legislative priorities. This discussion will center around updating the 2015 agendas to accurately reflect the Council's legislative priorities.

OTHER ALTERNATIVES

Based on council consensus on priorities, council may request further clarification on issues not raised in this summary.

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

Represent Tigard at the regional, state and federal level to advocate for tax reform and other funding opportunities.

DATES OF PREVIOUS COUNCIL CONSIDERATION

11/25/14: Adoption of the city's 2015 State and Federal Legislative Agenda.

Attachments

2015 State Legislative Agenda

2015 Federal Legislative Agenda

Economic Development and Land Use

- Support funding and policies to facilitate for brownfield mediation and clean-up.
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2015 Legislative Agenda

Tigard, Oregon

TIGARD

TIGARD, OREGON. Located just eight miles southwest of Portland, Tigard is Oregon's 12th largest city with a population of 50,044. The city is largely residential and offers a mix of industrial, commercial and retail space which results in a daytime population around 100,000. Because of the demand placed on its transportation, water and public safety resources, Tigard faces big-city infrastructure issues.

Tigard is ideally located to meet regional employment demand. The region's workforce lives here. What's lacking, however, is infrastructure that supports business expansion here.

Late in 2014, the City Council adopted a strategic plan to become *"the most walkable community in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives."* This 20-year strategic vision, along with four strategic goals, will provide guidance and direction for the city's priorities over the long term by leveraging and building on our strengths to grow Tigard as a thriving community.

Tigard continues to work with its regional partners toward creative solutions that address infrastructure and service delivery challenges. We are committed to responsible stewardship of public funds and to making sound fiscal decisions that will guide us to a sustainable future.

POLICY ITEMS

Robust Transportation Reauthorization Bill

Congress should develop a comprehensive transportation reauthorization bill that would create jobs by providing robust funding for bridges, highways, mass transit and other local infrastructure needs. Within the reauthorization bill, Tigard strongly supports inclusion of:

- **The bipartisan Innovations in Surface Transportation Act**, which creates a grant program that would put transportation funds in the hands of local communities. The Innovation grants would be awarded on merit by a panel with representatives from state and local jurisdictions, ensuring that funds go to well-conceived projects with the most local support. Needed projects in Tigard with local support include:
  - ***Hall Boulevard – Burnham Street to Durham Road***
    This project will add turn lanes at key intersections, illuminate, add transit stop amenities and fill in the sidewalk gap along Hall Boulevard from downtown Tigard to Durham Road. Sidewalks along Hall Boulevard are one of the top priorities identified by citizens to make the city more walkable.

    REQUEST AMOUNT: $7,100,000

  - ***Highway 217 Interchange with 72nd Avenue***
    Evaluate and develop a conceptual design to address transportation issues in the interchange of Highway 217 with 72nd Avenue. This project will focus on planning, not construction, for ramp terminals, cross street and streets intersecting 72nd Avenue.

    REQUEST AMOUNT: $1,000,000

- **Safe Routes to Schools.** A key aspect of the city's recently adopted vision is to ensure that children have safe routes to walk to school. In July 2012, Congress passed the transportation law MAP-21. As part of that law, they folded the Safe Routes to School program into a new program called Transportation Alternatives and cut funding by approximately 30 percent. When Congress considers the next transportation bill in 2015, the city supports increased funding for Safe Routes to School and a sustained federal commitment to these critical safety projects.

- **The Bicycle and Pedestrian Safety Act** which would require the U.S. Department of Transportation to set a performance measure to reduce the number of bicyclists and pedestrians killed on our roads.

FY 2016 Program Levels

Maintain adequate funding levels for TIGER, CDBG, HOME, BYRNE, EDA, and COPS funding.

- **COPS Hiring and Technology Funding**
  Tigard strongly supports additional funding for the COPS Hiring and Technology programs. The city plans to apply for a COPS position in 2015 to advance public safety through community policing. There are very few funding options at the federal level to help police departments purchase equipment, despite the fact that federal mandates continue to require costly upgrades. Federal funds for equipment upgrades are important, especially for police departments with cash strapped budgets.

Protect Municipal Bonds

Protect tax exempt municipal bonds from being eliminated or limited. Since federal income tax was instituted in 1913, interest earned from municipal bonds issued by state and local governments have been exempt from federal taxation. These bonds are the primary financing mechanism for state and local infrastructure projects, with three-quarters of the infrastructure projects in the U.S. built by state and local governments, and with over $3.7 trillion in outstanding tax-exempt bonds, issued by 30,000 separate government units.

Local governments save an average of 25 to 30 percent on interest costs with tax-exempt municipal bonds as compared to taxable bonds because investors are willing to accept lower interest on tax-exempt bonds in conjunction with the tax benefit. If the federal income tax exemption is eliminated or limited, states and localities will pay more to finance projects, leading to less infrastructure investment, fewer jobs, and greater burdens on citizens.

Secure a Tigard ZIP Code

State Representative Margaret Doherty has introduced a measure urging the United States Postmaster General to recognize ZIP codes 97223 and 97224 as Tigard ZIP codes that are separate and distinct from Portland ZIP codes.

HUNZIKER INDUSTRIAL CORE

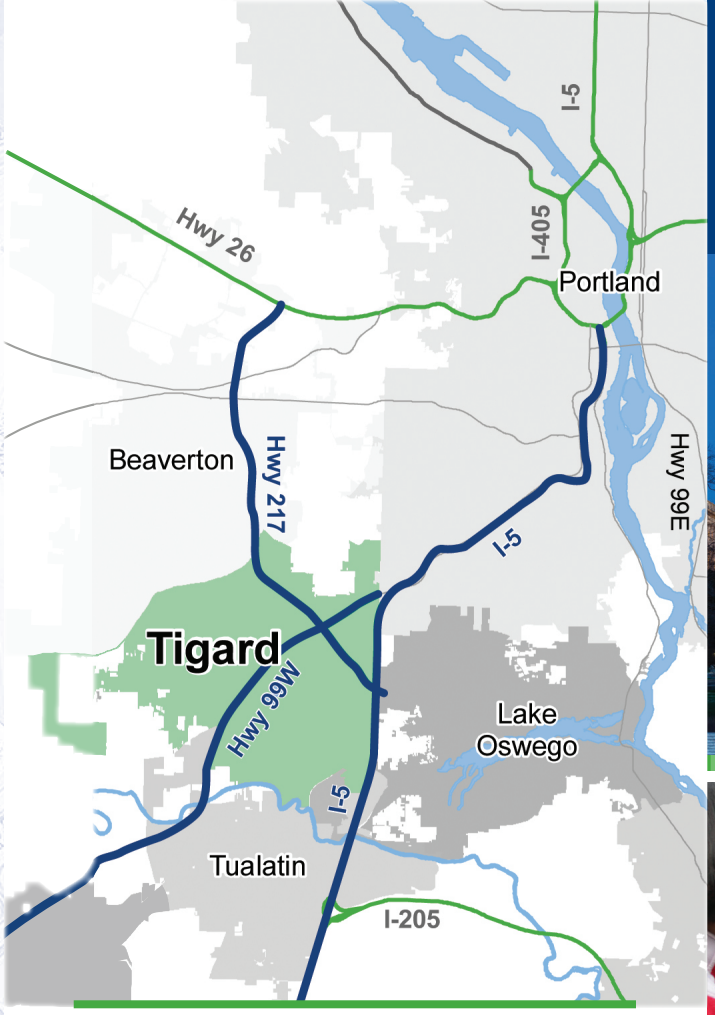
Tigard's Hunziker Industrial Core project represents a unique and exciting opportunity to redevelop industrial land in an urban setting. When complete, the project will foster significant economic growth and provide long-term high-skill, high-wage job opportunities for the region.

The core includes more than 138 acres of industrial-zoned property located three-quarters of a mile from Interstate 5, one-half mile from Highway 217 and immediately accessible by existing rail. In this area, 96 acres are developed but underutilized. Forty-two acres are undeveloped but limited in their development potential. The area exemplifies the challenge inner-ring suburban cities face when trying to support business growth.

A private developer is working on a 225,000 square foot development on 18 acres; an estimated $22 million private investment and home to 115–300 new jobs. New infrastructure here will support new investment and redevelopment on the adjacent 120 acres of industrial property. This sets the stage for another 300–500 jobs and $35 million in private investment.

Through a state grant, and in partnership with local property owners, Tigard completed a Public Infrastructure Finance Plan in 2014. The total cost of public infrastructure (roads, water, wastewater and stormwater) to support private sector development in the Hunziker Industrial Core is estimated at about $10.5 million. The city is seeking $1.5 million from the U.S. Department of Commerce Economic Development Administration program to fund some of the public infrastructure improvements.

REQUEST AMOUNT: $1,500,000



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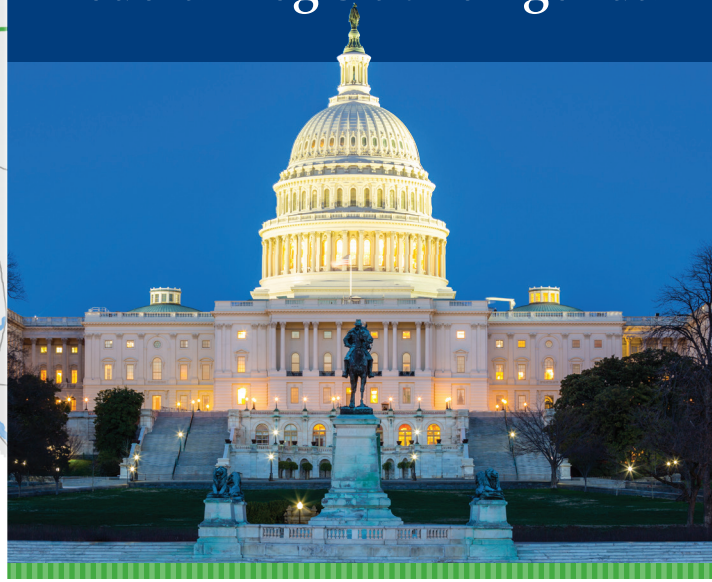

AIS-2192 **6.**

Business Meeting

Meeting Date: 10/13/2015

Length (in minutes): 25 Minutes

Agenda Title: QJ Public Hearing: Comprehensive Plan Amendment and Zone Change for Fields Trust

Prepared For: Gary Pagenstecher, Community Development

Submitted By: Lloyd Purdy, Community Development

Item Type: Ordinance
Public Hearing - Quasi-Judicial

Meeting Type: Council Business Meeting - Main

Public Hearing: Yes

Publication Date:

Information

ISSUE

The Fred W. Fields Trust proposes to amend the comprehensive plan map for their vacant property at the southeast corner of Hunziker and Wall Street. The proposed amendment is from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential (L) to 18.3 acres of Light Industrial (IL) and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE.

STAFF RECOMMENDATION / ACTION REQUEST

The Planning Commission recommends approval to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of the attached staff report and the following recommended four conditions of approval (the conditions of approval are more fully described in the key facts section):

1. The planned development overlay zone shall be applied concurrently with the proposed MUE zone;

2. Future development within the MUE zone shall include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA;

3. The site shall be limited to a maximum of 630 a.m. peak hour trips and 630 p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or

removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council; and

4. The applicant shall record an easement, restrictive covenant or similar instrument on the subject property that is acceptable to the city to ensure a 50-foot wide forested buffer is maintained along the eastern property boundary abutting the Rolling Hills subdivision.

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development despite existing slope constraints. It will also reduce potential conflicts between uses on the subject property and abutting residential development. The proposed zone change from I-P to MUE has the potential to increase economic development in Tigard by allowing for a wider variety of potential development on the site that is not limited by the physical attributes of the site.

KEY FACTS AND INFORMATION SUMMARY

Site Information and Proposal Description

The site is located on the southeast corner of Hunziker and Wall Street. The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential to 18.3 acres of Light Industrial and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. The application is required to meet approval criteria set forth in the Tigard Municipal Code (TMC or Municipal Code) Title 18 Community Development Code. The application is submitted in response to site slopes and other constraints which make the eastern portion of the site unsuitable for industrial uses. No development plans accompany this land use application and no specific development plans exist for the proposed MUE portion of the property.

The Planning Commission held a public hearing on July 20, 2015 to consider the request and take public testimony. The record was left open until August 3 for additional testimony, and until August 10 for rebuttal testimony. All testimony was posted to the city's website for interested parties to review. The Commission continued the hearing to August 17, 2015 for deliberation and to make their decision for recommendation of approval to Council.

Site History

The 42.5-acre property that is the subject of this application was owned by Fred W. Fields for many years before his death in 2011. It is presently owned by the Fred W. Fields Trust. The current zoning designations on the property have been in effect for several decades. A portion of the industrially zoned part of the property was used by the Coe Manufacturing facility, located at 7930 SW Hunziker Road, directly across Wall Street. Beginning in the early 1950s, the southwestern end of the industrially zoned portion of the property was used as a brick-making facility. Remnants of that facility still exist, including a concrete foundation. In

the late 1960s a rail spur was constructed along the western edge of the property abutting Wall Street. A single family home existed on the residentially zoned portion of the property, but was demolished in 2012. Also in 2012, the Trust had an on-site horizontal mine shaft, which was used for clay removal, filled in for safety reasons. There have been no other uses of the property during the last 70 or so years.

Neighborhood Testimony

Representatives of the Rolling Hills community, an area to the east of the subject site, provided abundant written and oral public testimony throughout the hearing process. They submitted thirty comment letters with concerns over what the proposed change may bring to their quality of life. Their testimony addressed four basic issues related to the quality of life of the Rolling Hills neighborhood:

1) Identifying that traffic in the surrounding area is an issue of concern;

2) Requesting permanent closure of Varns Street at the Fields property to limit traffic through the neighborhood;

3) Supporting continued maintenance of an historic 50-foot forested buffer along the full length of the neighborhood on the west boundary; and

4) Requesting less intense zoning adjacent to the northern part of the neighborhood at 76th and Crestview.

The commission supported the 50-foot forested buffer, as recommended through condition #4, but found that the transportation-related issues and compatibility of adjacent uses would be more appropriately addressed at the time when an application for development of the site is submitted. These issues are very development specific and can be best addressed under a planned development review procedure, as recommended through condition of approval #1.

Transportation Planning Rule Compliance

ODOT provided testimony addressing the assumptions underlying the applicant's evidence submitted to satisfy the Transportation Planning Rule requirement for zone changes. General agreement was reached on the amount of development that would represent a reasonable worst case scenario with a 0.30 Floor Area Ratio. However, a difference remains in deciding which ITE Manual land use type is most appropriate to represent future development, with respect to the number of trips generated. Where ODOT prefers the Business Park land use type, the city agrees with the applicant that using the Office Park land use type better reflects the types of development anticipated by the proposed zone change under MUE. The city supports the August 3 memorandum from McKenzie that recommends a trip cap of 630 AM and 630 PM peak hour trips be applied to the 24.56 acres subject to the zone change. (Condition of Approval #3)

Jobs Capacity Maintained

Recommended condition of approval #2 requires future development within the MUE zone to include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA. This condition is supported by the applicant and was not an issue during the Commission hearing.

City of Tigard/Fields Trust Cooperation

The City has worked with Fred Fields over the years with respect to land use issues including acquisition of property for the Library in the early 2000s and acquisition, with Metro, of adjacent property to the east for natural resource conservation. This application is the outcome of efforts between the Fields Trust and the city to unlock the economic development potential of adjacent upland property, which has remained undeveloped in the heart of the city. The central problem has been a mismatch between the existing Industrial Park zoning designation and the slope of the subject site being unsuitable for industrial development (see Attachment 2 of the application: Fields Property Development Analysis and Opportunity Study, dated February 13, 2014). The applicant's narrative describes this cooperative effort in detail.

In February 2014, the results of the Development Analysis were shared with the City's Planning Commission and City Council. Both bodies gave the Trust and staff feedback on the Development Analysis, and expressed support for the overall direction recommended by that analysis. Both bodies anticipated a follow-up application from the Trust requesting a comprehensive plan map amendment and zone change consistent with the Development Analysis recommendations.

Infrastructure Finance Plan

As a follow-up to the Development Analysis, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to prepare an infrastructure finance plan for the Fields Trust property, as well as the surrounding Wall Street/Hunziker Road industrial area to the west and north. The purpose of the study was to quantify and size new public infrastructure for the area, with the hope of ultimately spurring economic development. The infrastructure study recognized that not only would the Fields Trust property need significant infrastructure investment, much of the adjacent industrial property - especially to the west of Wall Street - would also benefit from public infrastructure investment. The infrastructure plan was completed late last year and continues to inform the City's actions regarding the Wall Street/Hunziker Road area, as well as the Trust's planning for its property.

Economic Opportunities Analysis Amendment

In March 2015, the City Council adopted an amendment to its 2011 Economic Opportunities Analysis (EOA) acknowledging that slope was not taken into account as a factor in determining the suitability of vacant or redevelopable land in the city for industrial uses. Both state law and Metro allow slope to be a limiting factor in the designation of industrial land. (See OAR 660-009-0015(3)(a)(B) and Metro's 2009 Urban Growth Report.) This omission resulted in an overstatement of available and suitable industrial land in Tigard. In fact, it

obscured the city's deficit of industrial land supply. The amendment allowed industrially zoned properties with significant slope, like the Fields Trust property, to be rezoned for more feasible uses and highlights the need to consider job density in employment land development and redevelopment.

OTHER ALTERNATIVES

The Council may approve, approve with modifications, approve with conditions, deny or adopt an alternative to an application for the legislative change or to remand to the commission for rehearing and reconsideration on all or part of an application.

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 and 2 that see 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." A complete review of relevant comprehensive plan goals and policies is included in the attached staff report.

DATES OF PREVIOUS COUNCIL CONSIDERATION

June 16, 2015 Fields Industrial Property Project update March 24, 2015 Public Hearing for Post Acknowledgement Plan Amendment to Economic Opportunity Analysis. December 9, 2014 pre-development update and presentation of draft MOU September 9, 2014 discussion of the grant for the Public Infrastructure Finance Plan from the Department of Land Conservation and Development August 9, 2014 update on Public Infrastructure Finance Plan February 18, 2014 Fields Property Site Analysis study

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Attachments

CPA2015-00004 (Fields Trust) Staff Report

CPA2015-00004 PC Minutes

Ordinance

Application Materials

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

SECTION I. APPLICATION SUMMARY

FILE NAME: FIELDS TRUST PLAN AMENDMENT AND ZONE CHANGE

FILE NOS.:
Comprehensive Plan Amendment **CPA2015-00004**
Zone Change Amendment ZON2015-00005

PROPOSAL: The Fred W. Fields Trust proposes to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential (L) to 18.3 acres of Light Industrial (IL) and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE.

APPLICANT Fred W. Fields Revocable Living Trust
c/o Miller Nash Graham & Dunn LLP
Attention: Kelly Hossaini
111 SW 5th Ave, #3400
Portland, OR 97204

OWNER: Fred W. Fields Revocable Living Trust

LOCATION: Southwest corner of SW Hunziker Road & SW Wall Street; WCTM and Tax Lots 2S1010001100, 2S101CA00100, 2S101DB00300, and 2S101DB00400.

CURRENT ZONE/ COMP. PLAN DESIGNATION:

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.

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.

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.

PROPOSED ZONE/ COMP. PLAN DESIGNATION: 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.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters: 18.380; Comprehensive Plan Goals 1, 2, 9 and 10; Statewide Planning Goals 1, 2, 9 and 10; Oregon Administrative Rule 660, Division 9; the Oregon State Transportation Planning Rule (TPR) 660-012-0060; and Metro Title 4.

SECTION II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends **APPROVAL** to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of this Staff Report and the following recommended conditions of approval.

Amendments by the Planning Commission to the conditions of approval recommended in the staff report are indicated in ***bold italic,*** *below.*

CONDITIONS OF APPROVAL

1. The planned development overlay zone shall be applied concurrently with the proposed MUE zone.

2. Future development within the MUE zone shall include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA.

3. The site shall be limited to a maximum of ***630*** a.m. peak hour trips and ***630*** p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council.

4. The applicant shall record an easement, restrictive covenant or similar instrument on the subject property that is acceptable to the city to ensure a 50-foot wide ***forested*** buffer is maintained along the eastern property boundary abutting the Rolling Hills subdivision.

SECTION III. BACKGROUND INFORMATION

Planning Commission Hearing and Deliberation

The Planning Commission held a hearing on July 20, 2015 to consider the request and take public testimony. The record was left open until August 3rd for additional testimony, and until August 10th for rebuttal testimony. All testimony was posted to the city's website for interested parties to review. The Commission continued the hearing to August 17, 2015 for deliberation.

Neighborhood Testimony

The Rolling Hills community testified, with some thirty comment letters, to a peaceful enclave, an oasis, where two generations of families have enjoyed a wonderful quality of life; where, as the traffic around them has grown intolerable, they have been able to preserve calm streets that foster close social ties among each other. Their testimony addressed four basic issues aimed at protecting the quality of life of the Rolling Hills neighborhood.

1) Identifying that traffic in the surrounding area currently exceeds the capacity of the street network;

2) Requesting closure of Varns Street at the Fields property to limit traffic through the neighborhood.

3) Supporting an historic 50-foot forested buffer along the full length of the neighborhood.

4) Requesting less intense zoning adjacent to the northern part of the neighborhood at 76th and Crestview.

The commission supported the 50-foot forested buffer, as recommended through condition #4, but found that the transportation-related issues and compatibility of adjacent uses would more appropriately be addressed at the time of development application under a planned development review procedure, as recommended through condition of approval #1.

Transportation Planning Rule Compliance

ODOT provided testimony addressing the assumptions underlying the applicant's evidence submitted to satisfy the Transportation Planning Rule requirement for zone changes. General agreement was reached on the amount of development that would represent a reasonable worst case scenario with a 0.30 Floor Area Ratio. However, a difference remains with respect to the number of trips generated as determined by the type of development anticipated. Where ODOT prefers the Business Park land use type, the city agrees with the applicant that using the Office Park land use type better reflects the slope constraint on the site that underlies the proposed zone change. The city supports the August 3rd MacKenzie Memo recommendation for a trip cap of 630 AM and 630 PM peak hour trips be applied to the 24.56 acres subject to the zone change, as recommended through condition of approval #3.

Jobs Capacity Maintained

Recommended condition of approval #2 requires future development within the MUE zone to include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA. This condition is supported by the applicant and was not an issue during the Commission hearing.

Site History

The 42.5-acre property that is the subject of this application was owned by Fred W. Fields for many years before his death in 2011. It is presently owned by the Fred W. Fields Trust. The current zoning designations on the property have been in effect for several decades. The industrially zoned portion of the property was nominally used as part of the Coe Manufacturing facility, located at 7930 SW Hunziker Road, directly across Wall Street. Although this property was never fully developed, in the late 1960s a rail spur was constructed along the western edge of the property abutting Wall Street. Beginning in the early 1950s, the southwestern end of the industrially zoned portion of the property was used as a brick-making facility. Remnants of that facility still exist, including a concrete foundation. In 2012, the Trust had an on-site horizontal mine shaft, which was used for clay removal, filled in for safety reasons. A single family home existed on the residentially zoned portion of the property, but was demolished in 2012. There have been no other uses of the property during the last 70 or so years.

City of Tigard/Fields Trust Cooperation

The City has worked with Fred Fields over the years with respect to land use issues including acquisition of property for the Library in the early 2000s and acquisition, with Metro, of adjacent property to the east for natural resource conservation. This application is the outcome of efforts between the Fields Trust and the city to unlock the development potential of adjacent upland property, which has remained undeveloped in the heart of the city. The central problem has been a mismatch between the existing Industrial Park zoning designation and the slopes on the subject site being unsuitable for industrial development as outlined in Attachment 2 of the application: Fields Property Development Analysis and Opportunity Study, dated February 13, 2014. The applicant's narrative describes this cooperative effort in detail.

In February 2014, the results of the Development Analysis were shared with the City's Planning Commission and City Council. Both bodies gave the Trust and staff feedback on the Development Analysis, and expressed support for the overall direction recommended by that analysis. Both bodies anticipated a follow-up application from the Trust requesting a comprehensive plan map amendment and zone change consistent with the Development Analysis recommendations.

Infrastructure Finance Plan

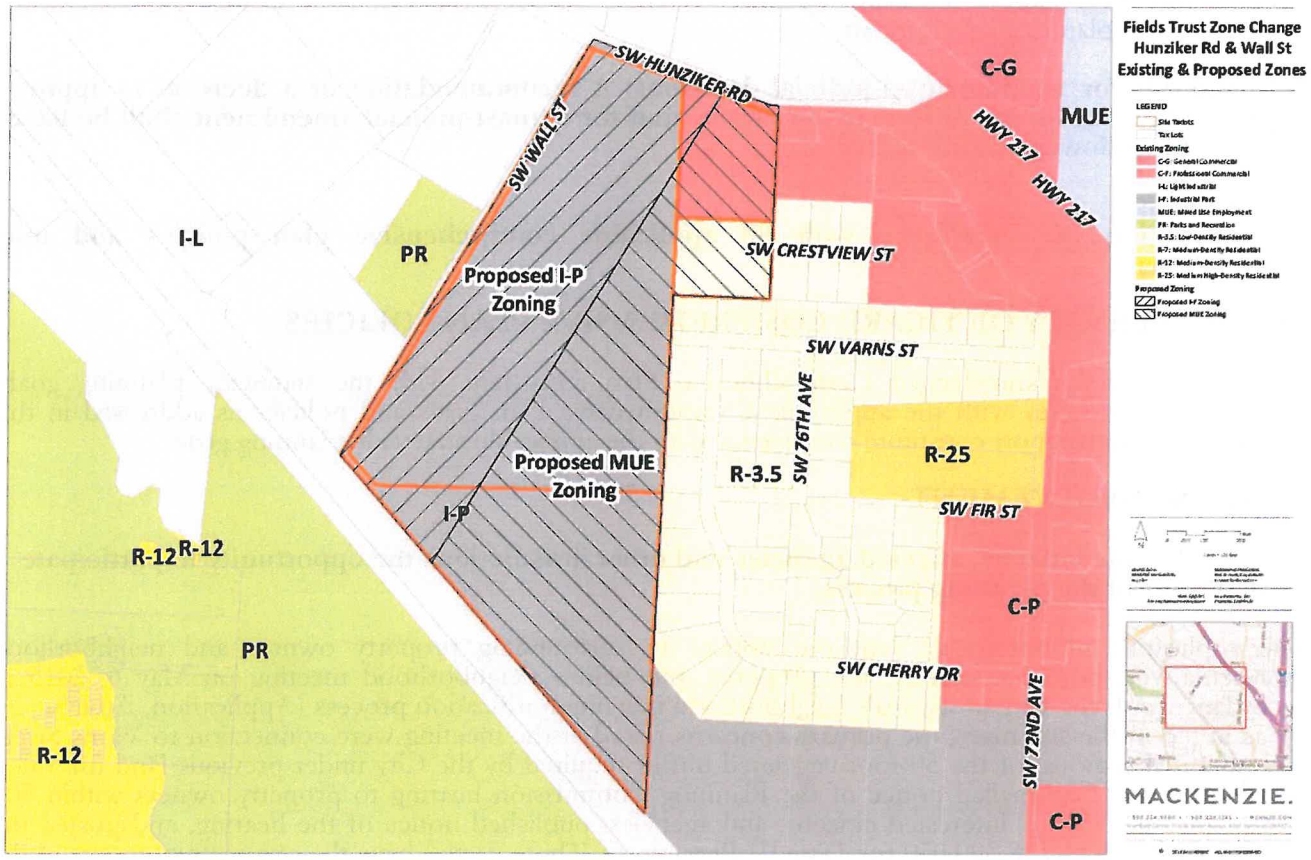
As a follow-up to the Development Analysis, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to prepare an infrastructure finance plan for the Fields Trust property, as well as the surrounding Wall Street/Hunziker Road industrial area to the west and north. The purpose of the study was to quantify the need for and appropriate size of public infrastructure in the area, with the hope of ultimately spurring economic development. The infrastructure study recognized that not only would the Fields Trust property need significant infrastructure investment, much of the adjacent industrial property - especially to the west of Wall Street - is substantially underdeveloped and would also benefit from public infrastructure investment. The infrastructure plan was completed late last year and continues to inform the City's actions regarding the Wall Street/Hunziker Road area, as well as the Trust's planning for its property.

Economic Opportunities Analysis Amendment

In March 2015, the City Council adopted an amendment to its 2011 Economic Opportunities Analysis (EOA) acknowledging that slope was not taken into account as a factor in determining the suitability of vacant or redevelopable land in the city for industrial uses. Both state law and Metro allow slope to be a limiting factor in the designation of industrial land. (See OAR 660-009-0015(3)(a)(B) and Metro's 2009 Urban Growth Report.) This omission resulted in an overstatement of available and suitable industrial land in Tigard, resulting in a deficit of industrial land supply. The amendment allows industrially zoned properties with significant slope, like the Fields Trust property, to be rezoned for more feasible uses and highlights the need, under an efficient land needs scenario, to consider job density in employment land development and redevelopment.

Site Information and Proposal Description

The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential to 18.3 acres of Light Industrial and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. The application is required to meet approval criteria set forth in the Tigard Municipal Code (TMC or Municipal Code) Title 18 Community Development Code. The application is submitted in response to site slopes and other constraints which make the eastern portion of the site unsuitable for industrial uses. No development plans accompany this land use application and no specific development plans exist for the majority of the portion of the property subject to the comprehensive plan map amendment and zone change. The proposed amendment and zone change is shown in the applicant's figure below.



Vicinity Information

The site is located south of Hunziker Road and east of Wall Street. The low density residential Rolling Hills neighborhood borders the subject site to the east. A railroad switching yard abuts the site on the southwest with a private rail spur running across the subject property adjacent and parallel to Wall Street. Red Rock Creek flows parallel to Wall Street to the west of Charter Mechanical and the city's Potso Dog Park located across Wall Street from the subject site. The Hunziker Industrial Core area extends further to the west from Red Rock Creek to SW Hall Blvd between Hwy 217 and the railroad.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

TIGARD DEVELOPMENT CODE CHAPTER 18.380:

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map
Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection B below.

A. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.

The proposed zone change application to change the zoning on the subject site from I-P, C-P, and R-3.5

to MUE also involves a comprehensive plan map amendment from Industrial Park, Professional Commercial and Low Density Residential to Mixed Use Employment. Therefore, the Planning Commission shall make a recommendation to Council on the proposed zone change application and comprehensive plan map amendment.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

18.380.030. B.1
Demonstration of compliance with all applicable comprehensive plan policies and map designations;

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES

The City has an acknowledged Comprehensive Plan consistent with the statewide planning goals. Therefore, consistency with the applicable Comprehensive Plan goals and policies as addressed in this section of the staff report constitute consistency with the applicable statewide planning goals.

CITIZEN INVOLVEMENT

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

The applicant's representative sent out notices to surrounding property owners and neighborhood representatives, posted a sign on the property, and held a neighborhood meeting on May 6, 2015 in accordance with the City of Tigard's neighborhood meeting notification process (Application, Attachment 5); as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. In addition, the City mailed notice of the Planning Commission hearing to property owners within 500 feet of the subject site, interested citizens, and agencies, published notice of the hearing, and posted the site pursuant to TDC 18.390.050 for Type III Procedures. These parties have the opportunity to attend the Planning Commission hearing and provide testimony.

FINDING: As shown in the analysis above, the proposed comprehensive plan and zone change is consistent with the applicable Citizen Involvement Goal.

LAND USE PLANNING

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

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

Notice and request for comments for the proposed zone change were sent to Department of Land Conservation and Development (DLCD), Metro, Washington County and Oregon Department of Transportation (ODOT). ODOT and Metro submitted comments on the proposal, which are included in the findings of this report, below. This policy is met.

Policy 5. The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.

As shown in the applicant's materials 37.4 acres of subject property is included on Metro's Title 4 Industrial and Other Employment Areas map (January 2014) as a designated Industrial Area. Of this amount, 17.9 acres would remain in the current I-P zone and 19.4 acres would be changed from Industrial Area to Employment Area by virtue of a zone change to MUE. Given the unsuitability of the eastern portion of the property for industrial uses, changing the comprehensive plan and zoning to MUE will enable the City to promote a more intense urban development of the site. This policy is met.

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

As stated in the applicant's narrative, the rationale for the map amendments is to allow for a range of development opportunities on the up-hill portion of the site that would offset the considerable development costs associated with site grading and public improvement requirements necessary to lead to industrial uses on the flatter, western portion. Ordinance 15-06 amended the comprehensive plan to account for the slope constraints on approximately 17 acres of the site that hamper the ability to construct large-footprint industrial buildings. The industrial uses, by themselves, would not provide sufficient economic value to fund needed public facilities and services. The costs of developing this constrained parcel to accommodate industrial activities undermine the potential economic value of the parcel itself as currently zoned, and have led to it remaining vacant. In combination with the remaining I-P land, the proposed rezoning to MUE provides a range of land use types which are of sufficient economic value to fund needed public facilities and services for the site and advance the City's social and fiscal stability. This policy is met.

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.

Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. This application would change the plan designation of approximately 19.4 acres from IP to MUE. The need for industrial land is established in the city's 2011 EOA which indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant industrial is 48 acres and the 20-year supply is 50 acres. Although this action would decrease the industrial land area, there would be no net loss of acreage designated for employment since the MUE designation accommodates a variety of employment types some of which are also allowed in the IP zone, such as office use.

The simultaneous designation of 2.1 acres from R-3.5 to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. In the context of the City's overall supply of residential land, a reduction of 2.1 acres of low density residential is minimal compared to the increase in residential capacity permitted in the MUE at 25 units per acre.

The proposed MUE zone permits a number of residential, civic, commercial, and industrial uses not currently permitted in the C-P zone. Where no residential or industrial uses are permitted in the C-P zone, the MUE permits multifamily residential (R-25), light industrial, research and development, and some warehouse/freight movement. Civic uses are expanded in the MUE to include colleges, schools, and community recreation. Commercial uses such as commercial lodging, eating drinking establishments and sales oriented retail, where limited to a percentage of permitted uses in the C-P, are permitted outright in the MUE.

On balance the proposal would provide a wider range of uses under the MUE zone suitable for a sloped site, while limiting several uses currently permitted in the IP zone, such as industrial services and wholesale sales. The City's regulatory land use maps and development code will continue to implement the Comprehensive Plan by providing for needed urban land uses. This policy is met.

Policy 14. Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies.

The applicant's narrative provides evidence that the application substantially complies with applicable criteria of the Statewide Planning Goals, Oregon Administrative Rules, Metro regulations, the Tigard Comprehensive Plan, and the Tigard Community Development Code. This policy is met.

Policy 15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation.

Analysis of transportation impacts and public facility infrastructure (Application, Attachments 3 and 4) indicates that the site would have access to infrastructure with sufficient capacity to accommodate development of the site under existing zoning or proposed zoning, and future development of the site would improve both Hunziker Road and Wall Street. The Transportation Planning Rule analysis (Attachment 3) demonstrates that the PM peak trips for uses allowed in the existing and proposed zoning designations are similar; therefore, imposing a trip cap based on anticipated trip generation allowed in the current zoning will ensure the amendment has no significant impact on transportation facilities. As conditioned, this policy is met.

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services.

As noted above, the applicant requests that the city condition the approval of the requested zone change with a trip cap that does not exceed the total number of automobile trips associated with the most intense use, a medical/dental office. With a condition of approval implementing a trip cap on the subject site, this policy is met.

C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;

The applicant's Development Analysis and Opportunity Study demonstrates that, due to slope constraints, the eastern portion of the subject property is constrained for large footprint industrial type development. The proposed alternative zone, MUE, permits multi-family residential development, which has been the focus of developer and real estate market interest in the site. The applicant has shown that the physically constrained portion of the property is more suitable for residential or office development than industrial. This policy is met.

D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;

The proposal is for a change in comprehensive plan designation and zoning for land that is physically constrained and not appropriate for its existing industrial designation. Given that the current industrial designation is not appropriate for the site another more suitable designation is required. Under this action this criterion does not apply since MUE is an appropriate replacement designation but it is not necessarily related to whether there is an inadequate amount of MUE designation in other areas. This criterion does not apply.

E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled.

The applicant states uses allowed in the MUE zone can be arranged and clustered to fit into the site topography rather than requiring mass grading to create the large, flat sites that would be necessary for industrial uses. Subsequent Planned Development, Conditional Use and/or Site Development Reviews would ensure development would comply with all applicable development code regulations. The subject site is not currently designated with any overlay zones such as historic (HD) or planned development (PD). This policy is met.

F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses.

The applicant's Development Analysis and Opportunity Study identifies site constraints that any development would need to address. Constraints include slope and configuration of site, slope of Hunziker, Wall Street TSP classification and rail spur, wetlands, trees, limited access, and noise from the railroad switching yard. Surrounding land uses include low density sing-family attached and detached residential and industrial uses. The range of uses permitted in the MUE zone would require Conditional Use and/or Site Development Review to ensure development would comply with all applicable development code regulations and be compatible with surrounding land uses.

However, the complexity of the site characteristics including environmental conditions and surrounding land uses suggests a process that provides flexibility in site design to maximize the opportunities and mitigate for the constraints of the site and surrounding land uses. Use of the Planned Development overlay zone is the be the best way to ensure permitted uses in the MUE zone are compatible, or are capable of being made compatible, with environmental conditions and surrounding land uses. This is demonstrated through the purpose statement of the Planned Development section of the Development Code:

18.350.010 Purpose
A. The purposes of the planned development overlay zone are:
1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the city; and
2. To provide such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the city; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

A planned development overlay on the proposed MUE zone would best ensure development's compatibility with site conditions. With a condition requiring the PD overlay, this policy is met.

G. Demonstration that the amendment does not detract from the viability of the City's natural systems.

The subject site contains jurisdictional wetlands in the northwest area of the site, steep slopes along the southern edge of the site, and lower value significant habitat designation on the uplands portion of the site The applicant has proposed accepting a condition of approval on the zone change requiring a 50-foot forested buffer along the eastern boundary of the site, which would support the habitat values of the site. Staff suggests that the applicant alternatively provide the buffer by recording a buffer easement on the lot line-adjusted parcel containing the boundary. As identified in the planned development purposes above, the planned development standards are designed to balance environmental resource protection with context sensitive site design. This policy is met.

Policy 16. The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.

The applicant has determined that due to extraordinary development costs, the flatter western portion of the site (which would continue to maintain I-P zoning) is only likely to develop if the steeper eastern portion can also be developed with some mix of employment and/or residential use. Knowing that staff is interested in ensuring job capacity on the subject site, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. The applicant cites the importance of flexibility in response to ever-changing market conditions in support of this request.

Staff finds, consistent with findings in the amended 2011 EOA, that slope constraints reduce the subject site's suitability for some large-footprint industrial uses, but that there is potential for employment use of slope-constrained sites. The city's limited inventory of buildable lands highlights the need to consider job density in employment land development and redevelopment within an efficient land needs scenario. Although the city supports opening the development potential of the whole site with the proposed zone change to MUE of the slope constrained portion of the site, it also must protect its employment capacity, which can best be managed through the planned development review process.

Therefore, staff recommends a condition of approval to ensure the area of the subject property zoned MUE provides a minimum of 280 non-retail jobs to preserve employment land capacity and application of the PD overlay to provide a deliberate process that balances the interests of the owner, developer, neighbors, and the city.

FINDING: As shown in the analysis above, the applicable Land Use policies have been met. Staff recommends the Planning Commission recommend to City Council a condition of approval requiring a definite land use (employment, 280 non-retail jobs) and a Planned Development Overlay be applied to allow for specific design/development requirements in order to meet the applicable Land Use policies.

ECONOMIC DEVELOPMENT

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

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.

The applicant states that industrial development by itself is not able to economically offset the high cost of on-site grading costs, public improvements to abutting streets, and utility extensions. MUE rates of return would allow the high infrastructure costs associated with the development of this property to be financed by the development itself. The intent of the proposed comprehensive plan amendment and zone change is to create flexibility that generates job-creating development in the City. This policy is met.

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

The applicant states that under the current zoning, the site has remained undeveloped for many years due to the development constraints outlined in Section II of the Fields Property Development Analysis. The proposal would respond to market conditions by allowing a mix of uses on the eastern portion while preserving the western portion for industrial employers. The proposed zone change would allow a more efficient use of employment land than the current underutilized condition.

Well designed and efficient development can be assured through the deliberative planned development process that provides flexibility in site design and such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. This policy is met.

Policy 6. The City shall promote actions that result in greater, more efficient, utilization of its Metro-designated Employment and Industrial Areas.

Metro's Title 4 Industrial and Other Employment Areas map (January 2014) shows the I-P-zoned parcels of the subject site (totaling 37.4 acres) as Industrial Areas. The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. The evidence in the application shows that despite relatively high demand for light industrial land and low supply, this site has not developed for light industrial use and is unlikely to do so in the future because of its unsuitable site characteristics and development constraints. The applicant states that the MUE zoning on the eastern portion allows the site to be developed with some combination of employment and multifamily workforce housing use and allows the site to be developed in a more flexible way. Development allowed under the MUE zone will help create a stronger, more diversified, and sustainable development on this site, which in turn will help

the local economy. Provided the MUE zone is indeed developed with mixed uses, including employment, the re-zone will promote greater, more efficient, utilization of Metro-designated employment and industrial lands. This policy is met.

Policy 7. The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.

The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. In accordance with Metro Title 4, Section 3.07.430, Tigard's Community Development Code limits the size and scope of commercial retail uses within the I-P zone (Table 18.530.1, Note 2). In accordance with Metro Title 4, Section 3.07.440, Tigard's Community Development Code limits the size and scope of commercial retail uses within the MUE zone (Table 18.520.1, Note 22). Approval of the proposed comprehensive map amendment would functionally convert 19.4 acres of the site into a Title 4 Employment Area from a Title 4 Industrial Area, where commercial retail uses are restricted, consistent with the purpose of Title 4 to protect a supply of sites for employment. This policy is met.

Policy 12. The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future.

The proposed MUE rezone should unlock the development potential of the site. The city can assure economic development promotes other community qualities, such as livability and environmental quality by placing a PD overlay over the MUE zone to provide such added benefits through the planned development process as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. This policy 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.

The subject site is located outside of the listed plan districts. The disposition of employment and housing uses across the site should acknowledge the direction of this policy and can best be considered with the planned development process. This policy is met.

FINDING: As show in the analysis above, the applicable Economic Development policies are substantially met with application of a condition of approval requiring a PD overlay and a minimum threshold of employment use within the proposed MUE zone.

HOUSING
Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City 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 (SW Pacific Hwy).

The proposed zoning designation, MUE, permits "medium high-density" housing at 25 units/acre as an outright use. There appears to be market support for multi-family housing at this location (Fields Development Analysis II.2). Multi-family residential use on the subject property has been a key expectation for development in the proposed MUE zone. However, the subject site is not located in a town center, regional center or along a transit corridor. Currently, the site does not provide ready access to employment opportunities, commercial services, transit, or other public services necessary to support higher population densities. However, the hope is that the rezone will catalyze the transformation of the area where some of these opportunities and services will become available. The MUE zone allows commercial uses and staff recommends a condition of approval requiring a minimum job density for the

proposed MUE zoned area. In addition, the city's Public Infrastructure Finance Strategy is likely to lead to improved street connectivity in the area, and the Southwest Corridor Plan includes new access across 217 connecting SW Beveland with Wall Street, potentially with high-capacity transit service. Staff further recommends a condition requiring application of the PD overlay concurrently with the MUE zone. Planned Development Review for future development will create the best opportunity to consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the city. As conditioned, this policy is met.

Goal 10.2: Maintain a high level of residential livability.

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

The proposed zoning designation, MUE, permits "medium high-density" housing at 25 units/acre as an outright use. There appears to be market support for multi-family housing at this location (Fields Development Analysis II.2). Multi-family residential use on the subject property has been a key expectation for development in the proposed MUE zone. Staff recommends a condition of approval requiring application of the PD overlay concurrently with the MUE zone. Planned Development Review for future development will provide such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. In addition a planned development process can help achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning. With the PD overlay, the proposed MUE zone will promote innovative and well-designed housing development. As conditioned, this policy is met.

Policy 7. The City shall insure 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.

The proposed MUE zone allows for multifamily residential construction at a density of 25 units/acre. The subject site is distinguished by the hillside location with views out to the west, the presence of a mature stand of trees that characterizes the hill from views elsewhere in the city, and limited access to the transportation network and other services to support higher density residential development. As described above, there are transportation and access improvements being planned for the area. The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, the proposed MUE zone can promote innovative and well-designed housing development. As conditioned, this policy is met.

Policy 8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:
A. orderly transitions from one residential density to another;
B. protection of existing vegetation, natural resources and provision of open space areas; and
C. installation of landscaping and effective buffering and screening.

The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, the proposed MUE zone can promote innovative and well-designed housing development. As conditioned, this policy is met.

9. The City shall require infill development to be designed to address compatibility with existing neighborhoods.

The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density Rolling Hills residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, development in the MUE zone can support unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering. As conditioned, this policy is met.

FINDING: As shown in the analysis above, the applicable Housing policies, as supported by the recommended condition of approval requiring the PD overlay zone, can be met.

18.380.030.B.2
Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

FINDING: For the purposes of the proposed comprehensive plan amendment and zone change, the applicant has satisfactorily addressed the applicable Sections of TDC Chapter 18.380, Zoning Map and Text Amendments. The standards of TDC Chapter 18.390.050 for Type III-PC procedures are applicable to this proposal, as identified in 18.380.030. The applicant has submitted an Impact Statement as required under 18.390.050.B.e. The public facilities impact study is included as Attachment 4 to the application. The applicant concurs with the requirement to dedicate right-of-way along Hunziker Road and Wall Street in conjunction with future development. Because no development is being proposed as part of this application, no right-of-way dedication is warranted at this time. Anticipated uses include multifamily residential and office. Any proposed development must meet all of the applicable Tigard Development Code standards in effect at the time an application is submitted. As shown in the analysis above, the proposed comprehensive map and zone change amendment complies with the applicable standards of the Tigard Development Code.

18.380.030.B.3
Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

FINDING: In March of 2015 the City adopted a Post Acknowledgment Plan Amendment to the City of Tigard's 2011 Economic Opportunities Analysis (Ord 15-06), which 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. The slopes on the subject property represent the majority of the lands addressed by the EOA amendment. The EOA amendment provides evidence of a mistake in the comprehensive plan in support of the proposal comprehensive plan and zone change from I-P to MUE. The proposal meets this standard for zone changes.

18.380.030.C Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

FINDING: The land use action requested is quasi-judicial as it is limited to specific parcels and does not apply generally across the city. Therefore, the Planning Commission recommendation to Council may be for denial, approval, or approval with conditions. Staff has prepared proposed recommended conditions of approval for the Commission's consideration.

APPLICABLE STATE AND METRO REGULATIONS

OREGON ADMINISTRATIVE RULES

Economic Development
OAR 660 Division 9 – Economic Development
660-009-0010 Application
(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
(c) Adopt a combination of the above, consistent with the requirements of this division.

FINDING: The City's 2011 EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. The Analysis indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the area of land with an industrial designation, there would be no net loss of acreage designated for employment use since the MUE designation accommodates a variety of employment types. The simultaneous redesignation of two acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land.

The City of Tigard's EOA indicates that the City has a surplus of two acres of industrial land; however, Ordinance 15-06 recognized that the City is "now potentially in deficit for industrial zoned vacant land." The proposed zone change affecting the site would deplete the two-acre surplus by converting approximately 19.4 acres of land from I-P to MUE; however, this depletion would be partially offset by converting 0.4 acres from C-P to I-P. Taken together, the proposed zone change would need to compensate for the jobs associated with a net reduction of 17 acres of industrial land. While there is no guarantee that the site would produce jobs under the existing zoning (as evidenced by the current lack of development), for the purposes of comparison, employment density assumptions from the EOA have been used to quantify the number of jobs that could be expected on 17 industrial acres.

Based on 16.5 industrial jobs per acre (derived from the 794 jobs on 48 industrial acres identified in the EOA), 17 acres of industrial land would lead to an employment level of approximately 280 jobs. Approval of the zone change could therefore decrease the City's employment potential by 280 jobs unless these jobs can be accommodated elsewhere. The proposed MUE zone permits a variety of employment uses, including office uses, which are also allowed in the I-P zone. To the extent the proposed MUE zone preserves the ability to create jobs on the subject site, jobs capacity will not be decreased. To ensure preservation of jobs capacity, staff recommends a condition of approval that requires 280 non-retail jobs be accommodated on the MUE-zoned portion of the site.

Analysis of Tigard's Comprehensive Plan economic policies, as addressed above in this report, supports the recommended jobs capacity requirement.

Transportation Planning Rule
OAR 660 Division 12 – Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments
(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
(b) Change standards implementing a functional classification system; or
(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.
[...]
(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: TPR compliance is demonstrated in Attachment 3 of the application. This analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning (note that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built). Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips). To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning. As conditioned, this regulation is met.

METRO REGULATIONS

Urban Growth Management Functional Plan
Title 4 – Industrial and Other Employment Areas
3.07.410 Purpose and Intent
3.07.420 Protection of Regionally Significant Industrial Areas
3.07.430 Protection of Industrial Areas
3.07.440 Protection of Employment Areas
3.07.450 Employment and Industrial Areas Map

FINDING: Metro's Title 4 *Industrial and Other Employment Areas* map (January 2014) shows the I-P-zoned parcels of the subject site (totaling 37.4 acres) as Industrial Areas. The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. In accordance with Section 3.07.430, Tigard's Community Development Code limits the size and scope of commercial retail uses within the I-P zone (Table 18.530.1, Note 2). In accordance with Section 3.07.440, Tigard's Community Development Code limits the size and scope of commercial retail uses within the MUE zone (Table 18.520.1, Note 22). Approval of the proposed comprehensive map amendment would functionally convert 19.4 acres of the site into a Title 4 Employment Area from a Title 4 Industrial Area, where commercial retail uses are restricted, consistent with the purpose of Title 4 to protect a supply of sites for employment. This regulation is met.

Section 3.07.450 allows the City to amend the use of lands on the *Industrial and Other Employment Areas* map based on satisfaction of a number of criteria. With the exception of a transportation impact analysis addressing regional freight movement for criteria #4, this site complies with those standards since the property is 1) not surrounded by RSIA or Industrial Area land; 2) the change would increase rather than decrease the acreage devoted potentially to employment uses; 3) the site is not designated as RSIA; 5) the zone change would not lead to retail or cultural uses that compete with Central City or Regional or Town Centers; and 6) the property designated Industrial Area subject to the amendment is less than 20 acres (namely, 19.4 acres). In addition, as described in Ord 15-06, the eastern portion of the site is not suitable for industrial uses due to topographic constraints. Therefore, a Title 4 map amendment from industrial to employment would be indicated, if supported by a transportation impact analysis.

SECTION V. OUTSIDE AGENCY AND ADDITIONAL CITY STAFF COMMENTS

LCDC, ODOT, Metro, and Washington County were notified and requested to comment on the subject proposal. Of these agencies, ODOT and Metro provided comment.

Oregon Department of Transportation (ODOT) commented verbally on the proposal taking issue with the assumptions of the TPR analysis with respect to existing use trip generation. As of the publish date of this report, written comments have not been received. Condition 3 has been imposed to account for ODOT's concern and to allow for a revised TPR analysis.

Metro commented on the proposal whose comments are included in the findings in this staff report.

The City of Tigard's Public Works Department reviewed the proposal and commented that they have no objections to the proposal.

The City of Tigard's Development Review Engineer reviewed and accepted the TPR analysis prepared by MacKenzie dated May 11, 2015.

SECTION VI. STAFF ANALYSIS

ANALYSIS:

Zone Change Request

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development types which can better accommodate slope constraints while also reducing potential conflicts between uses on the subject property and abutting residential development. The proposed zone change, primarily from I-P to MUE, has the potential to increase economic development in Tigard by properly accounting for development economics applicable to the different portions of the site.

Outstanding Issues

Planned Development Overlay Zone
The complexity of the subject site's characteristics (Fields Property Development Analysis and Opportunity Study) including environmental conditions and surrounding land uses suggests a process that provides flexibility in site design to maximize the opportunities and mitigate for the constraints of the site and surrounding land uses. Use of the Planned Development overlay zone is the best way to ensure permitted uses and development design in the MUE zone are compatible with existing development and include the required employment capacity. (Condition 1)

Protect Employment Capacity
The applicant cites the importance of maintaining flexibility in response to ever-changing market conditions to support a request that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. However, the city wishes to ensure employment capacity is maintained within mixed use zones and recommends requiring as a condition of approval a minimum job density on the proposed MUE portion of the site. (Condition 2)

Transportation Planning Rule compliance
The applicant proposes limiting trip generation of future uses permitted in the MUE zone to that allowed under the existing zoning, as shown in the Mackenzie TPR analysis dated May 11, 2015 (or as amended), to avoid a significant effect finding. The city will require a trip cap to limit future development to existing trip generation rates. Transportation analyses required with new development applications must be consistent with the trip cap limitation. (Condition 3)

Rolling Hills Buffer
The applicant proposes accepting a condition of approval of the zone change requiring a 50-foot buffer between the proposed MUE zone and the existing R-3.5-zoned Rolling Hills development to the east. The buffer was an artifact of the previous Comprehensive Plan, which is no longer in effect, to buffer potentially allowed industrial uses from the existing residential uses. However, the applicant's willingness to accept a condition acknowledges that a buffer remains important to the livability of the Rolling Hills neighborhood even with more intense commercial uses permitted under the MUE zone. (Condition 4)

In lieu of a condition of approval with this zone change, the Fields Trust may otherwise record in advance of the Council hearing an easement, restrictive covenant or similar instrument to ensure a 50-foot wide forested buffer is placed on the subject property for the benefit of the city.

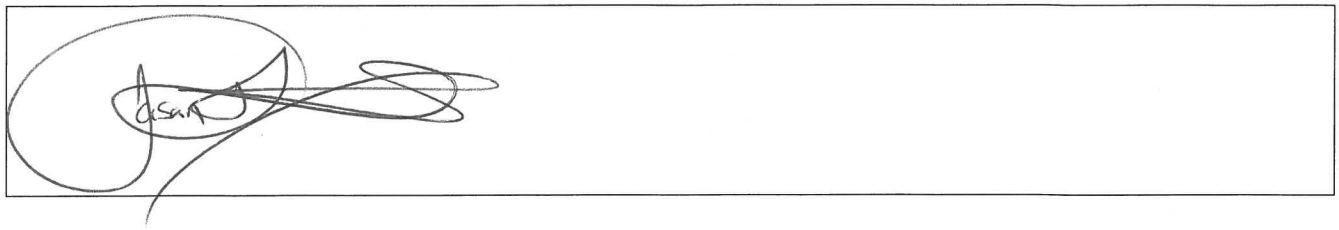
Metro's Title 4 compliance
The city will request an amendment of Metro's Title 4 map for the MUE zoned portion of the site from industrial to employment based on the suitability analysis of the subject site contained in the city's amended 2011 EOA.

SECTION VII. PLANNING COMMISSION CONCLUSION AND RECOMMENDATION

CONCLUSION:
Based on the foregoing findings and analysis, the Planning Commission finds that the proposed comprehensive plan map and zone change amendments are consistent with applicable provisions of the Tigard Comprehensive Plan, Tigard Development Code, statewide planning goals and the Transportation Planning Rule, and provides evidence of a mistake in the comprehensive plan (City of Tigard 2011 Economic Opportunities Analysis (EOA) as it relates to the property which is the subject of the development application. To ensure consistency, the Planning Commission recommends certain conditions of approval.

RECOMMENDATION:
The Planning Commission recommends to City Council approval of the proposed comprehensive plan map and zone change amendments with recommended conditions of approval and any others conditions the Council deems appropriate through the public hearing process.

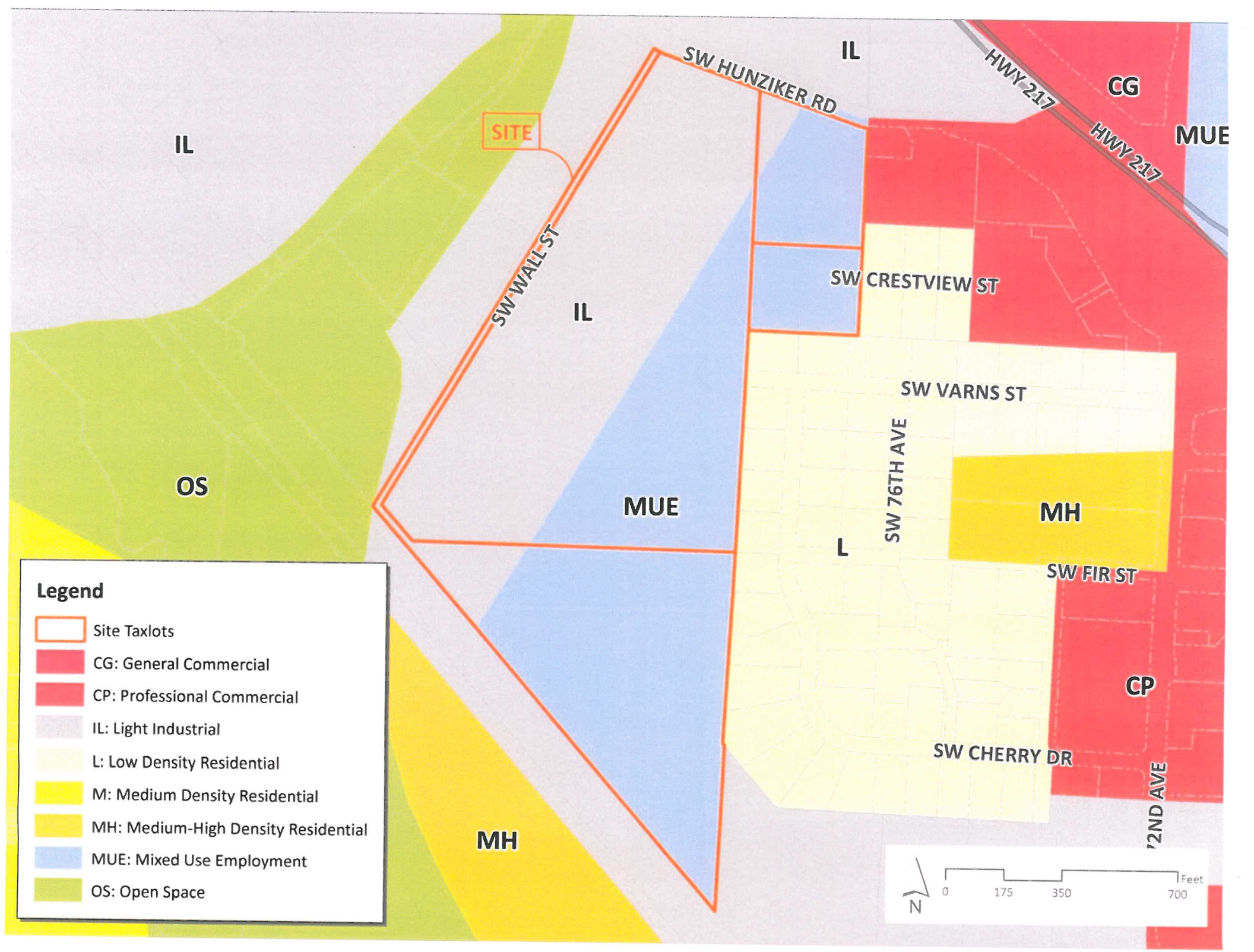
PASSED: THE 17TH DAY OF AUGUST, 2015 BY THE CITY OF TIGARD PLANNING COMMISSION.

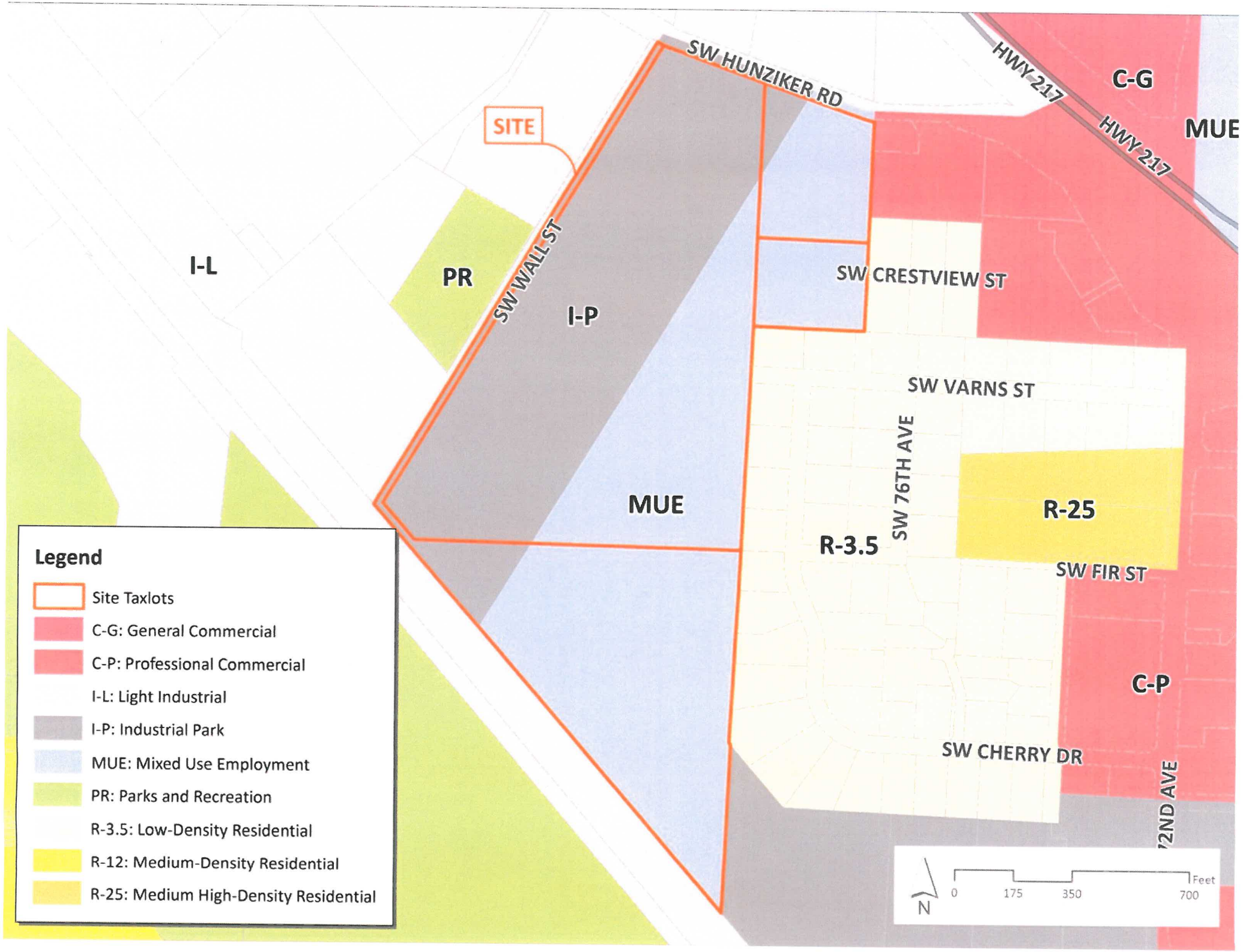


Jason Rogers, Planning Commission President
Dated this 24 day of August, 2015.

Exhibits

A. Proposed Comprehensive Plan Designation
B. Proposed Zoning


IL
SITE
SW HUNZIKER RD
IL
HWY 217
CG
MUE
HWY 217
SW WALL ST
IL
SW CRESTVIEW ST
SW VARNS ST
SW 76TH AVE
OS
MUE
MH
L
SW FIR ST
CP
SW CHERRY DR
MH
Legend
Site Taxlots
CG: General Commercial
CP: Professional Commercial
IL: Light Industrial
L: Low Density Residential
M: Medium Density Residential
MH: Medium-High Density Residential
MUE: Mixed Use Employment
OS: Open Space
N
0
175
350
700
Feet


SW HUNZIKER RD
HWY 217
HWY 217
C-G
MUE
SITE
I-L
PR
SW WALL ST
I-P
SW CRESTVIEW ST
SW VARNS ST
SW 76TH AVE
MUE
R-3.5
R-25
SW FIR ST
C-P
SW CHERRY DR
Legend
Site Taxlots
C-G: General Commercial
C-P: Professional Commercial
I-L: Light Industrial
I-P: Industrial Park
MUE: Mixed Use Employment
PR: Parks and Recreation
R-3.5: Low-Density Residential
R-12: Medium-Density Residential
R-25: Medium High-Density Residential
N
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175
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Feet

CITY OF TIGARD
PLANNING COMMISSION
Meeting Minutes
August 17, 2015

CALL TO ORDER

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

ROLL CALL

Present: President Rogers
Vice President Fitzgerald
Commissioner Middaugh
Alt. Commissioner Mooney
Commissioner Muldoon
Commissioner Schmidt

Absent: Alt. Commissioner Enloe; Commissioner Feeney; Commissioner Lieuallen

Staff Present: Tom McGuire, Assistant Community Development Director; Gary Pagenstecher, Associate Planner; Doreen Laughlin, Executive Assistant; Lloyd Purdy, Economic Development Manager

COMMUNICATIONS – None

CONSIDER MINUTES

August 3 Meeting Minutes: President Rogers asked if there were any additions, deletions, or corrections to the August 3 minutes; there being none, Rogers declared the minutes approved as submitted.

President Rogers explained to the audience that this is a continued hearing from July 20th and is open for Planning Commission Deliberation only. He said they will not be opening the record unless they have more questions for new information to be presented. They will consider the written testimony that had been submitted since the previous hearing.

President Rogers opened the public hearing.

PUBLIC HEARING - CONTINUED
FIELDS TRUST PLAN AMENDMENT AND ZONE CHANGE – CPA2015-00004, ZON2015-00005

REQUEST: The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential (L) to 18.3 acres of Light Industrial (IL) and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. **APPLICANT:** Fred W. Fields Revocable Living Trust

LOCATION: Southwest corner of SW Hunziker Road & SW Wall Street **ZONES:** I-P: Industrial Park; C-P: Professional Commercial; R-3.5: Low-Density Residential

QUASI-JUDICIAL HEARING STATEMENTS

President Rogers read the required statements and procedural items from the quasi-judicial hearing guide. There were no abstentions; no challenges of the commissioners for bias or conflict of interest. Ex-parte contacts: None. Site visitations: Commissioners Schmidt, Middaugh, Muldoon, Rogers, Fitzgerald, Mooney had made site visits. No one wished to challenge the jurisdiction of the commission.

DELIBERATION

President Rogers asked each commissioner, one by one, to give their thoughts on the written testimony and the rebuttals that had been submitted and the case set before them. Following are comments from the commissioners:

- The main concern written about was with regard to traffic. This case isn't about a development; it's basically just a zone change at this time.
- In 1986 there was a Resolution to keep Varns Street closed. The city should recognize that when a development comes in.
- Regarding the two pieces of property not in the Rolling Hills Development – the request to be considered wouldn't be appropriate here. Again, this is just a zone change.
- This request isn't about extending the roads – this is a rezoning. When there is a planned development – we'll address that then.
- There was a concern about the commissioners not actually observing the neighborhood – we've all been there now and we've all seen it. It's a great neighborhood – I appreciate the close-knit community and kind of wish I lived there.
- I'm in support of the request. I hear the concerns, but believe they're being addressed well.
- I appreciate the testimony from the neighbors.
- A good turnout from a passionate neighborhood. Once a development comes up, the opportunity to speak again will be here.
- I'm facing the same type of thing in the Summerfield development. Everyone in my neighborhood figured the trees in our neighborhood would go on living a long, long time and now they're building garden style/cottage type apartments and my neighborhood is up in arms. I get it – the fear is that everyone's going to cut through our neighborhood and traffic flow is going to increase and they're going to bypass Scholls Ferry – and as a paramedic I don't want to see kids hurt in the neighborhood – none of that stuff. But the only thing we can do at the end of the day is participate in the public process. There are rules that are set up and I've chosen to get involved on the Planning Commission so that I can be involved on things like this. I would encourage everybody - and I know there are some open seats on this commission – so this is my plug - to get involved within the City.
- So there are a bunch of issues here (in the written comments). There's this whole concept of Varns Street. Again, I think this is not under consideration for the Planning Commission at this point. But if there was an agreement, the next step of this – regardless of what happens is - this process goes to the City Council. The City Council will hear this again. All of you here should attend. The piece about Varns Street you should bring up. If there was an agreement with the city you need to bring it to the Mayor and the Council – the elected

officials. We are all volunteers that were appointed by the current City Council. You need to contact the elected officials and make sure that hey – we had this agreement. Remember us!

- When we eventually see a plan – that's the point where we will get involved in the design, screening, conditions, etc. Right now we're talking about general zone changes. So that's a different process. We're just a little early on this one.
- Traffic Impact analysis – Undoubtedly, as I look at the 10,000 foot view, if we were to punch Varns through at that point it makes a direct shot into Hwy217; there's no question in my mind what would happen to this neighborhood. Again, that conversation's a little early – this is a different conversation here. What we should be encouraged with is that at the point the property is developed… there will be a traffic impact study done by the developer at that point. It's a requirement – as well as a mitigation plan. For example, Walmart had to do a traffic study and they had to do traffic mitigation as well. That has to occur.

REVIEW OF CONDITIONS

At this point the commissioners looked at the language of the conditions and deliberated on what they wanted the motion to look like. After a short deliberation, there was a motion.

MOTION

Commissioner Fitzgerald made the following motion:

"I move for approval of application CPA2015-00004, ZON2015-00005 and adoption of the findings and conditions of approval contained in the staff report based on the testimony received. Condition 1 - regarding Planned Development Overlay Zone as stated in the staff's recommendation. Condition 2 – Protect Employment Capacity as stated in the staff recommendation. Condition 3 – as modified by ODOT with the time city required trip cap of 6:30 am and 6:30 pm peak hour trips be applied to the 24.56 acres subject to the zone change. Condition 4 – regarding the 50 foot historical forested buffer between the zones."

Commissioner Muldoon seconded the motion.

A vote was taken; all were in favor, none opposed.

MOTION PASSES UNANIMOUSLY

City Council will hear this case on October 13th.

PUBLIC HEARING - CLOSED

FIVE MINUTE RECESS

ATTORNEY RIHALA'S BRIEFING

City Attorney Shelby Rihala gave the commissioners a briefing regarding the differences between hearing Quasi-Judicial and Legislative cases. They had a roundtable type discussion with the commissioners and staff asking questions that Attorney Rihala answered. The attorney distributed

a flowchart regarding receiving evidence at a public hearing (**Exhibit A**). She went over the flowchart and answered various questions that the chart brought to mind. There was clarification about the 120-day rule, ex parte contacts, the jurisdiction of the commission, oral and written communications about the hearing with persons other than City staff or the City attorney, conflict of interest, etc.

Tom McGuire, staff liaison to the commission, mentioned that a more detailed learning session is being planned for the beginning of next year. There will be a chance for all the commissioners (new and seasoned) to learn or be reminded about the nuances of serving on a Planning Commission.

OTHER BUSINESS

President Rogers let the commissioners know that Commissioner Smith had submitted his resignation from the commission. Commissioner Smith had missed seven out of the twelve meetings that had taken place so far this year. President Rogers reminded the commissioners that the bylaws state [under Section VIII Attendance]: "If any member is absent from six meetings within one year (or three consecutive meetings without reasonable cause), the issue shall be placed on the upcoming agenda, and upon majority vote of the commission, the commission may recommend that the position be declared vacant. The commission shall forward their action to the mayor and council, who shall vote whether to accept the commission's recommendation." President Rogers told the commissioners that he had spoken to Commissioner Smith personally and had reminded him of those bylaws. Commissioner Smith decided to resign and sent a resignation letter to President Rogers (copying staff) stating that he'd enjoyed serving on the Commission but that his life had taken a turn and at this time he was unable to commit to serving. He hoped that at some point in the future he would again re-engage and become a more involved Tigard citizen.

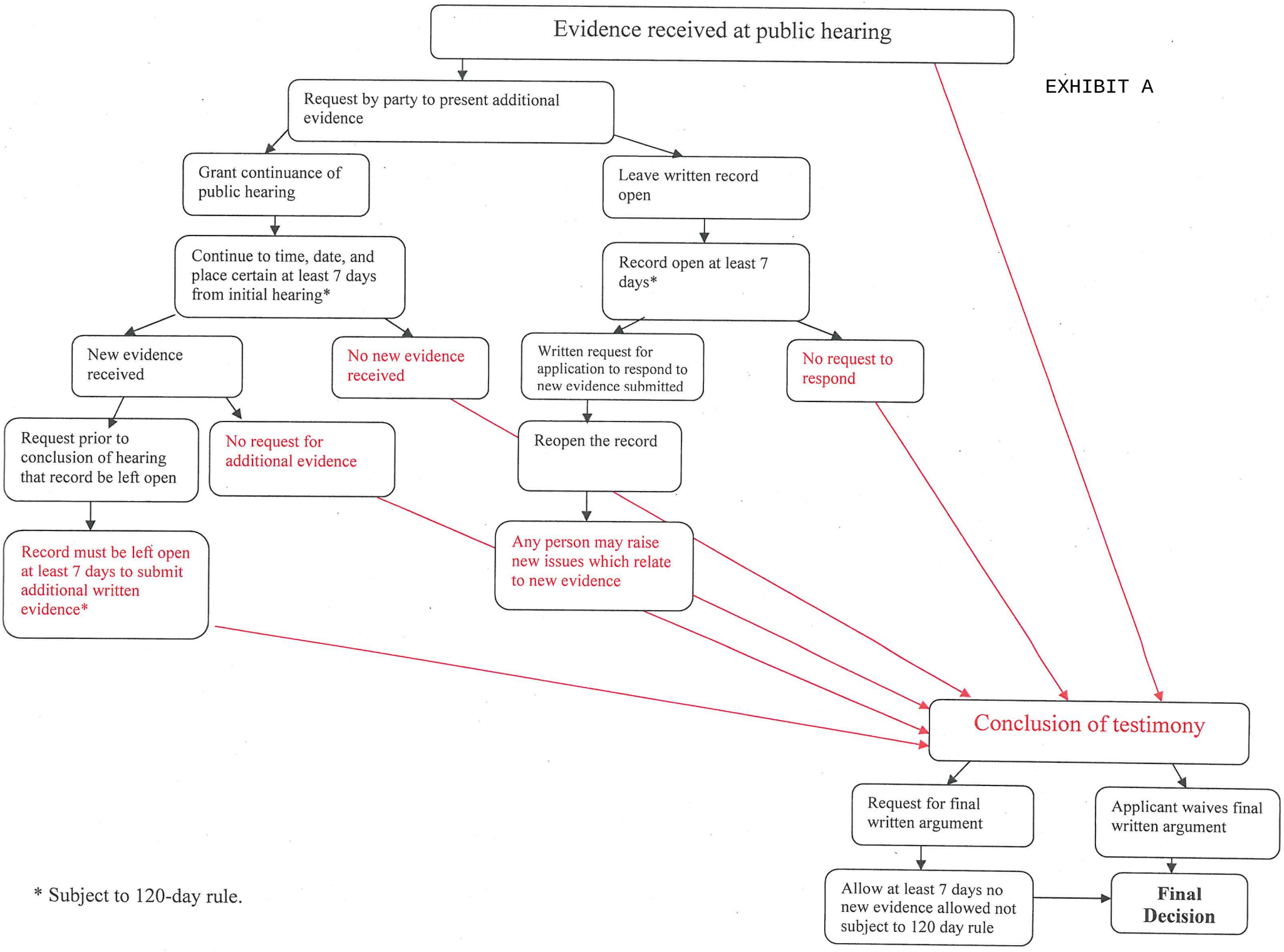
ADJOURNMENT

President Rogers adjourned the meeting at 8:36 p.m.

Doreen Laughlin, Planning Commission Secretary

ATTEST: President Rogers

EXHIBIT A



* Subject to 120-day rule.

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

AN ORDINANCE APPROVING A COMPREHENSIVE PLAN MAP AMENDMENT (CPA2015-00004) AND ZONE MAP AMENDMENT (ZON2015-00005) FOR THE 42.6-ACRE FIELDS TRUST PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SW HUNZIKER ROAD & SW WALL STREET, TO AMEND THE COMPREHENSIVE PLAN MAP FROM 37.4 ACRES OF LIGHT INDUSTRIAL (IL), 3.1 ACRES OF PROFESSIONAL COMMERCIAL (CP), AND 2.1 ACRES OF LOW DENSITY RESIDENTIAL (L) TO 18.3 ACRES OF LIGHT INDUSTRIAL (IL) AND 24.2 ACRES OF MIXED USE EMPLOYMENT (MUE). THE PROPOSAL WOULD ALSO AMEND THE ZONING MAP FROM 37.4 ACRES OF INDUSTRIAL PARK (I-P), 3.1 ACRES OF PROFESSIONAL/ADMINISTRATIVE COMMERCIAL (C-P), AND 2.1 ACRES OF LOW-DENSITY RESIDENTIAL (R-3.5) TO 18.3 ACRES OF I-P AND 24.2 ACRES OF MUE. SUBJECT TO CONDITIONS OF APPROVAL 1) APPLYING THE PLANNED DEVELOPMENT OVERLAY ZONE, 2) PRESERVERING EMPLOYMENT CAPACITY, 3) IMPOSING A TRIP CAP, AND 4) ENSURING A 50-FOOT FORESTED BUFFER. THE SUBJECT PROPERTY IS WASHINGTON COUNTY TAX ASSESSOR'S MAP AND TAX LOTS 2S1010001100, 2S101CA00100, 2S101DB00300, AND 2S101DB00400.

WHEREAS, Section 18.380.030.A of the City of Tigard Community Development Code requires quasi-judicial zoning map amendments to be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection 18.380.030.B; and

WHEREAS, Section 18.380.030.A.2 of the City of Tigard Community Development Code requires the Planning Commission make a recommendation to the council on an application for a comprehensive plan map amendment; and

WHEREAS, Section 18.380.030.B.1 of the City of Tigard Community Development Code requires demonstration of compliance with all applicable comprehensive plan policies and map designations; and

WHEREAS, Section 18.380.030.B.2 of the Tigard Development Community Development Code requires demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinances; and

WHEREAS, Section 18.380.030.B.3 of the City of Tigard Community Development Code requires evidence of change in the neighborhood or community, or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application; and

WHEREAS, pursuant to Section 18.390.060.G of the Tigard Development Code, a recommendation by the Planning Commission, and a decision by the council, shall be based on consideration of Statewide Planning Goals and guidelines adopted under Oregon Revised Statues; any federal or state statutes or regulations found applicable; and any applicable Metro regulations; and

WHEREAS, the Tigard Planning Commission held a public hearing on August 17, 2015, and recommended approval of CPA2014-00004/ZON2015-00005 by motion passed unanimously; and

WHEREAS, the Tigard City Council held a public hearing on October 13, 2015, to consider the request for a quasi-judicial comprehensive plan and zone map amendment and determined that the amendments will not adversely affect the health, safety and welfare of the city and meet all applicable review criteria.

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

SECTION 1: Comprehensive Plan Amendment (CPA2015-00004) and Zone Change (ZON2015-00005) are hereby approved by the City Council, subject to the conditions of approval in the Planning Commission Recommendation to Council dated August 24, 2015.

SECTION 2: The attached findings in the August 24, 2015 Planning Commission Recommendation are hereby adopted in explanation of the council's decision **(Exhibit "A")**.

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 A. 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 CITY COUNCIL FOR THE CITY OF TIGARD, OREGON

SECTION I. APPLICATION SUMMARY

FILE NAME: **FIELDS TRUST PLAN AMENDMENT AND ZONE CHANGE**

FILE NOS.: **Comprehensive Plan Amendment** **CPA2015-00004**
Zone Change Amendment ZON2015-00005

PROPOSAL: The Fred W. Fields Trust proposes to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential (L) to 18.3 acres of Light Industrial (IL) and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE.

APPLICANT Fred W. Fields Revocable Living Trust
c/o Miller Nash Graham & Dunn LLP
Attention: Kelly Hossaini
111 SW 5th Ave, #3400
Portland, OR 97204

OWNER: Fred W. Fields Revocable Living Trust

LOCATION: Southwest corner of SW Hunziker Road & SW Wall Street; WCTM and Tax Lots 2S1010001100, 2S101CA00100, 2S101DB00300, and 2S101DB00400.

CURRENT ZONE/ COMP. PLAN DESIGNATION:

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.

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.

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.

PROPOSED ZONE/ COMP. PLAN DESIGNATION: 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.

APPLICABLE REVIEW CRITERIA: Community Development Code Chapters: 18.380; Comprehensive Plan Goals 1, 2, 9 and 10; Statewide Planning Goals 1, 2, 9 and 10; Oregon Administrative Rule 660, Division 9; the Oregon State Transportation Planning Rule (TPR) 660-012-0060; and Metro Title 4.

SECTION II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommends **APPROVAL** to City Council of the proposed Comprehensive Plan Amendment and Zone Change subject to the Findings in Section IV of this Staff Report and the following recommended conditions of approval.

Amendments by the Planning Commission to the conditions of approval recommended in the staff report are indicated in ***bold italic,*** *below.*

CONDITIONS OF APPROVAL

1. The planned development overlay zone shall be applied concurrently with the proposed MUE zone.

2. Future development within the MUE zone shall include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA.

3. The site shall be limited to a maximum of ***630*** a.m. peak hour trips and ***630*** p.m. peak hour trips. If the applicant or future property owners wish to allow for more trips, a Comprehensive Plan Amendment (CPA) with Transportation Planning Rule OAR 660-012-0060 analysis will be required to determine whether the limit can be revised or removed. The trip cap shall be implemented as a condition of approval on subsequent land use permits for proposed development and will be listed as a condition of approval in the ordinance adopting the zone change, if approved by the City Council.

4. The applicant shall record an easement, restrictive covenant or similar instrument on the subject property that is acceptable to the city to ensure a 50-foot wide ***forested*** buffer is maintained along the eastern property boundary abutting the Rolling Hills subdivision.

SECTION III. BACKGROUND INFORMATION

Planning Commission Hearing and Deliberation

The Planning Commission held a hearing on July 20, 2015 to consider the request and take public testimony. The record was left open until August 3rd for additional testimony, and until August 10th for rebuttal testimony. All testimony was posted to the city's website for interested parties to review. The Commission continued the hearing to August 17, 2015 for deliberation.

Neighborhood Testimony

The Rolling Hills community testified, with some thirty comment letters, to a peaceful enclave, an oasis, where two generations of families have enjoyed a wonderful quality of life; where, as the traffic around them has grown intolerable, they have been able to preserve calm streets that foster close social ties among each other. Their testimony addressed four basic issues aimed at protecting the quality of life of the Rolling Hills neighborhood.

1) Identifying that traffic in the surrounding area currently exceeds the capacity of the street network;

2) Requesting closure of Varns Street at the Fields property to limit traffic through the neighborhood.

3) Supporting an historic 50-foot forested buffer along the full length of the neighborhood.

4) Requesting less intense zoning adjacent to the northern part of the neighborhood at 76th and Crestview.

The commission supported the 50-foot forested buffer, as recommended through condition #4, but found that the transportation-related issues and compatibility of adjacent uses would more appropriately be addressed at the time of development application under a planned development review procedure, as recommended through condition of approval #1.

Transportation Planning Rule Compliance

ODOT provided testimony addressing the assumptions underlying the applicant's evidence submitted to satisfy the Transportation Planning Rule requirement for zone changes. General agreement was reached on the amount of development that would represent a reasonable worst case scenario with a 0.30 Floor Area Ratio. However, a difference remains with respect to the number of trips generated as determined by the type of development anticipated. Where ODOT prefers the Business Park land use type, the city agrees with the applicant that using the Office Park land use type better reflects the slope constraint on the site that underlies the proposed zone change. The city supports the August 3rd MacKenzie Memo recommendation for a trip cap of 630 AM and 630 PM peak hour trips be applied to the 24.56 acres subject to the zone change, as recommended through condition of approval #3.

Jobs Capacity Maintained

Recommended condition of approval #2 requires future development within the MUE zone to include a minimum of 280 non-retail jobs to preserve employment land capacity consistent with the city's amended 2011 EOA. This condition is supported by the applicant and was not an issue during the Commission hearing.

Site History

The 42.5-acre property that is the subject of this application was owned by Fred W. Fields for many years before his death in 2011. It is presently owned by the Fred W. Fields Trust. The current zoning designations on the property have been in effect for several decades. The industrially zoned portion of the property was nominally used as part of the Coe Manufacturing facility, located at 7930 SW Hunziker Road, directly across Wall Street. Although this property was never fully developed, in the late 1960s a rail spur was constructed along the western edge of the property abutting Wall Street. Beginning in the early 1950s, the southwestern end of the industrially zoned portion of the property was used as a brick-making facility. Remnants of that facility still exist, including a concrete foundation. In 2012, the Trust had an on-site horizontal mine shaft, which was used for clay removal, filled in for safety reasons. A single family home existed on the residentially zoned portion of the property, but was demolished in 2012. There have been no other uses of the property during the last 70 or so years.

City of Tigard/Fields Trust Cooperation

The City has worked with Fred Fields over the years with respect to land use issues including acquisition of property for the Library in the early 2000s and acquisition, with Metro, of adjacent property to the east for natural resource conservation. This application is the outcome of efforts between the Fields Trust and the city to unlock the development potential of adjacent upland property, which has remained undeveloped in the heart of the city. The central problem has been a mismatch between the existing Industrial Park zoning designation and the slopes on the subject site being unsuitable for industrial development as outlined in Attachment 2 of the application: Fields Property Development Analysis and Opportunity Study, dated February 13, 2014. The applicant's narrative describes this cooperative effort in detail.

In February 2014, the results of the Development Analysis were shared with the City's Planning Commission and City Council. Both bodies gave the Trust and staff feedback on the Development Analysis, and expressed support for the overall direction recommended by that analysis. Both bodies anticipated a follow-up application from the Trust requesting a comprehensive plan map amendment and zone change consistent with the Development Analysis recommendations.

Infrastructure Finance Plan

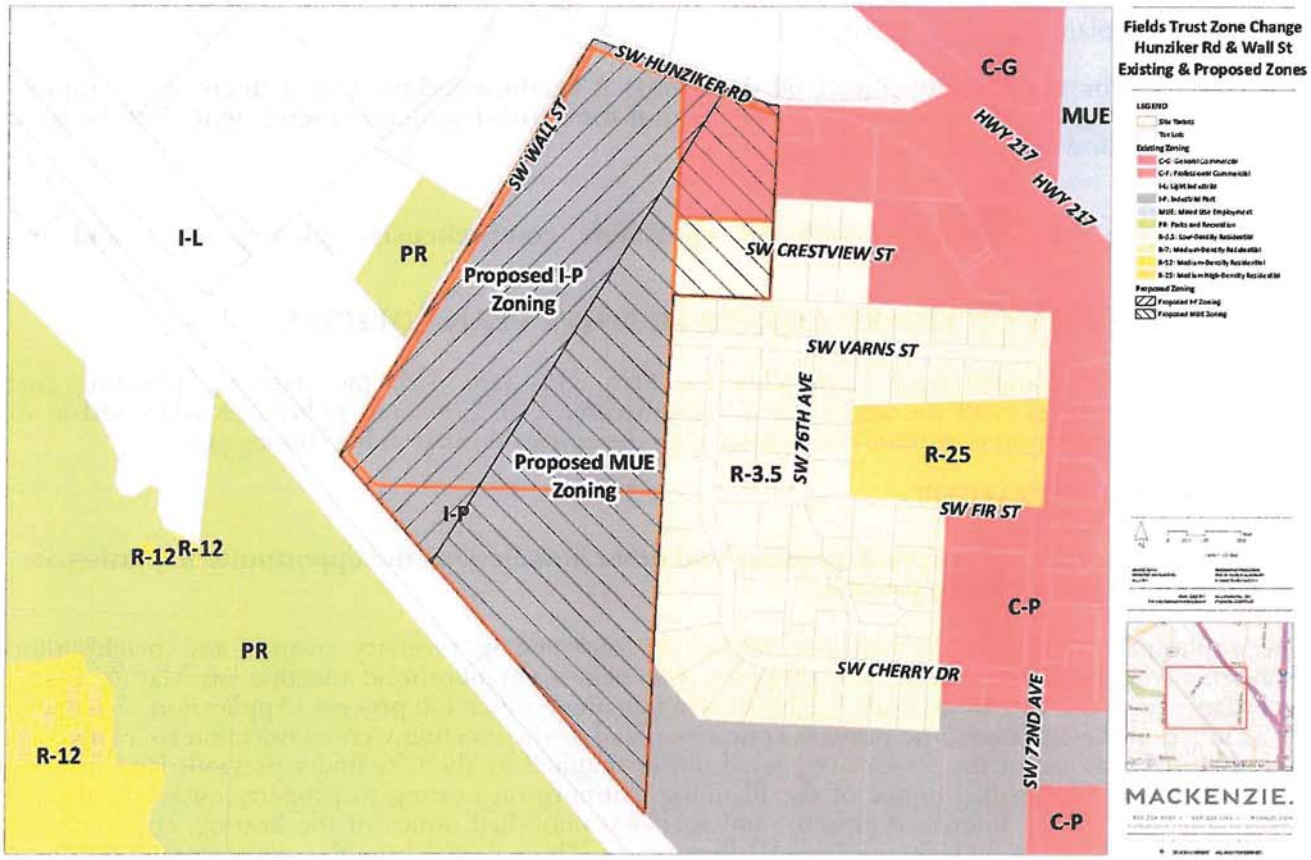
As a follow-up to the Development Analysis, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to prepare an infrastructure finance plan for the Fields Trust property, as well as the surrounding Wall Street/Hunziker Road industrial area to the west and north. The purpose of the study was to quantify the need for and appropriate size of public infrastructure in the area, with the hope of ultimately spurring economic development. The infrastructure study recognized that not only would the Fields Trust property need significant infrastructure investment, much of the adjacent industrial property - especially to the west of Wall Street - is substantially underdeveloped and would also benefit from public infrastructure investment. The infrastructure plan was completed late last year and continues to inform the City's actions regarding the Wall Street/Hunziker Road area, as well as the Trust's planning for its property.

Economic Opportunities Analysis Amendment

In March 2015, the City Council adopted an amendment to its 2011 Economic Opportunities Analysis (EOA) acknowledging that slope was not taken into account as a factor in determining the suitability of vacant or redevelopable land in the city for industrial uses. Both state law and Metro allow slope to be a limiting factor in the designation of industrial land. (See OAR 660-009-0015(3)(a)(B) and Metro's 2009 Urban Growth Report.) This omission resulted in an overstatement of available and suitable industrial land in Tigard, resulting in a deficit of industrial land supply. The amendment allows industrially zoned properties with significant slope, like the Fields Trust property, to be rezoned for more feasible uses and highlights the need, under an efficient land needs scenario, to consider job density in employment land development and redevelopment.

Site Information and Proposal Description

The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential to 18.3 acres of Light Industrial and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. The application is required to meet approval criteria set forth in the Tigard Municipal Code (TMC or Municipal Code) Title 18 Community Development Code. The application is submitted in response to site slopes and other constraints which make the eastern portion of the site unsuitable for industrial uses. No development plans accompany this land use application and no specific development plans exist for the majority of the portion of the property subject to the comprehensive plan map amendment and zone change. The proposed amendment and zone change is shown in the applicant's figure below.



Vicinity Information

The site is located south of Hunziker Road and east of Wall Street. The low density residential Rolling Hills neighborhood borders the subject site to the east. A railroad switching yard abuts the site on the southwest with a private rail spur running across the subject property adjacent and parallel to Wall Street. Red Rock Creek flows parallel to Wall Street to the west of Charter Mechanical and the city's Potso Dog Park located across Wall Street from the subject site. The Hunziker Industrial Core area extends further to the west from Red Rock Creek to SW Hall Blvd between Hwy 217 and the railroad.

SECTION IV. APPLICABLE REVIEW CRITERIA AND FINDINGS

TIGARD DEVELOPMENT CODE CHAPTER 18.380:

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map
Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in Subsection B below.

A. The Commission shall make a recommendation to the Council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The Council shall decide the applications on the record as provided by Section 18.390.

The proposed zone change application to change the zoning on the subject site from I-P, C-P, and R-3.5

to MUE also involves a comprehensive plan map amendment from Industrial Park, Professional Commercial and Low Density Residential to Mixed Use Employment. Therefore, the Planning Commission shall make a recommendation to Council on the proposed zone change application and comprehensive plan map amendment.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

18.380.030. B.1
Demonstration of compliance with all applicable comprehensive plan policies and map designations;

APPLICABLE CITY OF TIGARD COMPREHENSIVE PLAN POLICIES

The City has an acknowledged Comprehensive Plan consistent with the statewide planning goals. Therefore, consistency with the applicable Comprehensive Plan goals and policies as addressed in this section of the staff report constitute consistency with the applicable statewide planning goals.

CITIZEN INVOLVEMENT

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

The applicant's representative sent out notices to surrounding property owners and neighborhood representatives, posted a sign on the property, and held a neighborhood meeting on May 6, 2015 in accordance with the City of Tigard's neighborhood meeting notification process (Application, Attachment 5); as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. In addition, the City mailed notice of the Planning Commission hearing to property owners within 500 feet of the subject site, interested citizens, and agencies, published notice of the hearing, and posted the site pursuant to TDC 18.390.050 for Type III Procedures. These parties have the opportunity to attend the Planning Commission hearing and provide testimony.

FINDING: As shown in the analysis above, the proposed comprehensive plan and zone change is consistent with the applicable Citizen Involvement Goal.

LAND USE PLANNING

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

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

Notice and request for comments for the proposed zone change were sent to Department of Land Conservation and Development (DLCD), Metro, Washington County and Oregon Department of Transportation (ODOT). ODOT and Metro submitted comments on the proposal, which are included in the findings of this report, below. This policy is met.

Policy 5. The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.

As shown in the applicant's materials 37.4 acres of subject property is included on Metro's Title 4 Industrial and Other Employment Areas map (January 2014) as a designated Industrial Area. Of this amount, 17.9 acres would remain in the current I-P zone and 19.4 acres would be changed from Industrial Area to Employment Area by virtue of a zone change to MUE. Given the unsuitability of the eastern portion of the property for industrial uses, changing the comprehensive plan and zoning to MUE will enable the City to promote a more intense urban development of the site. This policy is met.

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

As stated in the applicant's narrative, the rationale for the map amendments is to allow for a range of development opportunities on the up-hill portion of the site that would offset the considerable development costs associated with site grading and public improvement requirements necessary to lead to industrial uses on the flatter, western portion. Ordinance 15-06 amended the comprehensive plan to account for the slope constraints on approximately 17 acres of the site that hamper the ability to construct large-footprint industrial buildings. The industrial uses, by themselves, would not provide sufficient economic value to fund needed public facilities and services. The costs of developing this constrained parcel to accommodate industrial activities undermine the potential economic value of the parcel itself as currently zoned, and have led to it remaining vacant. In combination with the remaining I-P land, the proposed rezoning to MUE provides a range of land use types which are of sufficient economic value to fund needed public facilities and services for the site and advance the City's social and fiscal stability. This policy is met.

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.

Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. This application would change the plan designation of approximately 19.4 acres from IP to MUE. The need for industrial land is established in the city's 2011 EOA which indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant industrial is 48 acres and the 20-year supply is 50 acres. Although this action would decrease the industrial land area, there would be no net loss of acreage designated for employment since the MUE designation accommodates a variety of employment types some of which are also allowed in the IP zone, such as office use.

The simultaneous designation of 2.1 acres from R-3.5 to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. In the context of the City's overall supply of residential land, a reduction of 2.1 acres of low density residential is minimal compared to the increase in residential capacity permitted in the MUE at 25 units per acre.

The proposed MUE zone permits a number of residential, civic, commercial, and industrial uses not currently permitted in the C-P zone. Where no residential or industrial uses are permitted in the C-P zone, the MUE permits multifamily residential (R-25), light industrial, research and development, and some warehouse/freight movement. Civic uses are expanded in the MUE to include colleges, schools, and community recreation. Commercial uses such as commercial lodging, eating drinking establishments and sales oriented retail, where limited to a percentage of permitted uses in the C-P, are permitted outright in the MUE.

On balance the proposal would provide a wider range of uses under the MUE zone suitable for a sloped site, while limiting several uses currently permitted in the IP zone, such as industrial services and wholesale sales. The City's regulatory land use maps and development code will continue to implement the Comprehensive Plan by providing for needed urban land uses. This policy is met.

Policy 14. Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies.

The applicant's narrative provides evidence that the application substantially complies with applicable criteria of the Statewide Planning Goals, Oregon Administrative Rules, Metro regulations, the Tigard Comprehensive Plan, and the Tigard Community Development Code. This policy is met.

Policy 15. In addition to other Comprehensive Plan goals and policies deemed applicable, amendments to Tigard's Comprehensive Plan/Zone Map shall be subject to the following specific criteria:

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation.

Analysis of transportation impacts and public facility infrastructure (Application, Attachments 3 and 4) indicates that the site would have access to infrastructure with sufficient capacity to accommodate development of the site under existing zoning or proposed zoning, and future development of the site would improve both Hunziker Road and Wall Street. The Transportation Planning Rule analysis (Attachment 3) demonstrates that the PM peak trips for uses allowed in the existing and proposed zoning designations are similar; therefore, imposing a trip cap based on anticipated trip generation allowed in the current zoning will ensure the amendment has no significant impact on transportation facilities. As conditioned, this policy is met.

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services.

As noted above, the applicant requests that the city condition the approval of the requested zone change with a trip cap that does not exceed the total number of automobile trips associated with the most intense use, a medical/dental office. With a condition of approval implementing a trip cap on the subject site, this policy is met.

C. The new land use designation shall fulfill a proven community need such as provision of needed commercial goods and services, employment, housing, public and community services, etc. in the particular location, versus other appropriately designated and developable properties;

The applicant's Development Analysis and Opportunity Study demonstrates that, due to slope constraints, the eastern portion of the subject property is constrained for large footprint industrial type development. The proposed alternative zone, MUE, permits multi-family residential development, which has been the focus of developer and real estate market interest in the site. The applicant has shown that the physically constrained portion of the property is more suitable for residential or office development than industrial. This policy is met.

D. Demonstration that there is an inadequate amount of developable, appropriately designated, land for the land uses that would be allowed by the new designation;

The proposal is for a change in comprehensive plan designation and zoning for land that is physically constrained and not appropriate for its existing industrial designation. Given that the current industrial designation is not appropriate for the site another more suitable designation is required. Under this action this criterion does not apply since MUE is an appropriate replacement designation but it is not necessarily related to whether there is an inadequate amount of MUE designation in other areas. This criterion does not apply.

E. Demonstration that land uses allowed in the proposed designation could be developed in compliance with all applicable regulations and the purposes of any overlay district would be fulfilled.

The applicant states uses allowed in the MUE zone can be arranged and clustered to fit into the site topography rather than requiring mass grading to create the large, flat sites that would be necessary for industrial uses. Subsequent Planned Development, Conditional Use and/or Site Development Reviews would ensure development would comply with all applicable development code regulations. The subject site is not currently designated with any overlay zones such as historic (HD) or planned development (PD). This policy is met.

F. Land uses permitted by the proposed designation would be compatible, or capable of being made compatible, with environmental conditions and surrounding land uses.

The applicant's Development Analysis and Opportunity Study identifies site constraints that any development would need to address. Constraints include slope and configuration of site, slope of Hunziker, Wall Street TSP classification and rail spur, wetlands, trees, limited access, and noise from the railroad switching yard. Surrounding land uses include low density sing-family attached and detached residential and industrial uses. The range of uses permitted in the MUE zone would require Conditional Use and/or Site Development Review to ensure development would comply with all applicable development code regulations and be compatible with surrounding land uses.

However, the complexity of the site characteristics including environmental conditions and surrounding land uses suggests a process that provides flexibility in site design to maximize the opportunities and mitigate for the constraints of the site and surrounding land uses. Use of the Planned Development overlay zone is the be the best way to ensure permitted uses in the MUE zone are compatible, or are capable of being made compatible, with environmental conditions and surrounding land uses. This is demonstrated through the purpose statement of the Planned Development section of the Development Code:

18.350.010 Purpose
A. The purposes of the planned development overlay zone are:
1. To provide a means for property development that is consistent with Tigard's Comprehensive Plan through the application of flexible standards which consider and mitigate for the potential impacts to the city; and
2. To provide such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code; and
3. To achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning; and
4. To preserve to the greatest extent possible the existing landscape features and amenities (trees, water resources, ravines, etc.) through the use of a planning procedure (site design and analysis, presentation of alternatives, conceptual review, then detailed review) that can relate the type and design of a development to a particular site; and
5. To consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the city; and
6. To provide a means to better relate the built environment to the natural environment through sustainable and innovative building and public facility construction methods and materials.

A planned development overlay on the proposed MUE zone would best ensure development's compatibility with site conditions. With a condition requiring the PD overlay, this policy is met.

G. Demonstration that the amendment does not detract from the viability of the City's natural systems.

The subject site contains jurisdictional wetlands in the northwest area of the site, steep slopes along the southern edge of the site, and lower value significant habitat designation on the uplands portion of the site The applicant has proposed accepting a condition of approval on the zone change requiring a 50-foot forested buffer along the eastern boundary of the site, which would support the habitat values of the site. Staff suggests that the applicant alternatively provide the buffer by recording a buffer easement on the lot line-adjusted parcel containing the boundary. As identified in the planned development purposes above, the planned development standards are designed to balance environmental resource protection with context sensitive site design. This policy is met.

Policy 16. The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.

The applicant has determined that due to extraordinary development costs, the flatter western portion of the site (which would continue to maintain I-P zoning) is only likely to develop if the steeper eastern portion can also be developed with some mix of employment and/or residential use. Knowing that staff is interested in ensuring job capacity on the subject site, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. The applicant cites the importance of flexibility in response to ever-changing market conditions in support of this request.

Staff finds, consistent with findings in the amended 2011 EOA, that slope constraints reduce the subject site's suitability for some large-footprint industrial uses, but that there is potential for employment use of slope-constrained sites. The city's limited inventory of buildable lands highlights the need to consider job density in employment land development and redevelopment within an efficient land needs scenario. Although the city supports opening the development potential of the whole site with the proposed zone change to MUE of the slope constrained portion of the site, it also must protect its employment capacity, which can best be managed through the planned development review process.

Therefore, staff recommends a condition of approval to ensure the area of the subject property zoned MUE provides a minimum of 280 non-retail jobs to preserve employment land capacity and application of the PD overlay to provide a deliberate process that balances the interests of the owner, developer, neighbors, and the city.

FINDING: As shown in the analysis above, the applicable Land Use policies have been met. Staff recommends the Planning Commission recommend to City Council a condition of approval requiring a definite land use (employment, 280 non-retail jobs) and a Planned Development Overlay be applied to allow for specific design/development requirements in order to meet the applicable Land Use policies.

ECONOMIC DEVELOPMENT

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

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.

The applicant states that industrial development by itself is not able to economically offset the high cost of on-site grading costs, public improvements to abutting streets, and utility extensions. MUE rates of return would allow the high infrastructure costs associated with the development of this property to be financed by the development itself. The intent of the proposed comprehensive plan amendment and zone change is to create flexibility that generates job-creating development in the City. This policy is met.

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

The applicant states that under the current zoning, the site has remained undeveloped for many years due to the development constraints outlined in Section II of the Fields Property Development Analysis. The proposal would respond to market conditions by allowing a mix of uses on the eastern portion while preserving the western portion for industrial employers. The proposed zone change would allow a more efficient use of employment land than the current underutilized condition.

Well designed and efficient development can be assured through the deliberative planned development process that provides flexibility in site design and such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. This policy is met.

Policy 6. The City shall promote actions that result in greater, more efficient, utilization of its Metro-designated Employment and Industrial Areas.

Metro's Title 4 Industrial and Other Employment Areas map (January 2014) shows the I-P-zoned parcels of the subject site (totaling 37.4 acres) as Industrial Areas. The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. The evidence in the application shows that despite relatively high demand for light industrial land and low supply, this site has not developed for light industrial use and is unlikely to do so in the future because of its unsuitable site characteristics and development constraints. The applicant states that the MUE zoning on the eastern portion allows the site to be developed with some combination of employment and multifamily workforce housing use and allows the site to be developed in a more flexible way. Development allowed under the MUE zone will help create a stronger, more diversified, and sustainable development on this site, which in turn will help

the local economy. Provided the MUE zone is indeed developed with mixed uses, including employment, the re-zone will promote greater, more efficient, utilization of Metro-designated employment and industrial lands. This policy is met.

Policy 7. The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.

The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. In accordance with Metro Title 4, Section 3.07.430, Tigard's Community Development Code limits the size and scope of commercial retail uses within the I-P zone (Table 18.530.1, Note 2). In accordance with Metro Title 4, Section 3.07.440, Tigard's Community Development Code limits the size and scope of commercial retail uses within the MUE zone (Table 18.520.1, Note 22). Approval of the proposed comprehensive map amendment would functionally convert 19.4 acres of the site into a Title 4 Employment Area from a Title 4 Industrial Area, where commercial retail uses are restricted, consistent with the purpose of Title 4 to protect a supply of sites for employment. This policy is met.

Policy 12. The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future.

The proposed MUE rezone should unlock the development potential of the site. The city can assure economic development promotes other community qualities, such as livability and environmental quality by placing a PD overlay over the MUE zone to provide such added benefits through the planned development process as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. This policy 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.

The subject site is located outside of the listed plan districts. The disposition of employment and housing uses across the site should acknowledge the direction of this policy and can best be considered with the planned development process. This policy is met.

FINDING: As show in the analysis above, the applicable Economic Development policies are substantially met with application of a condition of approval requiring a PD overlay and a minimum threshold of employment use within the proposed MUE zone.

HOUSING
Goal 10.1: Provide opportunities for a variety of housing types to meet the diverse housing needs of current and future City 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 (SW Pacific Hwy).

The proposed zoning designation, MUE, permits "medium high-density" housing at 25 units/acre as an outright use. There appears to be market support for multi-family housing at this location (Fields Development Analysis II.2). Multi-family residential use on the subject property has been a key expectation for development in the proposed MUE zone. However, the subject site is not located in a town center, regional center or along a transit corridor. Currently, the site does not provide ready access to employment opportunities, commercial services, transit, or other public services necessary to support higher population densities. However, the hope is that the rezone will catalyze the transformation of the area where some of these opportunities and services will become available. The MUE zone allows commercial uses and staff recommends a condition of approval requiring a minimum job density for the

proposed MUE zoned area. In addition, the city's Public Infrastructure Finance Strategy is likely to lead to improved street connectivity in the area, and the Southwest Corridor Plan includes new access across 217 connecting SW Beveland with Wall Street, potentially with high-capacity transit service. Staff further recommends a condition requiring application of the PD overlay concurrently with the MUE zone. Planned Development Review for future development will create the best opportunity to consider an amount of development on a site, within the limits of density requirements, which will balance the interests of the owner, developer, neighbors, and the city. As conditioned, this policy is met.

Goal 10.2: Maintain a high level of residential livability.

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

The proposed zoning designation, MUE, permits "medium high-density" housing at 25 units/acre as an outright use. There appears to be market support for multi-family housing at this location (Fields Development Analysis II.2). Multi-family residential use on the subject property has been a key expectation for development in the proposed MUE zone. Staff recommends a condition of approval requiring application of the PD overlay concurrently with the MUE zone. Planned Development Review for future development will provide such added benefits as increased natural areas or open space in the city, alternative building designs, walkable communities, preservation of significant natural resources, aesthetic appeal, and other types of assets that contribute to the larger community in lieu of strict adherence to many of the rules of the Tigard Community Development Code. In addition a planned development process can help achieve unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering and lot size transitioning. With the PD overlay, the proposed MUE zone will promote innovative and well-designed housing development. As conditioned, this policy is met.

Policy 7. The City shall insure 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.

The proposed MUE zone allows for multifamily residential construction at a density of 25 units/acre. The subject site is distinguished by the hillside location with views out to the west, the presence of a mature stand of trees that characterizes the hill from views elsewhere in the city, and limited access to the transportation network and other services to support higher density residential development. As described above, there are transportation and access improvements being planned for the area. The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, the proposed MUE zone can promote innovative and well-designed housing development. As conditioned, this policy is met.

Policy 8. The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:
A. orderly transitions from one residential density to another;
B. protection of existing vegetation, natural resources and provision of open space areas; and
C. installation of landscaping and effective buffering and screening.

The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, the proposed MUE zone can promote innovative and well-designed housing development. As conditioned, this policy is met.

9. The City shall require infill development to be designed to address compatibility with existing neighborhoods.

The applicant has offered to provide a 50-foot vegetated buffer along the eastern site boundary to protect the existing trees and adjoining low-density Rolling Hills residential neighborhood. The range of uses allowed in the MUE zone is more compatible with the adjoining residential use than the existing I-P zoning due to reduced likelihood of noise-generating uses and associated traffic impacts. With the PD overlay required as a condition of approval, development in the MUE zone can support unique neighborhoods (by varying the housing styles through architectural accents, use of open space, innovative transportation facilities) which will retain their character and city benefits, while respecting the characteristics of existing neighborhoods through appropriate buffering. As conditioned, this policy is met.

FINDING: As shown in the analysis above, the applicable Housing policies, as supported by the recommended condition of approval requiring the PD overlay zone, can be met.

18.380.030.B.2
Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

FINDING: For the purposes of the proposed comprehensive plan amendment and zone change, the applicant has satisfactorily addressed the applicable Sections of TDC Chapter 18.380, Zoning Map and Text Amendments. The standards of TDC Chapter 18.390.050 for Type III-PC procedures are applicable to this proposal, as identified in 18.380.030. The applicant has submitted an Impact Statement as required under 18.390.050.B.e. The public facilities impact study is included as Attachment 4 to the application. The applicant concurs with the requirement to dedicate right-of-way along Hunziker Road and Wall Street in conjunction with future development. Because no development is being proposed as part of this application, no right-of-way dedication is warranted at this time. Anticipated uses include multifamily residential and office. Any proposed development must meet all of the applicable Tigard Development Code standards in effect at the time an application is submitted. As shown in the analysis above, the proposed comprehensive map and zone change amendment complies with the applicable standards of the Tigard Development Code.

18.380.030.B.3
Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

FINDING: In March of 2015 the City adopted a Post Acknowledgment Plan Amendment to the City of Tigard's 2011 Economic Opportunities Analysis (Ord 15-06), which 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. The slopes on the subject property represent the majority of the lands addressed by the EOA amendment. The EOA amendment provides evidence of a mistake in the comprehensive plan in support of the proposal comprehensive plan and zone change from I-P to MUE. The proposal meets this standard for zone changes.

18.380.030.C Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

FINDING: The land use action requested is quasi-judicial as it is limited to specific parcels and does not apply generally across the city. Therefore, the Planning Commission recommendation to Council may be for denial, approval, or approval with conditions. Staff has prepared proposed recommended conditions of approval for the Commission's consideration.

APPLICABLE STATE AND METRO REGULATIONS

OREGON ADMINISTRATIVE RULES

Economic Development
OAR 660 Division 9 – Economic Development
660-009-0010 Application
(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
(c) Adopt a combination of the above, consistent with the requirements of this division.

FINDING: The City's 2011 EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. The Analysis indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the area of land with an industrial designation, there would be no net loss of acreage designated for employment use since the MUE designation accommodates a variety of employment types. The simultaneous redesignation of two acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land.

The City of Tigard's EOA indicates that the City has a surplus of two acres of industrial land; however, Ordinance 15-06 recognized that the City is "now potentially in deficit for industrial zoned vacant land." The proposed zone change affecting the site would deplete the two-acre surplus by converting approximately 19.4 acres of land from I-P to MUE; however, this depletion would be partially offset by converting 0.4 acres from C-P to I-P. Taken together, the proposed zone change would need to compensate for the jobs associated with a net reduction of 17 acres of industrial land. While there is no guarantee that the site would produce jobs under the existing zoning (as evidenced by the current lack of development), for the purposes of comparison, employment density assumptions from the EOA have been used to quantify the number of jobs that could be expected on 17 industrial acres.

Based on 16.5 industrial jobs per acre (derived from the 794 jobs on 48 industrial acres identified in the EOA), 17 acres of industrial land would lead to an employment level of approximately 280 jobs. Approval of the zone change could therefore decrease the City's employment potential by 280 jobs unless these jobs can be accommodated elsewhere. The proposed MUE zone permits a variety of employment uses, including office uses, which are also allowed in the I-P zone. To the extent the proposed MUE zone preserves the ability to create jobs on the subject site, jobs capacity will not be decreased. To ensure preservation of jobs capacity, staff recommends a condition of approval that requires 280 non-retail jobs be accommodated on the MUE-zoned portion of the site.

Analysis of Tigard's Comprehensive Plan economic policies, as addressed above in this report, supports the recommended jobs capacity requirement.

Transportation Planning Rule
OAR 660 Division 12 – Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[…]

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

FINDING: TPR compliance is demonstrated in Attachment 3 of the application. This analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning (note that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built). Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips). To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning. As conditioned, this regulation is met.

METRO REGULATIONS

Urban Growth Management Functional Plan

Title 4 – Industrial and Other Employment Areas

3.07.410 Purpose and Intent

3.07.420 Protection of Regionally Significant Industrial Areas

3.07.430 Protection of Industrial Areas

3.07.440 Protection of Employment Areas

3.07.450 Employment and Industrial Areas Map

FINDING: Metro's Title 4 *Industrial and Other Employment Areas* map (January 2014) shows the I-P-zoned parcels of the subject site (totaling 37.4 acres) as Industrial Areas. The proposed zone change affecting the site would convert approximately 19.4 acres of land from I-P to MUE. In accordance with Section 3.07.430, Tigard's Community Development Code limits the size and scope of commercial retail uses within the I-P zone (Table 18.530.1, Note 2). In accordance with Section 3.07.440, Tigard's Community Development Code limits the size and scope of commercial retail uses within the MUE zone (Table 18.520.1, Note 22). Approval of the proposed comprehensive map amendment would functionally convert 19.4 acres of the site into a Title 4 Employment Area from a Title 4 Industrial Area, where commercial retail uses are restricted, consistent with the purpose of Title 4 to protect a supply of sites for employment. This regulation is met.

Section 3.07.450 allows the City to amend the use of lands on the *Industrial and Other Employment Areas* map based on satisfaction of a number of criteria. With the exception of a transportation impact analysis addressing regional freight movement for criteria #4, this site complies with those standards since the property is 1) not surrounded by RSIA or Industrial Area land; 2) the change would increase rather than decrease the acreage devoted potentially to employment uses; 3) the site is not designated as RSIA; 5) the zone change would not lead to retail or cultural uses that compete with Central City or Regional or Town Centers; and 6) the property designated Industrial Area subject to the amendment is less than 20 acres (namely, 19.4 acres). In addition, as described in Ord 15-06, the eastern portion of the site is not suitable for industrial uses due to topographic constraints. Therefore, a Title 4 map amendment from industrial to employment would be indicated, if supported by a transportation impact analysis.

SECTION V. OUTSIDE AGENCY AND ADDITIONAL CITY STAFF COMMENTS

LCDC, ODOT, Metro, and Washington County were notified and requested to comment on the subject proposal. Of these agencies, ODOT and Metro provided comment.

Oregon Department of Transportation (ODOT) commented verbally on the proposal taking issue with the assumptions of the TPR analysis with respect to existing use trip generation. As of the publish date of this report, written comments have not been received. Condition 3 has been imposed to account for ODOT's concern and to allow for a revised TPR analysis.

Metro commented on the proposal whose comments are included in the findings in this staff report.

The City of Tigard's Public Works Department reviewed the proposal and commented that they have no objections to the proposal.

The City of Tigard's Development Review Engineer reviewed and accepted the TPR analysis prepared by MacKenzie dated May 11, 2015.

SECTION VI. STAFF ANALYSIS

ANALYSIS:

Zone Change Request

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development types which can better accommodate slope constraints while also reducing potential conflicts between uses on the subject property and abutting residential development. The proposed zone change, primarily from I-P to MUE, has the potential to increase economic development in Tigard by properly accounting for development economics applicable to the different portions of the site.

Outstanding Issues

Planned Development Overlay Zone
The complexity of the subject site's characteristics (Fields Property Development Analysis and Opportunity Study) including environmental conditions and surrounding land uses suggests a process that provides flexibility in site design to maximize the opportunities and mitigate for the constraints of the site and surrounding land uses. Use of the Planned Development overlay zone is the best way to ensure permitted uses and development design in the MUE zone are compatible with existing development and include the required employment capacity. (Condition 1)

Protect Employment Capacity
The applicant cites the importance of maintaining flexibility in response to ever-changing market conditions to support a request that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. However, the city wishes to ensure employment capacity is maintained within mixed use zones and recommends requiring as a condition of approval a minimum job density on the proposed MUE portion of the site. (Condition 2)

Transportation Planning Rule compliance
The applicant proposes limiting trip generation of future uses permitted in the MUE zone to that allowed under the existing zoning, as shown in the Mackenzie TPR analysis dated May 11, 2015 (or as amended), to avoid a significant effect finding. The city will require a trip cap to limit future development to existing trip generation rates. Transportation analyses required with new development applications must be consistent with the trip cap limitation. (Condition 3)

Rolling Hills Buffer
The applicant proposes accepting a condition of approval of the zone change requiring a 50-foot buffer between the proposed MUE zone and the existing R-3.5-zoned Rolling Hills development to the east. The buffer was an artifact of the previous Comprehensive Plan, which is no longer in effect, to buffer potentially allowed industrial uses from the existing residential uses. However, the applicant's willingness to accept a condition acknowledges that a buffer remains important to the livability of the Rolling Hills neighborhood even with more intense commercial uses permitted under the MUE zone. (Condition 4)

In lieu of a condition of approval with this zone change, the Fields Trust may otherwise record in advance of the Council hearing an easement, restrictive covenant or similar instrument to ensure a 50-foot wide forested buffer is placed on the subject property for the benefit of the city.

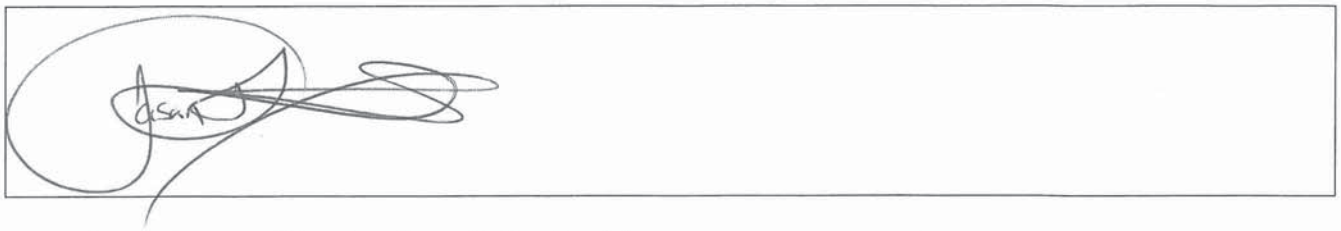
Metro's Title 4 compliance
The city will request an amendment of Metro's Title 4 map for the MUE zoned portion of the site from industrial to employment based on the suitability analysis of the subject site contained in the city's amended 2011 EOA.

SECTION VII. PLANNING COMMISSION CONCLUSION AND RECOMMENDATION

CONCLUSION:
Based on the foregoing findings and analysis, the Planning Commission finds that the proposed comprehensive plan map and zone change amendments are consistent with applicable provisions of the Tigard Comprehensive Plan, Tigard Development Code, statewide planning goals and the Transportation Planning Rule, and provides evidence of a mistake in the comprehensive plan (City of Tigard 2011 Economic Opportunities Analysis (EOA) as it relates to the property which is the subject of the development application. To ensure consistency, the Planning Commission recommends certain conditions of approval.

RECOMMENDATION:
The Planning Commission recommends to City Council approval of the proposed comprehensive plan map and zone change amendments with recommended conditions of approval and any others conditions the Council deems appropriate through the public hearing process.

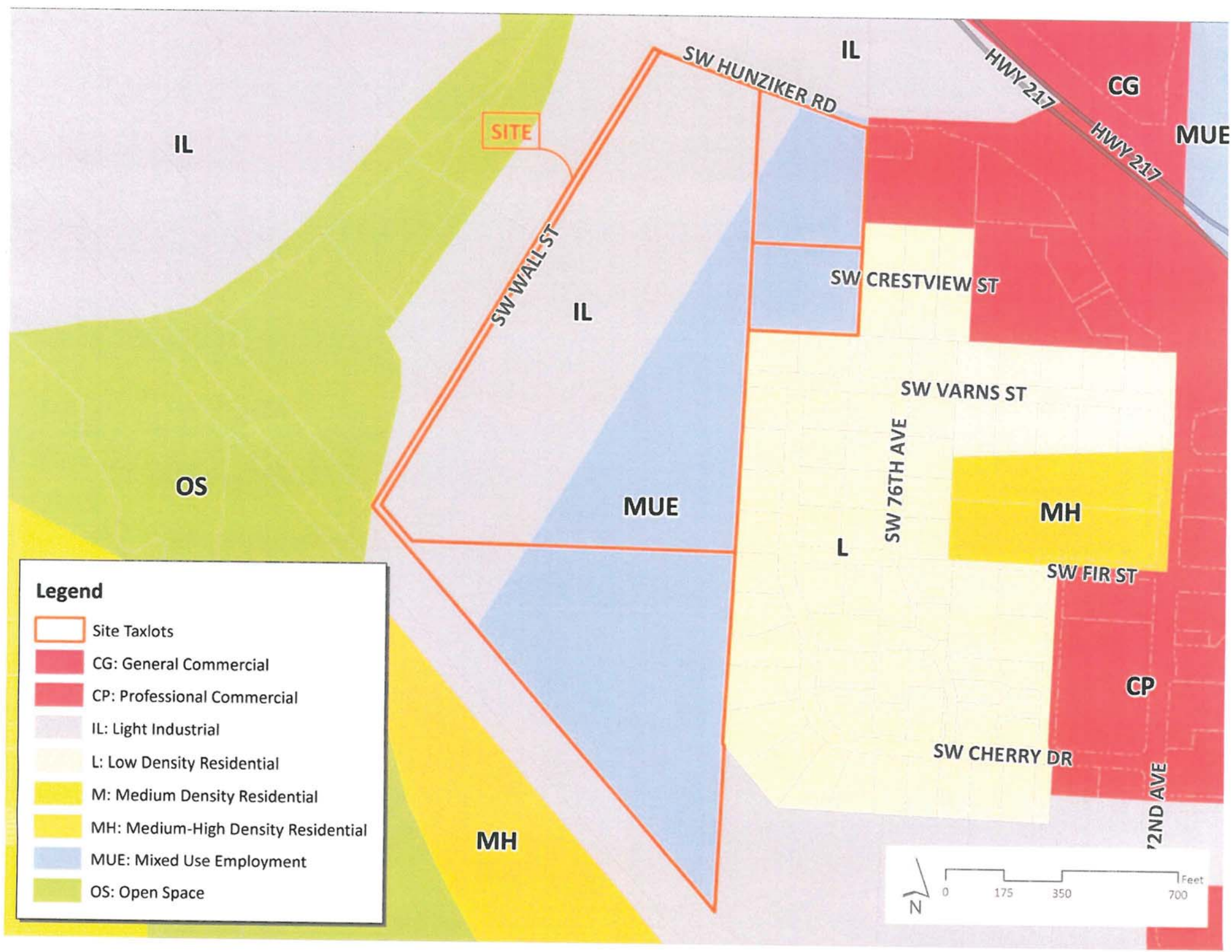
PASSED: THE 17TH DAY OF AUGUST, 2015 BY THE CITY OF TIGARD PLANNING COMMISSION.



Jason Rogers, Planning Commission President
Dated this 24 day of August, 2015.

Exhibits

A. Proposed Comprehensive Plan Designation
B. Proposed Zoning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IL
HWY 217
CG
MUE
HWY 217
SITE
IL
SW WALL ST
SW CRESTVIEW ST
SW VARNS ST
SW 76TH AVE
OS
MUE
MH
L
SW FIR ST
CP
SW CHERRY DR
MH
Legend
Site Taxlots
CG: General Commercial
CP: Professional Commercial
IL: Light Industrial
L: Low Density Residential
M: Medium Density Residential
MH: Medium-High Density Residential
MUE: Mixed Use Employment
OS: Open Space
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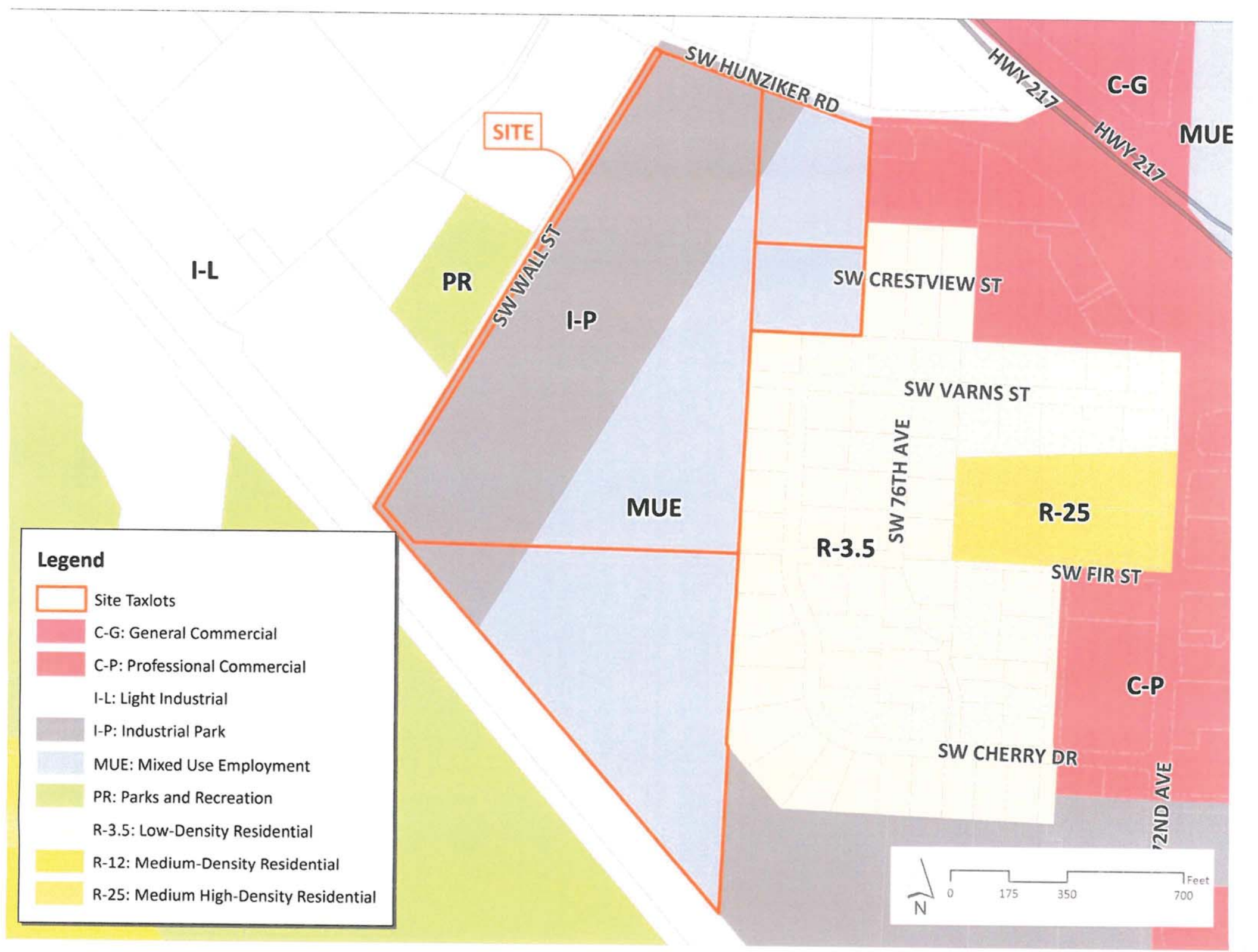
SW HUNZIKER RD
HWY 217
HWY 217
C-G
MUE
SITE
I-L
PR
SW WALL ST
I-P
SW CRESTVIEW ST
SW VARNS ST
SW 76TH AVE
MUE
R-3.5
R-25
SW FIR ST
C-P
SW CHERRY DR
'2ND AVE
Legend
Site Taxlots
C-G: General Commercial
C-P: Professional Commercial
I-L: Light Industrial
I-P: Industrial Park
MUE: Mixed Use Employment
PR: Parks and Recreation
R-3.5: Low-Density Residential
R-12: Medium-Density Residential
R-25: Medium High-Density Residential
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Feet

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE APPLICATION

To
City of Tigard

For
Fred W. Fields Trust
SW Hunziker Road & SW Wall Street

Submitted
May 14, 2015

Project Number
2130474.02

MACKENZIE
Since 1960

RiverEast Center | 1515 SE Water Ave, Suite 100, Portland, OR 97214
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ATTACHMENTS

1. Legal description and exhibit map of zoning districts, dated May 11, 2015
2. Fields Property Development Analysis and Opportunity Study, dated February 13, 2014
3. Transportation Planning Rule analysis, dated May 11, 2015
4. Public facilities impact analysis, dated May 11, 2015
5. Neighborhood meeting documentation
6. Copies of deeds
7. Pre-application conference notes

One copy provided separately from bound submittal:

1. Original Application Forms and Submittal Checklists
2. Check for Application Fee

I. PROJECT SUMMARY

Applicant:	Fred W. Fields Revocable Living Trust c/o Miller Nash Graham & Dunn LLP Attention: Kelly Hossaini 111 SW Fifth Avenue 3400 U.S. Bancorp Tower Portland, OR 97204
Owner:	Fred W. Fields Revocable Living Trust
Map/Tax Lot Number:	2S1010001100 (13.2 acres) 2S101CA00100 (24.2 acres) 2S101DB00300 (3.1 acres) 2S101DB00400 (2.1 acres)
Location:	Southeast corner of SW Hunziker Road and SW Wall Street
Site Address:	Tax Lot 2S101DB00400 had an assigned address of 13085 SW 76th Avenue from the former house (since demolished); remaining tax lots do not have assigned addresses since the properties are vacant
Zoning:	Tax Lots 2S1010001100 and 2S101CA00100 are zoned Industrial Park (I-P); Tax Lot 2S101DB00300 is zoned Professional/Administrative Commercial (C-P); and Tax Lot 2S101DB00400 is zoned Low-Density Residential (R-3.5)
Comprehensive Plan:	Tax Lots 2S1010001100 and 2S101CA00100 are designated Light Industrial (IL); Tax Lot 2S101DB00300 is designated Professional Commercial (CP); and Tax Lot 2S101DB00400 is designated Low Density Residential (L)
Adjacent Zoning:	Light Industrial (I-L) to the north and south; I-L and Parks and Recreation (PR)) to the west; Professional/Administrative Commercial, Low-Density Residential (R-3.5), and Industrial Park (I-P) to the east
Existing Structures:	All four Tax Lots are vacant
Request:	Comprehensive Plan Map Amendment & Zone Change to result in 18.3 acres designated Light Industrial (IL) and zoned Industrial Park (I-P) and 24.2 acres designated Mixed Use Employment (MUE) and zoned Mixed Use Employment (MUE)
Project Contact:	Mackenzie c/o Brian Varricchione 1515 SE Water Avenue, Suite 100 Portland, OR 97214 Phone: (503) 224-9560 Email: bvarricchione@mcknze.com

II. INTRODUCTION & SITE ANALYSIS

Introduction

History

The 42.5-acre property that is the subject of this application was owned by Fred W. Fields for many years before his death in 2011. It is presently owned by the Fred W. Fields Trust. The current zoning designations on the property have been in effect for several decades. The industrially zoned portion of the property was nominally used as part of the Coe Manufacturing facility, located at 7930 SW Hunziker Road, directly across Wall Street. Although this property was never fully developed, in the late 1960s a rail spur was constructed along the western edge of the property abutting Wall Street. Beginning in the early 1950s, the southwestern end of the industrially zoned portion of the property was used as a brick-making facility. Remnants of that facility still exist, including a concrete foundation. In 2012, the Trust had the related horizontal mine shaft, which was used for clay removal, filled in for safety reasons. A single family home existed on the residentially zoned portion of the property, but was demolished in 2012. There have been no other uses of the property during the last 70 or so years.

Efforts to Sell the Property

Over the years, there has been interest by industrial developers in the industrially zoned portion of the property. The issue that consistently prevented its sale, however, was that while the industrial property encompassed approximately 37.4 acres, only about half of that acreage was suitable for industrial development. The rest of the industrially zoned property was too steeply sloped to support the large-format structures typically used in such development. As discussed in the 2014 Development Analysis and Opportunity Study ("Development Analysis"), much of the western portion of the industrial property has a slope of 10-12%, while the regional standard for industrial land is a slope of less than 10% (see Attachment 2.) As a result of this inherent constraint on the usability of the industrially zoned portion of the property, offers from prospective purchasers included no value for the sloped acreage. In short, developers were only willing to pay for about 20 acres of the 37.4-acre industrial property. Further, the cost of grading the industrially zoned portion of the property to achieve even a minimally acceptable lot size and slope for industrial development increased the cost of development to the extent that the price a developer could pay for the land was even further suppressed. As a consequence, neither Mr. Fields nor the Trust ever received an acceptable offer.

Development Analysis

In 2013, the Trust decided that a holistic approach was needed to rethink how the property could be developed. The portion of the property suitable for industrial development seemed hopelessly stuck, and there had been no interest over the years in the commercially zoned or low-density residential-zoned portions of the property. The reality was that approximately 43 acres of land in the middle of a thriving suburban community, well-served by public infrastructure, seemed doomed to remain vacant even in a robust economy where developers simply could not find enough serviceable land to meet demand. It was at this point that representatives of the Trust met with City staff, including the City's new economic development director, Lloyd Purdy. Staff agreed that allowing the 43 acres to simply languish in the current stalemate was not acceptable. The City wanted the jobs, the residents, and the tax revenue that would be unlocked by taking a fresh view of the property.

In the fall of 2013, the Trust hired Mackenzie to prepare a concept plan for the property to determine how the property could be rezoned and reconfigured to meet the City's objectives for the area, to align with market demand, and to meet the Trust's goal of selling the property for an acceptable price. Over

approximately four months, City staff, Mackenzie, Trust representatives, two commercial real estate brokers, and a seasoned industrial developer worked together to reach the conclusions embodied in the Development Analysis. The Development Analysis recommends that the western 20 acres or so of the Larger Property be partitioned from the remainder and retain its existing Industrial Park zone. The Development Analysis also recommends that the zoning designation for the remainder of the property be changed to Mixed Use Employment to accommodate a range of employment uses, as well as multi-family development. These recommendations coincided most closely with the objectives of the City, the market, and the Trust.

In February 2014, the results of the Development Analysis were shared with the City's Planning Commission and City Council. Both bodies gave the Trust and staff feedback on the Development Analysis, and expressed support for the overall direction recommended by that analysis. Both bodies anticipated a follow-up application from the Trust requesting a comprehensive plan map amendment and zone change consistent with the Development Analysis recommendations.

Infrastructure Finance Plan

As a follow-up to the Development Analysis, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to prepare an infrastructure finance plan for the Fields Trust property, as well as the surrounding Wall Street/Hunziker Road industrial area to the west and north. The purpose of the study was to quantify the need for and appropriate size of public infrastructure in the area, with the hope of ultimately spurring economic development. The infrastructure study recognized that not only would the Fields Trust property need significant infrastructure investment, much of the adjacent industrial property - especially to the west of Wall Street - is substantially underdeveloped and would also benefit from public infrastructure investment. The infrastructure plan was completed late last year and continues to inform the City's actions regarding the Wall Street/Hunziker Road area, as well as the Trust's planning for its property.

Economic Opportunities Analysis Amendment

In March 2015, the City Council adopted an amendment to its 2011 Economic Opportunities Analysis (EOA) acknowledging that slope was not taken into account as a factor in determining the suitability of vacant or redevelopable land in the city for industrial uses. Both state law and Metro allow slope to be a limiting factor in the designation of industrial land. (See OAR 660-009-0015(3)(a)(B) and Metro's 2009 Urban Growth Report.) This omission resulted in an overstatement of available and suitable industrial land in Tigard. The amendment allows industrially zoned properties with significant slope, like the Fields Trust property, to be rezoned for more feasible uses.

Summary

Much work has been done by the Fields Trust and the City since mid-2013 to arrive at this application for a comprehensive plan map amendment and zone change. This work has already begun to have the desired effect in that the industrially zoned portion of the property that is suitable for industrial development has been under contract by an industrial developer since the fall of 2014. That developer continues to work with the City to bring the industrial portion of the Fields Trust property into full development. The current comprehensive plan map and zone change application will allow the remainder of the property to realize its potential, as well.

Description of Request

The proposal is to amend the comprehensive plan map from 37.4 acres of Light Industrial (IL), 3.1 acres of Professional Commercial (CP), and 2.1 acres of Low Density Residential to 18.3 acres of Light Industrial and 24.2 acres of Mixed Use Employment (MUE). The proposal would also amend the zoning map from 37.4 acres of Industrial Park (I-P), 3.1 acres of Professional/Administrative Commercial (C-P), and 2.1 acres of Low-Density Residential (R-3.5) to 18.3 acres of I-P and 24.2 acres of MUE. The application is required to meet approval criteria set forth in the Tigard Municipal Code (TMC or Municipal Code) Title 18 Community Development Code. The application is submitted in response to site slopes and other constraints which make the eastern portion of the site unsuitable for industrial uses. No development plans accompany this land use application and no specific development plans exist for the majority of the portion of the property subject to the comprehensive plan map amendment and zone change.[1] All future development will be required to comply with applicable sections of the Community Development Code.

Existing Site & Surrounding Land Use

The property is located just south of Highway 217 and west of the SW 72nd Avenue exit. As illustrated in Figure 1, the subject site consists of four tax lots at the southeast corner of SW Hunziker Road and SW Wall Street within Tigard city limits. The total area of the four tax lots is 42.5 acres.

[1] Approximately 0.4 acres of the C-P-zoned property will be rezoned to I-P and is currently under contract with an industrial developer, as described in the Introduction section.

Figure 1: Aerial Photo

Table 1 specifies the existing area, comprehensive plan designation, and zoning for the four tax lots, while Figure 2 and Figure 3 illustrate the existing comprehensive plan designations and zoning.

Table 1: Existing Comprehensive Plan and Zoning Designations			
Tax Lot	**Area (acres)**	**Existing Comprehensive Plan Designation**	**Existing Zoning**
2S1010001100	13.2	Light Industrial (IL)	Industrial Park (I-P)
2S101CA00100	24.2	Light Industrial (IL)	Industrial Park (I-P)
2S101DB00300	3.1	Professional Commercial (CP)	Professional/Administrative Commercial (C-P)
2S101DB00400	2.1	Low Density Residential (L)	Low-Density Residential (R-3.5)

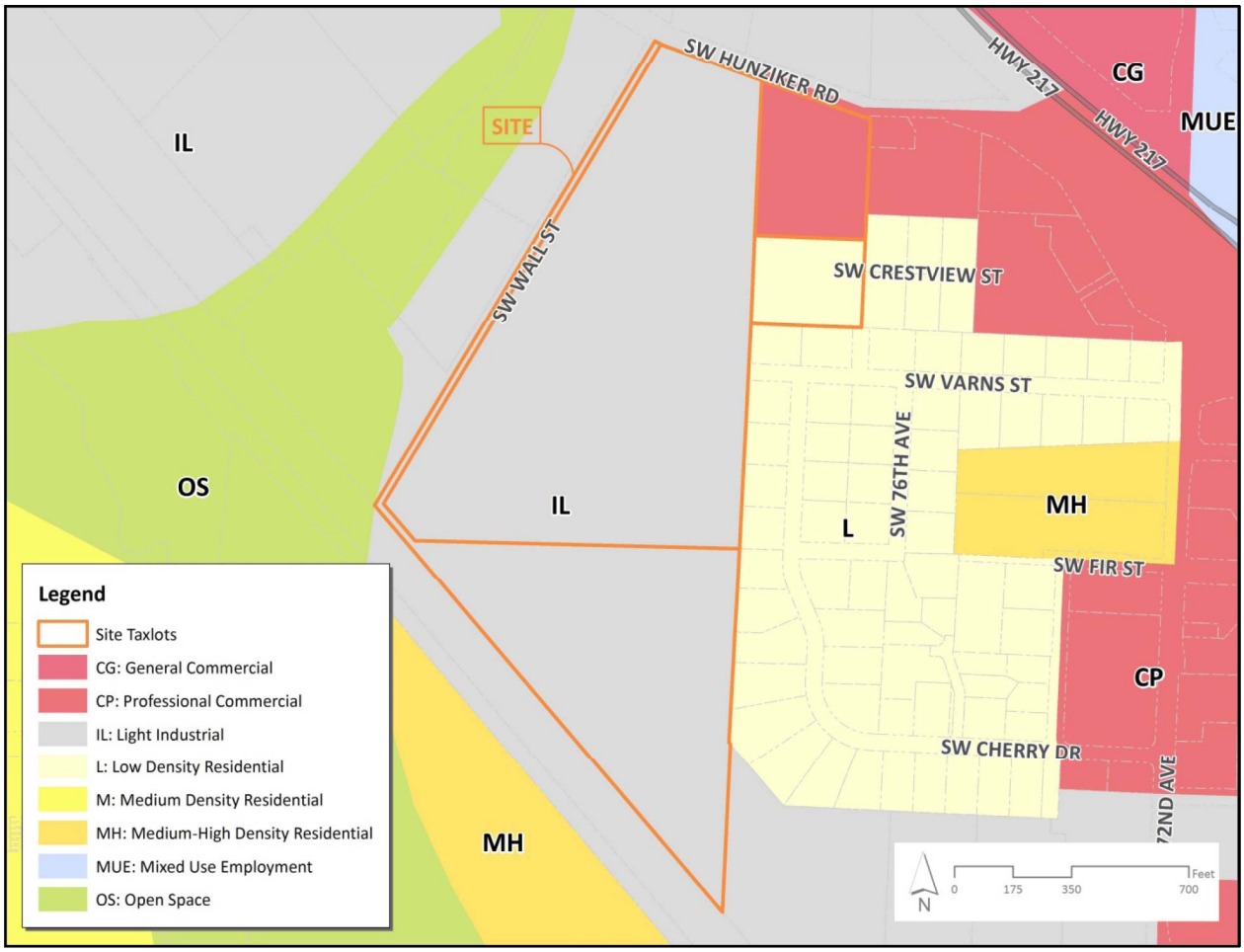

Figure 2: Existing Comprehensive Plan Designations

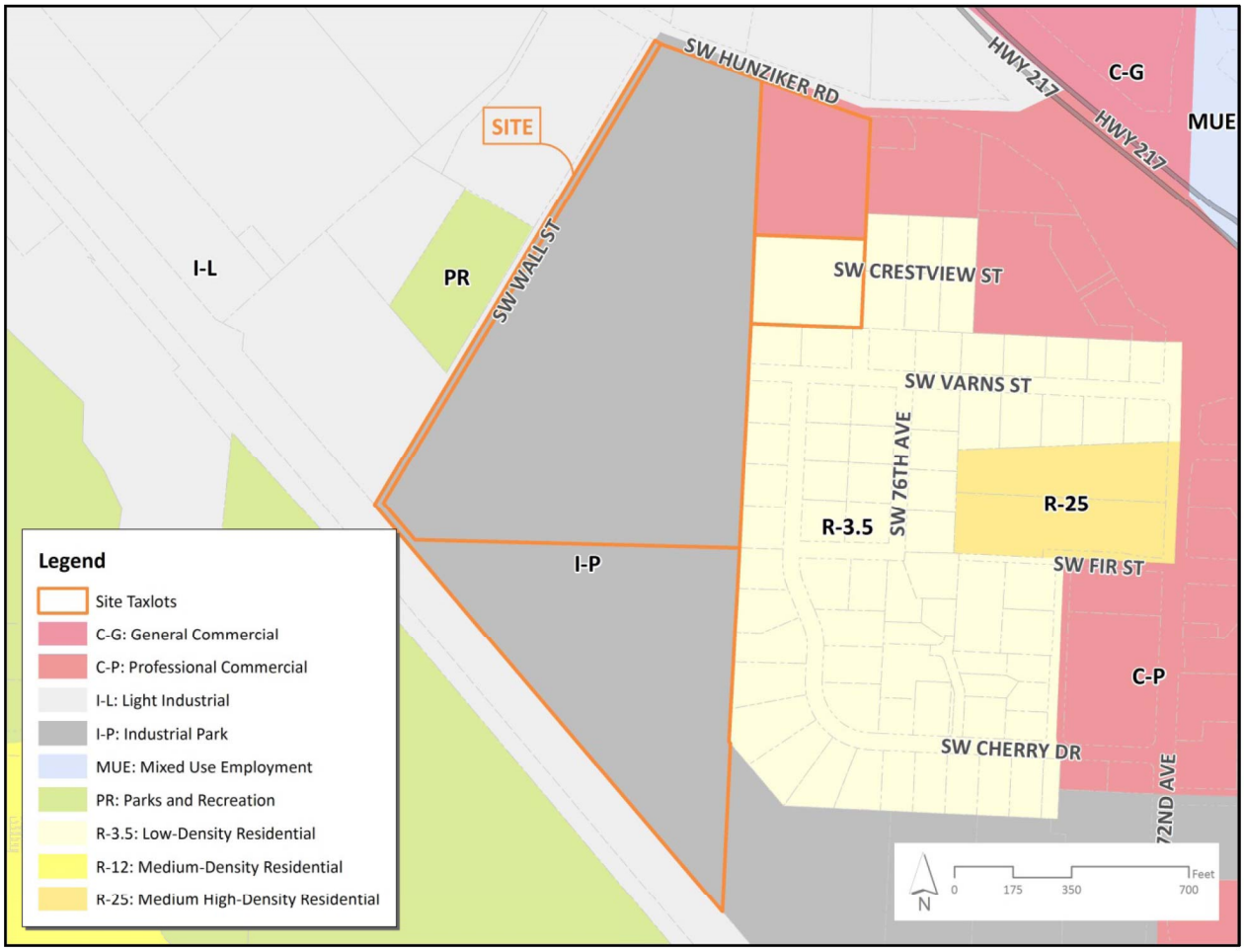

Figure 3: Existing Zoning

As illustrated in Figure 4, the site has approximately 345 feet of SW Hunziker Road frontage along its north side and abuts SW Wall Street (a private street) on its west side. Currently, the only public access to the site is from SW Hunziker Road. The site abuts the Portland & Western Railroad tracks and contains an unused rail spur along the west edge adjoining Wall Street that connects to property on the north side of SW Hunziker Road. The site contains a grove of mature evergreen trees along the eastern side which abuts existing lower density (R-3.5) residential properties. The property contains a low-quality wetland area near the northwest corner and site elevations range from approximately 240 feet along the eastern property line to approximately 150 feet along the western boundary, with slopes of ten to twelve percent on the eastern side and four to five percent on the western side. The property is currently vacant.

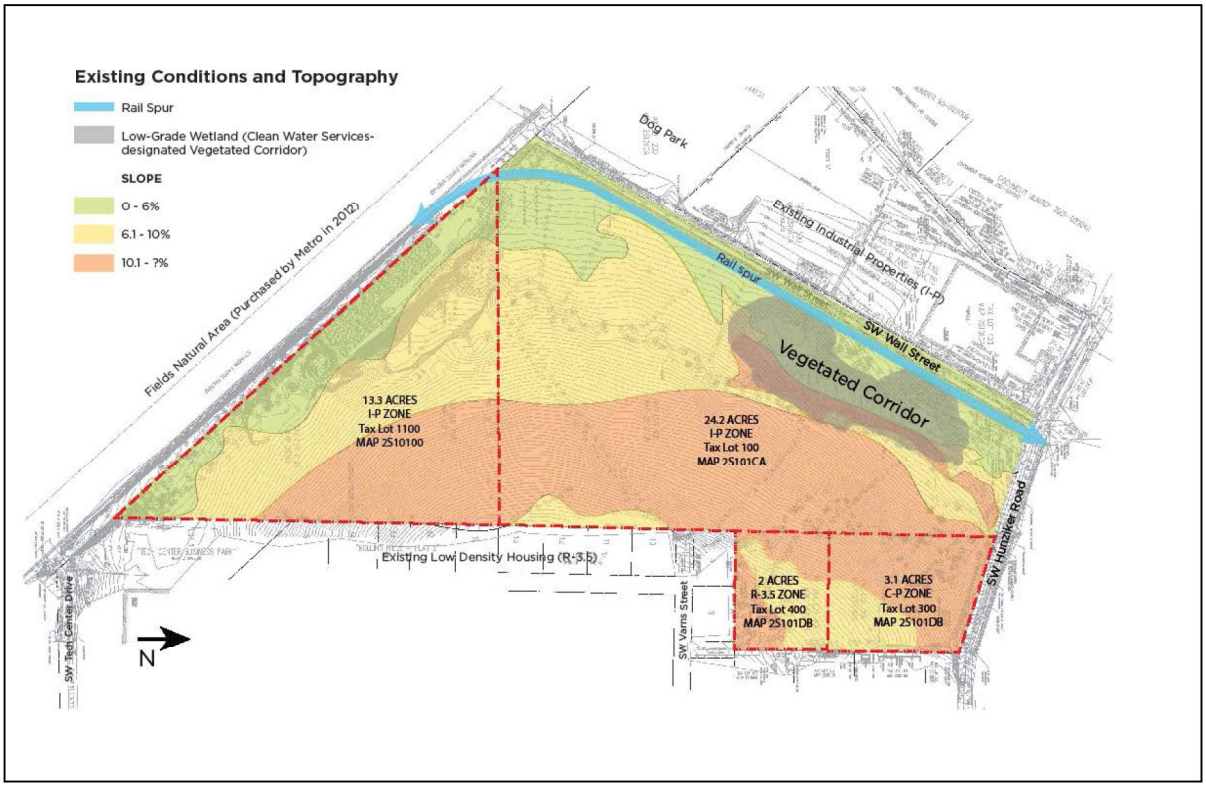

Figure 4: Existing Conditions and Topography

The site is in a transition area between low density residential properties (R-3.5) to the east and industrial properties (I-P) to the west and north. A dog park is located on the west side of Wall Street. The south side of the site is bounded by the Portland & Western Railroad tracks and beyond that is a 26-acre natural area purchased from Mr. Fields by Metro and the City in 2012.

Development Constraints

As discussed in the Introduction section, the property has been on the market for many years with the significant interest from the development community being only in the industrially zoned portion of the property. Even with that limited interest, development has thus far been deemed economically unfeasible due to site and market constraints as described in detail below. Generally, the location is desirable only for a limited set of uses due to access constraints, and there are significant topographical challenges with siting the uses allowed under the current I-P zoning designation. Previously considered uses include a bus barn for Tigard-Tualatin School District, City Public Works use, multiple industrial development users, and multi-family residential development. To date, none of these uses have been able to find a development pro forma that could be considered practical in the current market and feasible given the property's development constraints.

The Development Analysis for this site was generated through a series of public/private joint venture workshops that included the property owner, local developers, local real estate brokers, the City of Tigard, and Mackenzie land use planners and civil engineers. The workshops and analysis were a collaborative effort to determine the highest and best use of the undeveloped Fields Property given:

- Significant site constraints
- The current and future development market
- Regional needs/City needs for employment areas

The analysis and recommendations contained in the Development Analysis were presented to the Planning Commission and the City Council in early 2014 for comment, leading to this Comprehensive Plan Map Amendment/Zone Change request. Listed below are the primary and secondary site constraints identified by the Development Analysis that significantly impact the development feasibility of the site:

Primary Site Constraints[2]

Primary site constraints consist of site factors which severely limit the development potential and will require significant cost or zoning modification to rectify.

Slope and Site Configuration

The slope and configuration of the majority of the site is not suitable for market-scale development allowed under current I-P zoning.

- The site slopes from east to west, corresponding to the site's narrow dimension and limiting the ability to create flat areas for large buildings.
- The western portion of the site could accommodate small industrial buildings (150-200' deep) if coupled with a 20–30' high retaining wall and/or extensive grading. The associated site costs have been cost prohibitive for several previous potential buyers.
- As noted in the City's recent EOA amendment, the eastern portion of the site could not support large-footprint industrial structures due to slopes in excess of 10%.
- Mid-scale commercial buildings such as high-end (Class A) offices could fit on the site; however, they would require partial basements and retaining walls or more extensive grading, as well as better access and vehicle connections to and through the site. Additionally, there doesn't appear to be a short or long-term market demand for Class A office with existing high vacancy rates nearby.
- Narrow buildings such as multi-family residential or mixed-use buildings could be built into the slope with small retaining walls. However, current zoning does not support housing as an allowed use.

Slope of SW Hunziker Road

The slope of SW Hunziker Road as it abuts the north side of the property is not adequate for truck access that would be needed under current I-P zoning. The majority of the slope along the property's SW Hunziker Road frontage (the only public street frontage) is approximately 10%, which is too steep for trucks servicing allowed I-P uses on the site (4 –5% is the maximum possible). The only current access to the property is along SW Wall Street (a private street). Additional access points off of Hunziker Road are needed for viable development.

Private Street (SW Wall Street) Designation/Width

The Transportation System Plan (TSP) designation and width of SW Wall Street (a private road) between adjacent development on the west side of SW Wall Street and the rail spur on the Fields Trust property is not wide enough for City Collector standards.

[2] Note that some of the primary and secondary constraints do not directly affect the portion of the property that will have its zone changed through this application, but they affect the overall ability to develop the entire site.

- The most appropriate vehicular access to the site has been found to be from a private street (SW Wall Street). SW Wall Street is included on the City's TSP as a Minor Collector, with a required width of 58'–96'. At different points along SW Wall Street in its current layout between the rail spur and existing buildings, the width is less than 58'. An adjacent property owner has rights to the rail spur and does not appear willing to abandon the spur, which would facilitate road improvements along Wall Street.
- The TSP could potentially be amended to designate Wall Street as a Local Industrial street, which is a more feasible design section.
- Wall Street could potentially be extended to SW Tech Center Drive (designated a Local Industrial Street in the TSP) to provide connectivity for the larger industrial area.

Secondary Site Constraints:

Secondary site constraints consist of site factors which impact the development potential and need to be addressed, but that do not appear to require zoning modification and are not cost prohibitive to the overall development.

Wetland Area

A low-quality wetland exists on the flattest parts of the site (see Figure 4 above), which is also the most appropriate location for industrial development due to slope and access considerations. The area is identified by Clean Water Services as a vegetated corridor but has not been deemed locally significant in the City's Local Wetland Inventory. This wetland could be mitigated only if applicable permits are granted by the U.S. Army Corps of Engineers and Oregon Department of State Lands.

Remaining Trees

An existing grove of mature trees exists along the eastern edge of the property. The trees act as a buffer to adjacent residential uses and could be potentially integrated into a development scheme that includes smaller scale buildings such as residential. On the other hand, the trees serve as a constraint for many of the currently approved uses in the I-P zone.

Limited Access from Major Routes

The site is in close proximity to Highway 217, SW 72nd Avenue, and Highway 99W, but is not easily accessed from all directions (e.g., from the northbound left-turn lane at the intersection on SW 72nd Avenue). Access difficulties are a potential issue for many use types currently allowed in existing I-P zoning. SW Tech Center Drive to the south of the site does not currently connect to SW Wall Street, but could be considered with future transportation improvements, subject to acquisition of the intervening property in the roadway corridor.

Railroad Switching Yard

Noise from the adjacent railroad switching yard could impact possible uses depending on needs.

Prior Collaboration with the City

Since 2013, the property owner and the City have collaborated to determine how this property may be successfully developed to benefit the community. The market strength of the site's potential future uses was discussed at workshops with City staff, the owner, and local industry/development experts. The need for and interest in potential uses that can be supported by the current market was identified by

local developers and real estate brokers with experience in the Tigard area and reviewed with the workshop team to determine how to feasibly develop employment uses on the property. This analysis identified high market demand for both light industrial/smaller office/flex space (5,000 –7,500 SF tenant spaces within larger building footprints, which typically need 150' deep x 250' wide buildings with 50' truck bays) and for multi-family residences (workforce to mid-range housing which would also support adjacent industrial and employment uses). Low demand was identified for Class A office space in suburban areas, retail, restaurants, specialty recreation (e.g., fitness centers), and "live/work" spaces in suburban areas.

City staff and the owners made presentations to the Planning Commission (February 10, 2014) and City Council (February 18, 2014) to discuss the site constraints and identify potential approaches to developing the property. Based on the site conditions, the site was divided into two subareas, as shown in the Development Analysis (Attachment 2). The western side is relatively flat and would work well for commercial or industrial uses, whereas the eastern side is steeper with many trees and is not suitable for cost-effective, market-ready I-P zone development, but may be marketable as a mix of commercial and workforce (up to mid-level) housing.

Proposed Concurrent Comprehensive Plan Map Amendment and Zone Change

Based on extensive site analysis and collaboration with the City to identify the highest and best use for the site, the applicant is proposing to rezone the site to preserve as much of the developable industrial land as possible, resulting in approximately 18.3 acres of I-P on the western, flatter side and approximately 24.2 acres of MUE on the eastern, steeper side. Since a zoning map amendment must be consistent with the comprehensive plan map, in order to allow the zone change the City would also need to amend the comprehensive plan map to result in 18.3 acres designated IL and 24.2 acres designated MUE. A description and illustration of the two zoning areas can be found in Attachment 1. **Table 2** specifies the existing and proposed comprehensive plan designation and zoning for the four tax lots, while Figure 5 and Figure 6 illustrate the existing comprehensive plan designations and zoning.

Table 2: Existing and Proposed Map Designations

Tax Lot	Area (acres)	Existing Comprehensive Plan	Proposed Comprehensive Plan	Existing Zoning	Proposed Zoning
2S1010001100	13.2	IL	IL & MUE	I-P	I-P & MUE
2S101CA00100	24.2	IL	IL & MUE	I-P	I-P & MUE
2S101DB00300	3.1	CP	IL & MUE	C-P	I-P & MUE
2S101DB00400	2.1	L	MUE	R-3.5	MUE

Abbreviation key:

Comprehensive Plan designations
CP = Professional Commercial
IL = Light Industrial
L = Low Density Residential
MUE = Mixed Use Employment

Zoning designations
C-P = Professional/Administrative Commercial
I-P = Industrial Park
MUE = Mixed Use Employment
R-3.5 = Low-Density Residential

Table 3 indicates the number of acres in the existing and proposed zones for each tax lot.

Table 3: Areas of Existing and Proposed Zoning					
Tax Lot	Existing Zoning			Proposed Zoning	
	I-P (acres)	C-P (acres)	R-3.5 (acres)	I-P (acres)	MUE (acres)
2S1010001100	13.2	0	0	1.9	11.3
2S101CA00100	24.2	0	0	16.0	8.1
2S101DB00300	0	3.1	0	0.4	2.7
2S101DB00400	0	0	2.1	0	2.1

Note: Figures between existing and proposed zones differ due to rounding.
Abbreviation key:
Zoning designations
C-P = Professional/Administrative Commercial
I-P = Industrial Park
MUE = Mixed Use Employment
R-3.5 = Low-Density Residential

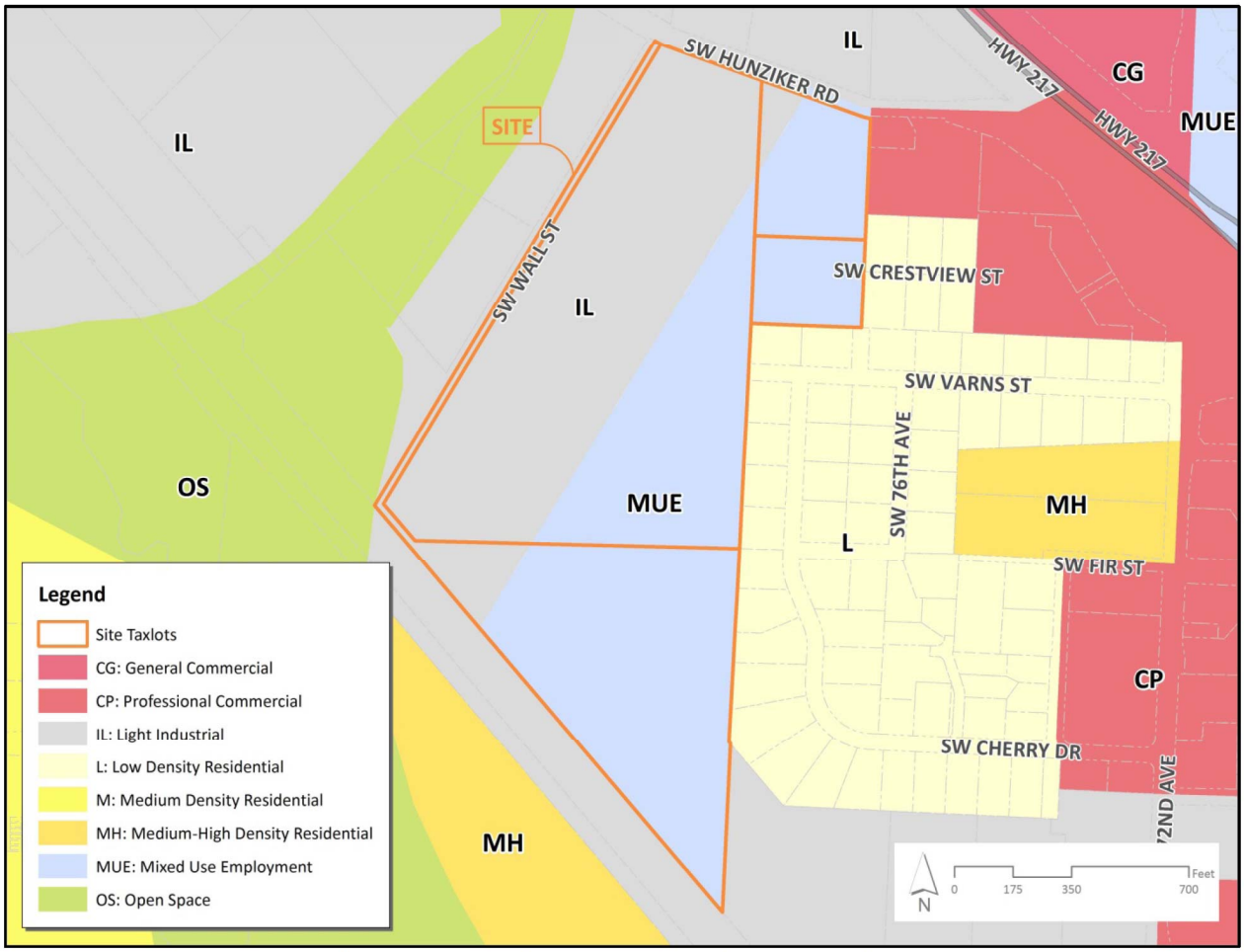

Figure 5: Proposed Comprehensive Plan Designations

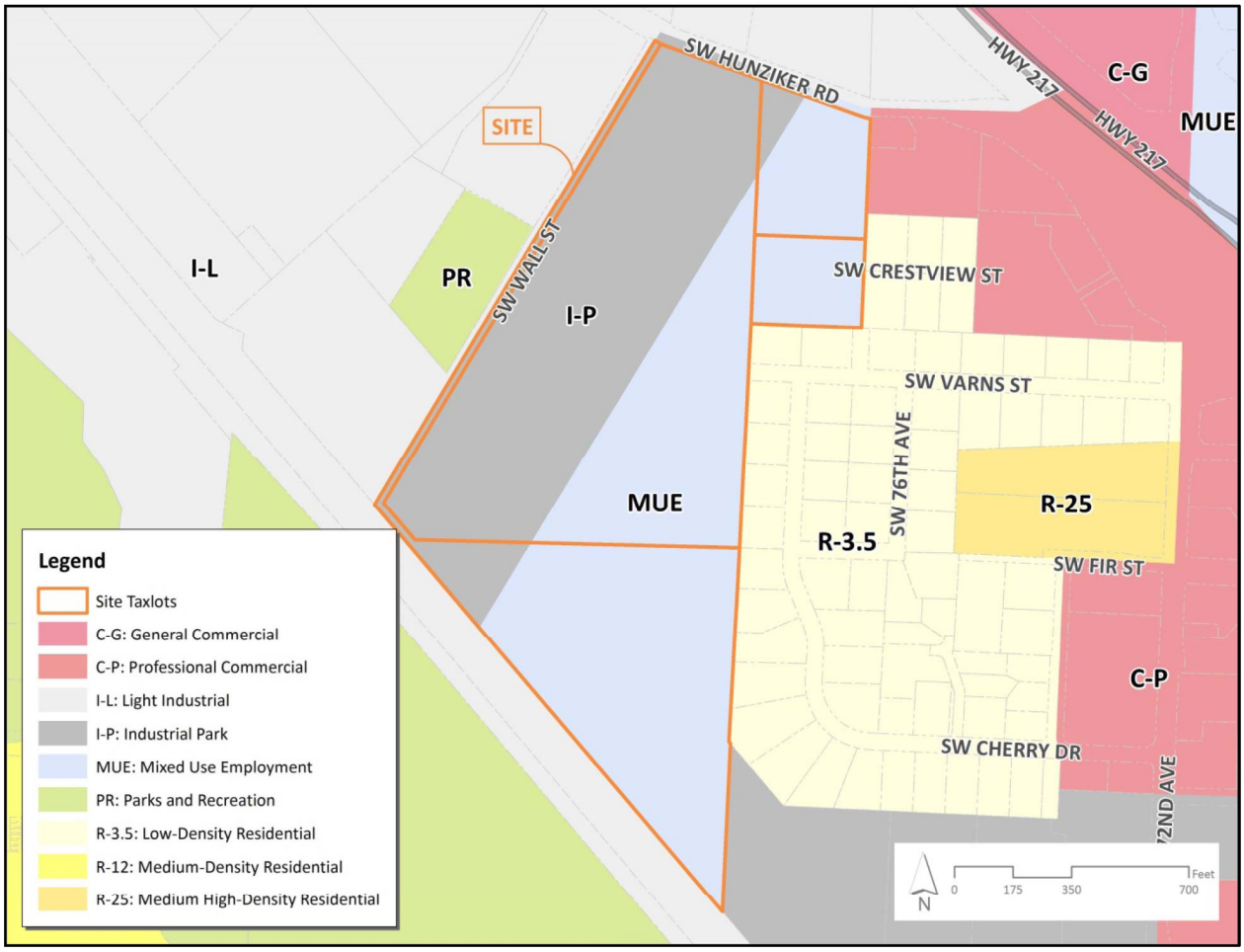

Figure 6: Proposed Zoning

Chapter 18.380 of the Community Development Code outlines the process through which the City evaluates amendments to the zoning map or comprehensive plan map, consisting of a Planning Commission recommendation followed by a City Council decision. The City's analysis will be based on all allowable uses under the zoning regulations, since specific future uses have not been determined.

The amendment could lead to further development and job creation by allowing the economical use of an existing industrial property.

Development Economics/Feasibility

Over the course of the past few years, several development feasibility studies have been completed for this site. A PacTrust analysis demonstrated that the cost of developing even just the flatter portion of the property in the IP zone exceeded costs of other sites (primarily due to significant site grading and street construction) to a degree that would result in a development cost premium of 25-40%. By contrast, approving the zone change to apply MUE zoning to the steeper portion of the site allows development costs to be shared across the full extent of the site and brings the estimated cost of development in line with market demands.

Economic Benefit to the City

Approving the proposed map amendments would have a number of economic benefits to the City. As a result of the increased viability of the site for development, the assessed value and property tax receipts increase significantly following development. Development would also generate revenues for the City such as permit fees and system development charges. Finally, the map changes have the potential to lead to several hundred jobs and the possibility of workforce housing (if some of the MUE portion were to develop with multi-family housing).

Employment Land Issues

Although the subject property represents a portion of the buildable Industrial acreage in Tigard, the site cannot be a significant source of economic development because of the constraints outlined above. This significantly diminishes the usefulness of the site for industrial development, which generally requires relatively large unconstrained acreage. The proposed map amendment would convert a site that is currently zoned I-P, C-P, and R-3.5 into a site zoned I-P and MUE. This action would preserve 18.3 acres for industrial use and create 24.2 acres of mixed use employment land that could be developed with retail goods and services, business/professional offices, civic uses, research and development, multi-family housing, or a mix of these uses. The EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. This report indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial/mixed use) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial).

On March 24, 2015, the City Council adopted Ordinance 15-06 to amend the comprehensive plan and the EOA by applying slope as a suitability constraint for industrially-zoned property throughout the City. The City's updated analysis confirmed that approximately 17 acres on both I-P tax lots within this site (Tax Lots 2S1010001100 and 2S101CA00100) are slope-constrained for industrial uses requiring large-footprint buildings due to site slopes greater than 10%. The ordinance found that citywide, "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 comprehensive plan map amendment and zone change allows for different job density than large-footprint industrial buildings on the eastern portion of the site.

To preserve and enhance the City's supply of employment lands, this proposal would increase the overall land area designated for employment uses by 2.1 acres by rezoning one parcel from R-3.5 to MUE and by maintaining the remainder of the site as either MUE or I-P.

Transportation Planning Rule

The Transportation Planning Rule (TPR) stipulates that the City must demonstrate whether an amendment to the comprehensive plan and zoning map would have a significant effect on the transportation system. If the analysis demonstrates that a significant effect would occur, then the City must either deny the application or require mitigation to offset the traffic impact. Determinations of significance are made by the City in consultation with the roadway authority (which may be the City, Washington County, or ODOT).

Attachment 3 describes the TPR analysis performed for this site. The TPR analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning, and it is important to note

that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built. Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips).

To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

Public Utility Considerations

Demands on potable water, sanitary sewer, and storm drainage are assessed in detail in the Public Facilities Impact Letter (Attachment 4). This assessment concluded that the proposed comprehensive plan amendment and zone change should not negatively affect public utilities.

Neighborhood Meeting

A neighborhood meeting was held on May 6, 2015 to share information about the proposal and seek feedback from area residents and businesses prior to submittal of the land use application. Copies of the neighborhood meeting materials and summary are in Attachment 5; as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules.

Historic 50-foot Buffer

Historically, the City's Comprehensive Plan required a 50-foot buffer between the Fields Industrial Park-zoned property and the Rolling Hills subdivision to the east, as shown in Figure 7. The purpose of this buffer was to provide increased separation between industrial uses and the single-family residential neighborhood. When the City amended its comprehensive plan, this 50-foot buffer requirement was lost. At the May 6 neighborhood meeting, the Trust heard concern from residents of the Rolling Hills subdivision that the 50-foot buffer was no longer applicable. Although the Trust is requesting a zone change from an industrial zone to a less intensive mixed-use employment zone, the Trust would still like to honor the historic 50-foot buffer that neighbors have come to rely on. Therefore, the Trust would accept a condition of approval on the zone change requiring a 50-foot buffer between the portion of the Trust property that is now zoned Industrial Park and the Rolling Hills subdivision, as depicted in Figure 7.

Figure 7: Historic Location of 50-Foot Buffer Between I-P Zone and Rolling Hills Subdivision

III. NARRATIVE & COMPLIANCE

This action proposes a comprehensive plan map amendment and zone change for property on the southeast corner of SW Hunziker Road and SW Wall Street. Map amendments are required to meet development standards set forth in the Tigard Community Development Code, codified as Municipal Code Title 18. Therefore, the following addresses the applicable Municipal Code criteria, together with statewide planning goals, Oregon Administrative Rules, the Tigard Comprehensive Plan, and Metro regulations. Pertinent code sections are cited either in their entirety or in a summation and are followed by a response.

Statewide Planning Goals

Goal 1, Citizen Involvement

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.
Response: Goal 1 broadly requires that local governments have mechanisms in place which solicit public participation in both quasi-judicial and legislative land use decisions. The City's acknowledged Comprehensive Plan and the Community Development Code include citizen involvement procedures with which the review of this application complies. This process allows for citizens to communicate their input into the map amendment review conducted by the City at public hearings or by submitting written comments. A neighborhood meeting was held on May 6, 2015. Copies of the neighborhood meeting materials and summary are in Attachment 5; as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. The Planning Commission will review the proposed comprehensive plan and zoning map amendment and make a recommendation to the City Council regarding the application. Within the comprehensive plan map amendment and zone change process, the City mails notices to affected property owners and agencies, notice is published in the newspaper, and public hearings are held. This process complies with the Goal.

Goal 2, Land Use Planning

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.
Response: Goal 2 requires that each jurisdiction have a comprehensive plan and implementation measures such as a zoning code and area-specific plans. As a quasi-judicial land use action, the proposed comprehensive plan amendment is based on its conformance with relevant elements of Tigard's Comprehensive Plan and considerations related to that plan's established zoning districts.

The procedural requirements for the proposed comprehensive plan map amendment and zone change involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to change the planning and zoning designations of urban land within the Urban Growth Boundary in compliance with Goal 2. Notice of the proposed comprehensive plan and zoning map amendment is provided by the City to DLCD as required. Oregon Department of Transportation and other affected agency staff will also be provided the opportunity to comment. The City's decision is based on findings of fact.

Goal 3, Agricultural Lands

Objective: To preserve and maintain agricultural lands.
Response: This Goal is not applicable because the site is within the City of Tigard Urban Growth Boundary, and no identified agricultural resources are located on the site.

Goal 4, Forest Lands

Objective: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.
Response: This Goal is not applicable because the site is within the City of Tigard Urban Growth Boundary and City Limits. The majority of the site was previously cleared of trees with the exception of the variable-width tree buffer along the eastern site boundary.

Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources

Objective: To protect natural resources and conserve scenic and historic areas and open spaces.
Response: Goal 5 is a wide-ranging policy initiative intended to protect natural and historic resources generally, and is most commonly implemented through sensitive lands/critical areas ordinances that protect streams, riparian corridors, trees, wildlife habitat, and open space. According to the Tigard Wetlands & Stream Corridors map, dated November 1, 2010, the Local Wetlands Inventory did not identify significant or non-significant wetlands on this property. However, there is a wetland on the western portion of the site that is depicted as part of the Clean Water Services vegetated corridor. This wetland is unaffected by this application, since the I-P zoning for the wetland would not change. Development proposals of that portion of the site would need to account for presence of the wetland in accordance with local and state regulations. The Tigard Significant Habitat Areas map identifies the eastern half of the site as lower value habitat (this map appears outdated, since the majority of the tree cover has now been removed) and no areas as moderate value or highest value habitat. The Tigard Tree Groves map depicts the tree grove along the eastern site boundary; the presence of this grove would be unaffected by the proposed comprehensive plan amendment and zone change. The City provides incentives to preserve tree groves when developments are proposed. The subject site is not designated as open space or a scenic or historic area by the City.

Comprehensive plan amendment proposals must demonstrate consistency with Goal 5. In most cases, however, Goal 5 considerations can only apply to a specific development plan, which is not proposed at this time. A re-designation of the subject property is consistent with Goal 5 inasmuch as it allows future site development to better accommodate natural features categorized under Goal 5. The proposed comprehensive plan amendment and zone change is not in conflict with this Goal.

Goal 6, Air, Water and Land Resources Quality

Objective: To maintain and improve the quality of the air, water and land resources of the state.
Response: Intended to maintain and improve the quality of the air, water, and land resources of the state, Goal 6 requires that all development be consistent with State and Federal standards related to air and water pollution, while also requiring that local governments establish plans which:

- Designate alternative suitable sites for development which is likely to cause pollution discharge;
- Designate urban and rural residential areas only where appropriate sewer services are available;
- Buffer incompatible uses and;
- Consider the carrying capacity of affected airsheds and watersheds.

The site is currently designated Light Industrial (37.4 acres), Professional Commercial (3.1 acres), and Low Density Residential (2.1 acres) on the comprehensive plan and is subject to City regulations regarding off-site impacts, so the potential harmful effects on air, water, and land resource quality are limited. Small-scale commercial, light industrial, or housing development produces relatively small impacts on environmental quality when performed in accordance with the City's development regulations. Re-designation of the eastern portion of the site from industrial to mixed use employment will have a positive benefit on the local airshed by limiting the potential for diesel particulate emissions. The proposal to amend the comprehensive plan map and zoning boundary to designate 18.3 acres for industrial use and 24.2 acres for mixed use employment would therefore have no negative impact with respect to this Goal.

Goal 7, Areas Subject to Natural Disasters and Hazards

Objective: To protect people and property from natural hazards.
Response: Pursuant to Goal 7, local governments "shall adopt comprehensive plans…to reduce risk to people and property from natural hazards," including floods and landslides. According to FEMA's Flood Insurance Rate Map 4102760517C, dated February 18, 2005, the site is not within a mapped flood hazard area. According to the Tigard Seismic Hazard map, the northwest and southern portions of the site are classified as category A (greatest seismic risk), while the remainder is classified as categories B or C (the categories are assigned based on tendency to experience damage due to any combination of liquefaction, amplification of ground shaking, or slope instability hazard). The Tigard Slope Instability Map does not illustrate any drainage hazard areas, debris flow hazards, or landslide hazard areas on site but does confirm that a small portion of the site has slopes in excess of 15%. Development of the site would need to comply with all applicable building code regulations and engineering requirements to minimize the potential for damage from natural hazards. The proposed comprehensive plan amendment and zone change is not in conflict with this Goal.

Goal 8, Recreational Needs

Objective: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.
Response: The site is across Wall Street from the Potso Dog Park. The site is presently designated for industrial, commercial, and residential development on the comprehensive plan map and has not been planned for recreational opportunities. Since the property is not identified for recreational use, the proposed comprehensive plan map amendment and zone change to industrial uses and mixed use employment would have no significant impact on the City's planning for recreational needs.

Goal 9, Economic Development

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.
Response: Intended to provide adequate opportunities throughout the state for a variety of economic activities, Goal 9 requires that land be designated for commercial and industrial uses according to the needs of the local and regional economy, current economic base, workforce, availability of land, availability of key public facilities, etc. Practically speaking, Goal 9 has encouraged communities to preserve employment land. Decisions based on Goal 9 considerations take into account more than the simple amount of buildable acreage, but also carefully evaluate the suitability of land to accommodate industrial development that would further economic opportunities.

Currently, 2.1 acres of the site are zoned R-3.5, 3.1 acres are zoned C-P, and 37.4 acres are zoned I-P. The Tigard Buildable Lands Inventory map, dated January 1, 2014, indicates that the site was included in

the City's inventory of buildable lands at that time (including three-quarters of the parcel zoned R-3.5). However, as acknowledged when City Council adopted Ordinance 15-06, slope was not applied as a development constraint in the City's Buildable Lands Inventory or in the EOA. The City's updated analysis in Ordinance 15-06 confirmed that approximately 17 acres of the Fields Trust property are slope-constrained for industrial uses requiring large-footprint buildings due to site slopes greater than 10%. Consequently, other building formats are more appropriate in the slope-constrained areas, which is one of the motivating factors for the proposed comprehensive plan amendment and zone change.

The zone change would result in 18.3 acres zoned I-P and 24.2 acres zoned MUE. The EOA indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). Ordinance 15-06 concluded that approximately 17 acres of the Fields Trust property identified in the Buildable Lands Inventory and the EOA are too steep for some industrial uses, particularly those requiring large, rectangular buildings, truck courts, and associated parking areas.

Approval of this application would change 19.4 acres from an industrial designation to a mixed use employment designation; however, the land would continue to be counted in the employment land inventory and available to promote economic growth. Furthermore, the proposed comprehensive plan map amendment and zone change would increase the amount of land available for economic development by converting 2.1 acres from residential (R-3.5) to employment use (MUE). The site can be put to productive use by designating the eastern portion as MUE in order to increase the developable area and allow a developer to spread costs across a larger area. By encouraging development of existing vacant land the zone change would increase the number of jobs available to the community.

The EOA indicated that the City has a surplus of two acres of industrial land; however, Ordinance 15-06 recognized that the City is "now potentially in deficit for industrial zoned vacant land." The proposed zone change affecting the site would deplete the two-acre surplus by converting approximately 19.4 acres of land from I-P to MUE; however, this depletion would be partially offset by converting 0.4 acres from C-P to I-P. Taken together, the proposed zone change would need to compensate for the jobs associated with a net reduction of 17 acres of industrial land. While there is no guarantee that the site would produce jobs under the existing zoning (as evidenced by the current lack of development), for the purposes of comparison employment density assumptions from the EOA have been used to quantify the number of jobs that could be expected on 17 industrial acres.

Based on 16.5 industrial jobs per acre (derived from the 794 jobs on 48 industrial acres identified in the EOA), 17 acres of industrial land would lead to an employment level of approximately 280 jobs. Approval of the zone change could therefore decrease the City's employment potential by 280 jobs unless these jobs can be accommodated elsewhere. The proposed MUE zone permits a variety of employment uses, including office uses, which are also allowed in the I-P zone. The City can conclude that the proposed comprehensive plan amendment and zone change would preserve the ability to create jobs on the site. The applicant understands that staff will be recommending a condition of approval that 280 non-retail jobs be accommodated on the MUE-zoned portion of the site. Therefore, the proposed amendment is supportive of this Goal.

Goal 10, Housing

Objective: To provide for the housing needs of citizens of the state.
Response: The comprehensive plan currently designates 2.1 acres of this site for Low Density Residential development (tax lot 2S101DB00400). These 2.1 acres are proposed to be changed to Mixed Use Employment. The current zoning (R-3.5) requires 10,000-square-foot lots so the tax lot could

accommodate around seven single-family homes. In the context of the City's supply of buildable residential land, a reduction of seven units may not be significant since it would decrease the city's residential land supply by a very small fraction (the 2014 Buildable Lands Inventory indicates that 307 acres of residential land were buildable). The Mixed Use Employment zone also allows for multifamily residential construction so housing could be accommodated even with the MUE zoning. The proposed amendment would not conflict with this Goal.

Goal 11, Public Facilities and Services

Objective: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.
Response: Goal 11 is primarily implemented by the City, which has adopted public facilities plans and standards. It is therefore not directly applicable to comprehensive plan amendments - such as the one proposed herein - which do not entail significant changes in public facilities plans. Any resultant development of the subject property will be connected to sufficient public infrastructure such as the water and sewer system, and shall provide drainage facilities in a manner consistent with adopted public facilities plans. The subject property lies within City Limits, and preliminary comments from the Development Engineering Department indicate that sanitary sewer and water service is available to serve the site (subject to capacity analysis). Public facilities are discussed in more detail in the Public Facilities Impact Letter (Attachment 4). Insofar as future development of the site is subject to the requirements of such plans, the proposal is consistent with Goal 11.

Goal 12, Transportation

Objective: To provide and encourage a safe, convenient and economic transportation system.
Response: This Goal requires the City to prepare and implement a Transportation System Plan (TSP). The Tigard 2035 TSP (dated November 2010) assumed that the site would develop with more than five jobs per acre and performed transportation analysis accordingly. Since the proposed application would change the existing zoning, further transportation analysis is necessary.

The TSP designates both SW Hunziker Road and SW Wall Street as collectors. Adjacent to the site, Hunziker Road is improved with two travel lanes plus a sidewalk along the north side of the road. The roadway was designed to accommodate the mix of commercial, industrial, and residential uses envisioned in the Comprehensive Plan. Wall Street is a private road improved with two travel lanes but no bicycle or pedestrian facilities. Development of the site under the proposed zoning would lead to additional street improvements to City standards.

The application of Goal 12 to proposed comprehensive plan amendments typically requires an application to demonstrate that a proposal is consistent with the TPR, as implemented through OAR 660-012-0060. As discussed in the detailed TPR analysis (Attachment 3), redesignating the eastern portion of this site from I-P, C-P, and R-3.5 zones to MUE zoning has the potential to slightly increase traffic levels, depending on the type of the resulting development. To ensure that the comprehensive plan amendment and zone change do not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

Goal 13, Energy Conservation

Objective: To conserve energy.
Response: The subject property is in a desirable location for development because it is located close to SW 72nd Avenue, Interstate 5, Oregon Highway 217, the Portland & Western Railroad, and other commercial and industrial uses. The applicant's proposal would increase the likelihood of employment

development in close proximity to other industrial sites, potentially leading to trip sharing, carpooling, and/or combined deliveries, thereby increasing energy efficiency. The proposed comprehensive plan map amendment and zone change would permit development with the potential to create an energy-efficient land use pattern within the City.

Goal 14, Urbanization

Objective: To provide for an orderly and efficient transition from rural to urban land use.
Response: The subject property is within the City, and no expansion of the Urban Growth Boundary is proposed. The proposed comprehensive plan map amendment and zone change would not affect the City's Goal 14 compliance.

Other Goals

- *Goal 15, Willamette River Greenway*
- *Goal 16, Estuarine Resources*
- *Goal 17, Coastal Shorelands*
- *Goal 18, Beaches and Dunes*
- *Goal 19, Ocean Resources*

Response: Goals 15-19 are not applicable to this application.

Oregon Administrative Rules

Economic Development

OAR 660 Division 9 – Economic Development

660-009-0010 Application

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

Response: The EOA compares demand and supply of employment lands to evaluate the land inventory over a 20-year period. This report indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the area of land with an industrial designation, there would be no net loss of acreage designated for employment use since the MUE designation accommodates a variety of employment types. The simultaneous redesignation of two acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. The response to Statewide Planning Goal 9 starting on page 18 provides additional

analysis demonstrating that the proposed amendment is consistent with the City's EOA. Analysis of comprehensive plan policies is included later in this report.

Transportation Planning Rule

OAR 660 Division 12 – Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

[…]

(4) Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.

Response: TPR compliance is demonstrated in Attachment 3. This analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning (note that this scenario assesses high traffic generators allowed under the zoning, regardless of whether those uses are likely to be built). Attachment 3 analyzes the trip generation potential of the entire 42.5-acre site as well as the 24.6 acres proposed to receive new zoning. Figure 3 and Figure 6 depict the existing and proposed zoning, respectively, illustrating that the zone change area is primarily proposed to be zoned MUE except for a triangular area near Hunziker Road proposed to be zoned I-P. Development of the eastern portion of the site (the proposed zone change area) with housing and office uses under the current zoning would generate on the order of 784 PM peak hour trips. In the zone change area, if the MUE zone were entirely multifamily housing and the I-P zone office park, trip generation would be 455 PM peak hour trips (a reduction of 329 trips). In the zone change area, if the MUE zone and I-P zone were entirely office use, trip generation would be 715 PM peak hour trips (a reduction of 69 trips). In the zone change area, if the MUE zone and I-P zone were a combination of general office and medical-dental office use, trip generation would be 856 PM peak hour trips (an increase of 72 trips). To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation

network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

Metro Regulations

Urban Growth Management Functional Plan

Title 4 – Industrial and Other Employment Areas

3.07.410 Purpose and Intent

3.07.420 Protection of Regionally Significant Industrial Areas

3.07.430 Protection of Industrial Areas

3.07.440 Protection of Employment Areas

3.07.450 Employment and Industrial Areas Map

Response: According to Section 3.07.410, 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. Metro's Title 4 *Industrial and Other Employment Areas* map (January 2014) does not identify this site as a Regionally Significant Industrial Area (RSIA), so Section 3.07.420 does not apply. Metro illustrates the I-P-zoned parcels of this site (totaling 37.4 acres) as Industrial Areas adjoining other Employment Areas (west of Wall Street). In accordance with Section 3.07.430, Tigard's Community Development Code limits the size and scope of non-industrial uses within the I-P zone. This site is smaller than 50 acres, so further land division is allowed under Title 4 and City regulations. Approval of the proposed map amendments would convert 19.4 acres of the site into an Employment Area rather than an Industrial Area. The City's MUE zone standards comply with Section 3.07.440 by restricting the size and scope of commercial retail uses. Section 3.07.450 allows the City to amend the use of lands on the *Industrial and Other Employment Areas* map based on satisfaction of a number of criteria. This site complies with those standards since the property is not surrounded by RSIA or Industrial Area land; the change would increase rather than decrease the acreage devoted to employment uses; the site is not designated as RSIA; the Transportation Planning Rule ensures that transportation issues are properly evaluated and mitigated if necessary; the zone change would not lead to retail or cultural uses that compete with Central City or Regional or Town Centers; and the property designated Industrial Area subject to the amendment is less than 20 acres (namely, 19.4 acres). Furthermore, as discussed in the City's adoption of Ordinance 15-06, the eastern portion of the site is not buildable with industrial uses due to topographic constraints.

Tigard Comprehensive Plan

Citizen Involvement

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

Response: The property owner and the City have collaborated extensively to determine how this property may be successfully developed to benefit the community, including workshops with City staff, local industry/development experts, the Planning Commission, and City Council. A neighborhood meeting was held on May 6, 2015 to share information about the proposal and seek feedback from area residents and businesses prior to submittal of the land use application. Copies of the neighborhood meeting materials and summary are in Attachment 5; as noted in the summary, the primary concerns raised at the meeting were connection to Varns Street and potential removal of the 50-foot vegetated buffer required by the City under previous land use rules. Notice of the application is mailed to area

property owners and affected agencies, and the proposal is evaluated at Planning Commission and City Council public hearings so the public may participate in the planning process.

Land Use Planning

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

POLICIES:

5. *The City shall promote intense urban level development in Metro-designated Centers and Corridors, and employment and industrial areas.*
6. *The City shall promote the development and maintenance of a range of land use types which are of sufficient economic value to fund needed services and advance the community's social and fiscal stability.*

Response: As discussed in the Metro Regulations response starting on page 23, 37.4 acres of this site is included on Metro's Title 4 *Industrial and Other Employment Areas* map (January 2014) as a designated Industrial Area. Of this amount, 17.9 acres would remain in the current I-P zone and 19.4 acres would be changed from Industrial Area to Employment Area by virtue of a zone change to MUE. Given the unsuitability of the eastern portion of the property for industrial uses, changing the comprehensive plan and zoning to MUE will enable the City to promote a more intense urban development of the site. The rationale for the map amendments is to allow for a range of development opportunities on the upland portion of the site that would offset the considerable development costs associated with site grading and public improvement requirements necessary to lead to industrial uses on the flatter, western portion. Ordinance 15-06 amended the comprehensive plan to account for the slope constraints on approximately 17 acres of the site that hamper the ability to construct large-footprint industrial buildings. The industrial uses, by themselves, would not provide sufficient economic value to fund needed public facilities and services. The costs of developing this constrained parcel to accommodate industrial activities undermine the potential economic value of the parcel itself as currently zoned, and have led to it remaining vacant. The discussion above demonstrates that in combination with the remaining I-P land, the proposed rezoning to MUE provides a range of land use types which are of sufficient economic value to fund needed public facilities and services for the site and advance the City's social and fiscal stability.

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.*

Response: The EOA indicates that under the Efficient Land Need Scenario, the City's 20-year demand for vacant employment land is 126 acres (48 acres industrial and 78 acres commercial) and the 20-year supply is 136 acres (50 acres industrial and 86 acres commercial). This application would change the plan designation of approximately 19.4 acres from IL to MUE. Although this action would decrease the industrial land area, there would be no net loss of acreage designated for employment since the MUE designation accommodates a variety of employment and housing types. The simultaneous redesignation of 2.1 acres from Low Density Residential to MUE would further enhance opportunities for employment-related development by enlarging the supply of employment lands. Overall, the site would provide 18.3 acres of industrial land and 24.2 acres of mixed use employment land. In the context of the City's overall supply of residential land, a reduction of 2.1 acres is not significant. A low-quality wetland is located on

the western portion of the site; this wetland is unaffected by the zone change, and future development proposals would be subject to the City's sensitive lands regulations and state wetlands rules.

14. *Applicants shall bear the burden of proof to demonstrate that land use applications are consistent with applicable criteria and requirements of the Development Code, the Comprehensive Plan, and when necessary, those of the state and other agencies.*

Response: This narrative provides evidence that the application complies with applicable criteria of the Statewide Planning Goals, Oregon Administrative Rules, Metro regulations, the Tigard Comprehensive Plan, and the Tigard Community Development Code.

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

Response: Analysis of transportation impacts and public facility infrastructure (included as Attachments 3 and 4) indicates that the site would have access to infrastructure with sufficient capacity to accommodate development of the site under existing zoning or proposed zoning, and future development of the site would improve both Hunziker Road and Wall Street. The Transportation Planning Rule analysis (Attachment 3) demonstrates that the PM peak trips for uses allowed in the existing and proposed zoning designations are similar; therefore, imposing a trip cap based on anticipated trip generation allowed in the current zoning will ensure the amendment has no significant impact on transportation facilities. Given the importance of providing an adequate employment land base for the City, redesignating 19.4 acres from IL to MUE and 2.1 acres from L to MUE would ensure that there is no net loss of employment capacity. While the change causes a nominal decrease in land designated residential, it will actually increase the amount of land available for potential multi-family development.

The slope of the eastern portion of the site does not allow for large, flat building pads for industrial development, and the grades along Hunziker Road are too steep for truck turning movements into the site. Consequently, only the western portion of the site is feasible for light industrial uses. Residential or office uses could be constructed on the sloped area in the eastern part of the site. The key mechanism to allow a financially viable industrial development proposal on the western portion is to allow for non-industrial development of the eastern portion. The response to Statewide Planning Goal 9 starting on page 18 provides additional analysis demonstrating that the proposed amendment is consistent with the City's EOA. While the current I-P zone would allow for some non-industrial office usage on the sloped

eastern side, the marketability of this area would be enhanced by the change to MUE, and improved marketability is more likely to lead to job-creating development of the west side. An illustration of a hypothetical marketable, site-appropriate development concept is included in Attachment 2 to demonstrate that development could conform to applicable regulations and provide a potential vegetated buffer between the site and the adjoining residential area. No overlay districts are found on the site. The Tigard Significant Habitat Areas map identifies the eastern half of the site as lower value habitat (this map appears outdated since the majority of the tree cover has now been removed) and no areas as moderate value or highest value habitat. The subject site is not designated as open space or a scenic or historic area by the City. Uses allowed in the MUE zone can be arranged and clustered to fit into the site topography rather than requiring mass grading to create the large, flat sites that would be necessary for industrial uses. The City's development regulations further ensure that relevant environmental regulations will be met. Therefore, the proposed comprehensive plan amendment and zone change would not detract from the viability of natural systems.

16. *The City may condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use(s) and per specific design /development requirements.*

Response: This report demonstrates that due to extraordinary development costs, the flatter western portion of the site (which would continue to maintain I-P zoning) is only likely to develop if the steeper eastern portion can also be developed with some mix of employment and/or residential use. The applicant understands that staff will be recommending a condition of approval that 280 non-retail jobs be accommodated on the MUE-zoned portion of the site. Due to the importance of flexibility in response to ever-changing market conditions, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. Further, in order to maintain compliance with the Transportation Planning Rule, the applicant proposes a condition of approval imposing a trip cap based on anticipated trip generation allowed in the current zoning.

Economic Development

GOAL: 9.1 Develop and maintain a strong, diversified, and sustainable local economy.
POLICIES:

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.*
5. *The City shall promote well-designed and efficient development and redevelopment of vacant and underutilized industrial and commercial lands.*
6. *The City shall promote actions that result in greater, more efficient, utilization of its Metro-designated Employment and Industrial Areas.*
7. *The City shall limit the development of retail and service land uses in Metro-designated industrial areas to preserve the potential of these lands for industrial jobs.*
12. *The City shall assure economic development promotes other community qualities, such as livability and environmental quality that are necessary for a sustainable economic future.*

Response: Industrial development by itself is not able to economically offset the high cost of on-site grading costs, public improvements to abutting streets, and utility extensions. MUE rates of return would allow the high infrastructure costs associated with the development of this property to be financed by the development itself. Conversely, maintaining the existing zoning for industrial use does not produce sufficient economic value to fund needed public infrastructure to serve the site and therefore acts as a significant development constraint, prohibiting industrial use of the site. The intent of the proposed comprehensive plan amendment and zone change is to create flexibility that generates job-creating development in the City. Under the current zoning, the site has remained undeveloped for many years due to the development constraints outlined in Section II. The proposal would respond to market conditions by allowing a mix of uses on the eastern portion while preserving the western portion for industrial employers. This change would be a more efficient use of employment land than the

current underutilized condition. The MUE zone restricts retail and service use of the property but allows lower-intensity uses than typical light industrial uses, which improves livability for the nearby residential properties.

Because of site constraints outlined above and in Attachment 2, the eastern portion of the site is unsuitable for industrial use even though a large portion of the site could be described as "buildable" given a high enough expenditure of development costs. It is important to note, however, that theoretical "buildability" is not the relevant legal or practical standard for analyzing whether a particular site is appropriate for industrial use. Both under Goal 9 and from a market standpoint, a site can be "buildable" and still not be suitable for industrial use. Site suitability requires the consideration of a number of factors. In this case, even though a large portion of this site is theoretically "buildable," other factors implemented by OAR 660-009-0025 demonstrate the area proposed for the zone change is unsuitable for industrial use. The site characteristics and development constraints outlined in **Table 4** and **Table 5** make the property unsuitable for industrial use.

Table 4: Site Characteristics

Site Characteristics (OAR 660-009-0005(11))	Site Condition
Site configuration including shape	The site is wedge-shaped with the narrowest portion abutting Hunziker Road at the north. The western boundary (Wall Street) is a private street. Access to the south is restricted by a rail line and access to the east is restricted by adjoining residential development. The site is longer in the north-south dimension than the east-west dimension.
Acreage	37.4 acres of the site are zoned I-P, of which approximately 17 acres have been identified by the City as being slope-constrained for large-footprint industrial development.
Topography	The site has slopes of ten to twelve percent on the eastern side and four to five percent on the western side. The ground slopes from east to west in the site's shorter dimension, limiting the ability to create flat areas for large buildings.
Visibility	Limited visibility from Hunziker Road reduces the attractiveness of the rear portion of the site for certain development types.
Specific types or levels of public facilities, services or energy infrastructure	Industrial access to roads is difficult due to slopes on Hunziker Road and the rail spur along Wall Street.
Proximity to a particular transportation or freight facility such as rail, marine ports and airports, multimodal freight or transshipment facilities, and major transportation routes	A rail line is located immediately to the south of the site, with an existing spur that connects to the Portland & Western Railroad.

Table 5: Development Constraints	
Development Constraints (OAR 660-009-0005(2))	**Site Condition**
Wetlands	Low-quality wetlands are present in the northwestern portion of the site.
Environmentally sensitive areas such as habitat	The Tigard Significant Habitat Areas map identifies the eastern half of the site as lower value habitat. This map appears outdated since the majority of the tree cover has now been removed. No areas are identified as moderate value or highest value habitat.
Environmental contamination	A railroad spur is located on the western boundary; low levels of soil pollution can be typical near railroad alignments.
Slope/topography	Slopes on the eastern portion of the site pose a significant constraint on industrial development. Slopes in excess of ten percent hamper the ability to construct large-footprint industrial buildings. General industrial and manufacturing buildings require relatively large unconstrained acreage to create industrial development.
Cultural and archaeological resources	No known cultural or archeological resources are on site.
Infrastructure deficiencies	Major extensions of utilities will be required to serve the site.
Parcel fragmentation	The site is comprised of four parcels, two of which are currently zoned I-P.
Natural hazards	The Tigard Seismic Hazard map classifies the northwest and southern portions of the site Category A (greatest seismic risk).

The evidence shows that despite relatively high demand for light industrial land and low supply, this site has not developed for light industrial use and is unlikely to do so in the future because of its unsuitable site characteristics and development constraints. MUE zoning on the eastern portion allows the site to be developed with some combination of employment and multifamily workforce housing use and allows the site to be developed in a more flexible way. Development allowed under the MUE zone will help create a stronger, more diversified, and sustainable development on this site, which in turn will help the local economy.

Housing

GOAL: 10.2 Maintain a high level of residential livability.
POLICIES:

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.*
8. *The City shall require measures to mitigate the adverse impacts from differing, or more intense, land uses on residential living environments, such as:*
   - *A. orderly transitions from one residential density to another;*
   - *B. protection of existing vegetation, natural resources and provision of open space areas; and*
   - *C. installation of landscaping and effective buffering and screening.*

Response: The comprehensive plan currently designates 2.1 acres of this site for Low Density Residential development (tax lot 2S101DB00400). These 2.1 acres are proposed to be changed to Mixed Use Employment. The current zoning (R-3.5) requires 10,000-square-foot lots so the tax lot could accommodate around seven single-family homes. In the context of the City's supply of vacant residential land, a reduction of seven units may not be significant since it would decrease the city's residential land supply by a very small fraction. (The 2014 Buildable Lands Inventory indicates that 307 acres of residential land were buildable.) The Mixed Use Employment zone also allows for multifamily residential construction, so housing would continue to be accommodated even with the MUE zoning. As illustrated in Figure 1, some of the existing mature trees along the eastern site boundary may be able to buffer development from the adjoining residences. The range of uses allowed in the MUE zone is more compatible with the adjoining residential uses than the existing I-P zoning due to reduced likelihood of noise-generating uses.

Title 18 of the Tigard Municipal Code (Tigard Community Development Code)

Chapter 18.380 Zoning Map and Text Amendments

18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map.

Approval of an ordinance amending the zoning map, comprehensive plan map, comprehensive plan, or development code shall be based on the following:

A. Quasi-judicial amendments. Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in subsection D of this section. The approval authority shall be as follows:

1. The commission shall decide zone change applications which do not involve comprehensive plan map amendments;

2. The commission shall make a recommendation to the council on an application for a comprehensive plan map amendment; and

3. The commission shall make a recommendation to the council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The council shall decide the applications on the record as provided by Chapter 18.390.

Response: This application is for a quasi-judicial zone change which also involves a concurrent comprehensive plan map amendment. The Planning Commission makes a recommendation to City Council and City Council makes the final decision. This standard is met.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:

1. Demonstration of compliance with all applicable comprehensive plan policies and map designations;

2. Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; and

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application.

Response: This report provides evidence of compliance with comprehensive plan policies and other local, regional, and state approval standards. The City's adoption of Ordinance 15-06 amended the comprehensive plan and the EOA by accounting for slope constraints on industrially-zoned properties, including the subject site. The new information contained in this ordinance identified approximately 17 acres of the subject site with slopes in excess of 10%, which limits the ability to create large, flat sites

required for many industrial uses. The proposed comprehensive plan amendment and zone change builds on the City's recognition of the prior oversight in the EOA's buildable land inventory. The Development Analysis (Attachment 2) supports the conclusion that the existing plan and zoning designation is inconsistent with the market requirements for industrial development (also see the response to the Comprehensive Plan Economic Development policies). By changing a portion of the site to Mixed Use Employment, the City can encourage economic efficiencies that lead to development within both the MUE portion and the I-P portion.

C. Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050. A legislative decision may be approved or denied.

Response: The applicant has supplied evidence in support of the proposed zone change and comprehensive plan map amendment so the City has a sufficient basis for approval of the application. The applicant understands that staff will be recommending a condition of approval that 280 non-retail jobs be accommodated on the MUE-zoned portion of the site. Due to the importance of flexibility in response to ever-changing market conditions, the applicant respectfully requests that the City allow any permitted use in the MUE zone rather than restricting the site to a specific land use. Further, in order to maintain compliance with the Transportation Planning Rule, the applicant proposes a condition of approval imposing a trip cap based on anticipated trip generation allowed in the current zoning.

Chapter 18.390 Decision-Making Procedures

18.390.050 Type III Procedure

B. Application requirements.

1. Application forms. Type III applications shall be made on forms provided by the director as provided by 18.390.080.E.1.

2. Content. Type III applications shall:

a. Include the information requested on the application form;

b. Address the relevant criteria in sufficient detail for review and action;

c. Be accompanied by the required fee;

d. Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in subsection C of this section. The records of the Washington County Department of Assessment and Taxation shall be the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;

e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services. The study shall address, at a minimum, the transportation system, including bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet city standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where the community development code requires the dedication of real property interests, the applicant shall either specifically concur with the dedication requirements, or provide evidence which supports the conclusion that the real property dedication requirement is not roughly proportional to the projected impacts of the development.

Response: The applicant has submitted forms supplied by city staff and provided the materials noted in the list above. The public facilities impact study is included as Attachment 4. The applicant concurs with the requirement to dedicate right-of-way along Hunziker Road and Wall Street in conjunction with future development. Because no development is being proposed as part of this application, no right-of-way dedication is warranted at this time.

IV. CONCLUSION

The proposed Mixed Use Employment Comprehensive Plan designation of the eastern portion of the site will allow development types which can better accommodate slope constraints while also reducing potential conflicts between uses on the subject property and abutting residential development. The proposed zone change from I-P to MUE has the potential to increase economic development in Tigard by properly accounting for development economics applicable to the different portions of the site.

As detailed above, the proposed comprehensive plan map amendment and zone change meets or exceeds the City of Tigard requirements and applicable statewide planning goals and administrative rules. The applicant respectfully requests approval of the application in order to advance the City's economic development objectives by bringing vacant land into productive use.

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Fax: 503-848-2179

I-P Zone Description

May 11, 2015
NWS Project Number 366

A tract of land located the northwest one-quarter and the southwest one-quarter of Section 1, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being more particularly described as follows:

Commencing at the most westerly southwest corner of Lot 1 of "Tech Center Business Park", recorded in Book 53, Page 29 of Washington County Plat Records, said point also being on the northeasterly right-of-way line of the Southern Pacific Railroad and being the most southerly corner of that property described as Parcel V in the deed to Fred W. Fields as Trustee of the Fred W. Fields Revocable Living Trust, recorded on May 5, 2010 as Document Number 2010-033975, Washington County Deed Records; Thence along said northeasterly right-of-way line, North 41°55'03" West 1113.55 feet to the Point of Beginning;

Thence leaving said northeasterly right-of-way line, North 29°34'10" East 1856.77 feet to a point on the southerly right-of-way of SW Hunziker Street (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line, North 71°51'14" West 421.12 feet to a point of curvature thereon; Thence continuing along said southerly right-of-way line, 43.75 feet along a tangent curve to the right with a radius of 230.00 feet, a delta angle of 10°53'59", and a long chord bearing North 66°24'15" West 43.69 feet to a point of tangency; Thence continuing along said southerly right-of-way line, North 60°57'15" West 3.78 feet to the northwest corner of that property described as Parcel VI in said deed to Fred W. Fields; Thence along the westerly line of said Parcel VI, South 29°34'10" West 1614.75 feet to said northeasterly right-of-way line of the Southern Pacific Railroad; Thence along said northeasterly right-of-way line, South 41°55'03" East 485.10 feet to the Point of Beginning.

The above described tract of land contains 18.31 acres, more or less.

The basis of bearings for this description is survey number 32,010, Washington County Survey Records.

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MUE Zone Description

May 11, 2015
NWS Project Number 366

A tract of land located the northwest one-quarter and the southwest one-quarter of Section 1, Township 2 South, Range 1 West, Willamette Meridian, City of Tigard, Washington County, Oregon, and being more particularly described as follows:

Beginning at the most westerly southwest corner of Lot 1 of "Tech Center Business Park", recorded in Book 53, Page 29 of Washington County Plat Records, said point also being on the northeasterly right-of-way line of the Southern Pacific Railroad and being the most southerly corner of that property described as Parcel V in the deed to Fred W. Fields as Trustee of the Fred W. Fields Revocable Living Trust, recorded on May 5, 2010 as Document Number 2010-033975, Washington County Deed Records; Thence along said northeasterly right-of-way line, North 41°55'03" West 1113.55 feet; Thence leaving said northeasterly right-of-way line, North 29°34'10" East 1856.77 feet to a point on the southerly right-of-way of SW Hunziker Street (30.00 feet southerly from the centerline thereof, when measured at right angles); Thence along said southerly right-of-way line, South 71°51'14" East 180.65 feet to a point of curvature thereon; Thence 36.08 feet along a tangent curve to the left with a radius of 230.00 feet, a delta angle of 8°59'21", and a long chord bearing South 76°20'55" East 36.05 feet to the northeast corner of that property described as Parcel II in the deed to Fred W. Fields and H. Suzanne Fields recorded May 1, 2006 as Document Number 2006-051473, Washington County Deed Records; Thence along the east line of said Parcel II and the East line of Parcel I from said Document Number 2006-051473, South 00°55'57" West 626.06 feet to the southeast corner of said Parcel I; Thence along the south line of said Parcel I, North 89°19'21" West 330.40 feet to the southwest corner thereof, said point being on the east line of that property described as Parcel IX in said Document Number 97-097055; Thence along the east line of said Parcel IX, South 01°20'51" West 671.06 feet to the southeast corner thereof, said point also being the northeast corner of said Parcel V; Thence along the east line of said Parcel V, South 01°11'55" West 1086.06 feet to the Point of Beginning.

The above described tract of land contains 24.18 acres, more or less.

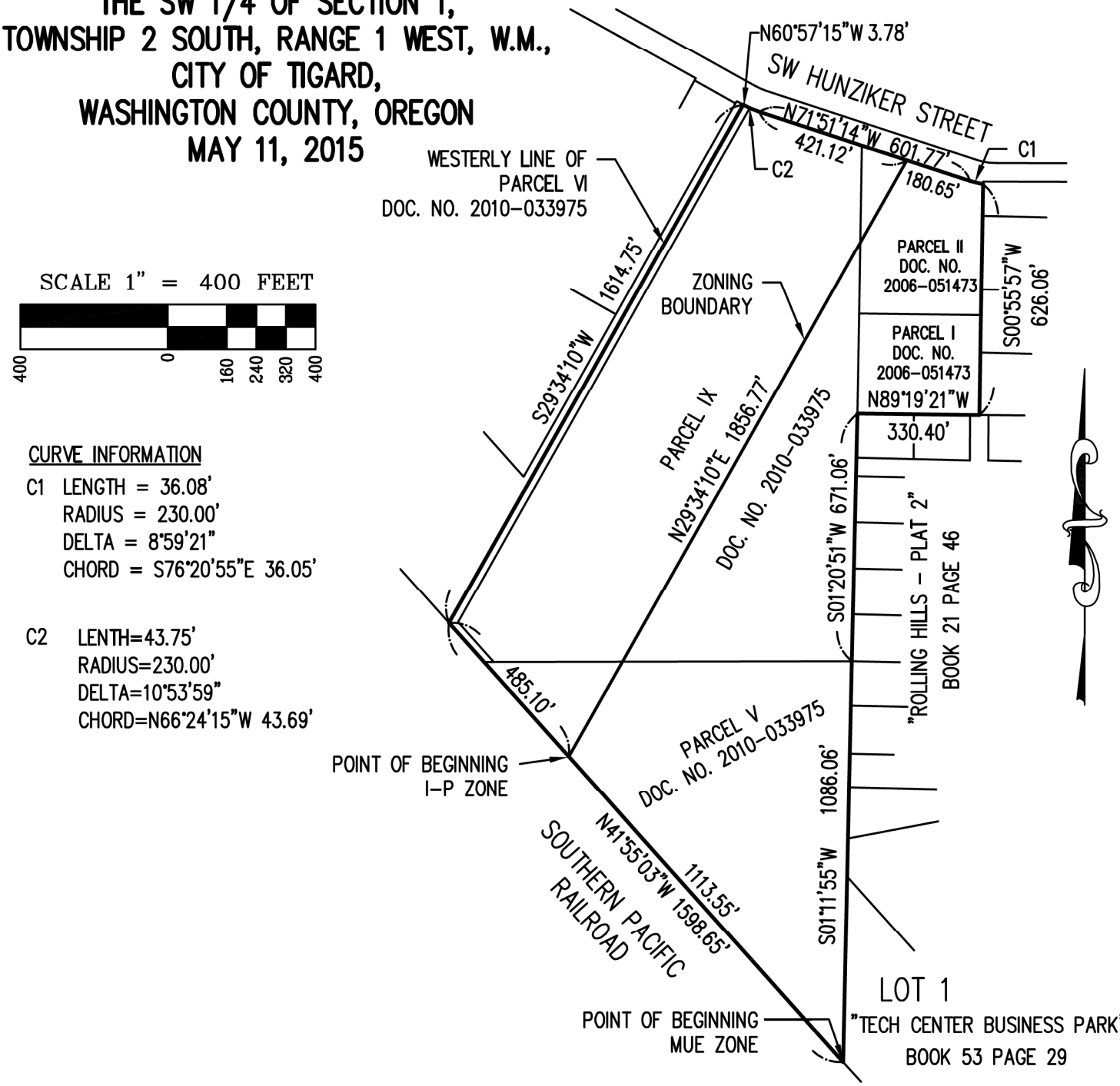
The basis of bearings for this description is survey number 32,010, Washington County Survey Records.

ZONING EXHIBIT MAP

(PAGE 1 OF 2)

LOCATED IN THE NW 1/4 AND THE SW 1/4 OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF TIGARD, WASHINGTON COUNTY, OREGON

MAY 11, 2015



SCALE 1" = 400 FEET

400 0 160 240 320 400

CURVE INFORMATION

C1 LENGTH = 36.08'
RADIUS = 230.00'
DELTA = 8°59'21"
CHORD = S76°20'55"E 36.05'

C2 LENTH=43.75'
RADIUS=230.00'
DELTA=10°53'59"
CHORD=N66°24'15"W 43.69'

PREPARED FOR:

FRED FIELDS
REVOCABLE LIVING TRUST
C/o KELLY HOSSAINI
MILLER NASH LLP
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111 SW 5TH AVE.
PORTLAND, OR 97204

JOB NAME:	FIELDS SURVEY
JOB NUMBER:	366
DRAWING NUMBER:	366 ZONING
DRAWN BY:	CHS
CHECKED BY:	SFF

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ZONING EXHIBIT MAP

(PAGE 2 OF 2)

LOCATED IN THE NW 1/4 AND THE SW 1/4 OF SECTION 1, TOWNSHIP 2 SOUTH, RANGE 1 WEST, W.M., CITY OF TIGARD, WASHINGTON COUNTY, OREGON

MAY 11, 2015

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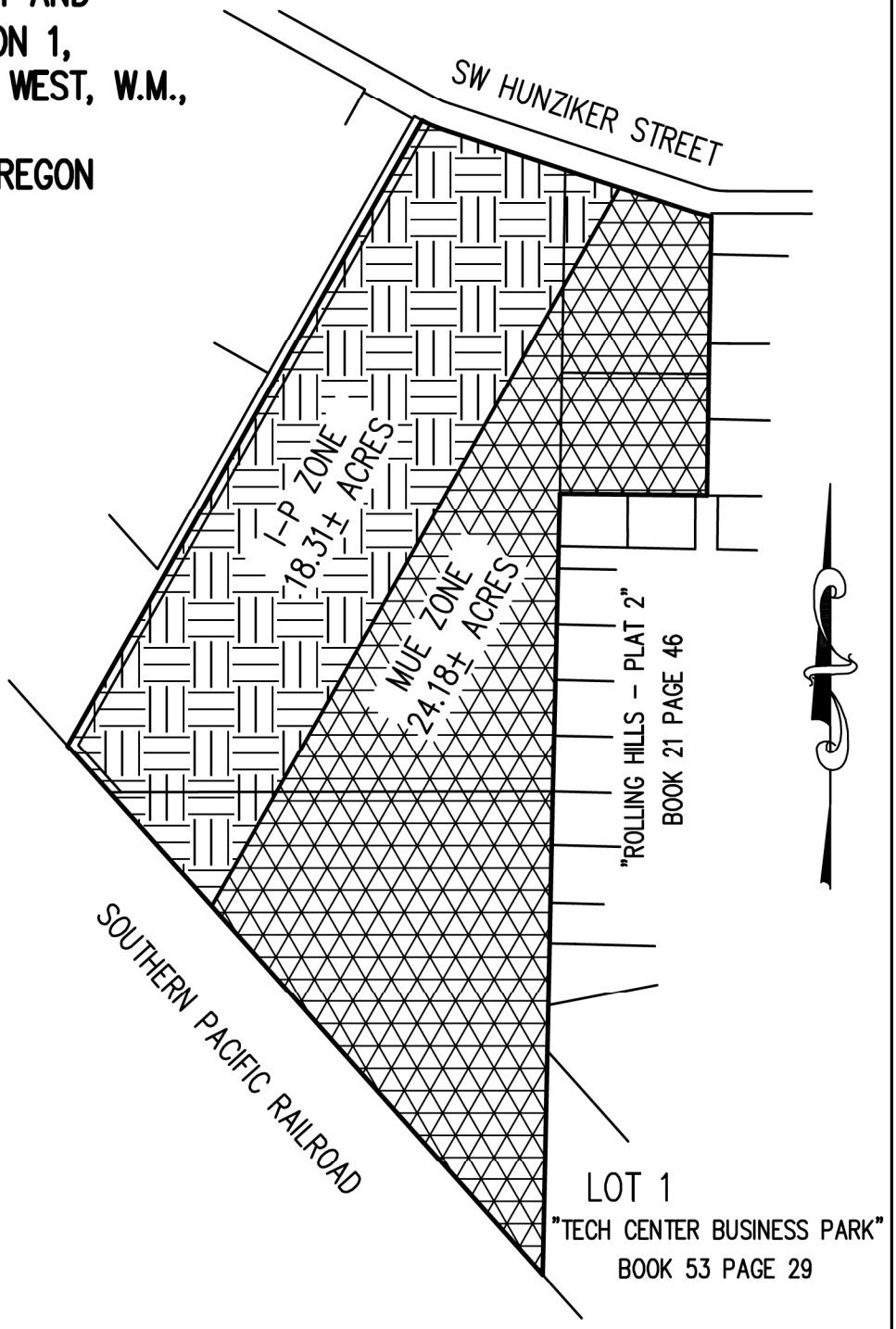

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FIELDS PROPERTY

DEVELOPMENT ANALYSIS AND OPPORTUNITY STUDY

February 13, 2014

OUR HISTORY. OUR FUTURE. OUR PROMISE.

The values of our founder, Tom Mackenzie, remain the hallmarks of our firm. Upon this foundation we have, steadily and intentionally, built a team of experts focused on delivering the highest level of design excellence in service to our clients. This mark is our signature and our bond.

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THE FIELDS PROPERTY DEVELOPMENT ANALYSIS STUDY.

This development analysis was generated through a series of joint venture workshops with the property owner, local developers, local brokers, the City of Tigard, and Mackenzie land use planners and civil engineers. The intent of the workshops and this analysis is to help determine the highest and best use of the undeveloped Fields Property, given:

- Significant site constraints
- The current and future development market
- Regional needs/City needs for employment areas

This exercise was taken on as a collaborative effort to determine how the Fields Property could be

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I. SITE CONTEXT

What are the physical features of the Fields Property site?

I.1 SITE INFORMATION

Size: 42.5 acres

Location: Just south of 217 and west of SW 72nd Avenue exit

Zoning: I-P, C-P, and R-3.5

Comp Plan Designation: IL, CP, and L

Street Frontage: Approx. 345' along SW Hunziker Road, contains private street (SW Wall Street) on west side

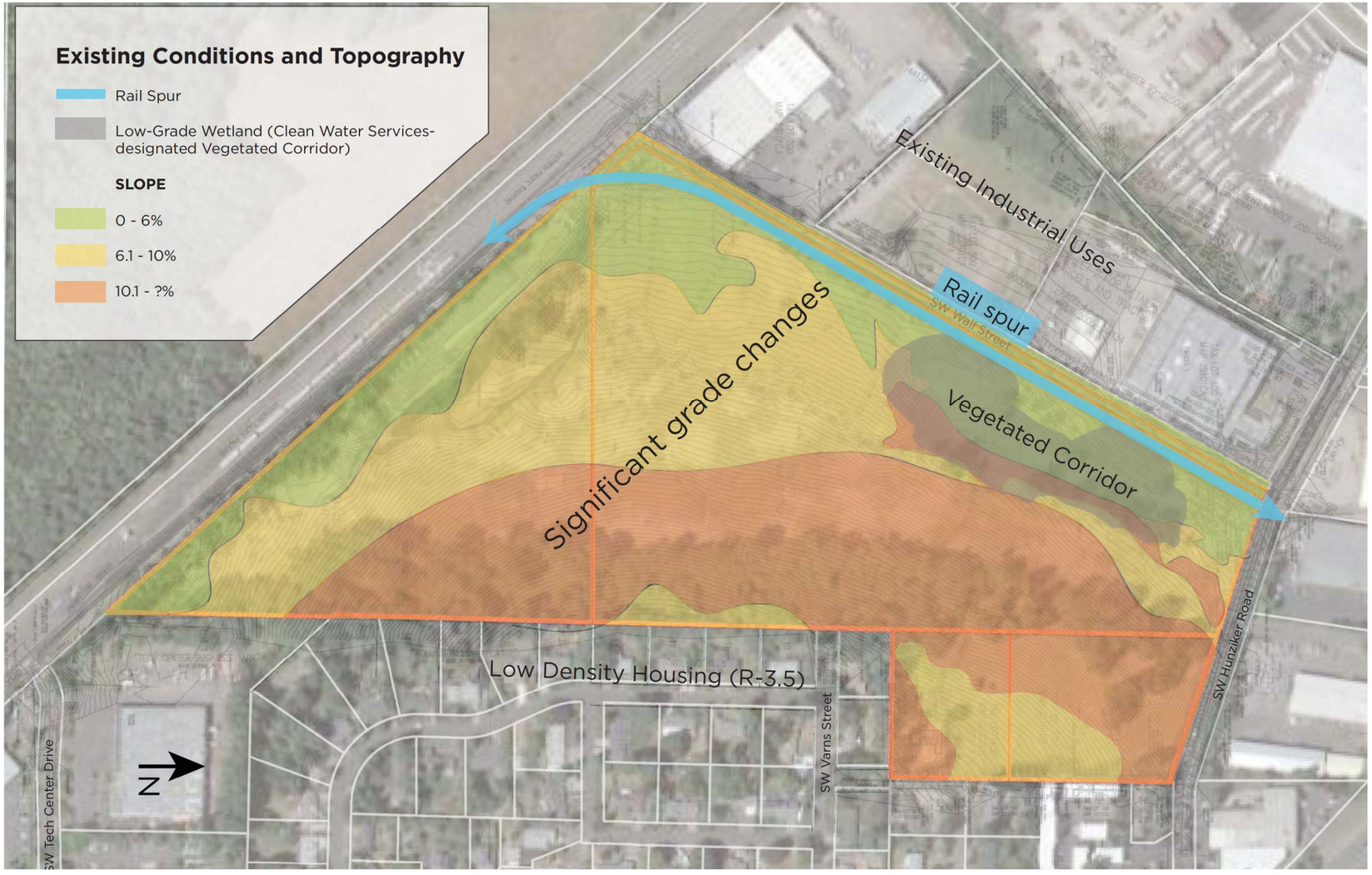
Topography: 4–5% slope on western side, 10–12% on eastern side

Existing Features: Remaining row of trees on eastern property line; unused rail spur along (private) SW Wall Street

Wetlands: Low-quality wetland area near northwest corner (Clean Water Services Vegetated Corridor)

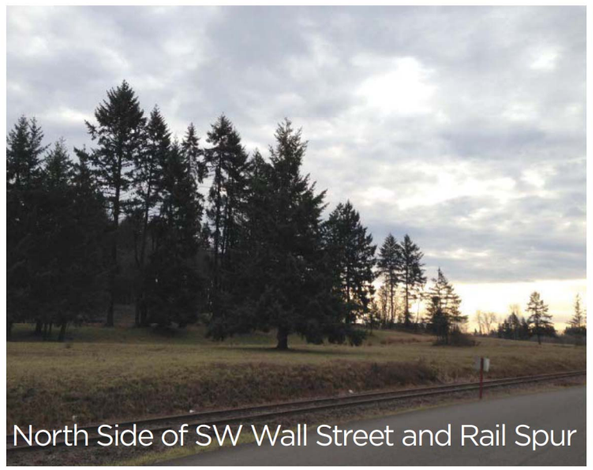
Existing Conditions – 2008 Survey

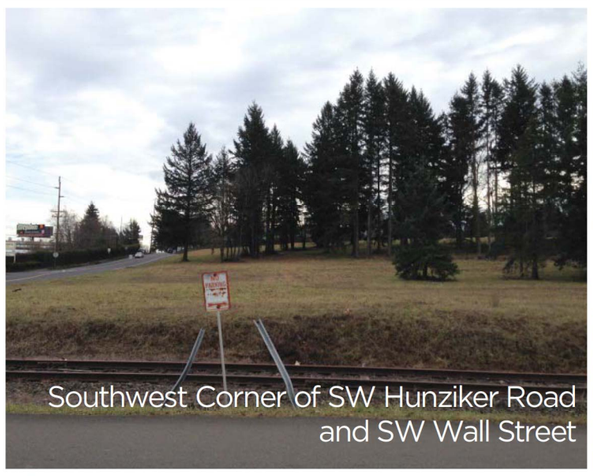
- Portions of the site near the rail spur previously leveled by owner; low-grade wetland developing (not on City inventory, but on Clean Water Services Vegetated Corridor map)
- Elevations range from 150’ at western property line to 240’ at places along eastern property line
- All structures on the site have been removed



Existing Conditions – SW Wall Street (Private) and Rail Spur

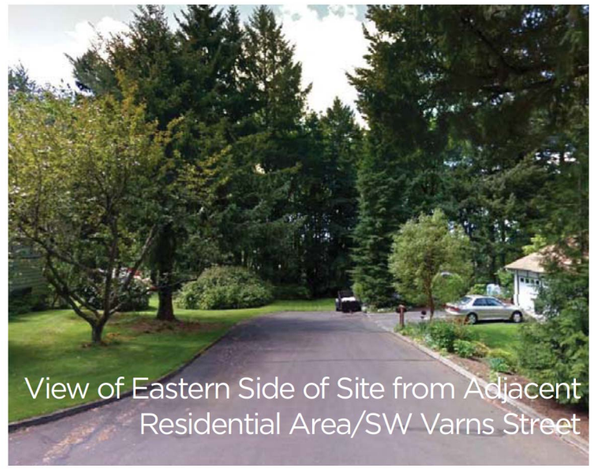
End of Rail Spur at Southern Property Line


North Side of SW Wall Street and Rail Spur


Southwest Corner of SW Hunziker Road and SW Wall Street

Rail Spur on South Side of SW Wall Street

Existing Conditions – Northern and Eastern Edges of Site


View of Eastern Side of Site from Adjacent Residential Area/SW Varns Street

Northern Edge of Site

Eastern Edge of Site from Adjacent Apts

Northern Edge of Site Along SW Hunziker Road

Northern Edge of Site Along SW Hunziker Road

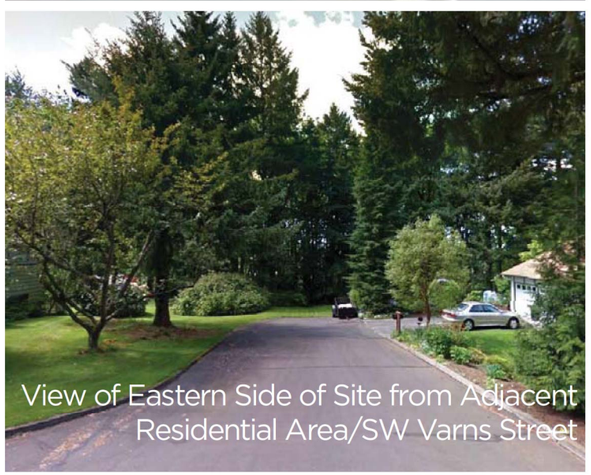
I.2 SITE CONTEXT

Surrounding Area

Dog Park on West Side of SW Wall Street

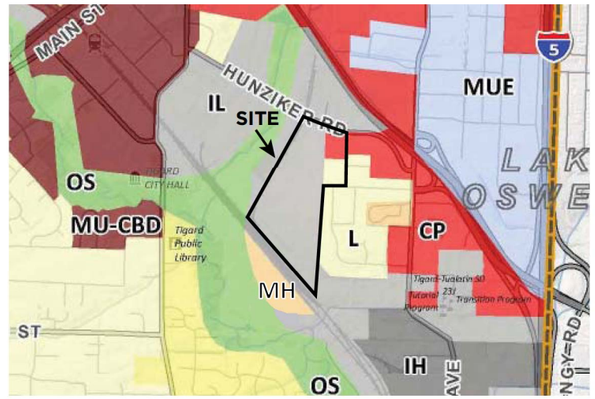
North Side of SW Hunziker Road

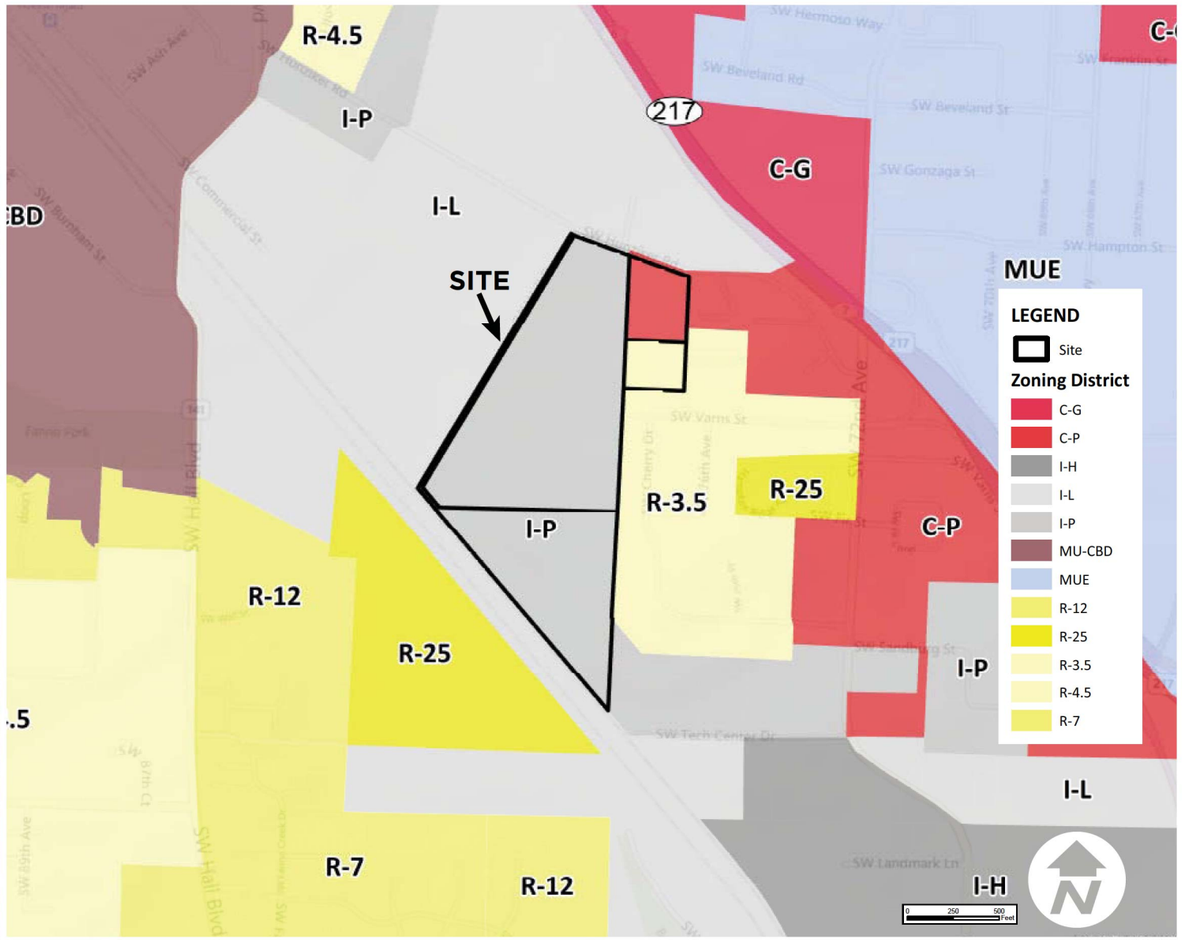
Northwest Corner of SW Hunziker Road and SW Wall Street


View of Eastern Side of Site from Adjacent Residential Area/SW Varns Street

Current Zoning

2027 City of Tigard Comprehensive Plan Designations





II. DEVELOPMENT CONSTRAINTS

What factors are keeping the Fields Property from being developed, and what benefits will the City receive with the site development?

II.1 DEVELOPMENT CONSTRAINTS

The property has been on the market for several years with much interest from the development community; however, development has thus far been unfeasible. The general location is desirable only for a limited set of uses, and there are significant topographical challenges with the uses allowed under the current zoning designation of I-P.

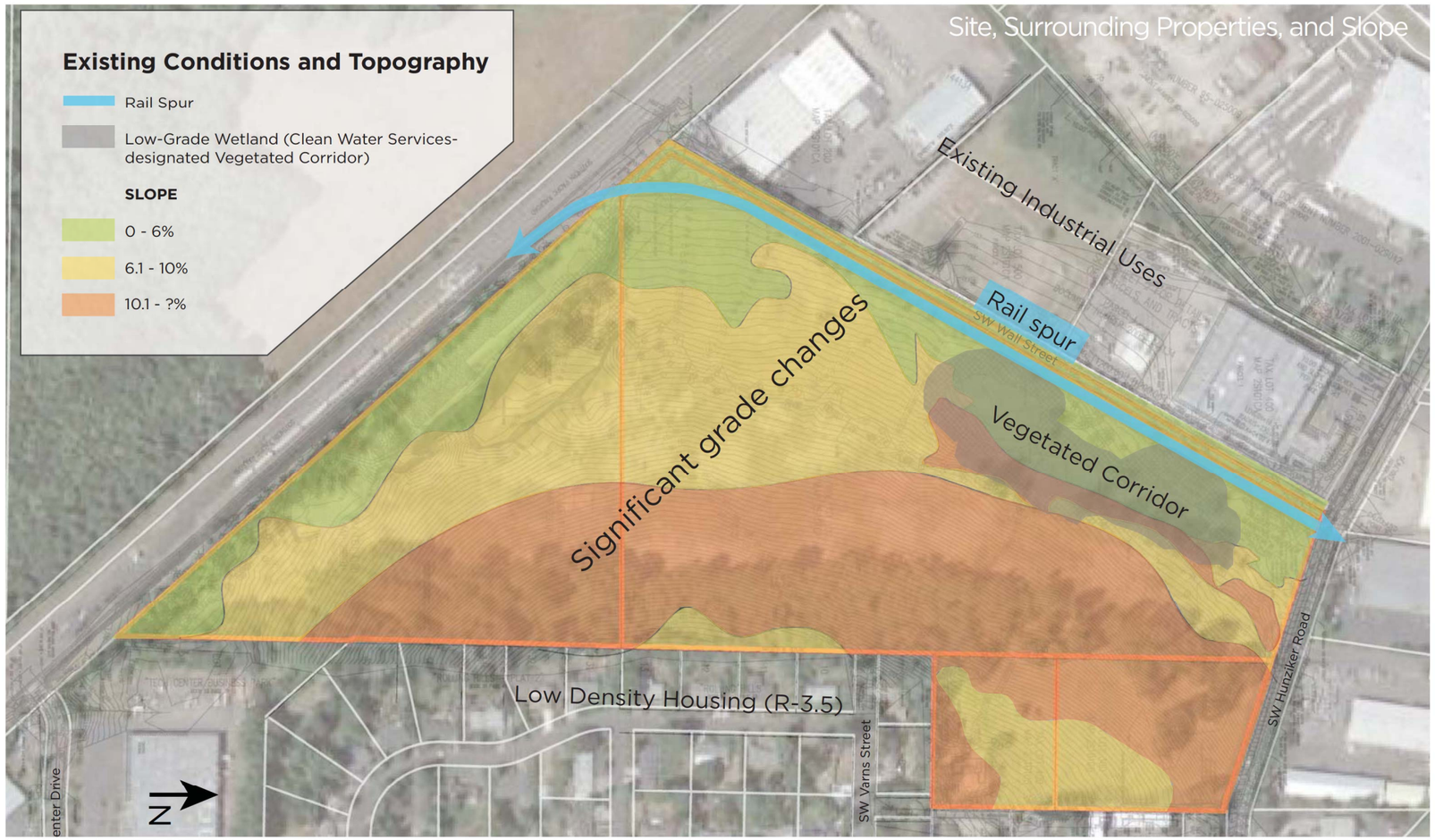
Previously considered uses include a bus barn for Tigard-Tualatin School District, City Public Works use, industrial development, and multi-family residential.

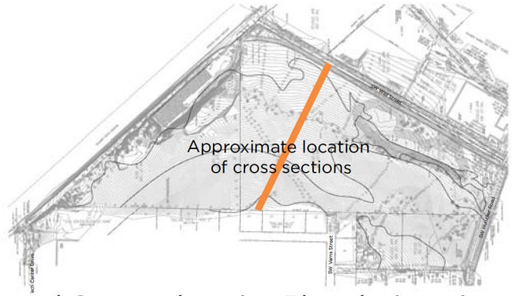
Primary Issues

1. **Slope and configuration of majority of site** not suitable for market-scale development allowed under current I-P zoning (e.g. 200' wide/deep or larger industrial/employment use buildings)
2. **Slope of SW Hunziker Road** not adequate for truck access on north side of site (to support allowed uses under current I-P zoning); existing grade is : 10%, recommended grade is : 4–5%)
3. **Transportation System Plan (TSP) designation and width of SW Wall Street (private)** between adjacent development and rail spur not wide enough for City Collector standards (SW Wall Street designated as future Collector on City's TSP)

Secondary Issues

1. **Wetland area** in flattest portion of site (low quality)
2. **Remaining trees** along eastern property line (both positive and negative factor)
3. **Limited access to site for some uses** from Hwy 217, SW 72nd Avenue, and Hwy 99W on existing roads
4. **Possible Noise** from adjacent railroad switching yard could impact possible uses depending on needs

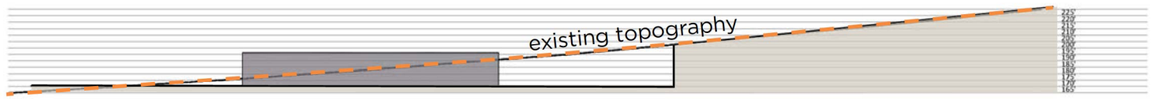




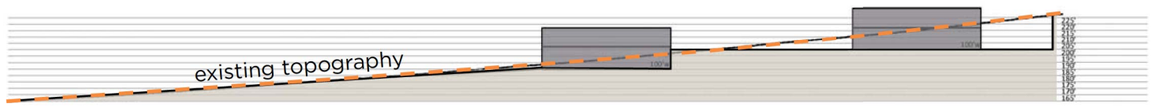
Primary Constraint 1: Slope and Configuration/Zoning

- For western portion of the site's current zoning and Comprehensive Plan designation (IL), with the site's slope and configuration, allowed uses such as small industrial buildings (150-200' wide) would require a 20–30' high retaining wall and/or extensive grading, which has been found to be cost prohibitive for previous potential buyers
- Smaller buildings such as offices would require partial basements and a smaller retaining wall, or more extensive grading which has been found to be cost prohibitive for this use
- Narrow buildings such as multi-family residential or mixed-use buildings could be built into the slope with small retaining wall required (however, current zoning does not support housing as an allowed use)

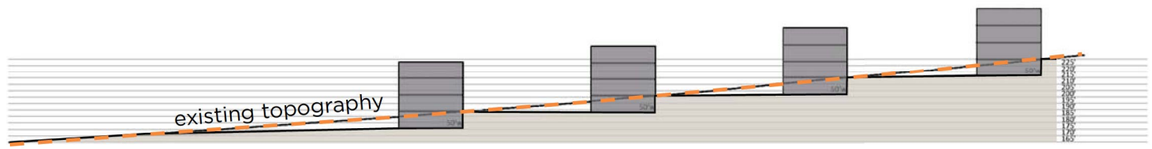
Example: Small industrial building (150-200' wide)



Example: Typical small office (100' wide)



Example: Retail/Mixed-Use/Residential (50' wide)



Primary Constraint 2: Slope of SW Hunziker Road

- The majority of the slope along the property frontage of SW Hunziker Road (only public street frontage) is approximately 10%, which is too steep for trucks servicing allowed uses on site (4–5% is the maximum possible)
- Only current access to property is at SW Wall Street (currently a private street). Access off of Hunziker Road is needed for development but the road is steeply sloped for majority of street frontage (10% +/-) and is not adequate for larger truck turning radius required with many I-P zone uses.

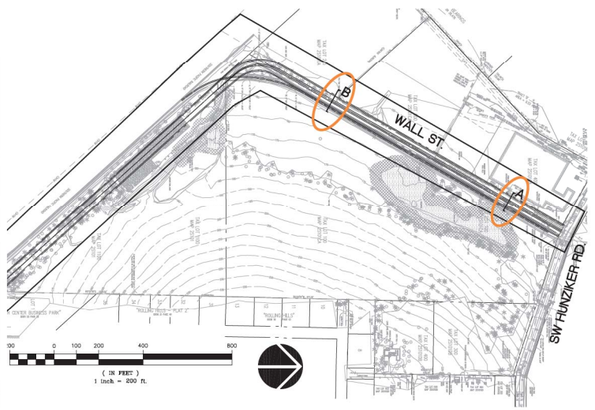
Site on SW Hunziker Road Facing East

Primary Constraint 3: Private Street (SW Wall Street) Designation/Width

- The most appropriate vehicular access to the site has been found to be from a private street (SW Wall Street). SW Wall Street is included on the City's TSP as a Minor Collector, with a required width of 58'–96'. At different points along the SW Wall Street in its current layout between the rail spur and existing buildings, the width is less than 58'
- SW Wall Street could potentially be amended in the TSP to be designated as a Local Industrial street, which is a more feasible design section. Adjacent property owner has rights to rail spur and does not appear willing to support abandoning the spur to facilitate road improvements along SW Wall Street
- Possible future connection to SW Tech Center Drive; SW Tech Center Drive is designated Local Industrial

Secondary Constraint 1: Wetland Area

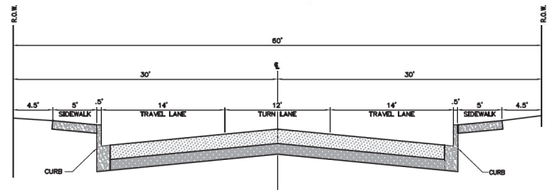
- A low-quality wetland exists on flattest parts of the site, which has been found to be the most appropriate location for industrial development



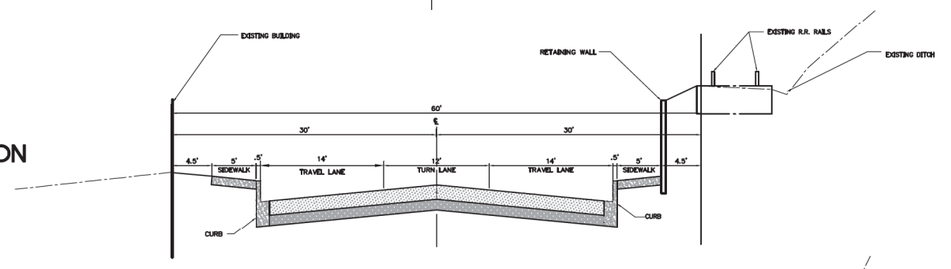
Street Section Locations

Example Street Sections: Current Layout Inadequate Collector Width, Adequate Local Industrial Width

THREE-LANE MINOR COLLECTOR STANDARD



SECTION A



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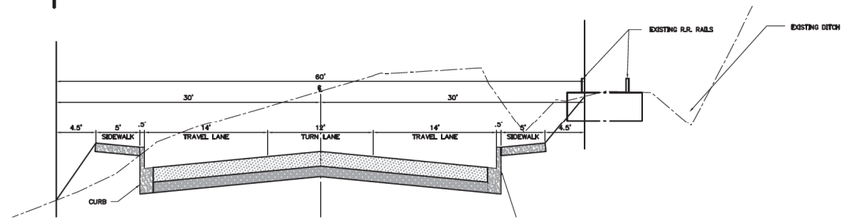
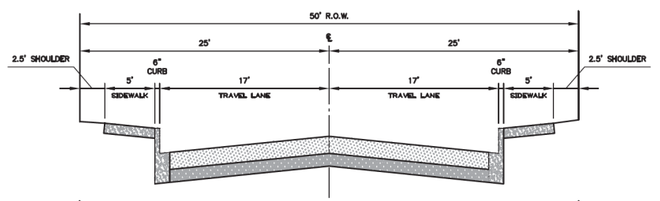
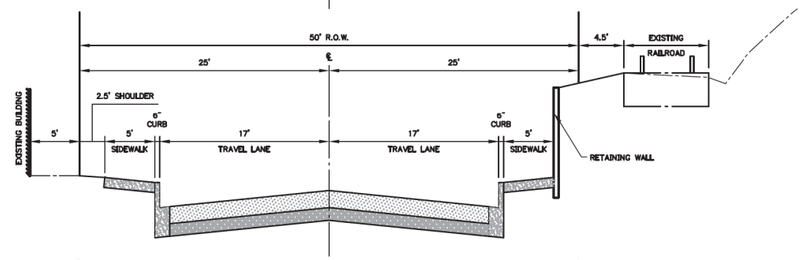


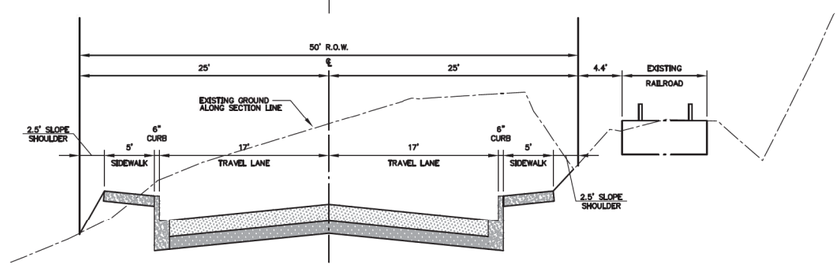
TWO-LANE LOCAL INDUSTRIAL STANDARD



SECTION A



SECTION B



Secondary Constraint 2: Remaining Trees

- A large amount of mature trees exist along the eastern edge of the property. They act as a buffer to adjacent residential uses and could be potentially integrated into a development scheme that included smaller scale buildings such as residential, but serve as a constraint for many of the currently approved uses in the I-P zone
- Both positive and negative factor; some additional trees may need to be removed, but retained trees could aid in separation of uses from existing single-family residential neighborhood*

SW Corner of SW Hunziker Road and SW Wall Street

Secondary Constraint 3: Limited Access from Major Routes

- Site is close proximity to Hwy 217 but not easily accessed from all directions, such as from northbound left turn intersection on SW 72nd Avenue, a potential issue for many use types currently allowed in existing I-P zoning
- SW Tech Center Drive to the south of the site does not currently connect to SW Wall Street, but could be considered with future City transportation improvements

Nearby Intersections

* The City of Tigard development code currently requires a 50-foot property setback where the side or rear yard of an industrial zone abuts a residential zone (see Table 18.530.2, Note 3). If the MUE-2 zone was applied to the sloped portion of the Fields Trust property, as discussed later in this document, the setback requirement could be reduced to 20' where the Fields Trust property abuts the existing residential area (see Table 18.520.2). Table 18.530.2, Note 4 references an additional development requirement for industrial land abutting the Rolling Hills neighborhood, the neighborhood directly to the east of the Fields Trust industrial property. That requirement refers to compliance with a Comprehensive Plan policy, Policy 11.5.1, that no longer exists. The City's current adopted and acknowledged Comprehensive Plan contains no such policy. Therefore, Note 4 does not apply any additional restrictions on or requirements to development of the Fields Trust industrial property.

II.2 MARKET CONTEXT

The market strength of potential future uses of the Fields Property was discussed at the two workshops with City staff, the owner and local industry/development experts; the need for and interest in potential uses that can be supported by the current market was identified by local developers and real estate brokers with experience in the Tigard area and reviewed with the workshop team in order to feasibly develop employment lands on the Fields Property.

Identified High Market Demand in the Area:

- **Light industrial/smaller office/flex** (5,000–7,500 SF tenant spaces within larger building footprints). Typically need 150’ deep x 250’ wide buildings with 50’ truck bays
- **Multi-family residential** (workforce to mid-range, would also support adjacent industrial and employment uses). Good location, strong market demand

Multi-Family Residential Example

Light Industrial/Flex Example

Identified Low Market Demand in the Area:

- **Class A Office** in suburban areas (e.g.: Kruse Way scale and location) Rents have not increased significantly since the late 1990’s, but construction costs have.
- **Retail** Not close enough to freeway interchange. Only specialty “destination” big-box (with little to no pedestrian traffic) might be supported, but site is too sloped to accommodate it. Restaurants (location too far from main roads, other retail)
- **Specialty Recreation** (e.g. fitness centers–demand more retail-centered areas)
- **“Live/work” spaces** in suburban areas (without city center co-location to services and transit)

III. POTENTIAL SOLUTIONS

What is the highest and best use for the Fields Property and what measures can be taken to support it?

III.1 SHARED GOALS

What are the primary goals for the site's optimal development, considering the highest and best use (based on the market, site features, and regional needs)?

highest and best use: "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." — Appraisal Institute, *The Appraisal of Real Estate*

Owner (Fields Trustee)

- Want to see entire site sold and developed such that it meets the needs of the community and provides the owner with a reasonable rate of return on its investment

Developer

- Zoning that respond to market; develop uses that are profitable, meet long term market needs and serves as a community asset
- Make site more available for development to other future users (such as through easier access)

City of Tigard

- Bring new users/appropriate development to Tigard which will help support the local economy
- Increase job opportunities
- Improve public infrastructure and connectivity in central locations of Tigard (particularly for freight mobility)

Metro

- Promote and sustain a strong and competitive regional economy
- Protect industrial areas from non-job-creating uses

Shared Goals:

- *Preserve and Put to Use Industrial/Employment Lands*
- *Provide Needed Housing to Support Employment Lands*
- *Strengthen Transportation Connections and Freight Mobility Between Nearby Industrial Uses*

Resulting Question: What potential site layouts and uses would achieve these?

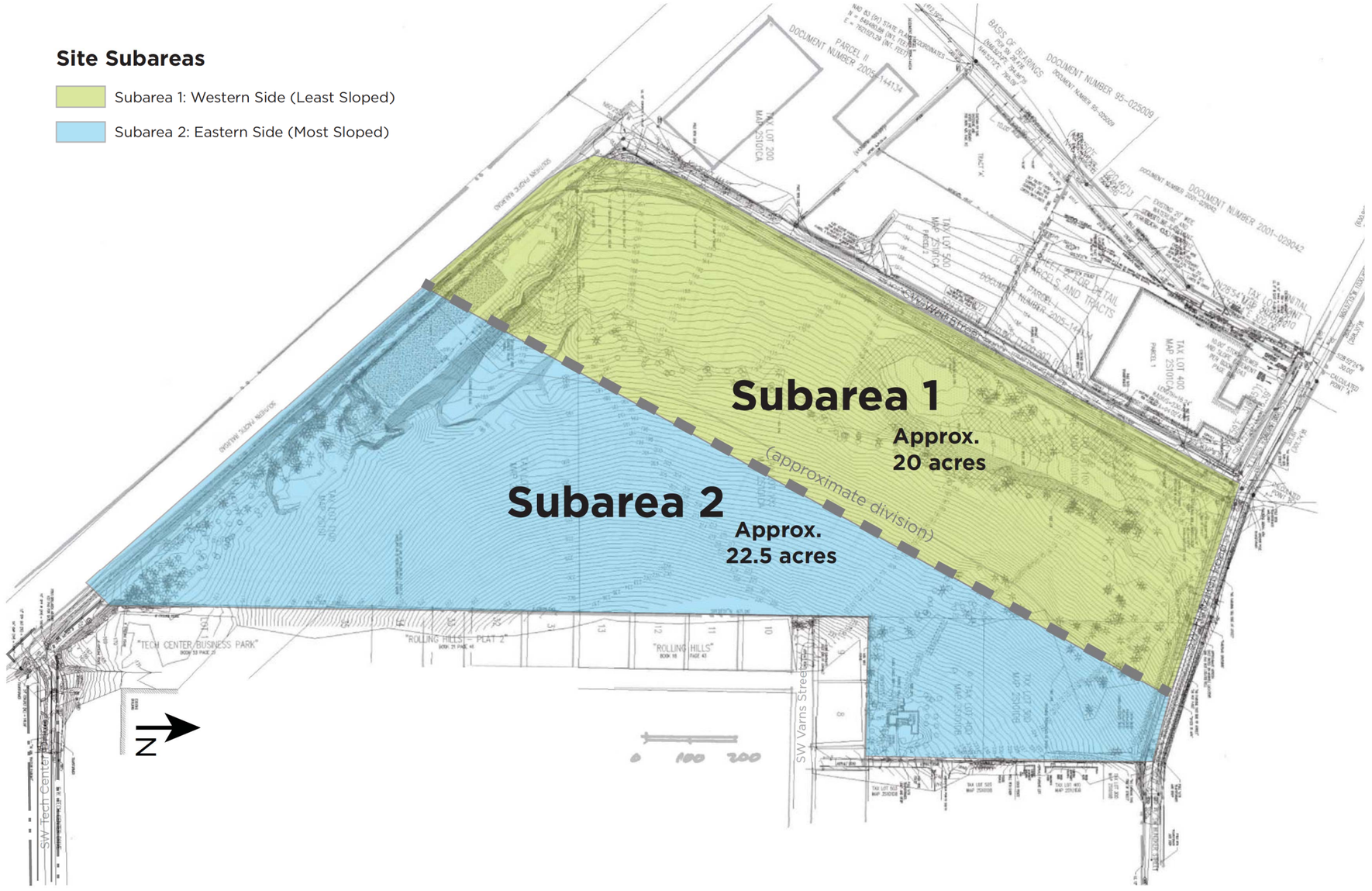
III.2 DEVELOPMENT OPTIONS

Subarea 1

- Subarea 1 contains slopes closer to the elevation of SW Wall Street and could be easily accessed from that street. This portion of the site is less steeply slope (existing wetland would need to be mitigated and/or accommodated)
- The Shape of subarea 1 is more appropriate to accommodate small industrial buildings, flex/offices, retail, or other commercial use as currently zoned (I-P)
- Additional access could make this portion of the site more feasible for development if SW Tech Center Drive was extended west and/or a secondary access was added off of SW Hunziker (would be steeply sloped)

Subarea 2

- Subarea 2 has a steeper slope (10% +/-), with no current access off of SW Hunziker. This portion of the site is non-rectangular shaped and contains a significant number of existing trees
- Additional access could make this portion of the site more feasible for development if SW Tech Center Drive was extended west and/or a secondary access was added off of SW Hunziker (would be steeply sloped)
- Subarea 2 does not easily accommodate industrial, larger office, retail, or other commercial buildings due to topography constraints and access. Smaller buildings with less intensive access needs (such as multi-family housing and small scale office uses) are better suited to the steep slopes, significant number of trees and surrounding residential uses.

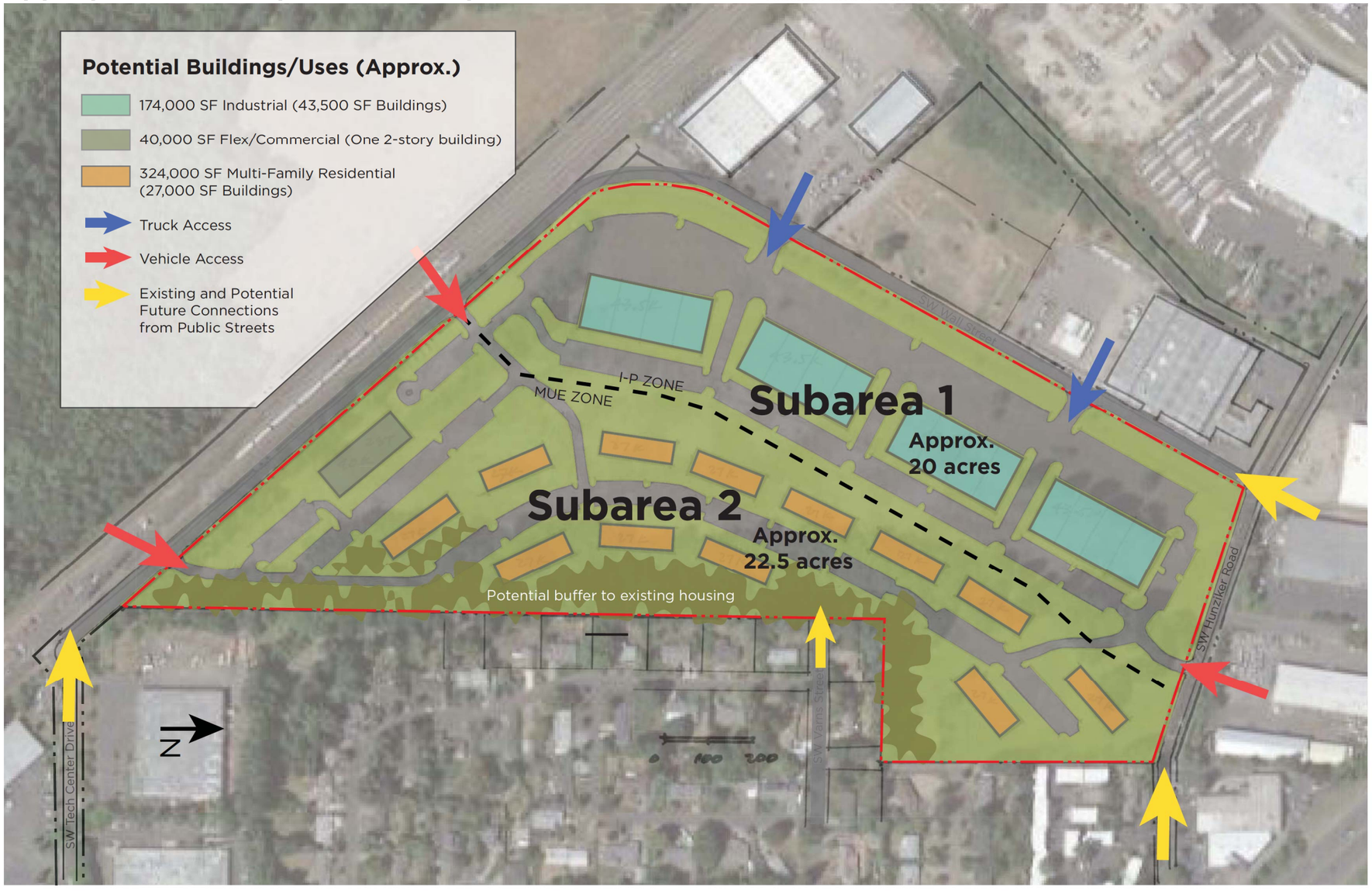


A Hypothetical Marketable, Site-Appropriate Development Concept*

Note: This plan is not intended to be a proposed development plan for the site. It is intended to serve as an example of how the site could be developed to maximize employment and support residential uses in a way that would be feasible under current market conditions.

Based on previous market studies and development options available on the property over the past few years, participants at the two workshops held in January 2014 determined that a hypothetical, marketable plan is needed to determine the capacity of the subareas to accommodate the maximum amount of employment lands for the site given size, slope, location, and configuration. This concept plan represents a hypothetical, marketable development concept scheme. Specific uses and tenant types have not been identified; the intent was to identify the most appropriate zoning and use designation that could be supported by the development sector and would support the City's need for maintaining and increasing employment lands in the district.

- This potential site plan accommodates a mix of employment intense flex/light industrial buildings, office uses, and multi-family residential
- Subarea 1 could accommodate several potential uses, but the high demand for small industrial spaces was determined to better meet the market demands and regional industrial land needs
- Subarea 2 is less flexible due to constraints mentioned previously in this analysis. This area was deemed appropriate for providing needed housing or other smaller footprint uses on steepest slope areas with the intent of preserve as many mature trees around develoment as possible



Public Improvements Identified to Support Maximum Potential Development Concept

ASSUMPTIONS:

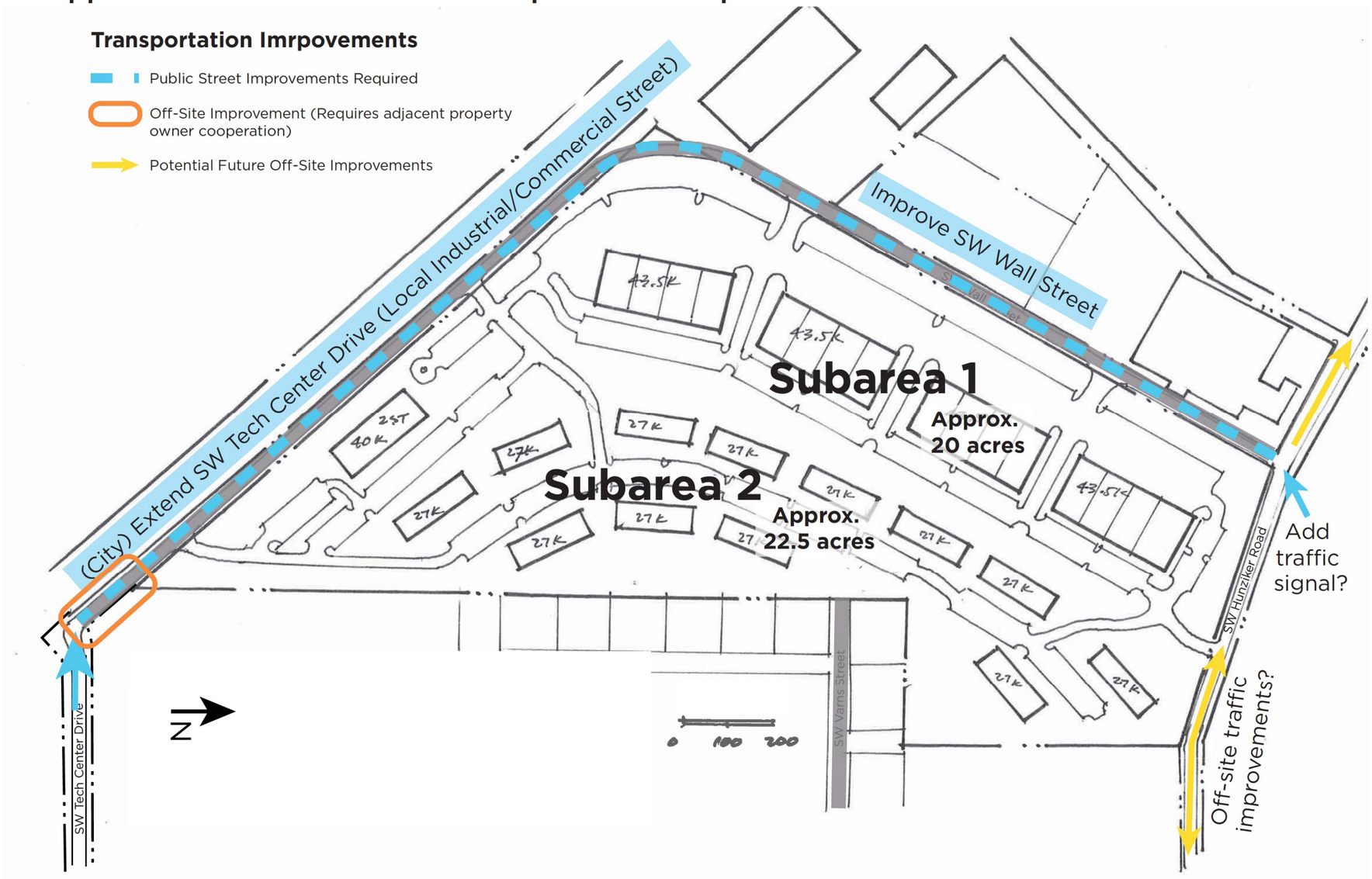
- Subarea 1 can be accessed from SW Wall Street (currently private, unimproved)
- Subarea 2 can be accessed from SW Hunziker Road at top of hill (auto access only) and from a potential future connection along SW Tech Center Drive at the southern property

NECESSARY IMPROVEMENTS:

- Connect SW Tech Center Drive at the southeast corner of the site to SW Wall Street (make SW Wall Street public). Cannot be done in current configuration; options include:
  - SW Wall Street changed to Local Industrial/Commercial to match SW Tech Center Drive
  - Remove rail spur, install standard Minor Collector street improvements
- Potential need to install traffic signal at SW Wall Street/SW Hunziker

POTENTIAL OFF-SITE IMPROVEMENTS:

- Improve intersections of SW Hunziker Road and SW 72nd Avenue/SW Hunziker Road/SW Hall Boulevard
- Pedestrian/bike connection over tracks via ped/bike bridge to public open space to the south

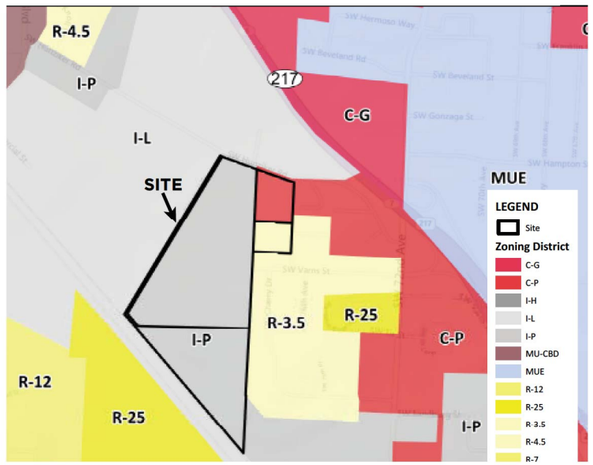


III.3 ZONING OPTIONS

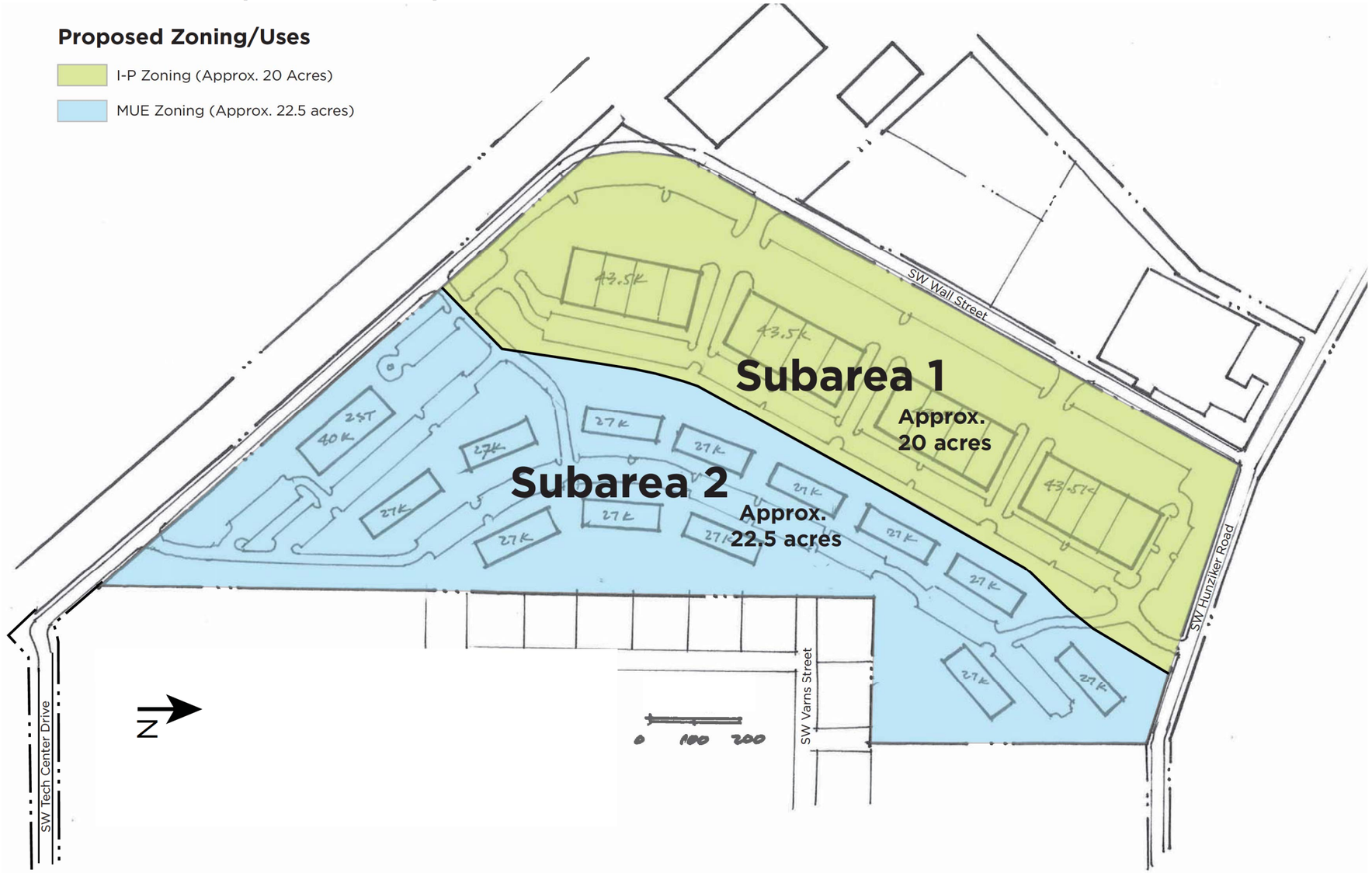
The following epresents the findings of two workshops held in January 2014, and includes recommended zoning options to achieve the highest and best use of the entire Fields Property

Potential Zoning Conducive to Marketable Development Concept

- The site currently is zoned a mix of I-P, C-P, and R-3.5 Most of the site is zoned I-P; residential uses not allowed. The proposed marketable scheme includes rezoning a portion of the site to reflect market conditions and land suitability. Possible uses include work-force housing on the steepest portion of the site to support employment lands.
-



- Zoning that would accommodate the proposed marketable development concept include:
  - Subarea 1: Remain I-P
  - Subarea 2: Remain employment-focused land, but allow residential through MUEzoning.



RECOMMENDED ZONING FOR SUBAREA 1: REMAIN I-P

I-P:
Industrial Park District

Tigard Development Code 18.530.020:

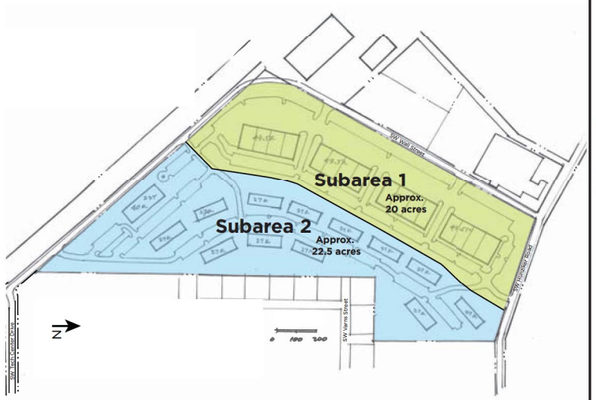
The I-P zoning district provides appropriate locations for combining light manufacturing, office and small-scale commercial uses, e.g., restaurants, personal services and fitness centers, in a campus-like setting. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, are permitted in the I-P zone.

ALLOWED USES INCLUDE:

- Some civic/institutional (emergency services, public support)
- Commercial (lodging, entertainment, repair-oriented, fuel sales, office, self-service storage)
- Industrial (light industrial, R&D, wholesale sales) (Warehouse not permitted)

CONDITIONAL USES INCLUDE:

- Some civic/institutional (utilities, recreation, day care)
- Commercial (eating/drinking, sales-oriented, personal services, vehicle servicing)



RECOMMENDED ZONING FOR SUBAREA 2: CHANGE TO MUE

MUE:
Mixed Use Employment District

Tigard Development Code 18.520.020F:

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.

ALLOWED USES INCLUDE:

- Multi-family housing (Max 25 units/acre)
- Commercial/retail support (lodging, eating/drinking, sales-oriented, personal services, repair-oriented)
- Civic/institutional: utilities, recreation, cultural institutions, day care, clubs/lodges

CONDITIONAL USES INCLUDE:

- Limited industrial (light industrial, R&D, warehouse)

NOTE: THE MUE ZONE IS DESIGNED TO APPLY TO AREAS WHERE EMPLOYMENT USES ARE CONCENTRATED AND ENCOURAGED. BY CHANGING A PORTION OF THE I-P ZONE TO MUE, THE PROPERTY WILL BE MORE APPROPRIATELY ZONED TO BE COMPATIBLE WITH THE R-3.5 ZONE TO THE EAST AS WELL AS THE I-P ZONED PROPERTY TO THE WEST. THE MUE ZONE ACTS AS AN APPROPRIATE TRANSITION ZONE FROM SINGLE FAMILY RESIDENTIAL TO LIGHT INDUSTRIAL/COMMERCIAL DEVELOPMENT

ECONOMIC BENEFIT TO THE CITY OF TIGARD WITH REZONE

Land Value:

EXISTING LAND VALUE:

- Current land value provides property taxes to the City of Tigard of roughly $90,000/year

LAND VALUE WITH PROPOSED DEVELOPMENT:

- Land value based on proposed development densities described in this exercise would generate approximately $700,000-$800,000/year. (Value based on assumption of $20/1M of development cost)

Permits/System Development Charges:

ONE-TIME DEVELOPMENT FEES TO THE CITY :

- Based on the cost of development and possible densities proposed in this exercise, the permit fees and system development charges at time of development would likely be between $4,000,000 and $7,500,000.

Employment Opportunities:

(*Based on possible densities and uses proposed in the collaborative workshop that would meet market needs*)

LIGHT iNDUSTRIAL/fLEX OFFICE JOBS:

- 400-700 Light Industrial/Flex Office jobs, concentrated on the I-P subzones identified in this exercise.

OFFICE JOBS:

- 150-250 Office Jobs, assumed to be provided in both the I-P and MUE subzones identified in this exercise.

WORK FORCE HOUSING:

- 300 possible new multi-family housing units to support employment lands

(*NOTE: Employment numbers are based on size of building and user/SF allowed per the International Building Code in conjunction with information provided by developers with similar scale developements in the area.)*

III.4 DEVELOPMENT ECONOMICS/FEASIBILITY

Over the course of the past few years, several development feasibility studies have been completed by developers looking at the property. Outlined below are highlights from various cost studies completed by PacTrust Development. Note that this data is preliminary and is was developed in order to determine development feasibility with the site being developed as it currently is zoned (I-P), and also to look at feasibility with approximately 50% of the site being rezoned to MUE. These numbers are based on current market values and are estimates only for purposes of determining development feasibility, return on investment, and economic value to the City of Tigard.

EXHIBIT A below outlines the site conditions as they exist today in section. Undeveloped.

EXHIBIT B illustrates a section through the site highlighting the maximum development potential for the site with the site's current zoning (I-P). With the current zoning and market conditions, approximately 20 acres could be developed with a total build out of approximately 175,000sf. The total site coverage would be a maximum of 20% of the site. The estimated cost of development excluding land costs is $22,100,000 ($126/sf) including necessary off-site improvements, necessary grading, permits and fees. The extraordinary costs, due to site constraints, that must be absorbed by this development are between $2,600,000 and $3,000,000. That equates to an additional $12-$15/SF of additional cost that must be added on to the building costs, creating a development cost premium of 25-40%. In this scenario, and even without the cost of land purchase, the project is not financially feasible. *(Refer to the separately attached cost comparison of Business Park Development Costs).*

EXHIBIT C illustrates a section through the site highlighting the proposed zone change for approximately 22 acres as well as potential development as allowed in the MUE zone. With this proposed scenario, development costs are shared by feasible development across the full extent of the site, bringing the extraordinary site development costs to approximately $750,000. The same industrial development identified in Exhibit B could occur (175,000sf) on the 20 acres of I-P zoned property, but an additional 22 acres of MUE development could occur on the eastern portion of the site, bringing the estimated cost of development in line with market demands and creating a viable development solution that will bring development to employment lands in the City of Tigard.

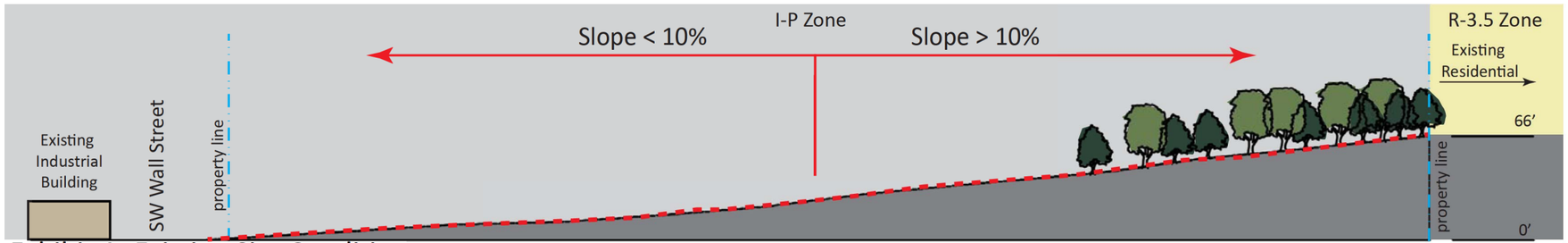


Exhibit A: Existing Site Condition

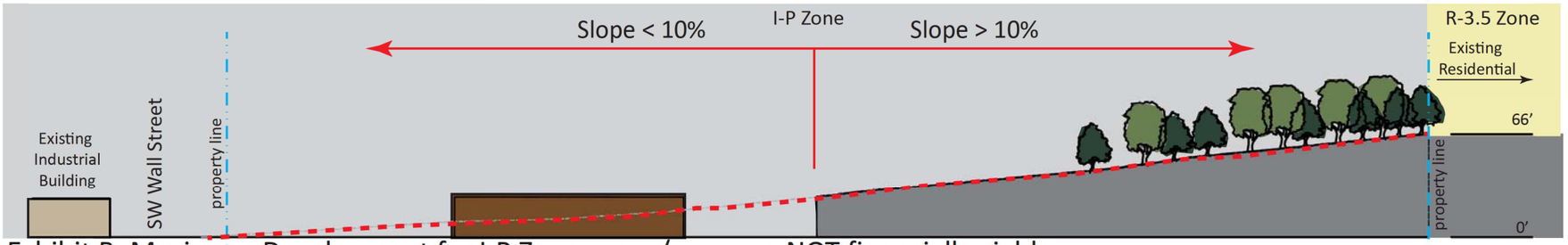


Exhibit B: Maximum Development for I-P Zone use w/o rezone-NOT financially viable

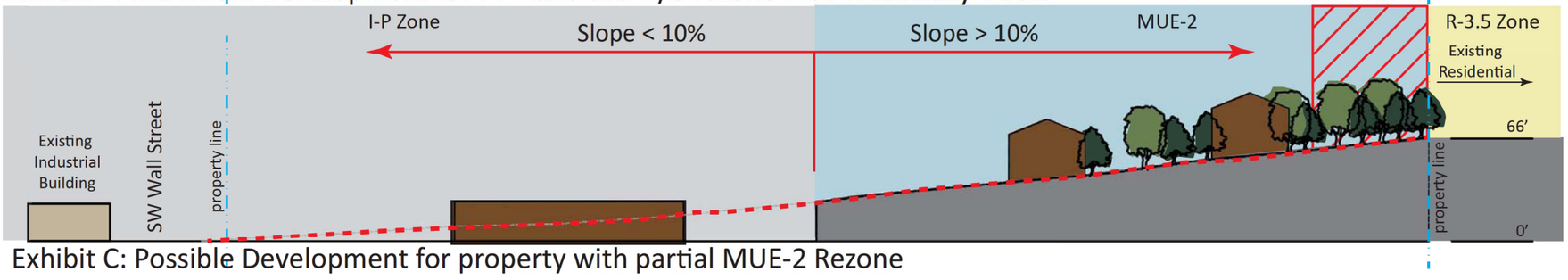


Exhibit C: Possible Development for property with partial MUE-2 Rezone

III.5 NEEDS

How can the owner and development team work with the City to develop the Fields Property such that employment lands can be created?

Highest and Best Use of the Property (based on the market, site features, and regional needs):

highest and best use: "the reasonably probable and legal use of vacant land or an improved property, which is physically possible, appropriately supported, financially feasible, and that results in the highest value." — Appraisal Institute, *The Appraisal of Real Estate*

Primary Constraints:	Possible Solutions:
1. **Slope and configuration of site** not suitable for market-scale industrial/employment uses (as majority of site is currently zoned)	1. **Re-zone a portion of the site for less intensive use** that better accommodates smaller building footprints and surrounding residential uses.
2. **Slope of SW Hunziker Road** not adequate for truck access on north side of site	2. **Re-zone site for more appropriate use and allow secondary site access along Hunziker**
3. **TSP designation and width of SW Wall Street (private)** between adjacent buildings and rail spur not wide enough for City Collector standards (SW Wall Street designated as future Collector on City's TSP)	3. **Re-designate SW Wall Street** to classification with narrower standard
4. **Limited Freight Access and Connectivity**	4. **Connect SWWall Street to SW Tech Center Drive**

III.6 DEVELOPMENT COMPARISON COSTS

PacTrust Development has successfully developed over 10,000,000 square feet of industrial and flex/office space, with most of that happening in and around the Willamette Valley area. In an effort to realistically look at business park development costs of the Fields Property in comparison to other recently developed properties in the area, PacTrust has assisted the team with compiling actual development costs of a recently completed industrial flex/office project of similar scale and density to estimated development costs on the Fields Property in Tigard.

FIVE OAKS WEST BUSINESS PARK, HILLSBORO, OREGON

Five Oaks West Business Park is located in the high-tech area of Hillsboro, Oregon. Currently a 34,875 square foot flex building is operational and a pre-leased 54,000 square foot building is under construction. The total developed square footage is approximately 167,000 square feet.

COMPARISON OF BUSINESS PARK DEVELOPMENT COSTS: FIVE OAKS WEST BUSINESS PARK VS. FIELDS TRUST PROPERTY

	Five Oaks West, Beaverton:	Fields Trust Property, Tigard:	
Development Coverage: (Includes land area readily available and appropriate for development)	34% Coverage	21% Coverage	
Fees and Permits:	**Fees and Permits:**	**Fees and Permits:**	
Soils and Environmental	$.30/sf	$.54/sf	
Architectural and Engineering	$2.43/sf	$2.87/sf	
Landscape Architecture	$.17/sf	$.39/sf	
Surveying	$.19/sf	$.16/sf	
Testing	$.32/sf	$.35/sf	
Fees and Permits	$6.87/sf	$8.12/sf	
Total:	**$10.28/sf**	**$12.43/sf**	
Construction Costs:	**Construction Costs:**	**Construction Costs:**	
Offsite and Streets	$.38/sf	$5.77/sf	*New Public Street needed*
Sitework	$7.35/sf	$25.97/sf	*Significant slopes/grading*
Landscape	$2.10/sf	$4.68/sf	*Coverage*
Hard Construction	$26.61/sf	$29.87/sf	*Price Increases*
Contingency	$2.31/sf	$8.26/sf	*10% vs 5%*
Total:	**$38.75**	**$74.55**	
Capitalized Interest:	**$1.16/sf**	**$2.61/sf**	
Tenant Improvements:	**$11.75/sf**	**$11.75/sf**	
Cost Prior to Land Purchase:	**$61.94**	**$101.34**	

The cost/sf of building development for the Fields Property is estimated to be 61% more than a typical business park development of similar size and density.

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

May 11, 2015

City of Tigard
Attention: Mike McCarthy, Development Engineer
13125 SW Hall Boulevard
Tigard, OR 97223

Re: **Fields Property**
Zone Change Transportation Planning Rule Analysis
Project Number 2130474.02

Dear Mr. McCarthy:

Mackenzie is providing this Transportation Planning Rule Analysis letter for the proposed comprehensive plan map amendment and zone change for the property located at the southeast corner of SW Hunziker Street and SW Wall Street in Tigard, Oregon. This analysis incorporates your April 13, 2015, comments on our February 18, 2015, scoping letter.

The property is just south of Beaverton Tigard Highway (OR-217) and west of the SW 72nd Avenue exit. The property is identified as NW ¼, SE ¼, Section 01, Township 2S, Range 1W, Tax Lot 100 (Washington County Assessor's Map 2S101CA), 300 (Washington County Assessor's Map 2S101DB), 400 (Washington County Assessor's Map 2S101DB), and 1100 (Washington County Assessor's Map 2S101). The property is 42.5 acres in size, and is currently zoned Industrial Park (I-P), Professional/Administrative Commercial (C-P), and Low-Density Residential (R-3.5). The comprehensive plan designations include Light Industrial (IL), Professional Commercial (CP), and Low Density Residential (L). The following table presents the existing and proposed comprehensive plan and zoning designations.

EXISTING & PROPOSED MAP DESIGNATIONS						
Tax Lot	Area (acres)	Existing Comprehensive Plan	Proposed Comprehensive Plan	Existing Zoning	Proposed Zoning (acres)	
					I-P	MUE*
2S1010001100	13.21	IL	IL & MUE*	I-P	1.90	11.31
2S101CA00100	24.16	IL	IL & MUE*	I-P	16.04	8.12
2S101DB00300	3.07	CP	IL & MUE*	C-P	0.37	2.70
2S101DB00400	2.06	L	MUE*	R-3.5	0.00	2.06

*Mixed Use Employment (MUE)

TRANSPORTATION PLANNING RULE

This analysis will address Transportation Planning Rule (TPR) requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060(1) stating, "*If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.*"

OAR 660-012-0060(2) further states, "*If a local government determines that there would be a significant effect, then the local government must ensure that allowed land uses are consistent with the identified function, capacity, and*

performance standards of the facility measured at the end of the planning period identified in the adopted TSP through one or a combination of the remedies listed in (a) through (e) below, unless the amendment meets the balancing test in subsection (2)(e) of this section or qualifies for partial mitigation in section (11) of this rule. A local government using subsection (2)(e), section (3), section (10) or section (11) to approve an amendment recognizes that additional motor vehicle traffic congestion may result and that other facility providers would not be expected to provide additional capacity for motor vehicles in response to this congestion."

In determining the analysis plan year, the Oregon Highway Plan (OHP) Action 1F.2 additionally states, "*When evaluating highway mobility for amendments to transportation system plans, acknowledged comprehensive plans and land use regulations, use the planning horizons in adopted local and regional transportation system plans or a planning horizon of 15 years from the proposed date of amendment adoption, whichever is greater.*" The City of Tigard Transportation System Plan planning horizon year is 2035. Therefore, according to the OHP, the analysis plan year is 2035 if a Transportation Impact Analysis is determined necessary by ODOT and City of Tigard Staff.

LAND USE ASSUMPTIONS FOR ENTIRE 42.5-ACRE SITE

TPR analysis is based on the "reasonable worst case" scenario for both the existing and proposed zoning. For this analysis, the most intense development allowed under zoning rules was utilized. The TPR analysis assesses high traffic generators under the zoning, regardless of whether those uses are likely to be built. The City of Tigard Development Code allows 85% lot coverage in the C-P and MUE zones,[1] 80% lot coverage in the I-P zone,[2] and FAR of up to 0.40 in the MUE zone[3]. Lot coverage includes both parking and building areas of a development, while FAR addresses only the building area. In order to address "reasonable worst case" scenarios, FARs were assumed for the C-P, MUE and I-P zones. Appendix 6 of the 2014 Metro Urban Growth Report references typical FAR values for developments in the Inner Westside market subarea (including Tigard) with FARs of 0.45 for Office and 0.30 for General Industrial, Warehouse, and Tech/Flex and Business Parks.

This site has an area of 42.5 acres and multiple zoning designations under the existing and proposed conditions. Mackenzie planning, architecture, and engineering staff evaluated the site's development potential given the current and proposed zoning, site constraints, and likely tenant types. The slope of the eastern portion of the site does not allow for large, flat building pads for industrial development, and the grades along Hunziker Road are too steep for truck turning movements into the site. Consequently, only the western portion (along Wall Street) of the site is feasible for light industrial uses. Residential or office uses could feasibly be constructed on the sloped area in the eastern part of the site. Multiple trip generation iterations have been prepared to reflect these development restrictions.

Current Zoning

For the 37.37 acres currently zoned I-P, utilizing a 0.45 FAR, development potential would include a total of 732,527 sf of office use. For the 3.07 acres currently zoned C-P, utilizing a 0.45 FAR, development potential would include a total of 60,000 sf medical/dental office building. The residential R-3.5 zone is 2.06 acres, which could support up to seven single family homes given the minimum lot size of 10,000 sf and deductions for roadway and driveway access.

[1] Development Code Table 18.520.2
[2] Development Code Table 18.530.2
[3] Development Code Table 18.520.2

Proposed Zoning

With the proposal, 18.31 acres will remain zoned I-P, and 24.19 acres are proposed to be zoned MUE. Utilizing a 0.45 FAR development potential, as with the existing zone analysis, would include a total of 358,913 square feet of office buildings in the I-P zone. For the area proposed for MUE, a range of uses is allowed, including office and residential. In order to determine the highest trip generator, three options have been considered for the area proposed to receive new MUE zoning.

- Option 1 consists solely of apartments in the MUE zone. The 24.19 acres zoned MUE will be developed using the maximum housing development of 25 units per acre or 605 total apartment units.
- Option 2 consists of all office in both the I-P and MUE zoning. In the I-P zone, the FAR is 0.45 based on Metro's typical values, whereas the 24.19 acres zoned MUE utilize 0.40 FAR as specified by the Tigard Development Code. Development potential of the MUE zone will include a total of 421,487 sf of office use.
- Option 3 consists of medical-dental office and office in the MUE zone. 3.44 acres will be developed as medical-dental office in the MUE zoning to include a total of 60,000 sf utilizing a 0.40 FAR. A 60,000 sf medical-office building is one of the largest building sizes surveyed in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. A larger medical-office building could not be supported without surrounding similar land uses, i.e., a hospital or other medical-dental offices. The development potential for the remaining 20.75 acres zoned MUE, utilizing a 0.40 FAR, would include a total of 361,548 sf office use.

TRIP GENERATION FOR ENTIRE 42.5-ACRE SITE

Trip generation estimates for the reasonable worst case site development under the existing and proposed zones have been prepared based on data contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. The following table provides a summary of the three (3) land use scenarios described above and the selected ITE land use for the entire site, including the portions which would retain current zoning. Based on the mix of uses, all trips are expected to be primary trips – no pass-by or diverted linked trips would be generated.

OPTION 1 - SITE TRIP GENERATION					
Zoning	**Land Use (ITE Land Use Code)**	**Size**	**Weekday**	**AM Peak**	**PM Peak**
Existing Zoning					
I-P	Office Park (750)	732,527 SF	8,042	1,128	990
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
		Existing Zoning Trips	**10,301**	**1,286**	**1,214**
Proposed Zoning					
I-P	Office Park (750)	358,913 SF	4,149	616	534
MUE	Apartment (220)	605 Units	3,790	300	350
		Proposed Zoning Trips	**7,939**	**916**	**884**
		Trip Differential	**(2,362)**	**(370)**	**(330)**

OPTION 2 - SITE TRIP GENERATION					
Zoning	**Land Use (ITE Land Use Code)**	**Size**	**Weekday**	**AM Peak**	**PM Peak**
Existing Zoning					
I-P	Office Park (750)	732,527 SF	8,042	1,128	990
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
		Existing Zoning Trips	**10,301**	**1,286**	**1,214**
Proposed Zoning					
I-P	Office Park (750)	358,913 SF	4,149	616	534
MUE	Office Park (750)	421,487 SF	4,801	702	610
		Proposed Zoning Trips	**8,950**	**1,318**	**1,144**
		Trip Differential	**(1,351)**	**32**	**(70)**

OPTION 3 - SITE TRIP GENERATION					
Zoning	**Land Use (ITE Land Use Code)**	**Size**	**Weekday**	**AM Peak**	**PM Peak**
Existing Zoning					
I-P	Office Park (750)	732,527 SF	8,042	1,128	990
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
		Existing Zoning Trips	**10,301**	**1,286**	**1,214**
Proposed Zoning					
I-P	Office Park (750)	358,913 SF	4,149	616	534
MUE	Office Park (750)	361,548 SF	4,176	620	537
	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
		Proposed Zoning Trips	**10,493**	**1,379**	**1,285**
		Trip Differential	**192**	**93**	**71**

Trip generation for Option 1 results in an anticipated difference between the current and modified zone to be -330 PM peak hour trips and -2,362 ADT. Trip generation for Option 2 anticipates -70 PM peak hour trips and -1,351 ADT. For comparison purposes, trip generation for Option 3 anticipates only 71 additional PM peak hour trips and 192 additional ADT.

As presented in the previous tables, trip generation with the proposed zone change does not impose a significant effect on the transportation network. There is only a small increase in expected AM peak hour, PM peak hour, and daily traffic levels compared to the existing zoning in Option 3. As outlined in Options 1 through 3, the proposed MUE zoning would accommodate a variety of land use types, any combination of which could feasibly be developed within the trips that would be generated under the existing zoning.

TRIP GENERATION FOR PORTION OF PROPERTY PROPOSED FOR ZONE CHANGE

To isolate the transportation impact of the proposed zone change, trip generation estimates were performed for the portions of the site that are proposed to receive new zoning. As with the trip generation estimates for the entire site, these estimates are based on the reasonable worst case site development under the existing and proposed zones based on data contained in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. Based on the mix of uses, all trips are expected to be primary trips – no pass-by or diverted linked trips would be generated.

The table below tabulates the areas of each tax lot that are proposed to retain current zoning and that are proposed to receive new zoning. The two existing I-P lots are proposed to remain partially I-P, the currently zoned C-P tax lot is proposed to change to I-P and MUE, and the currently zoned R-3.5 lot is proposed to change to MUE.

ZONE CHANGE SUMMARY					
Tax Lot	Existing Zoning (acres)		Same Zoning (acres)	Zoning Change (acres)	
			I-P	I-P	MUE
2S1010001100	I-P	13.21	1.90	0.00	11.31
2S101CA00100	I-P	24.16	16.04	0.00	8.12
2S101DB00300	C-P	3.07	0.00	0.37	2.70
2S101DB00400	R-3.5	2.06	0.00	0.00	2.06
Total		**42.50**	**17.94**	**0.37**	**24.19**

To effectively compare the trip generation for only the 24.56 acres of the site affected by a zone change, trip rates for each zone were established for the existing and proposed conditions using the same three options utilized for the entire site.

Current Zoning

For the 19.43 acres currently zoned I-P, utilizing a 0.45 FAR, development potential would include a total of 380,867 sf of office use. For the 3.07 acres currently zoned C-P, utilizing a 0.45 FAR, development potential would include a total of 60,000 sf medical/dental office building. The residential R-3.5 zone is 2.06 acres, which could support up to seven single family homes given the minimum lot size of 10,000 sf and deductions for roadway and driveway access.

Proposed Zoning

With the proposal, 17.94 acres will remain zoned I-P, and 24.56 acres are proposed to change to either I-P or MUE. Utilizing a 0.45 FAR development potential as with the existing zone analysis would include a total of 7,253 square feet of office buildings in the I-P zone. For the area proposed for MUE, a range of uses is allowed, including office and residential. In order to determine the highest trip generator, three options have been considered for the area proposed to receive new MUE zoning.

- Option 1 consists solely of apartments in the MUE zone. The 24.19 acres zoned MUE will be developed using the maximum housing development of 25 units per acre or 605 total apartment units.
- Option 2 consists of all office in both the I-P and MUE zoning. In the I-P zone, the FAR is 0.45 based on Metro's typical values, whereas the 24.19 acres zoned MUE utilize 0.40 FAR as specified by the Tigard Development Code. Development potential of the MUE zone will include a total of 421,487 sf of office use.

- Option 3 consists of medical-dental office and office in the MUE zone. 3.44 acres will be developed as medical-dental office in the MUE zoning to include a total of 60,000 sf utilizing a 0.40 FAR. A 60,000 sf medical-office building is one of the largest building sizes surveyed in the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 9th Edition. A larger medical-office building could not be supported without surrounding similar land uses, i.e., a hospital or other medical-dental offices. The development potential for the remaining 20.75 acres zoned MUE, utilizing a 0.40 FAR, would include a total of 361,548 sf office use.

Out of the 42.5 acres, 17.94 acres would retain the same zone designation and 24.56 acres are proposed to change to either I-P or MUE. Using the same land uses used for the entire site, three land use scenarios were compared for the 24.56 acres that are proposed to change in zone designations. The table below presents the three scenarios and the assumptions made for each.

Below are the three scenarios and the corresponding trip generation for both the existing zoning and the proposed zoning.

OPTION 1 - SITE TRIP GENERATION					
Zoning	**Land Use (ITE Land Use Code)**	**Size**	**Weekday**	**AM Peak**	**PM Peak**
Existing Zoning					
I-P	Office Park (750)	380,867 SF	4,378	646	560
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
		Existing Zoning Trips	**6,637**	**804**	**784**
Proposed Zoning					
I-P	Office Park (750)	7,253 SF	485	134	105
MUE	Apartment (220)	605 Units	3,790	300	350
		Proposed Zoning Trips	**4,275**	**434**	**455**
		Trip Differential	**(2,362)**	**(370)**	**(329)**

OPTION 2 - SITE TRIP GENERATION					
Zoning	**Land Use (ITE Land Use Code)**	**Size**	**Weekday**	**AM Peak**	**PM Peak**
Existing Zoning					
I-P	Office Park (750)	380,867 SF	4,378	646	560
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
		Existing Zoning Trips	**6,637**	**804**	**784**
Proposed Zoning					
I-P	Office Park (750)	7,253 SF	485	134	105
MUE	Office Park (750)	421,487 SF	4,801	702	610
		Proposed Zoning Trips	**5,286**	**836**	**715**
		Trip Differential	**(1,351)**	**32**	**(69)**

OPTION 3 - SITE TRIP GENERATION					
Zoning	Land Use (ITE Land Use Code)	Size	Weekday	AM Peak	PM Peak
Existing Zoning					
I-P	Office Park (750)	380,867 SF	4,378	646	560
CP	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
R-3.5	Single Family Detached Housing (210)	7 Units	91	15	10
		Existing Zoning Trips	**6,637**	**804**	**784**
Proposed Zoning					
I-P	Office Park (750)	7,253 SF	485	134	105
MUE	Office Park (750)	361,548 SF	4,176	620	537
	Medical-Dental Office Building (720)	60,000 SF	2,168	143	214
		Proposed Zoning Trips	**6,829**	**897**	**856**
		Trip Differential	**192**	**93**	**72**

Trip generation for Option 1 results in an anticipated difference between the current and modified zone to be -329 PM peak hour trips and -2,362 ADT. Trip generation for Option 2 anticipates -69 PM peak hour trips and -1,351 ADT. Trip generation for Option 3 anticipates 72 additional PM peak hour trips and 192 additional ADT.

As presented in the previous tables, trip generation with the proposed zone change does not impose a significant effect on the transportation network. There is only a small increase in expected AM peak hour, PM peak hour, and daily traffic levels compared to the existing zoning in Option 3; therefore, we propose a trip cap be imposed on the site based on anticipated trip generation allowed in the current zoning. As outlined in Options 1 through 3, the proposed MUE zoning would accommodate a variety of land use types, any combination of which could feasibly be developed within the trips that would be generated under the existing zoning.

TRANSPORTATION PLANNING RULE COMPLIANCE

As demonstrated in the trip generation calculations for the portion of the site proposed to change zoning (24.56 acres), the proposed comprehensive plan amendment zone change would have no significant effect as defined by the Transportation Planning Rule if the City were to impose a trip cap limiting future traffic to levels currently allowed under existing zoning. City standards for traffic studies, codified in Development Code Section 18.810.030.CC, outline a number of factors such as site development and trip generation that may trigger a requirement for a study. A traffic study is anticipated to be completed with each specific development application for the site if the thresholds are met.

Sincerely,

Brent Ahrend, PE
Senior Associate | Traffic Engineer

c: Kelly Hossaini – Miller Nash
Marah Danielson – ODOT
Brian Varricchione, Matt Butts, Janet Jones – Mackenzie

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

May 11, 2015

City of Tigard
Attention: Gary Pagenstecher
13125 SW Hall Boulevard
Tigard, OR 97223

Re: **Fields Trust Zone Change (Wall Street & Hunziker Road)**
Public Services Impact from Proposed Comprehensive Plan Map Amendment & Zone Change
Project Number 2130474.02

Dear Gary:

In accordance with the application requirements for Type III land use decisions (Tigard Code 18.390.050.B.2.e), Mackenzie has reviewed potential impacts to the public services at the Fred W. Fields Trust property that may result from the proposed comprehensive plan map amendment and zone change from the current combination of residential, commercial, and industrial zoning to a combination of only mixed-use and industrial zoning. The specific public services in question are transportation, drainage, parks, water, and sewer facilities.

The existing and proposed comprehensive plan map designations and associated areas are indicated in **Table 1**.

Table 1: Comprehensive Plan and Zoning

Comprehensive Plan Map Designation	Zoning	Existing Acreage	Proposed Acreage
Light Industrial (IL)	Industrial Park (I-P)	37.4 ac	18.3 ac
Professional Commercial (CP)	Professional/Administrative Commercial (C-P)	3.1 ac	0 ac
Low-Density Residential (L)	Low-Density Residential (R-3.5)	2.1 ac	0 ac
Mixed Use Employment (MUE)	Mixed Use Employment (MUE)	0 ac	24.2 ac
Total Site Area*		**42.6 ac**	**42.5 ac**

**Total area differs due to rounding.*

TRANSPORTATION SYSTEM IMPACTS

Oregon's Transportation Planning Rule (TPR) stipulates that the City must demonstrate whether an amendment to the comprehensive plan and zoning map would have a significant effect on the transportation system. Mackenzie's May 11, 2015, Transportation Planning Rule analysis examined the "reasonable worst case" scenario for both the existing and proposed zoning. The proposed zoning could result in a decrease of 329 PM peak hour trips or an increase of 72 trips

compared to the existing zoning, depending on the type of development that takes place. To ensure that the comprehensive plan amendment and zone change does not significantly affect the transportation network, the applicant proposes a trip cap based on anticipated trip generation allowed in the current zoning.

It is anticipated that a traffic study would be required as part of future development proposals at this site in accordance with the specifications of Community Development Code Section 18.810.030.CC. Resulting transportation system upgrades may consist of improvements to Hunziker Road and Wall Street along the frontage, plus a possible extension of Tech Center Drive to connect with Wall Street, depending on the results of traffic analysis for specific development proposals.

DRAINAGE SYSTEM IMPACTS

Stormwater drainage is required to meet the standards of the City of Tigard as well as regulatory requirements of Clean Water Services. These standards do not differentiate between stormwater runoff from industrial, mixed-use, or multi-family residential sites. We expect that any development on the Trust properties will be required to provide on-site water quality and flow control facilities in accordance with Clean Water Services standards described in the Design and Construction Standards for Sanitary Sewer and Surface Water Management (R&O 07-20).

The actual developed impervious area coverage for the site will depend on the final development layout; however, the various existing and proposed zones on the site allow equivalent impervious area coverage of up to 85 percent of the total site. Therefore, the proposed zoning is not expected to have a significant effect on the stormwater runoff or drainage system as compared to the existing zoning.

Development of the site will require extension of public drainage facilities to collect runoff from the site and public roadways. Drain lines are expected to run within SW Wall Street and along the south side of the Potso Dog Park property, with discharge to Fanno Creek west of the site. Public storm lines should be sized to handle runoff from the fully developed contributory basin draining to the system.

PARKS SYSTEM IMPACTS

The project site is located within the City of Tigard Park District boundary (which encompasses the entire city limits) and is across the street from Potso Dog Park and near the “Fields Property” open space along Fanno Creek. The proposed zoning configuration would allow a higher population than the current zoning if the MUE portion were developed with multi-family housing as allowed by the Tigard Community Development Code. Therefore, the proposed zoning could result in consideration of additional park facilities to serve the subject site. However, the site is located near existing park facilities with sufficient capacity for additional users. Furthermore, the City imposes parks system development charges (SDC) on all land uses (residential, commercial, and industrial), so development of the site would generate new revenues that could be used to improve the parks system. Therefore, the proposed zone change is not anticipated to negatively impact the parks system.

WATER SYSTEM IMPACTS

The subject site is located within the City of Tigard water service boundary. The water system at the site has been sized to account for planned utility demands from the existing zoning configuration. Domestic and process water system

demands can be estimated for each land use based on compiled historic data used in utility master plans. The 2009 Clean Water Services Sanitary Sewer Master Plan presents detailed unit flow rates for several land uses. Since sewer flow demand generally matches water service demands for a given site, the sewer flow estimates can be used to compare relative water demand changes between the zoning configurations. **Table 2** summarizes generalized domestic water demands for the subject site zones.

Table 2: Water Demand

Comprehensive Plan Map Designation	Domestic Water Demand (gpd/ac)	Water Demand for Existing Zoning (gpd)	Water Demand for Proposed Zoning (gpd)
Light Industrial (IL)	3,660	137,000	67,000
Professional Commercial (CP)	3,660	11,500	N/A
Low-Density Residential (L)	1,000	2,100	N/A
Mixed Use Employment (MUE)	2,950	N/A	71,400
Total Water Demand:		**150,600**	**138,400**

gpd = gallons per day
ac = acre

Fire flow demands are summarized in **Table 3**.

Table 3: Fire Flow Demand

Comprehensive Plan Map Designation	Fire Flow Water Demand (gpm with duration)	Fire Flow Demand x Acreage for Existing Zoning	Fire Flow Demand x Acreage for Proposed Zoning
Light Industrial (IL)	3,500 (3 hrs)	392,700	192,200
Professional Commercial (CP)	2,500 (2 hrs)	15,500	N/A
Low-Density Residential (L)	1,500 (2 hrs)	6,300	N/A
Mixed Use Employment (MUE)	3,000 (3 hrs)	N/A	217,800
Total Fire Flow Demand:		**414,500**	**410,000**

gpm = gallons per minute

As shown by the above calculations, the proposed zone change is expected to result in a minor reduction in water service demand compared to the existing zoning.

Development of the site will require extension of public water mains to provide domestic and fire water service. Water lines are expected to run within SW Wall Street, with possible connection to public mains near the southeast corner of the site. Public water lines should be sized to handle the expected domestic and fire flow demands from the subject site, as well as portions of the water network affected by the system expansion.

SEWER SYSTEM IMPACTS

The subject site is located within the City of Tigard sewer service boundary. The sewer system at the site has been sized to account for planned utility demands from the existing zoning configuration, including a recent capital improvement project to upgrade a sewer near the west edge of the site.

Sewer collection and conveyance is required to meet the standards of the City of Tigard as well as regulatory requirements of Clean Water Services.

The actual sewer demand for the site will depend on the final development layout and industrial uses on the site. **Table 4** summarizes generalized domestic sewer demands for the subject site zones, based on projected flow demands presented in the 2009 Clean Water Services Sanitary Sewer Master Plan.

Table 4: Sewer Demand

Land Use Zone	Domestic Sewer Demand (gpd/ac)	Sewer Demand for Existing Zoning (gpd)	Sewer Demand for Proposed Zoning (gpd)
Light Industrial (IL)	3,660	137,000	67,000
Professional Commercial (CP)	3,660	11,500	N/A
Low-Density Residential	1,000	2,100	N/A
Mixed Use Employment (MUE)	2,950	N/A	71,400
Total Sewer Demand:		**150,600**	**138,400**

As shown by the above calculations, the proposed zone change is expected to result in a minor reduction in sewer service demand compared to the existing zoning. Specific industrial uses on the site may result in lower or higher sewer flows than the assumed demands; it is expected that specific needs would be addressed on a project-by-project basis to confirm the public system has capacity to accommodate high-flow sewer users without upgrades.

Development of the site will require extension of public sewer lines to provide sewer service. Sewer lines are expected to run within SW Wall Street, with connection to the recently-upgraded line along the south side of the Potso Dog Park. Public sewer lines should be sized to handle the expected sewer flows from the fully developed contributory basin draining to the system.

SUMMARY

In summary, our review of the public systems at the Fred W. Fields Trust property indicate the proposed zone change with a trip cap will not increase demands on the public infrastructure compared to the existing site zoning.

Sincerely,

Brent Ahrend, PE
Traffic Engineer

Brent Nielsen, PE
Civil Engineer

Brian Varricchione, PE
Land Use Planning

c: Kelly Hossaini – Miller Nash

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

Notice of Neighborhood Meeting

April 21, 2015

Re: **Proposed Fields Trust Hunziker Road & Wall Street Comprehensive Plan Amendment and Zone Change**

Dear Interested Party:

The Fred W. Fields Trust is the owner of the 42.5-acre property located at the southwest corner of SW Hunziker Road and SW Wall Street (tax lots 2S1010001100, 2S101CA00100, 2S101DB00300, & 2S101DB00400). The Trust is considering proposing a Comprehensive Plan Amendment for approximately 24 acres on the east side of the site from Light Industrial (IL), Professional Commercial (CP), and Low Density Residential (R) to Mixed Use Employment (MUE), and a concurrent zone change from Industrial Park (I-P), Professional Commercial (C-P), and Low Density Residential (R-3.5) to Mixed Use Employment (MUE), which allows for a range of uses including office and multi-family residential. The remaining approximately 18 acres on the west side of the site (facing Wall Street) is proposed to continue with Industrial Park zoning.

Prior to applying to the City of Tigard for the necessary land use approvals, Mackenzie planners would like to discuss the proposal in more detail with the surrounding property owners and residents. You are invited to attend a meeting on:

Wednesday, May 6, 2015
Community Room, Tualatin Valley Fire & Rescue Station 51
8935 SW Burnham Street
Tigard, OR 97223
6:00 – 7:00 PM

Please note that this will be an informational meeting on preliminary plans. These plans may be altered prior to submittal of the application to the City.

I look forward to more specifically discussing the proposal with you. Please call me at 503-224-9560 if you have any questions.

Sincerely,

Brian Varricchione

Brian Varricchione
Land Use Planner

Enclosure(s): Neighborhood Meeting Information
Fields Trust Maps

Neighborhood Meeting Information

The City of Tigard requires developers to hold a neighborhood meeting to notify affected property owners about their proposed development. This is done as part of the development review process for most land use applications. Below are some frequently asked questions about the neighborhood meeting process.

WHAT IS THE PURPOSE OF THIS NEIGHBORHOOD MEETING?

The purpose of the meeting is to allow the prospective developer to share with you what they are planning to do. This is your opportunity to become informed of their proposed development and to let them know what issues or concerns you have in regard to their proposal.

WHAT HAPPENS AFTER THE NEIGHBORHOOD MEETING?

After the neighborhood meeting, the prospective developer finalizes their submittal package (often taking into account citizen concerns) and submits an application to the city. Sometimes it takes awhile before the developer's application is ready to submit, so there could be several months between the neighborhood meeting and the submittal of an application.

Once an application is submitted to the city, staff reviews it for completeness. Once an application has been deemed complete, the formal application review begins. It takes approximately 6-8 weeks from the time the application is accepted for a decision to be made. Many types of applications require a public hearing at which citizens are given the opportunity to provide comments or concerns. Property owners within 500 feet will be notified after a complete application is submitted. They will be provided an opportunity to comment. Any appeals are decided based on the provisions of applicable laws and the development code.

WHAT IF THE PROPOSAL PRESENTED AT THE NEIGHBORHOOD MEETING IS NOT WHAT IS ACTUALLY SUBMITTED?

Applicants are not required to submit exactly what was presented at the neighborhood meeting if it generally follows the type of development proposed. This provides for the opportunity to address the neighborhood issues and address other changes necessitated by the development or staff. If the project is significantly different, a new neighborhood meeting would be required as determined by staff.

HOW DO I KNOW WHAT ISSUES ARE VALID?

A decision is reviewed based on compliance with Title 18 of the Tigard Municipal Code (also known as the Community Development Code). *Review the city's development code to familiarize yourself with what is permitted and what may not be permitted.* A copy of the development code is available for viewing at the Tigard Public Library, on the city's web site at **www.tigard-or.gov**, or a copy may be purchased by contacting our records department **www.tigard-or.gov/city_hall/services/public_records/**. You may also contact city planning staff by calling **503.718.2421** and ask what the standards are for a specific issue. Be prepared, however, that you may not LIKE all the standards, but at least you know what they are. If a development meets the code standards, it can proceed.

For your assistance, attached is a list of questions that may assist you in determining your position on a particular proposal.

Typical Questions to Help Ensure Common Neighborhood Concerns are Considered

The following is a list of questions intended to aid you in formulating your own questions for proposed development in your area. Feel free to ask more or alter the questions to address your own unique concerns and interests

PROCESS

- What applications are you (the developer) applying for? When do you expect to submit the application(s) so that neighbors can review it? What changes or additions are expected prior to submittal?
- Will the decision on the application be made by city staff, Tigard Hearings Officer, Planning Commission or City Council? How long is the process? (timing)
- At what point in the process are citizens given notice and the opportunity to provide input?
- Has a pre-application conference been held with City of Tigard staff?
  - Have any preliminary requirements been addressed or have any critical issues been identified?
  - What city planner did you speak with regarding this project? (This person is generally the planner assigned to the land use case and the one to contact for additional information).

STREETS

- Will there be a traffic study done? What is the preliminary traffic impacts anticipated as a result of the development and how do you propose to mitigate the impacts if necessary?
- What street improvements (including sidewalks) are proposed? What connections to existing streets are proposed?
- Are streets proposed to be public or private? What are the proposed street and sidewalk widths?
- What are the emergency access requirements and what is proposed to meet those requirements?

ZONING AND DENSITY

- What is the current zoning? What uses are allowed under this zoning?
- Will there be a re-zone requested by the developer? If yes, to what zone?
- How many units are proposed for the development and what is the minimum and maximum number of units allowed in the zone?

DRAINAGE AND WATER QUALITY

- What is your erosion control and drainage plan? What is the natural slope of the property? What are the grading plans?
- Is there a water quality facility planned within the development and where will it be located? Who will own and maintain the facility?

TREES AND LANDSCAPING

- What is the urban forestry plan and how will the applicable development requirements be met?
- What are the landscaping plans? What buffering or fencing is required and/or proposed?

ADDITIONAL INFORMATION

- How do I request more information or a follow-up meeting from/with the applicant?

Fields Trust Zone Change
Hunziker Rd & Wall St
Site Map

LEGEND

Site Taxlots

0 100 200 400 Feet

1 inch = 400 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 4/17/2015
File: neighborhood meeting maps

Map Created By: BJV
Project No: 2130474.02

MACKENZIE.

P 503.224.9560 ▪ F 503.228.1285 ▪ W MCKNZE.COM
RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon ▪ Vancouver, Washington ▪ Seattle, Washington

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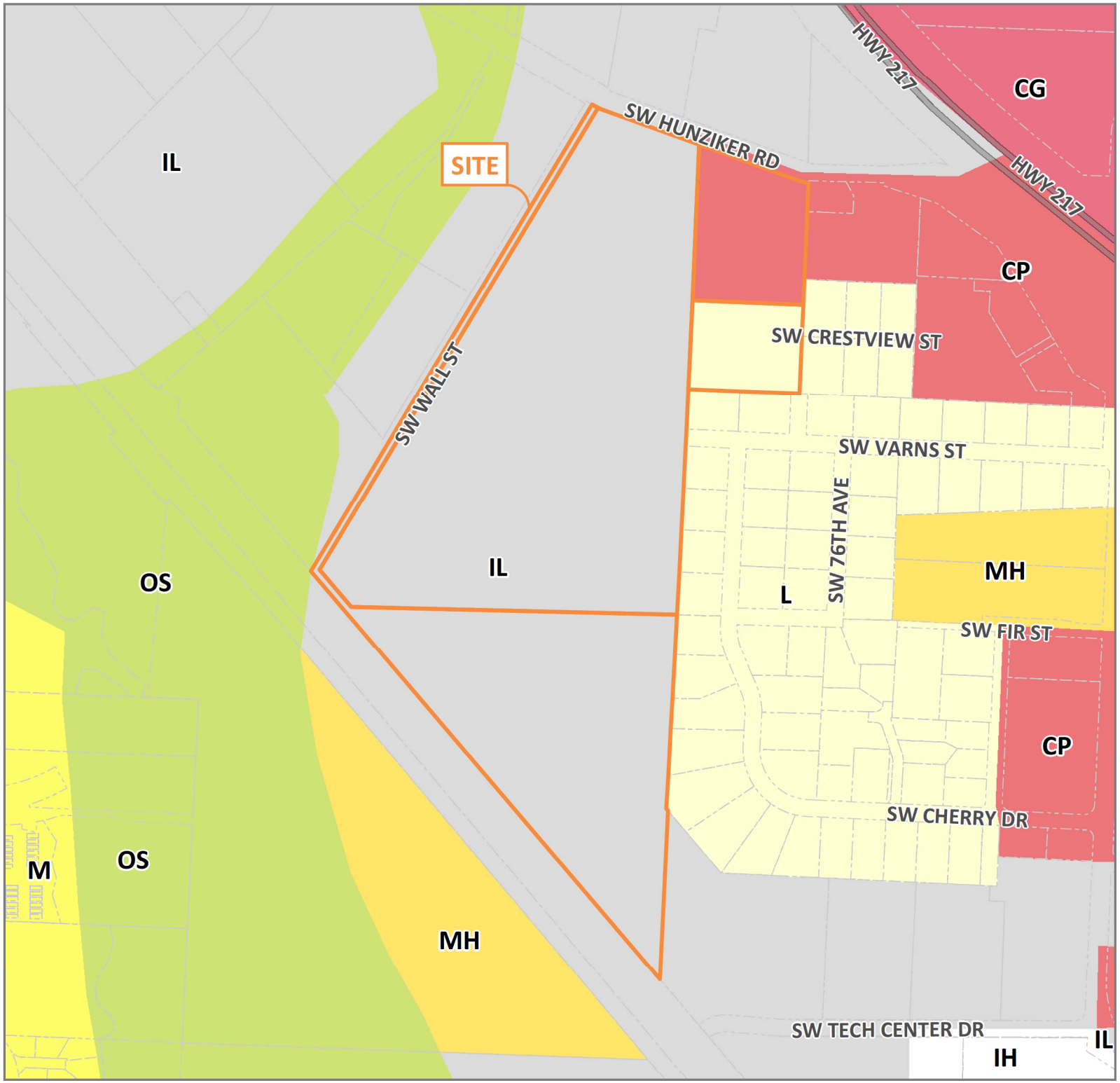

Fields Trust Zone Change
Hunziker Rd & Wall St
Existing Comprehensive Plan

LEGEND

- Site Taxlots
- CG: General Commercial
- CP: Professional Commercial
- IL: Light Industrial
- L: Low Density Residential
- M: Medium Density Residential
- MH: Medium-High Density Residential
- OS: Open Space

0 100 200 400 Feet

1 inch = 400 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 4/17/2015
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Map Created By: BJV
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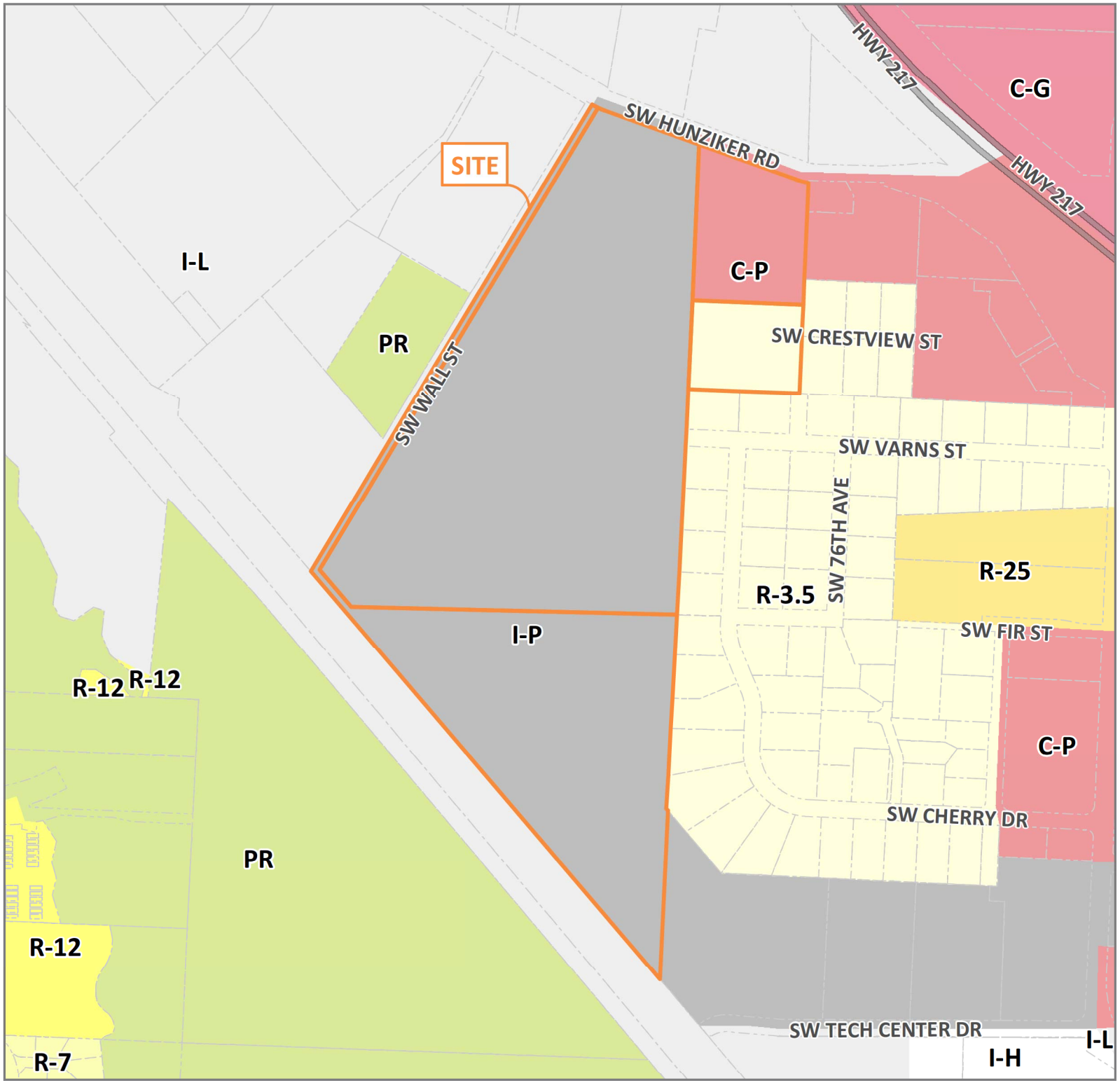

Fields Trust Zone Change
Hunziker Rd & Wall St
Existing Zoning

LEGEND

- Site Taxlots
- C-G: General Commercial
- C-P: Professional Commercial
- I-L: Light Industrial
- I-P: Industrial Park
- PR: Parks and Recreation
- R-3.5: Low-Density Residential
- R-7: Medium-Density Residential
- R-12: Medium-Density Residential
- R-25: Medium High-Density Residential

0 100 200 400 Feet

1 inch = 400 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 4/17/2015
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Map Created By: BJV
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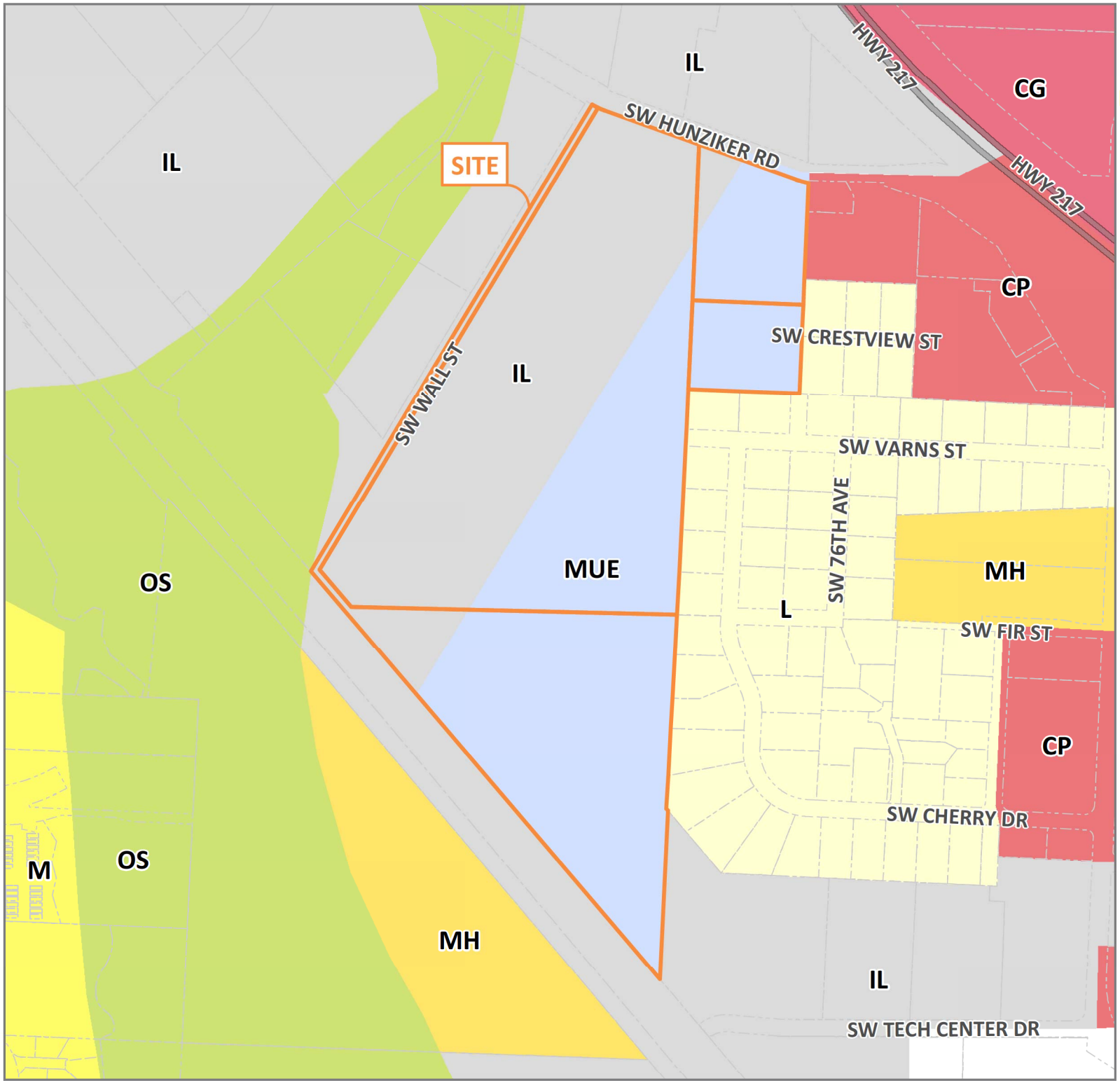

Fields Trust Zone Change
Hunziker Rd & Wall St
Proposed Comprehensive Plan

LEGEND

- Site Taxlots
- CG: General Commercial
- CP: Professional Commercial
- IL: Light Industrial
- L: Low Density Residential
- M: Medium Density Residential
- MH: Medium-High Density Residential
- MUE: Mixed Use Employment
- OS: Open Space

Feet
0 100 200 400

1 inch = 400 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 4/17/2015
File: neighborhood meeting maps

Map Created By: BJV
Project No: 2130474.02

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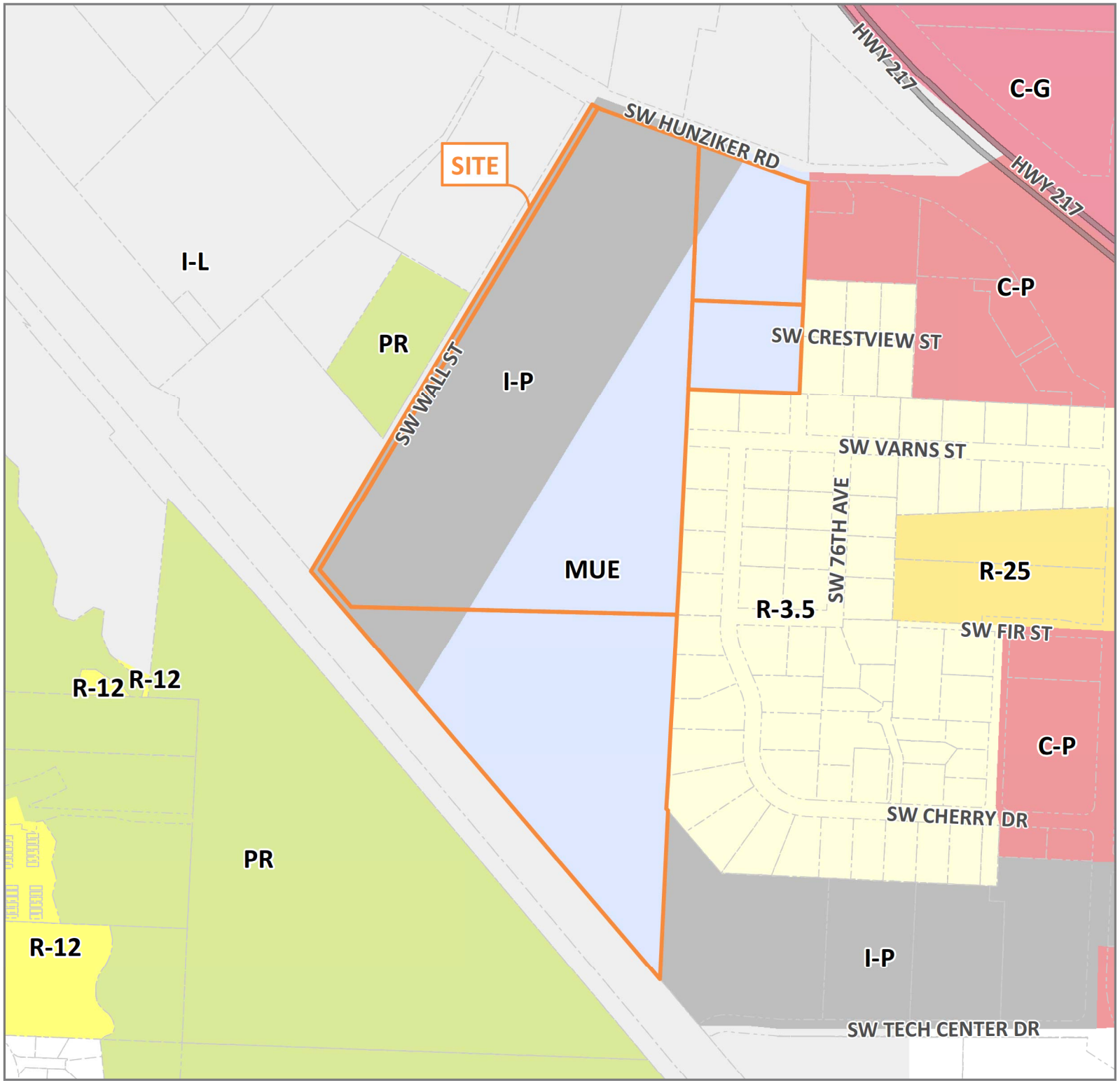

Fields Trust Zone Change
Hunziker Rd & Wall St
Proposed Zoning

LEGEND

- Site Taxlots
- C-G: General Commercial
- C-P: Professional Commercial
- I-L: Light Industrial
- I-P: Industrial Park
- MUE: Mixed Use Employment
- PR: Parks and Recreation
- R-3.5: Low-Density Residential
- R-12: Medium-Density Residential
- R-25: Medium High-Density Residential

Feet
0 100 200 400

1 inch = 400 feet

N

SOURCE DATA:
Metro RLIS Lite Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 4/17/2015
File: neighborhood meeting maps

Map Created By: BJV
Project No: 2130474.02

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City *of* Tigard
COMMUNITY DEVELOPMENT DEPARTMENT

Request for 500' Property Owner Notification

Property owner information is valid for three (3) months from the date of your request. Contact staff member Joe Patton: 503-718-2714 or joep@tigard-or.gov.

Project name: Fields Trust Hunziker Road zone change

Staff planner you are working with: Gary Pagenstecher

Name of contact person: Brian Varricchione

Name of company: Mackenzie

Phone: (503) 224-9560

Email: bvarricchione@mcknze.com

Please indicate all map and tax lot numbers (i.e. 1S134AB, tax lot 00100) that are included in your project or the addresses for all project parcels below: (**if more than one (1) tax lot or if the parcel has no address, you must separately identify each tax lot associated with the project**.)

2S1010001100, 2S101CA00100,
2S101DB00300, & 2S101DB00400

FOR STAFF USE ONLY

NEIGHBORHOOD MEETING LABELS

	# of sheets	cost each	sets	
Property owners within 500 feet:	6	$2.00	1	$ 12.00
Interested parties:		$2.00		$
Generate list:	-	-	-	$11.00
			TOTAL:	**$** 23.00

LAND USE ENVELOPES

	# of envelopes	cost each	sets	# of sheets
Property owners within 500 feet:		$0.13		$
Interested parties:		$0.13		$
Generate list:	-	-	-	$11.00
Postage:		$.		$
			TOTAL:	**$**

REQUEST (only check one)**:**

☒ One (1) set of labels for notification of neighborhood meeting.

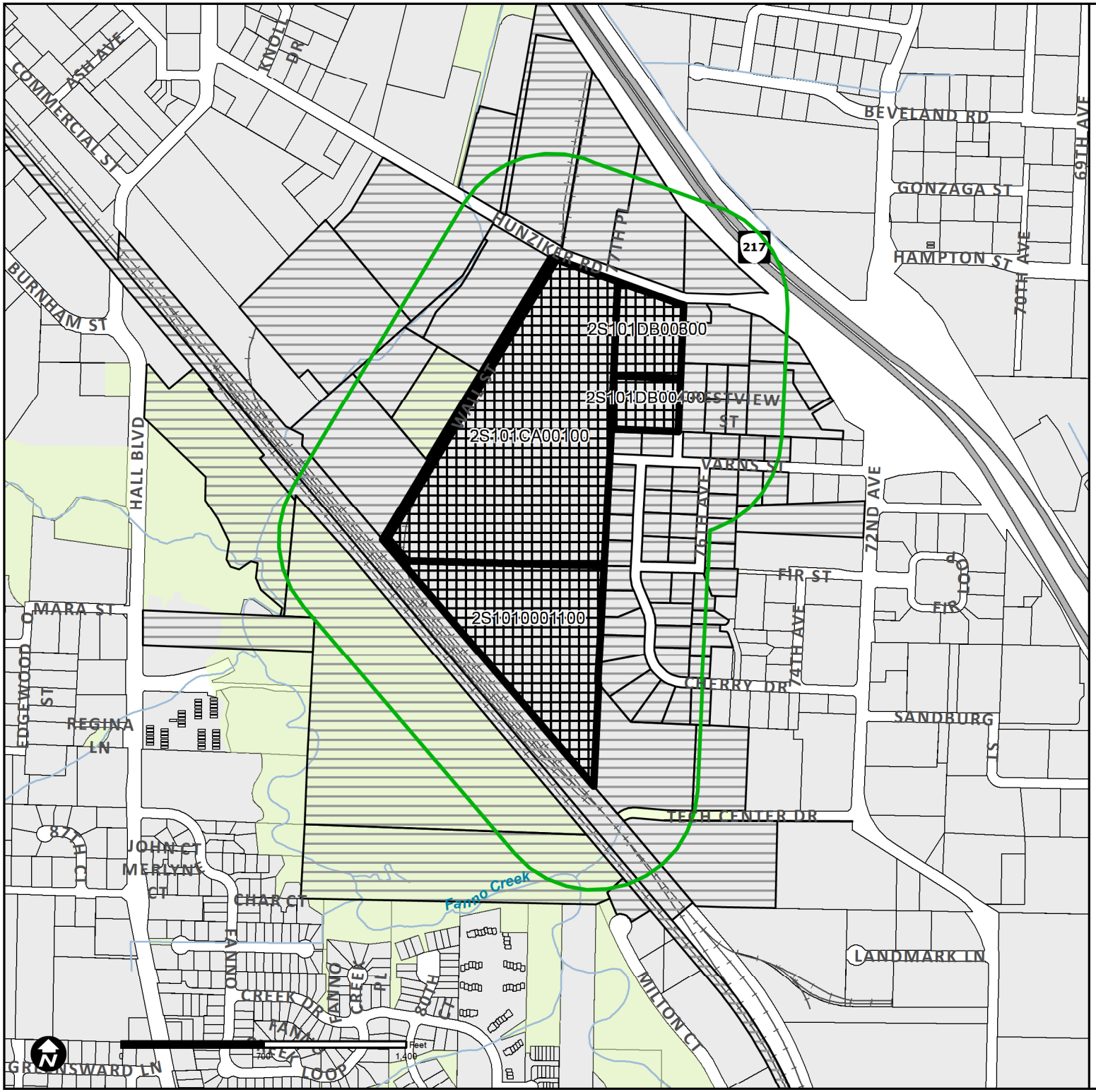
After submitting your land use application to the city, the project planner will review your application for completeness and you will be notified by means of a completeness review letter. Please indicate what the completeness letter indicates you need:

☐ Type II TWO sets of envelopes

☐ Type III or Type IV one set of envelopes (***a second set may be required if decision is appealed***)

Land use case number: _____

The contact person listed above will be notified of the amount to pay at the front counter in the Permit Center once the request is processed. A printed list of all property owners within 500 feet and interested parties will be provided at time of payment. Upon request, a PDF copy is available via email.



Area Notified (500 Ft)

Fields Trust Hunziker Road zone change
2S1010001100, 2S101CA00100,
2S101DB00300, & 2S101DB00400
Mackenzie
P: (503) 224-9560
E: bvarricchione@mcknze.com

Subject Site

Notification Area

Property owner information is valid for 3 months from the date printed on this map.

Map Printed: 14-Apr-15

Information on this map is for general location only and should be verified with the Development Services Division.

DATA IS DERIVED FROM MULTIPLE SOURCES. THE CITY OF TIGARD MAKES NOT WARRANTY, REPRESENTATION, OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE DATA PROVIDED HEREIN. THE CITY OF TIGARD SHALL ASSUME NO LIABILITY FOR ANY ERRORS, OMISSIONS, OR INACCURACIES IN THE INFORMATION PROVIDED REGARDLESS OF HOW CAUSED.

COMMUNITY DEVELOPMENT DEPARTMENT

"A Place to Call Home"

TIGARD MAPS

City of Tigard
13125 SW Hall Blvd
Tigard, OR 97223
503 639-4171
www.tigard-or.gov

TIGARD

2S101DB00607
ABBLITT, RANDI I
7700 SW CHERRY DR
TIGARD, OR 97223

2S101DB00605
BIEKER LIVING TRUST
BY BIEKER, WILLIAM A & JOANNE K TRS
7730 SW CHERRY DR
TIGARD, OR 97223

2S101DB00506
BOME, FRANS R
7500 SW CRESTVIEW ST
TIGARD, OR 97223

2S101BD00105
BR & G CO LLC
17608 SYDNI CT
LAKE OSWEGO, OR 97035

2S101DC02700
BRIAN, THOMAS M
JOENE A
7630 FIR ST
TIGARD, OR 97223

2S101DC01800
CONANT, JAMES & ALISSA
7510 SW CHERRY DR
TIGARD, OR 97223

2S101DC03000
DIMICK, HEATHER M & DAMON R
7545 SW CHERRY DR
TIGARD, OR 97223

2S101DB00619
ELLENSON, TYLER LIVING TRUST
ELLENSON, MARGARET LIVING TRUST
13280 SW 76TH AVE
TIGARD, OR 97223

2S101DB00614
FREZZA, CONRAD NICHOLAS & APRIL
13275 SW 76TH AVE
TIGARD, OR 97223

2S101DB00706
GILLETTE, REED T & ANDREA L
7480 SW VARNS ST
TIGARD, OR 97223

2S101DC05000
ALBERTINA KERR CENTERS
ATTN: JERALD A HOFFERT
424 NE 22ND
PORTLAND, OR 97232

2S101DB00608
BLAGGE, DIANNE E
7404 SW DELAWARE CIR
TUALATIN, OR 97062

2S112BA06000
BONITA LLC
8320 NE HIGHWAY 99
VANCOUVER, WA 98665

2S101DB00504
BRETL LIVING TRUST
11970 NW REEVES ST
PORTLAND, OR 97229

2S101DC02900
CHICK, MARIBETH A
11575 SW PACIFIC HWY
PMB #120
TIGARD, OR 97223

2S101DB00704
COURREGES, TIMOTHY W & PAMELA J
7425 SW VARNS ST
TIGARD, OR 97223

2S101BD00104
EAST SIDE VAN AND STORAGE
INC
4836 SE POWELL
PORTLAND, OR 97206

multiple: 2S1010001100 to 2S101DB00400
FIELDS, FRED W REVOCABLE LIVING
111 SW 5TH AVE #3675
PORTLAND, OR 97204

2S101DB00606
GILES, DIANE P
7710 SW CHERRY DR
TIGARD, OR 97223

2S101DB00616
GRILE, WILLIAM P & LINDA J FURMA
855 SIGNAL WAY
COOS BAY, OR 97420

2S101DB00609
GUTHRIE, GEORGE DEREK & DOLORES
7665 SW FIR ST
TIGARD, OR 97223

2S101BD00103
H G M CO, BY NORRIS BEGGS & SIMPSON
ATTN: BLAKE HERING
121 SW MORRISON #200
PORTLAND, OR 97204

2S101DB00800
HAMPTON RIDGE APARTMENTS LLC
BY COOPER'S CHASE LLC
17952 SW PARRISH LN
SHERWOOD, OR 97140

2S101DC01900
HERMANSON, PATRICIA M
7530 SW CHERRY DR
TIGARD, OR 97223

multiple: 2S101DB00200 to 2S101DB00201
HILLCREST HOLDINGS LLC
9 SE 3RD AVE, STE 100
PORTLAND, OR 97214

multiple: 2S101DB00100 to 2S101DB00103
HILLTOP BUSINESS CENTER LLC
HUNZIKER LLC
9430 NW KAISER RD
PORTLAND, OR 97231

2S101DB00613
HOLLIS, MARK & TONNA
13235 SW 76TH AVE
TIGARD, OR 97223

2S101DB00707
HOPKINS, BURTON C RUTH N
7430 SW VARNS
TIGARD, OR 97223

2S101DB00101
HUNZIKER PROFESSIONAL CENTER LLC
3601 WREN ST
LAKE OSWEGO, OR 97034

2S101CB00100
HUTTIG, INC
555 MARVILLE CENTER DR
PO BOX 1041
CHESTERFIELD, MO 63006

2S101DB00503
JARAMILLO, GUS J & SANDRA L
7580 SW CRESTVIEW ST
TIGARD, OR 97223

2S101DB00501
KING, EDWARD A & SONYA M
7505 SW CRESTVIEW ST
PORTLAND, OR 97223

2S101DC01700
KIRNAK FAMILY REVOCABLE LIVING TRUST
BY EMMEL & CLAIRE KIRNAK TRS
7490 SW CHERRY DR
TIGARD, OR 97223

2S101DB00505
KRAFT, CRAIG & JOAN C
7585 SW CRESTVIEW ST
PORTLAND, OR 97223

2S101DB00620
LEA, ERIC S & MIRIAM M
7530 SW VARNS ST
TIGARD, OR 97223

2S101DB00602
LEACHMAN, DIRK
7575 SW VARNS ST
TIGARD, OR 97223

2S101DC02500
MAYER, KENNETH D AND
JANICE K
7650 SW CHERRY ST
TIGARD, OR 97223

2S101DC02400
MEMOVICH, BARBARA J TR
7630 SW CHERRY DR
TIGARD, OR 97223

multiple: 2S101CA00600 to 2S101CA00700
MERITAGE FIVE LLC
BY FHA & ASSOC
155 B AVE #222
LAKE OSWEGO, OR 97034

2S101CA00400
MERITAGE FIVE LLC
FHA & ASSOC
155 B AVE #222
LAKE OSWEGO, OR 97034

2S101CC00100, 2S1010001200
METRO
ATTN OFFICE OF THE METRO ATTORNEY
600 NE GRAND AVE
PORTLAND, OR 97232

2S101AC01800
MOSTUL, TERRY A & DEBBI C
7585 SW HUNZIKER RD
TIGARD, OR 97223

1S135CB00800
OREGON DEPT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, RM 420
SALEM, OR 97301

2S101DB00601
PEARSON, H ODELL & DONNA M REV L
7525 SW VARNS ST
TIGARD, OR 97223

2S101DB00604
PIRKL, RAYMOND E & ROSE MARIE TR
7745 SW VARNS ST
TIGARD, OR 97223

2S101DB00502
RELVAS, PATRICIA D CONWAY
WALTON, MATTHEW D
7545 SW CRESTVIEW ST
TIGARD, OR 97223

2S101DB00611
STARKS, ELIZABETH
7715 SW CHERRY DR
TIGARD, OR 97223

2S101DB00603
STONE, DIANE E
7675 SW VARNS ST
TIGARD, OR 97223

2S101DB00612
SUNNARBORG, MARSHALL H
JOANNE E
7670 SW VARNS ST
TIGARD, OR 97223

2S101DB00615
TAYLOR, IAN
13315 SW 76TH AVE
TIGARD, OR 97223

2S101DB00705
MILLER, ROBERT CLARENCE
DOROTHY NELL
7475 SW VARNS
TIGARD, OR 97223

2S101DB00618
MYERS, KENNETH E
13320 SW 76H
TIGARD, OR 97223

2S101DC02800
PAYNE, KEVIN M
7615 SW CHERRY DR
TIGARD, OR 97223

2S101BD00300
PERFORMANCE CONTRACTING GROUP IN
16400 COLLEGE BLVD
LENEXA, KS 66219

2S101DC02600
POWELL, JAMES WALTER TRUST
BY POWELL, JAMES W TR
7660 SW FIR ST
TIGARD, OR 97223

2S101CB00200
SMITH GERIG WESTERN PROPERTIES L
PO BOX 930
WILSONVILLE, OR 97070

2S101DC02100
STEWART, MARTIN D & CARLA E
7570 SW CHERRY DR
TIGARD, OR 97223

2S101DC04500
SUMMIT PROPERTIES INC
4380 SW MACADAM BLVD STE 330
PORTLAND, OR 97239

2S101DC02300
TAKAHASHI, WAYNE H
SHARON S
7610 SW CHERRY ST
TIGARD, OR 97223

2S101DB00617
THACKERY, RUSSELL H III
13360 SW 76TH AVE
TIGARD, OR 97223

2S101BD00200
TIGARD DISTRIBUTION CENTER LLC
4800 SW MACADAM, STE 120
PORTLAND, OR 97239

2S102DA00500
TIGARD-TUALATIN SCHOOL
DISTRICT 23J
6960 SW SANDBURG ST
TIGARD, OR 97223

2S1010001500
UNION PACIFIC RAILROAD CO
1700 FARNHAM ST, 10TH FL SOUTH
OMAHA, NE 68102

2S101CA00200
WALL STREET INDUSTRIAL LLC
A RICHARD VIAL EXECUTIVE CENTER LLC
7000 SW VARNS ST
PORTLAND, OR 97223

2S101DC03101
WEATHERFORD, BETTY L
7495 SW CHERRY DR
TIGARD, OR 97223

2S101DC05200
WILLARD, SHAWN P
13469 SW 75TH AVE
TIGARD, OR 97223

2S101DC05300
WORZNIAK, DENNIS & NANCY
13493 SW 75TH PL
TIGARD, OR 97223

ALEXANDER CRAGHEAD
12205 SW HALL BOULEVARD
TIGARD, OR 97223-6210

BEVERLY FROUDE
12200 SW BULL MOUNTAIN ROAD
TIGARD, OR 97224

BRIAN WEGENER
9830 SW KIMBERLY DRIVE
TIGARD, OR 97224

multiple: 2S101DC06400 to 2S101DC06500
TIGARD, CITY OF
13125 SW HALL BLVD
ATTN: GARY PAGENSTECHER
TIGARD, OR 97223

2S101DB00610
TROTTI, LOUISE
7705 SW CHERRY DR
TIGARD, OR 97223

2S101DC02200
VANDERBURG, JOHN SCOTT
7590 SW CHERRY DR
TIGARD, OR 97223

2S101DC04000
WALTON CWOR SOUTHWEST 12 LLC
BY RYAN
PO BOX 460169
HOUSTON, TX 77056

2S101DC02000
WIDMAN, THOMAS G
7550 SW CHERRY DR
TIGARD, OR 97223

2S101DC04900
WILSON, CHRISTOPHER E &
SHARON K
13400 SW 76TH AVE
TIGARD, OR 97223

2S101DC04601
WPC TIGARD LLC
307 LEWERS ST 6TH FL
HONOLULU, HI 96815

BARRY ALBERTSON
15445 SW 150TH AVE
TIGARD, OR 97224

BRAD SPRING
7555 SW SPRUCE STREET
TIGARD, OR 97223

CAROL RENAUD – WACO CPO NEWSLETTER COORD.
OSU EXT. SVC - CITIZEN INVOLVEMENT FACULTY
155 NORTH 1ST AVENUE SUITE 200 MS48
HILLSBORO, OR 97124

CHARLIE AND LARIE STALZER
14781 SW JULIET TERRACE
TIGARD, OR 97224

DAVID KIMMEL
1335 SW 66TH SUITE 201
PORTLAND, OR 97225

DAVID WALSH
10236 SW STUART COURT
TIGARD, OR 97223

DAYLE D. & EVELYN O. BEACH
11530 SW 72ND AVENUE
TIGARD, OR 97223

DON & DOROTHY ERDT
13760 SW 121ST AVENUE
TIGARD, OR 97223

ELLEN BEILSTEIN
14630 SW 139TH AVE
TIGARD, OR 97224

GENE MILDREN
MILDREN DESIGN GROUP
7650 SW BEVELAND ST, STE 120
TIGARD, OR 97223

GLENNA THOMPSON
13676 SW HALL BLVD UNIT 2
TIGARD, OR 97223

GRETCHEN BUEHNER
13249 SW 136TH PLACE
TIGARD, OR 97224

HAROLD AND RUTH HOWLAND
13145 SW BENISH
TIGARD, OR 97223

HEIDI BRENNEMAN
11680 SW TIGARD DRIVE
TIGARD, OR 97223

JIM LONG, CHAIR, CPO 4M
10730 SW 72ND AVE
PORTLAND, OR 97223

JOHN GOODHOUSE
9345 SW MOUNTAIN VIEW LANE
TIGARD, OR 97224

JULIE RUSSELL CHAIR CPO 4B CHAIR
16200 SW PACIFIC HWY SUITE H BOX 242
TIGARD, OR 97224

JULIE RUSSELL, CPO 4B CHAIR
12662 SW TERRAVIEW DRIVE
TIGARD, OR 97224

KEVIN HOGAN
14357 SW 133RD AVENUE
TIGARD, OR 97224

LISA HAMILTON CPO 4B VICE CHAIR
13565 SW BEEF BEND ROAD
TIGARD, OR 97224

MONA KNAPP
9600 SW FREWING STREET
TIGARD, OR 97223

NAOMI GALLUCCI
11285 SW 78TH AVENUE
TIGARD, OR 97223

NATHAN AND ANN MURDOCK
7415 SW SPRUCE STREET
TIGARD, OR 97223

NEAL BROWN. GRI
MEADOWS INC REALTORS
12655 SW NORTH DAKOTA STREET
TIGARD, OR 97223

PATRICIA KEERINS
15677 SW OREGON ST. APT 209
TIGARD, OR 97140

PATTY NEWTH
12180 SW MERESTONE COURT
TIGARD, OR 97223

REX CAFFALL
13205 SW VILLAGE GLENN
TIGARD, OR 97223

ROSS SUNDBERG
16382 SW 104TH AVE
TIGARD, OR 97224

STACY CONNERY
12564 SW MAIN STREET
TIGARD, OR 97223

SUE RORMAN
11250 SW 82ND AVE
TIGARD, OR 97223

SUSAN BEILKE
11755 SW 114TH PLACE
TIGARD, OR 97223

TODD HARDING & BLAKE HERING JR.
NORRIS BEGGS & SIMPSON
121 SW MORRISON, SUITE 200
PORTLAND, OR 97204

VANESSA FOSTER
13085 SW HOWARD DR
TIGARD, OR 97223

VICTOR DEFILIPPIS
13892 SW BRAYDON CT
TIGARD, OR 97224

AFFIDAVIT OF MAILING/POSTING NEIGHBORHOOD MEETING NOTICE

IMPORTANT NOTICE: THE APPLICANT IS REQUIRED TO MAIL THE CITY OF TIGARD A COPY OF THE NEIGHBORHOOD MEETING NOTICE THAT PERTAINS TO THIS AFFIDAVIT AT THE SAME TIME PROPERTY OWNERS ARE MAILED NOTICE, TO THE ADDRESS BELOW:

City of Tigard Planning Division
13125 SW Hall Boulevard
Tigard, OR 97223-8189

IN ADDITION, THE APPLICANT SHALL SUBMIT THIS AFFIDAVIT & COPIES OF ALL NOTICES AT THE TIME OF APPLICATION.

MAILING:

I, Suzannah Stanley, being duly sworn, depose and say that on the 20 day of April, 2015, I caused to have mailed to each of the persons on the **attached list**, a notice of a meeting to discuss a proposed development at (or near) SW Wall and SW Hunziker, a copy of which **notice so mailed is attached** hereto and made a part of hereof.

I further state that said notices were enclosed in envelopes plainly addressed to said persons and were deposited on the date indicated above in the United States Post Office located at 12210 SW Main St, Tigard OR 97223, with postage prepaid thereon.

Signature **(In the presence of a Notary Public)**

POSTING:

I, Suzannah Stanley, do affirm that I am (represent) the party initiating interest in a proposed land use application for Comprehensive Plan amendment & zone change affecting the land located at **(state the approximate location(s) IF no address(s) and all tax lot(s) currently registered)** SW Wall St & SW Hunziker - 2S101BD01100, 2S101CA00100, 2S101DB00300, & 2S101DB00400, and did on the 20 day of April, 20 15 personally post notice indicating that the site may be proposed for a Comprehensive Plan amendment & zone change land use application, and the time, date and place of a neighborhood meeting to discuss the proposal.

The sign was posted at SW Hunziker Road just SE of SW Wall St and SW Wall St near Potsio Dog Park

(State the location you posted notice on property)

Signature **(In the presence of a Notary Public)**

(THIS SECTION FOR A STATE OF OREGON, NOTARY PUBLIC TO COMPLETE/NOTARIZE)

STATE OF Oregon)
County of Multnomah) ss.

Subscribed and sworn/affirmed before me on the 21st **day of** April, 2015.

OFFICIAL SEAL
REBECCA LYNN BRANDT
NOTARY PUBLIC-OREGON
COMMISSION NO. 469805
MY COMMISSION EXPIRES JULY 08, 2016

Rebecca L. Brandt
NOTARY PUBLIC OF OREGON
My Commission Expires: 07/08/2016

MACKENZIE.

P 503.224.9560 ▪ F 503.228.1285 ▪ W MCKNZE.COM
RiverEast Center, 1515 SE Water Avenue, #100, Portland, OR 97214

Portland, Oregon ▪ Vancouver, Washington ▪ Seattle, Washington

MEETING NOTES

PROJECT NUMBER:	2130474.02	ISSUE DATE:	May 8, 2015
PROJECT NAME:	Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change		

RECORDED BY:	Brian Varricchione, Land Use Planner
TO:	City of Tigard planning staff
PRESENT:	Attendees listed on attached sign-in sheets J. Clayton Hering – NAI Norris, Beggs & Simpson Kelly Hossaini – Miller Nash Graham & Dunn LLP Brian Varricchione – Mackenzie
SUBJECT:	**Neighborhood Meeting (May 6, 2015)**

MEETING INFORMATION

Neighborhood Meeting
Wednesday, May 6, 2015 (6:00 PM)
Tualatin Valley Fire Station 51
Community Room, 8935 SW Burnham Street, Tigard, OR 97223

PRESENTATION TOPICS

Brian Varricchione introduced himself and Kelly Hossaini from Miller Nash, read the required opening statement from the City of Tigard, and described the proposed comprehensive plan amendment and zone change. The proposal would result in approximately 18 acres remaining in the Industrial Park zone and approximately 24 acres changing to Mixed Use Employment (MUE), which would accommodate a variety of commercial uses plus multi-family housing. The primary reason for the request is that the slopes on the eastern portion of the property are too steep for industrial uses and changing the designation could lead to development that would bring jobs to the community. It was noted that there were no development plans at this time for the proposed MUE portion.

PRIMARY CONCERNS RAISED BY THE PUBLIC

The primary concerns raised by attendees, who were mostly residents of the adjacent Rolling Hills subdivision, related to potential impacts of development on neighborhood character. The attendees universally opposed allowing a connection to Varns Street and provided a copy of Resolution 79-86, passed by City Council in 1979, which created a street plug to prevent through traffic. Attendees also opposed potential tree cutting that could result from development. The attendees noted that the City had at one time required a fifty-foot buffer along the eastern boundary of the existing Industrial Park-zoned property and inquired if the Trust would propose to maintain such a buffer, stating their preference that a buffer remain between their residences and future commercial or multifamily residential uses.

OTHER ISSUES RAISED BY THE PUBLIC

Members of the public raised a number of additional issues and questions as listed below.

- Whether the neighborhood meeting was specifically for the zone change or whether it also addressed possible future development.
- Whether the Trust would consider donating the sloped portion of the site to a charitable organization or keep it as a park rather than change the zoning to MUE.
- Whether the eastern portion could be rezoned to allow single family residential use rather than MUE.
- Whether the zone change could wait until a specific development proposal was available.
- Concerns that property values for the residences could be affected by adjacent development and increased traffic.
- Concerns about habitat reduction and wildlife impacts from tree cutting and future development.
- Concerns about the potential impact of residential septic systems' greywater discharges on the Trust property, particularly with future site grading.
- Concerns about what traffic levels would be associated with future development.
- Concerns about commercial traffic passing through a residential neighborhood and how that would affect livability and safety, particularly if Varns Street became a cut-through street.
- Observations that the residential area is now an island surrounded by industrial and commercial development.
- Observations that the railroad spur could affect the ability of the site to develop.
- Questions about whether wetlands were on site.
- Questions about what types of uses are allowed in the MUE zone.
- Questions about the ability of neighbors to influence decisions made by the City.
- Questions about the public hearings process and a preference that the notice radius be enlarged.
- A preference that access should be taken off Hunziker Road or Wall Street rather than Varns Street.
- A preference for open space and wildlife habitat rather than development.
- A general preference to keep the site in its current condition.
- A statement that a zone change would lead to development so the neighbors should work together to make their opinions known to the City now rather than waiting for a development proposal.

Enclosure(s): Sign-in sheets
Meeting agenda
Meeting handout

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SIGN-IN SHEET

PROJECT NUMBER: 2130474.02

PROJECT NAME: **Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change**

SUBJECT: Neighborhood Meeting – May 6, 2015, 6:00 PM

NAME	REPRESENTING	ADDRESS
RYAN O'BRIEN	SELF	1862 NE ESTATE DR. HILLSBORO 97124
Ruth Baker	Ed King	7505 SW Crestview
John & Beth Bishop	selves	7375 S.W. VARNS
Barbara & Nancy Memovich	selves	7630 SW Cherry Dr.
Jim & Jan Barbour	"	7380 SW Varns
Marshall & Joanne Sumarborg	"	7670 S W Varns
Eric Lea	self	7530 SW Varns st 97223
Justin Sumarborg	Self	7670 SW Varns St 97223
Patrick Carney	self	7325 SW Varns St.
Tim COURREGES	self	7425 SW Varns ST

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SIGN-IN SHEET

PROJECT NUMBER: 2130474.02

PROJECT NAME: **Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change**

SUBJECT: **Neighborhood Meeting – May 6, 2015, 6:00 PM**

NAME	REPRESENTING	ADDRESS
George Guthrie	Self	7665 SW Fir Street, Tigard.
Ray & Marie Pirkl	self	7745 S.W. Varns St Tigard
DIANE	↓	7710 SW CHERRY DR.
Sonya King	self	7505 SW Crestview St
MARTIN STEWART	SELF	7570 SW CHERRY DR. Tig
Ray & marie PIRKL	self	7745 S W Varns S T. Tigard
DIRK LEACHMAN	"	7575 SW VARNS ST.
Randi Abblitt	self	7700 SW cherry DR. Tigard
Ray Rusk	Self	7275 SW VARNS ST TIGARD
Tom Mdman	self	7550 SW Cherry Dr.
DIANE STONE	SELF	7675 SW VARNS ST
GUS, JARAMILLO	SELF	7580 SW. CRESTVIEW
Sandra Jaramillo	self	7580 SW Crestview
FREZZA	self	13275 SW 76th Ave.

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MEETING AGENDA

PROJECT NUMBER:	2130474.02	**TODAY'S DATE:**	May 4, 2015
PROJECT NAME:	**Fred W. Fields Trust Comprehensive Plan Amendment & Zone Change**		

MEETING DATE:	May 6, 2015
MEETING TIME:	6:00 PM
MEETING PLACE:	Tualatin Valley Fire & Rescue Station 51, Tigard, Oregon
PARTICIPANTS:	Affected property owners and interested parties
FACILITATOR:	Mackenzie

SUBJECT: Neighborhood Meeting

I. INTRODUCTION

- Brian Varricchione – Lane Use Planner, Mackenzie
- Kelly Hossaini – Miller Nash (representing Fred W. Fields Trust)

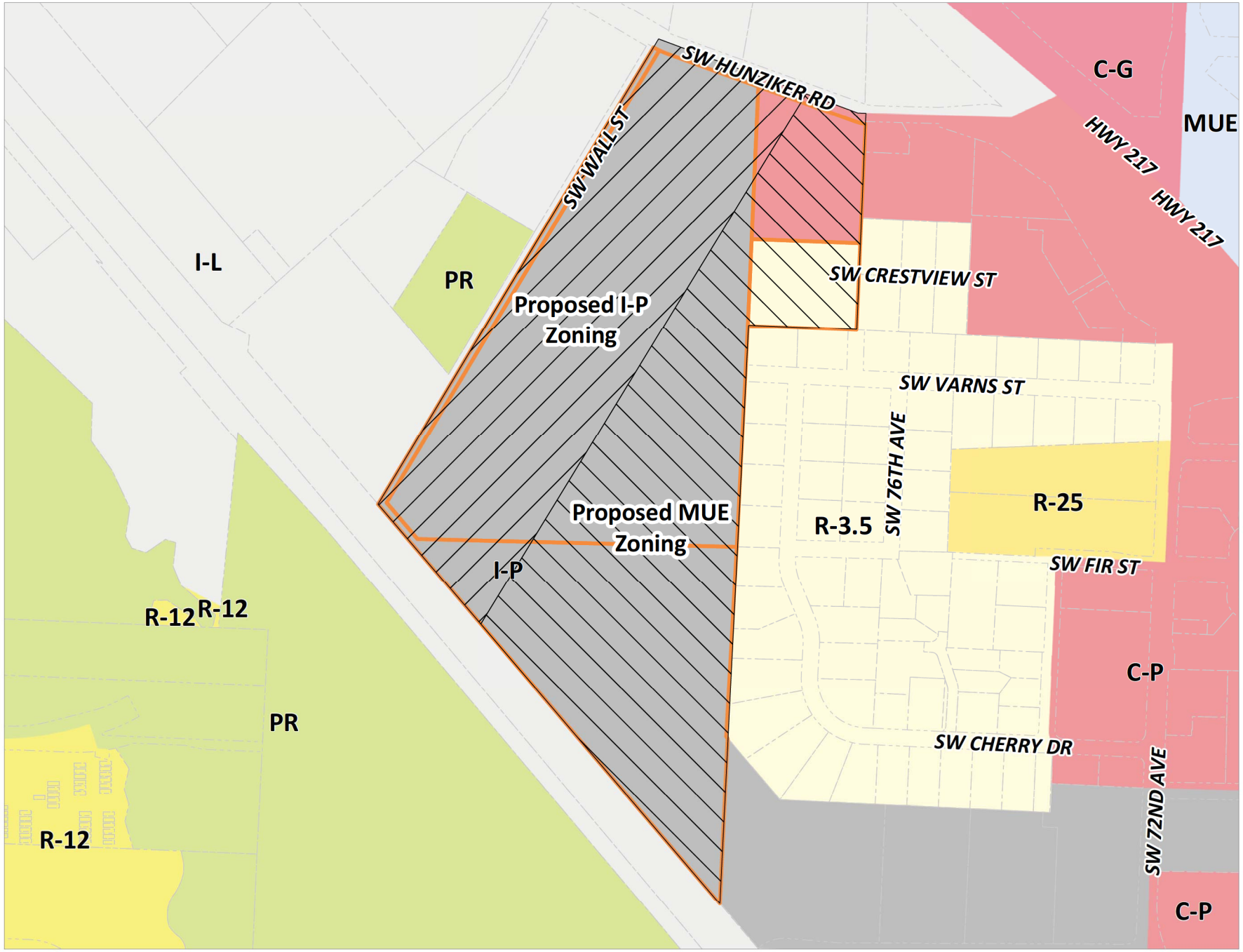
II. CITY STATEMENT OF PURPOSE — Brian Varricchione, Mackenzie

III. DESCRIPTION OF PROPOSAL — Brian Varricchione, Mackenzie

IV. DISCUSSION — Meeting Attendees

V. NEXT STEPS — Brian Varricchione, Mackenzie

c: Participants



Fields Trust Zone Change
Hunziker Rd & Wall St
Existing & Proposed Zones

LEGEND

- Site Taxlots
- Tax Lots

Existing Zoning

- C-G: General Commercial
- C-P: Professional Commercial
- I-L: Light Industrial
- I-P: Industrial Park
- MUE: Mixed Use Employment
- PR: Parks and Recreation
- R-3.5: Low-Density Residential
- R-7: Medium-Density Residential
- R-12: Medium-Density Residential
- R-25: Medium High-Density Residential

Proposed Zoning

- Proposed I-P Zoning
- Proposed MUE Zoning

N

0 62.5 125 250 Feet

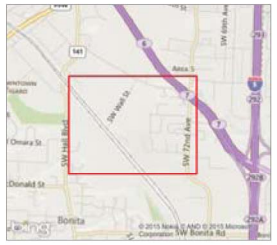
1 inch = 125 feet

SOURCE DATA:
Metro RLIS Lite Base Data, Aug 2014

GEOGRAPHIC PROJECTION:
NAD 83 HARN, Oregon North Lambert Conformal Conic

Date: 5/1/2015
File: neighborhood meeting board

Map Created By: BJV
Project No: 213047A.02



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Washington County, Oregon
05/05/2010 10:15:44 AM 2010-033975
D-DW Cnt=1 Stn=12 S PFEIFER
$40.00 $5.00 $11.00 $15.00 - Total = $71.00

01478751201000339750080088

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of Assessment and Taxation, Ex-Officio County Clerk

40
31

After recording, return to:

David M. Munro
Thede Culpepper Moore Munro & Silliman LLP
111 S.W. Fifth Avenue, Suite 3675
Portland, Oregon 97204

WARRANTY DEED

FRED W. FIELDS, Grantor, conveys and warrants to FRED W. FIELDS, in his capacity as Trustee of the Fred W. Fields Revocable Living Trust under Revocable Living Trust Agreement dated February 17, 2009, Grantee, the real property situated in Washington County, Oregon, more particularly described on Exhibit A attached hereto.

The true consideration for this conveyance is $0.00.

Grantor covenants that Grantor is seized of an indefeasible estate in the real property described above in fee simple, that Grantor has good right to convey the property, that the property is free from encumbrances except as specifically set forth herein, and that Grantor warrants and will defend the title to the property against all persons who may lawfully claim the same by, through, or under Grantor, provided that the foregoing covenants are limited to the extent of coverage available to Grantor under any applicable standard or extended policies of title insurance, it being the intention of Grantor to preserve any existing title insurance coverage.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF

Until a change is requested, all tax statements shall be sent to the following address:

Fred W. Fields, Trustee
1149 S.W. Davenport Street
Portland, Oregon 97201

ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED this 3rd day of May, 2010.

Fred W. Fields

Fred W. Fields

STATE OF Oregon)
)
COUNTY OF Multnomah

On May 3, 2010, before me, Helen Parker, personally appeared Fred W. Fields personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument he executed the instrument.

WITNESS my hand and official seal.

Helen Parker

Notary Public for Oregon
My commission expires: July 5, 2012

OFFICIAL SEAL
HELEN PARKER
NOTARY PUBLIC - OREGON
COMMISSION NO. 428848
MY COMMISSION EXPIRES JULY 5, 2012

EXHIBIT A

Parcel I:

The North one-half of Lot 1, EDGEWOOD ACRE TRACTS, in the City of Tigard, County of Washington and State of Oregon.

Parcel II:

The South one-half of Lot 1, EDGEWOOD, in the City of Tigard, County of Washington and State of Oregon.

Parcel III:

A tract of land in Section 1, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, more particularly described as follows:

Beginning at the most Easterly Southeast corner of that certain tract described in deed recorded March 21, 1949, in Deed Book 293, Page 530, to Jane Brooks, running thence West along the South line of the Brooks tract above described, a distance of 330 feet; thence Northerly parallel to the most Easterly East line of the said tract described in the Brooks deed above mentioned, to a point on the South line of County Road No. 245; thence Southeasterly on the South line of said County Road No. 245 to a point on the East line of the tract described in the Brooks deed above mentioned; thence South along the East line of said Brooks tract to the place of beginning.

Parcel IV:

All that certain tract of land in the William Graham Donation Land Claim No. 39 in Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, conveyed to Beecher B. Robinson by deed recorded at page 193 of Volume 126, Washington County, Oregon Deed Records, and being more particularly described as follows, to-wit:

Beginning at the Southwest corner of the aforesaid Robinson tract in the center of the County Road at the Northwest corner of Lot 1 of EDGEWOOD, a duly recorded subdivision of Washington County, Oregon, which beginning point is said to bear 5.60 chains West and 21.02 chains North of the Northwest corner of Section 12, Township 2 South, Range 1 West of the Willamette Meridian; thence from said point of beginning North 0°22' East in the center of the said County Road 969.4 feet to the Northwest corner of said Robinson tract; thence South 47°43' East 26.9 feet to an iron pipe; thence continuing South 47°43' East 431.1 feet to an iron pipe; thence South 99.0 feet to an Alder tree marked "C.8"; thence continuing South 16.0 feet to a point in the center of Fanno Creek, from which point an iron pipe bears North 19.9 feet; thence down stream following the center of Fanno Creek the following courses and distance: South 37°01' East 110.0 feet; South 26°58' West 126.0 feet; South 6°44' West 86.8 feet; South 30°08' East 40.5 feet; South 73°51' East 44.8 feet; North 53°56' East 71.7 feet; South 74°06' East 33.1 feet; South 4°44' West 72.6 feet; South 24°24' East 64.3 feet; South 51°2' East 137.0 feet; and

South 11°35' West 42.7 feet to a point on the North line of said EDGEWOOD Subdivision; thence North 89°00' West along the North line of aforesaid subdivision 35.1 feet to a point in the center of Fanno Creek, from which point an iron pipe bears South 89°00' East 17.1 feet; thence running downstream in the center of Fanno Creek North 39°18' West 32.8 feet North 58°29' West 104.5 feet, South 86°48' West 41.6 feet and South 12°02' West 76.4 feet to a point on the North line of aforesaid subdivision, from which point an iron pipe bears North 89°00' West 28.0 feet; thence leaving Fanno Creek and running along the North line of said subdivision 528.0 feet to the place of beginning.

SAVE AND EXCEPT THEREFROM that portion conveyed to the State of Oregon, by and through the State Highway Commission recorded August 20, 1965, in Book 656, Page 306, Records of Washington County.

PARCEL V:

Beginning at a stone at the Northwest corner of the W.W. Graham Donation Land Claim No. 39, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon and running thence South 43°23' West along the Northwesterly line of said Donation Land Claim 734.0 feet to a point in the center of County Road; thence South 60°59' East in the center of said County Road; 1814.8 feet to a stone at the Northeast corner of that certain tract of land conveyed to R. and Sophia Hunziker by deed as recorded on Page 271 of Volume 90 of Washington County, Oregon Deed Records; thence South 29°34' West along the East line of said Hunziker tract 1652.9 feet to a point on the Northerly boundary of the Southern Pacific Railroad right of way; thence South 42°00' East along said Northerly boundary 120.0 feet to an iron pipe at the true point of beginning of the herein described tract; thence from the above described true point of beginning North 89°51-½' East along the North line of said Hunziker tract 998.4 feet to an iron pipe at the most Easterly Northeast corner thereof; thence South 1°14' West along the East line of said Hunziker tract 1085.6 feet to an iron pipe at the Northerly boundary line of the Southern Pacific Railroad right of way; thence North 42°00' West along said Northerly boundary 1457.2 feet to the point of beginning.

PARCEL VI:

Beginning at a stone at the Northwest corner of the W.W. Graham Donation Land Claim No. 39, in Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, and running thence South 43°23' West along the Northwesterly line of said Donation Land Claim 734.0 feet to a point in the center of the County Road; thence South 60°59' East in the center of said County Road 1814.8 feet to a stone at the Northeast corner of that certain tract of land conveyed to R. and Sophia Hunziker by deed as recorded on Page 271 of Volume 90 of Washington County, Oregon Deed Records; which point is the true point of beginning of the herein described roadway; thence from the above described true point of beginning South 29°34' West along the East line of said Hunziker tract 1631.8 feet to an iron pipe; which pipe is 20.0 feet from, when measured at right angles to the Northerly boundary of the Southern Pacific Railway right of way; thence South 42°00' East parallel to and 20.0 feet from, when measured at right angles to said Northerly boundary a distance of 144.7 feet to an iron pipe on the North line of said Hunziker tract; thence South 89°51-½' West along the said North line 26.8 feet to an iron pipe on the Northerly boundary of said Southern Pacific Railroad right of way; thence North 42°00' West along said Northerly boundary 141.1 feet to an iron pipe;

thence North 29°34' East parallel and 20.0 feet from, when measured at right angles to the East line of said Hunziker tract a distance of 1646.0 feet to a point in the center of said County Road; thence South 60°59' East in the center of said road 20.0 feet to the point of beginning.

PARCEL VII:

Beginning at an iron pipe at the reentrant corner on the South line of the W.W. Graham Donation Land Claim No. 39, in Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon and running thence North 1°27' East 1020.7 feet to a square iron at the Northeast corner of EDGEWOOD; thence North 89°07' West along the North line of said subdivision 151.1 feet to a corner of that certain tract of and conveyed to R. and Sophia Hunziker by deed as recorded in Deed Book 90, Page 271; thence North 4°13' East along the property line 597.1 feet to the Southwest corner of that certain tract of land conveyed to the Oregon Electric Railway Company by deed as recorded in Deed Book 83, Page 163; thence South 43°44' East along the Southerly line of said tract of land 400.0 feet to the most Easterly corner thereof; thence South 41°35' East along the Southerly boundary of the Oregon Electric Railroad right of way 1796.9 feet to an iron pipe on the recognized South line of the said W.W. Graham Donation Land Claim; thence North 89°23' West on said recognized South line 1387.8 feet to the place of beginning.

PARCEL VIII:

Beginning at the Northwest center of Lot 2 of EDGEWOOD, in the City of Tigard, County of Washington and State of Oregon, and running East 13.24 chains (873.8 feet) to the Northeast corner of said Lot 2; thence South with the East boundary thereof 30 feet; thence West 2.68 chains (176.9 feet); thence North 79°30' West 0.827 chains (54.6 feet) to a pipe ¾" in diameter; thence West 9.80 chains (646.8 feet), more or less, to the West boundary of said Lot 2; thence with said West boundary, North 20 feet to the place of beginning.

PARCEL IX:

Section 1, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon:

Beginning 20 chains North and 20 chains West of the Southeast corner of the W.W. Graham Donation Land Claim; thence West 17.11 chains to stake; thence North 30° East 26.60 chains to center of County Road; thence South 72°48' East 9.91 chains to the Southwest corner of J.A. Keller's tract of land; thence South 10 chains to a stake; thence West 5 chains to a stake; thence South 10 chains to place of beginning.

EXCEPTING THEREFROM a certain tract conveyed by Rudolph Hoohuli, et ux and George J. Erdner, et ux, to Beaverton and Willsburg Railroad Company as shown by instrument recorded in Deed Book 75, Page 420, on May 14, 1907.

EXCEPT a tract of land in Section 1, Township 2 South, Range 1 West of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, more particularly described as follows:

Beginning at the most Easterly Southeast corner of that certain tract described in deed recorded March 21, 1949, in Deed Book 293, Page 530 to Jane Brooks; running thence West along the South line of the Brooks tract above described, a distance of 330 feet; thence Northerly parallel to the most Easterly East line of the said tract described in the Brooks deed above mentioned to a point on the South line of County Road No. 245; thence Southeasterly on the South line of said County Road No. 245; thence Southeasterly on the South line of said County Road to a point on the East line of the tract described in the Brooks deed above mentioned; thence South along the East line of said Brooks tract to the place of beginning.

SUBJECT TO:

1. An easement created by instrument, including the terms and provisions thereof:
   Recorded : April 12, 1948, in Book 284, Page 406
   Favor of : Tillie Zurcher
   Affects : Parcels V & VI

   Tillie Zurcher conveyed an undivided one-half of her interest in said easement to her husband, Paul A. Zurcher, by instrument
   Recorded : January 4, 1951, in Book 315, Page 386

2. An easement created by instrument, including the terms and provisions thereof:
   Recorded : December 31, 1952, in Book 340, Page 167
   Favor of : Portland General Electric Company, a corporation of Oregon
   For : Electrical transmission lines
   Affects : Parcels V, VI & IX

3. An easement created by instrument, including the terms and provisions thereof:
   Recorded : June 14, 1957, in Book 395, Page 58
   Favor of : Portland General Electric Company
   Affects : Parcels V & VI

4. An easement created by instrument, including the terms and provisions thereof:
   Recorded : September 12, 1960, in Book 435, Page 312
   Favor of : Tigard Water District, a municipal corporation, and the South Tigard Sanitary District, a municipal corporation
   For : Sewer lines and water lines
   Affects : Parcel VI

5. An easement created by instrument, including the terms and provisions thereof:
   Recorded : October 9, 1961, in Book 451, Page 10
   Favor of : Northwest Natural Gas Company, a corporation of the State of Oregon
   For : Pipeline
   Affects : Parcels VI & IX

6. An easement created by instrument, including the terms and provisions thereof:
Recorded : December 8, 1965, in Book 580, Page 313
Favor of : City of Tigard, a municipal corporation of Oregon
Affects : Parcels VI, VII & VIII

7. An easement created by instrument, including the terms and provisions thereof:
Recorded : December 27, 1965, in Book 575, Page 43
Favor of : D.H. Overmyer Warehouse Co., an Oregon corporation
For : Railroad spur track
Affects : Parcels VI & IX

The above easement was assigned by instrument
Dated : June 14, 1966
Recorded : July 5, 1966, in Book 606, Page 590
To : Southern Pacific Company, a Delaware corporation

8. An easement created by instrument, including the terms and provisions thereof:
Recorded : January 4, 1966, in Book 583, Page 258
Favor of : Northwest Natural Gas Company, an Oregon corporation
For : Gas pipeline
Affects : Parcels V & IX

9. An easement created by instrument, including the terms and provisions thereof:
Recorded : March 16, 1966, in Book 592, Page 13
Favor of : Southern Pacific Company, a Delaware corporation
For : Railroad track
Affects : Parcel V

10. An easement created by instrument, including the terms and provisions thereof:
Recorded : June 10, 1971, in Book 821, Page 413
Favor of : Tigard Water District, a municipal corporation of Washington County, Oregon
For : Underground pipeline and/or mains for water
Affects : Parcel VI

11. An easement created by instrument, including the terms and provisions thereof:
Recorded : September 16, 1971, in Book 835, Page 507
Favor of : Portland General Electric Company, an Oregon corporation
For : Anchor easement
Affects : Parcels VI, VII, & VIII

12. An easement created by instrument, including the terms and provisions thereof:
Recorded : December 15, 1971, in Book 847, Page 55
Favor of : Tigard Water District, a municipal corporation of Washington County, Oregon
For : Underground pipeline and/or mains for the purpose of conveying water
Affects : Parcel IV

13. An easement created by instrument, including the terms and provisions thereof:

Recorded	:	July 20, 1972, in Book 878, Page 295
Favor of	:	Unified Sewerage Agency of Washington County, a municipal corporation and county service district of the State of Oregon
For	:	Sewer
Affects	:	Parcel I

14. An easement created by instrument, including the terms and provisions thereof:

Recorded	:	July 20, 1972, in Book 878, Page 298
Favor of	:	Unified Sewerage Agency of Washington County, a municipal corporation and county service district of the State of Oregon
For	:	Sewer
Affects	:	Parcel II

15. An easement created by instrument, including the terms and provisions thereof:

Recorded	:	April 18, 1973, in Book 920, Page 38
Favor of	:	Unified Sewerage Agency of Washington County, a municipal corporation and county service district of the State of Oregon
For	:	Sewer
Affects	:	Parcels VII & VIII

16. An easement created by instrument, including the terms and provisions thereof:

Recorded	:	September 15, 1975, in Book 1043, Page 992
Favor of	:	City of Tigard, a municipality of the State of Oregon
For	:	Street dedication and slope easement
Affects	:	Parcels VI & IX

17. An easement created by instrument, including the terms and provisions thereof:

Recorded	:	September 15, 1975, in Book 1043, Page 994
Favor of	:	City of Tigard, a municipality of the State of Oregon
For	:	Street dedication and slope easement
Affects	:	Parcels VI & IX

18. An easement created by instrument, including the terms and provisions thereof:

Recorded	:	November 18, 1975, in Book 1054, Page 608
Favor of	:	City of Tigard, a municipality of the State of Oregon
For	:	Street dedication and slope easement
Affects	:	Parcel III

19. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of Fanno Creek or has been formed by the process of accretion or reliction. (Affects Parcel IV)

Pacific NW Title Accom. Only
06280596-W
T.D.

15-6
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11

Washington County, Oregon 2006-051473
05/01/2006 09:44:11 AM
D-DBS Cnt=1 Stn=7 K GRUNEWALD
$15.00 $6.00 $11.00 - Total = $32.00

00946850200600514730030030

I, Jerry Hanson, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Jerry R. Hanson, Director of Assessment and Taxation, Ex-Officio County Clerk

After recording, return to:

Pacific NW Title Co.
Commercial Services Division
111 SW Columbia Ave., #200
Portland, OR 97201

Re: Order No. 06280596

RECORDED BY PACIFIC NW TITLE AS AN ACCOMMODATION ONLY. NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

Until a change is requested, all tax statements should be sent to the following address:

Fred W. Fields
1149 SW Davenport
Portland, OR 97201

BARGAIN AND SALE DEED

F.W.F. Investment Company, a dissolved Oregon corporation, Grantor, conveys to **Fred W. Fields** and **H. Suzanne Fields**, husband and wife, Grantee, the following described real property:

The real property described on attached Exhibit A (TL 2S11DB-00300 and TL 2S11DB-00400 in the NW ¼ of the SE ¼ of Section 1, T2S, R1W, WM, in the city of Tigard, Washington County, Oregon).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

The true consideration for this conveyance is $10 and other property or other value given or promised.

Dated April 13, 2006.

F.W.F. Investment Company

By Fred W. Fields
Fred W. Fields
President

State of Oregon)
) ss.
County of Multnomah)

This instrument was acknowledged before me on April 13, 2006, by Fred W. Fields, president of F.W.F. Investment Company, a dissolved Oregon corporation.

Cheryl A Schoebel
Notary Public for Oregon
My commission expires: 10-23-09

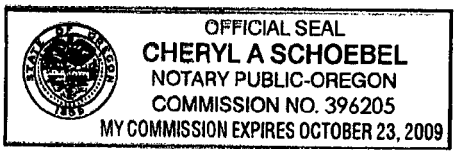

Exhibit A

PARCEL I:

A tract of land in the Northwest one-quarter of the Southeast one-quarter of Section 1, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, described as follows:

BEGINNING at the most Easterly Southeast corner of that certain tract described in Deed recorded March 21, 1949, in Deed Book 293, Page 530, to Jane Brooks, running thence West along the South line of the Brooks Tract above described, a distance of 330 feet; thence Northerly parallel with the most Easterly East line of the said tract described in the said Deed above mentioned, a distance of 271 feet; thence Easterly, parallel with the above mentioned South line of the said Brooks Tract, a distance of 330 feet, to a point on the East line of the tract described in the Brooks Deed above mentioned; thence South along the East line of the said Brooks Tract, a distance of 271 feet, to the place of beginning.

PARCEL II:

A tract of land in the Northwest one-quarter of the Southeast one-quarter of Section 1, Township 2 South, Range 1 West, of the Willamette Meridian, in the City of Tigard, County of Washington and State of Oregon, described as follows:

BEGINNING at a point on the most Easterly East line of that certain tract described in Deed recorded March 21, 1949, in Deed Book 293, Page 530 to Jane Brooks, which point is Northerly a distance of 271 feet fro the most Easterly Southeast corner of said Brooks Tract described in the said Deed mentioned above; and running thence Westerly parallel with the South line of the Brooks Tract above described, a distance of 330 feet; thence Northerly parallel with the said most Easterly East line of the said Brooks Tract described in the said Deed above mentioned, to a point in the South line of County Road No. 245; thence Southeasterly on the South line of said County Road to a point on the East line of the tract described in the Brooks Deed above mentioned; thence South along the said East line of the said Brooks Tract to the place of beginning.

PRE-APPLICATION NOTES FOR
FIELDS ZONE CHANGE/COMPREHENSIVE PLAN AMENDMENT
May 13, 2014

STAFF PRESENT: Gary Pagenstecher, Lloyd Purdy, Greg Berry

APPLICANT: Christine McKelvey/Mackenzie

PROPERTY LOCATION: SE Corner of SW Hunziker and Wall Streets.

TAX MAP/ LOT #'s: 2S101CA TL 100; 2S101 TL1100; 2S101DB TLs 300/400

PROPOSAL DESCRIPTION:
The applicant requests a zone change and comprehensive plan amendment on approximately 23 acres, from I-P, C-P and R3.5 to R-25 or MUE; minor portion of C-P to I-P. The application is made within the context of a public/private partnership between the Fields Trust and the City to address site slope constraints which make a portion of the site unsuitable for some industrial uses and is based on the February 13, 2014 Development Analysis and Opportunity Study, prepared by McKenzie.

COMP PLAN DESIGNATIONS: Industrial Park, Professional Commercial, Low Density Residential

ZONING: I-P, C-P, R3.5

NEIGHBORHOOD MEETING
A neighborhood meeting is required for a quasi-judicial zone change/comprehensive plan amendment.

APPLICABLE CRITERIA
18.380.030 Quasi-Judicial Amendments and Procedures to this Title and Map

A. Quasi-judicial amendments. Quasi-judicial zoning map amendments shall be undertaken by means of a Type III-PC procedure, as governed by Section 18.390.050, using standards of approval contained in subsection B of this section. The approval authority shall be as follows:

The commission shall make a recommendation to the council on a zone change application which also involves a concurrent application for a comprehensive plan map amendment. The council shall decide the applications on the record as provided by Chapter 18.390.

B. Standards for making quasi-judicial decisions. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following standards:
1. Demonstration of compliance with all applicable comprehensive plan policies and map designations; (Goal 1, Citizen Involvement; Goal 2, Land Use Planning, 2.1- policies 5, 6, 7, 14, 15, 16; Goal 9, Economic Development, 9.1, policies 3, 5, 6, 7, and 12; Goal 10, Housing, 10.2, policies 7 and 8).
2. Demonstration of compliance with all applicable standards of any provision of this code or other applicable implementing ordinance; (18.380 Zoning Map and Text Amendments; 18.390 Decision Making Procedures); and

3. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or zoning map as it relates to the property which is the subject of the development application. (COT 2011 Economic Opportunity Analysis/February 13, 2014 Development Analysis and Opportunity Study)

C. Conditions of approval. A quasi-judicial decision may be for denial, approval, or approval with conditions as provided by Section 18.390.050.

18.390.050 Type III Procedure

A. Preapplication conference. A preapplication conference is required for all Type III actions.

B. Application requirements.

1. Type III applications shall be made on forms provided by the director.
2. Type III applications shall:
   a. Include the information requested on the application form;
   b. Address the relevant criteria in sufficient detail for review and action;
   c. Be accompanied by the required fee;
   d. Include two sets of pre-stamped, pre-addressed envelopes for all persons who are property owners of record as specified in subsection C of this section. The records of the Washington County Department of Assessment and Taxation shall be the official records for determining ownership. The applicant shall demonstrate that the most current assessment records have been used to produce the notice list;
   e. Include an impact study. The impact study shall quantify the effect of the development on public facilities and services.

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; (Goals 1, 2, 9, and 10)
2. Any federal or state statutes or regulations found applicable;
   (Oregon Administrative Rue 660, Division 9, Economic Development)
3. Any applicable METRO regulations;
   (Metro Urban Growth Management Functional Plan, Title 4 Industrial and other Employment Areas)
4. Any applicable comprehensive plan policies; and
   (Goal 1, Citizen Involvement; Goal 2, Land Use Planning; and Goal 9, Economic Development, Goal 10, Housing)
5. Any applicable provisions of the city's implementing ordinances.
   (18.380 Zoning Map and Text Amendments; 18.390 Decision Making Procedures).

PROCESS

Application for a Type III quasi-judicial zone change/comprehensive plan amendment: two hearings, one before the commission and one before the council.

APPLICATION FEES:

Comprehensive Plan Amendment:	$9,996
Quasi-Judicial Zone Change	3,761
Total	$13,757

APPLICANT'S QUESTIONS:

1. Verification of the zone change request from I-P to R-25 (or MUE) for approximately 23 acres of the site.

MUE is a zone which includes employment uses, in addition to multi-family housing at a maximum density of 25 units/acre, equivalent to the R-25 zoning district. Since the city is interested in preserving vacant land for employment uses to the extent possible, the city could support rezoning to MUE.

2. Specific criteria the City would like addressed, other than those that would be the result of the described Comp Plan/Zone Changes?

Goal 2.1, Policy 16, permits the city to condition the approval of a Plan/Zoning map amendment to assure the development of a definite land use and per specific design/development requirements.

Anticipating that the EOA land efficient need scenario will continue to apply and be in deficit given the findings in the Fields Property Development Analysis and Opportunity Study, please provide an analysis that addresses the suitability of the upland portion of the site for employment uses other than large-footprint industrial building types. The case for residential use in lieu of employment uses in the proposed MUE will need to be made.

3. Specific traffic concerns that the applicant should be prepared to address, other than those that would be the result of the Comp Plan/Zone Changes?
See Development Engineering notes.

4. Wall Street classification/improvements?
See Development Engineering notes.

Attachments:

TDT Rate Calculation Worksheet

PREPARED BY:

Gary Pagenstecher
Associate Planner

PRE-APP ESTIMATE

City of Tigard

TDT — COUNTYWIDE TRANSPORTATION DEVELOPMENT TAX

Rate Calculation Worksheet

APPLICANT MACKENZIE	DATE 5/1/14
MAILING ADDRESS 15155E WATERFRONT #100	PREPARED BY AMS
CITY / ZIP / PHONE PORTLAND 97214	PLANS CHECK# PRE2014-00015
TAX MAP # 2S101CA00100, 2S101D0001100 2S101DB00300 & -00400	PROJECT TITLE FIELDS PROPERTY DEVELOPMENT
SITUS # ADDRESS 13085 SW 76TH AVE	

FORMER USE(S)

USE #	ITE CODE	# UNITS	X	RATE	=	TDT AMOUNT	DESCRIPTION/NOTES
—			X		=	Ø	VACANT LAND (DOCUMENTATION
			X		=		OF PREVIOUSLY EXISTING
			X		=		STRUCTURES NEEDED TO
			X		=		EVALUATE TDT CREDITS).

TOTAL TDT, FORMER USE(S) Ø

* ASSUMES "POTENTIAL BUILDINGS/USES" PER FIELDS PROP. DEVELOPMENT ANALYSIS *

PROPOSED USE(S)

USE #	ITE CODE	# UNITS	X	RATE	=	TDT AMOUNT	DESCRIPTION/NOTES
1	110	174	X	$4,682	=	$814,668	174,000 ☐ GEN'L LIGHT INDUSTRIAL
2	710	40	X	$6,869	=	$274,760	40,000 ☐ GEN'L OFFICE
3	220	300	X	$4,325	=	$1,297,500	300 APARTMENT UNITS
			X		=		

TOTAL TDT, PROPOSED USE(S) $2,386,928

TOTAL IMPACT $8,840,474.
UNMITIGATED IMPACT $6,453,546.

LESS TOTAL TDT, FORMER USE(S) — Ø

TDT INCREASE/(DECREASE) $2,386,928 TDT (INCREASE = TDT DUE)

PAYMENT METHOD PARKS

	CASH/CHECK
	CREDIT
	BANCROFT AGREEMENT (PROMISSORY NOTE)
	DEFER TO OCCUPANCY

NOTES
① GEN'L INDUST = EST. 600 ☐/EE 174K ÷ 600 = 290 EES
② GEN OFFICE = EST. 475 ☐/EE 40K ÷ 475 = 84 EES
374 EES
374 EES × $414.71 = $155,101.54
③ APTS = @ $4,795.04 × 300 = $1,437,912
TOTAL PARKS = $1,593,013.54

PRE-APPLICATION CONFERENCE NOTES

➢ DEVELOPMENT ENGINEERING ➣

City of Tigard, Oregon
Community Development
Shaping A Better Community

PUBLIC FACILITIES

Tax Map(s): 2S101CA, 2S1 01, 2S1 01DB
Tax Lot(s): 100, 1100, 300, 400
Use Type: Indust,Com, Residential

These notes were prepared based on information provided by the applicant requesting a Comprehensive Plan/Zone Change. Mentioned improvements and dedications are those typically required.

The extent of necessary public improvements and dedications which shall be required of the applicant will be recommended by City staff and subject to approval by the appropriate authority. There will be no final recommendation to the decision making authority on behalf of the City staff until all concerned commenting agencies, City staff and the public have had an opportunity to review and comment on the application. The following comments are a projection of public improvement related requirements that may be required as a condition of development approval for your proposed project.

Right-of-way dedication (required with zone change):

The City of Tigard requires that land area be dedicated to the public:
(1.) To increase abutting public rights-of-way to the ultimate functional street classification right-of-way width as specified by the Community Development Code; or
(2.) For the creation of new streets.

Approval of a development application for this site will require right-of-way dedication for:

☒ SW Hunziker Street 37 feet from centerline of right-of-way.

☒ SW Wall Street, a designated collector in the Tigard Transportation System Plan, to a full dedicated width of 62 feet. If a new north-south street is constructed away from Wall St, it will need to meet the Local Commercial/Industrial street standard right-of-way width of 50 feet.

Street improvements: (Required with development):

☒ Partial street improvements would be necessary to meet standards along SW Hunziker Street to match adjacent improvements with a pavement half-width of 23 feet, curb, storm drainage, 5' planter strip, street trees, street lights, 8' sidewalk, and other improvements to collector standards.

☒ Full street improvements would be necessary to meet standards along SW Wall Street. Sidewalk to a 36-foot paved width with 5' planter strip, street trees, street lights, 8' sidewalk, and other improvements to collector standards. If the street abuts a rail line that is in use, sidewalk and planter strip may be deleted along the rail side.

Traffic Analysis Requirements

In accordance with Tigard Comprehensive Plan Chapter 2, land Use Planning, Goal 2.1:

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

A. Transportation and other public facilities and services shall be available, or committed to be made available, and of sufficient capacity to serve the land uses allowed by the proposed map designation;

B. Development of land uses allowed by the new designation shall not negatively affect existing or planned transportation or other public facilities and services.

A comprehensive traffic analysis is also required by Oregon Administrative Rule 660-012 – the Transportation Planning Rule

A traffic study is required for the proposed zone change, and will be required to be confirmed prior to development. These studies will need to be coordinated with and approved by both the City of Tigard and the Oregon Department of Transportation (ODOT). The actual study area will be determined after the applicant provides detailed and acceptable trip generation and distribution information. It is likely that the study area will include at least Hunziker St, its intersections with Hall Blvd and with 72nd Ave, the whole 72nd Ave/217 interchange area, and other intersections in the area.

It is likely that the traffic study will identify capacity deficiencies in the area and will need to identify mitigation measures and/or proportional share contributions to mitigation measures that will need to be constructed and paid before development will be allowed on the subject property.

Connectivity:

The applicant will be required to construct a street connection through the subject property to SW Varns St.

Railroad Issues

The applicant will need to obtain approval from ODOT Rail and the owner of the rail line (Portland and Western Railroad) for any new rail crossings or any work affecting a street within 500 feet of a rail crossing. The rail line along the western portion of the subject property is considered by ODOT Rail to be active, and typical railroad requirements and standards apply.

18.730.040 Additional Setback Requirements: This section sets requirements for additional setback distance from roadways. The minimum yard requirement shall be increased in the event a yard abuts a street having a right-of-way width less than required by its functional classification on the city's transportation plan map and, in such case, the setback shall be not less than the setback required by the zone plus one-half of the projected road width as shown on the transportation map.

This does not appear to be applicable in this case

Agreement for Future Street Improvements:

In some cases, where street improvements or other necessary public improvements are not currently practical, the improvements may be deferred. In such cases, a condition of development approval may be specified which requires the property owner(s) to provide a future improvement guarantee. The City Engineer will determine the form of this guarantee. The following street improvements may be eligible for such a future improvement guarantee:

(1.) *This does not appear to be applicable in this case*

Overhead Utility Lines:

☒ Section 18.810.120 of the Tigard Municipal Code (TMC) requires all overhead utility lines adjacent to a development to be placed underground or, if approved by the City Engineer, a fee in-lieu of undergrounding can be paid. This requirement is valid even if the utility lines are on the opposite side of the street from the site. If the fee in-lieu is approved, it is equal to $ 35.00 per lineal foot of street frontage that contains the overhead lines.

The existing utilities along SW Hunziker and Wall Streets will be required to be relocated underground as a condition of development.

All utilities serving the property shall be placed underground.

Sanitary Sewers:

The applicant will need to verify adequacy of existing lines to accommodate the proposed development. Contact the City of Tigard Utility Billing Department for connection fees.

Sanitary sewer service appears to be available from adjacent streets as shown on attached. The applicant will need to demonstrate adequacy to serve the intended uses of the subject property.

The area around Varns Street to the east is without sewer service. The developer will be required per TMC 18.810 to extend the public sewers to Varns Street so that it may be further extended to provide service in that area.

Water Supply:

The City of Tigard provides public water service in this area. Coordinate with the City of Tigard Public Works Department for information regarding adequate water supply for the proposed development and connection fees.

Water *service appears to be available from adjacent streets.*

Fire Protection:

Tualatin Valley Fire and Rescue District [Contact: John Wolff, 503-259-1504] provides fire protection services within the City of Tigard. The District should be contacted for information regarding the adequacy of circulation systems, the need for fire hydrants, or other questions related to fire protection.

Storm Sewer Improvements:

All proposed development within the City shall be designed such that storm water runoff is conveyed to an approved public drainage system. The applicant will be required to submit a proposed storm drainage plan for the site, and may be required to prepare a sub-basin drainage analysis to ensure that the proposed system will accommodate runoff from upstream properties when fully developed.

Provide a plan that shows how the storm drainage system for the site connects to the public system. Storm drainage plan and calculations shall be submitted with the application for it to be considered complete.

Storm water detention is required. Storm water detention facilities must be reviewed and approved by the city. Storm water detention calculations shall be submitted to the Development Engineer for review and approval. The stormwater plan and facilities must meet Clean Water Services (CWS) standards.

Storm Water Quality:

The City has agreed to enforce Surface Water Management (SWM) regulations established by Clean Water Services (Resolution and Order No. 07-20) which requires the construction of on-site water quality facilities. The facilities shall be designed to remove 65 percent of the phosphorus contained in 100 percent of the storm water runoff generated from impervious surfaces. The resolution contains a provision that would allow an applicant to pay a fee in-lieu of constructing an on-site facility provided specific criteria are met. The City will use discretion in determining whether or not the fee in-lieu will be offered. If the fee is allowed, it will be based upon the amount of impervious surfaces created; for every 2,640 square feet, or portion thereof. Please contact the Building Division for the current fee. Preliminary sizing calculations for any proposed water quality facility shall be submitted with the development application. It is anticipated that this project will require:

☒ Construction of an on-site water quality facility.

☐ Payment of the fee in-lieu.

Water quality treatment is required. Calculations for sizing of water quality treatment facilities must be submitted to the Development Engineer for review and approval. Water quality facilities also must be reviewed and approved by the city. Review and comply with provisions of Chapter 4 Clean Water Services Design and Construction Standards (Runoff Treatment and Control).

If the applicant can demonstrate that it is practically impossible to provide detention on specific small areas of the site, a fee-in-lieu may be considered for those specific areas.

Other Comments:

Water quality and detention facility design and construction must be certified by a professional engineer as meeting Clean Water Services requirements. After completion of the construction of these facilities, the applicant shall enter into an agreement with the city on city-furnished forms for long-term maintenance of the facilities. This agreement will be recorded and city staff will be periodically inspecting the facilities for compliance with the terms of the agreement.

TRANSPORTATION DEVELOPMENT TAX

In 1990, Washington County adopted a county-wide Traffic Impact Fee (TIF) which was replaced in 2008 by a Transportation Development Tax (TDT) that became effective 7/1/09. The TDT program collects fees from new development based on the development's projected impact upon the City's transportation system. The applicant shall be required to pay a fee based upon the number of trips which are projected to result from the proposed development. The calculation of the TDT incorporates the proposed use of the land and the size of the project. The TDT is calculated, due, and payable at the time of building permit issuance. In limited circumstances payment of the TDT may be allowed to be deferred until the issuance of an occupancy permit. Deferral of payment until occupancy is permissible only when the TDT exceeds the TDT rate for a single-family home.

Pay TDT as required.

PERMITS

Public Facility Improvement (PFI) Permit:

Any work within a public right-of-way in the City of Tigard requires a PFI permit from Development Engineering. A PFI permit application is available at the Planning/Engineering counter in the Permit Center at City Hall. For more extensive work such as street widening improvements, main utility line extensions or subdivision infrastructure, plans prepared by a registered professional engineer must be submitted for review and approval. The PFI permit application shall include any on-site water quality and detention facilities that may be required as part of the land use approval.

The Permittee will also be required to post a performance bond, or other such suitable security. Where professional engineered plans are required, the Permittee must execute a Developer/Engineer Agreement, which will obligate the design engineer to perform the primary inspection of the public improvement construction work. The PFI permit fee structure is as follows:

NOTE: If an PFI Permit is required, the applicant must obtain that permit prior to release of any permits from the Building Division.

A PFI permit is required for this project. This permit must be obtained before any work begins on site.

Building Division Permits:

The following is a brief overview of the type of permits issued by the Building Division. For a more detailed explanation of these permits, please contact the Development Services Counter at 503-639-4171, ext. 304.

Site Improvement Permit (SIT). This permit is generally issued for all new commercial, industrial and multi-family projects. This permit will also be required for land partitions where lot grading and private utility work is required. This permit covers all on-site preparation, grading and utility work. Home builders will also be required to obtain a SIT permit for grading work in cases where the lot they are working on has slopes in excess of 20% and foundation excavation material is not to be hauled from the site.

Building Permit (BUP). This permit covers only the construction of the building and is issued after, or concurrently with, the SIT permit.

Master Permit (MST). This permit is issued for all single and multi-family buildings. It covers all work necessary for building construction, including sub-trades (excludes grading, etc.). This permit cannot be issued in a subdivision until the public improvements are substantially complete and a mylar copy of the recorded plat has been returned by the applicant to the City. For a land partition, the applicant must obtain an Engineering Permit, if required, and return a mylar copy of the recorded plat to the City prior to issuance of this permit.

Other Permits. There are other special permits, such as mechanical, electrical and plumbing that may also be required. Contact the Development Services Counter for more information.

PREPARED BY: Greg Berry 5/7/14
DEVELOPMENT ENGINEER DATE
Phone: (503) 718-2468
E-mail: greg@tigard-or.gov

Revised: March 2012

AIS-2316			**7.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	10 Minutes		
Agenda Title:	FY 2016 First Quarter Budget Supplemental		
Prepared For:	Carissa Collins		
Submitted By:	Carissa Collins, Finance and Information Services		
Item Type:	Motion Requested Resolution Public Hearing - Informational	**Meeting Type:**	Council Business Meeting - Main
Public Hearing Newspaper Legal Ad Required?:	Yes		
Public Hearing Publication Date in Newspaper:	**09/30/2015**		

Information

ISSUE

A first quarter supplemental amendment to the FY 2016 Adopted Budget is being requested. The purpose of the supplemental is to account for revenues and expenses that were unknown at the time of budget adoption. The amendment includes requested budget adjustments in city operations and the Capital Improvement Program (CIP).

STAFF RECOMMENDATION / ACTION REQUEST

Approve the FY 2016 First Quarter Budget Supplemental.

KEY FACTS AND INFORMATION SUMMARY

The following is a list of items that require council action for the FY 2016 budget:

City Operations

Community Development

- Lighter, Quicker, Cheaper Project - A request in the amount of $6,000 is needed to pay for work that created an overlook destination in the Tigard Triangle within the existing excess right-of-way at Dartmouth and 68th to capture a westward view over the city, including access paths, benches, landscaping, and signage.

Central Services

- Payroll Allocation – A change in the allocation of payroll for the Director's position is

required in order to reflect the actual span of duties resulting from the transfer of Fleet Maintenance and Property Management from Public Works to Central Services. This request will reduce the General Fund and Central Services Fund contributions by 10% each for a total of $13,679. Fleet and Property Management Fund's allocation will increase by 20% or $13,679.

- City Facilities – A request will carry forward a total of $30,000 to be used for the purchase of benches at City Hall and Public Works for $20,000. In addition, $10,000 is requested to pay for the installation of flooring at the Senior Center.

Finance & Information Services

- Citywide Phone System – A requested carry forward totaling $205,000 is needed to purchase a citywide phone system including hardware as well as the maintenance contract.
- Parks Utility Charge – A total of $60,000 is being requested to hire a consultant to conduct a cost of rates study for development of a parks utility fee.

Police

- Grants/Donations– The most recent State Farm grant of $10,000 was awarded in May 2015 in order to support driver safety education and to purchase additional video / kiosk displays. These funds will support the creation of the video. A total of $5,000 of the award will be used to purchase and install an electronic display in the Police lobby. In addition, a total of $1,893 of donated funds are remaining from a Tigard Rotary fund raiser with proceeds to be used for special training and additional equipment for the city's second police dog Diesel. Total requested carry forward is $11,893.
- P25 Compliant Radios – A total of $10,000 is being recognized from the sale of 10 portable radios that were in surplus and sold to the Washington County Sheriff's Office. The proceeds will be used to purchase two additional P25 compliant radios to work toward the city's goal of replacing the entire inventory by the end of 2018.
- Tasers– A request totaling $41,132 is required to replace 60 Taser Conducted Electrical Weapons (CEWs) that have reached the end of their useful lives. In addition, support had decreased due to the manufacturer's support of their newer models.

P**ublic Works**

- Wetland Mitigation Purchase – A total of $57,750 of Gas Tax funds is being requested to pay for the wetland mitigation site at Hall/Wall St. This site has been found non-compliant by Dept. of State Lands. The purchase of .33 acres of mitigation bank credits is determined the least expensive option available to meet wetland mitigation requirements. The purchase must be made by November 2015. The other option available was to develop a new restoration plan for the site, implement the plan, monitor the site for a minimum of 3 (possibly 5) years, and hope to pass.
- Intergovernmental Agreement: Erosion Control – This request in the amount of $80,000 is for ongoing general fund appropriations to pay for erosion control inspections provided by Clean Water Services. The City of Tigard has entered into an IGA with Clean Water Services to provide inspections at an estimated cost of $50,000 to $80,000, and will be funded with permit revenues. IGA was approved by council on 8/18/2015.
- Tigard St. Trail LQC – A request to carryover a total of $35,000 is needed to pay for the

completion of the Tigard Street Trail.

Capital Improvement Program (CIP)

- River Terrace Stormwater Master Plan Implementation – A requested carry forward in the amount of $62,000 is needed for the implementation of the River Terrace Stormwater Master Plan including the development of the plan document.
- Walnut Street (116th/Tiedeman) – A carry forward totaling $85,000 is needed to pay for utility work and staff time for this project that is in partnership with Washington County. The project was delayed due to a schedule change by the county.
- 95th Avenue/North Dakota Sidewalk – On May 19, 2015, city council amended the Community Development Block Grant with Washington County to fill sidewalk gaps and provide curbing and drainage improvements to be funded with a carryover amount of $187,000.
- North Dakota Bridge Repair – A total of $70,000 is required to pay for the emergency repairs of the North Dakota Bridge and construction of a new walkway.
- Hunziker Industrial Core – Upon recommendation of the Tigard Transportation Advisory Committee, this new request in the amount of $200,000 will be used to support the initial design of Wall/Tech Center Drive project and applying for federal grant funding. The City Gas Tax Fund will be reimbursed in full by the proceeds from the $1.5 million state grant that was awarded in July 2015.
- 72nd Avenue/Dartmouth – A carryover totaling $10,000 is required to finalize payment of the legal fees associated with the four Martin Properties that went through an extensive federal process for acquisition.
- Downtown Land Acquisition – A carry forward in the amount of $515,000 is required to pay for the acquisition of the Saxony property that occurred on July 9, 2015.
- Lake Oswego/Tigard Water Partnership - An additional appropriation of $6.66 million is required to pay for Tigard's share of the partnership that was delayed during the prior fiscal year. This request does not change the total cost of the project, just the timing of the expenditures.

Non Budgetary Impact Items

- Dirksen Nature Park – Design and construction funding has been reduced in FY 2016 and reallocated to FY 2017.
- Park Land Acquisition – The purchase of the Lasich property is programmed for three years beginning in FY 2017.
- Fanno Creek Remeander – The request moves $336,628 from Parks Bond to Parks Capital to reflect the actual location of the appropriation.

OTHER ALTERNATIVES

Do not approve the FY 2016 First Quarter Budget Supplemental

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

2. Make Downtown Tigard a Place Where People Want to Be
3. Adopt Tigard Triangle Strategic Plan and Enable Future Development Capacity
4. Enable Groundbreaking in River Terrace by Summer 2015

DATES OF PREVIOUS CONSIDERATION

None

Fiscal Impact

Cost:	$12,514,713
Budgeted (yes or no):	No

Where Budgeted (department/program): All Programs

Additional Fiscal Notes:

The total impact of this amendment will increase the FY 2016 Adopted Budget by $12,514,713. Although the supplemental consists of increased requirements, they are partially offset by additional resources. These resources include transfers, contingency, and beginning fund balances . The remainder of the requests are offset by use of Reserve for Future Expenditures, primarily the use of water bond proceeds for the LO/Tigard Water Partnership. Exhibits A, and B contain the details of each budgetary item to the impacted fund(s) and the capital projects. Exhibit C summarizes the items by fund for all city funds.

Attachments

Resolution

Exhibit A

Exhibit B

Exhibit C

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

A RESOLUTION TO AMEND THE FY 2016 ADOPTED BUDGET TO ACHIEVE THE FOLLOWING: RECOGNITION OF GRANT REVENUES AND EXPENSES ALONG WITH BUDGET ADJUSTMENTS IN PUBLIC WORKS, COMMUNITY DEVELOPMENT, POLICY & ADMINISTRATION, COMMUNITY SERVICES, AND THE CAPITAL IMPROVEMENT PROGRAM

WHEREAS, the city acknowledges those items that were unknown at the time the FY 2016 Budget was adopted; and

WHEREAS, the city recognizes approximately $12.5 million of unanticipated requirements in operations and the capital improvement program; and

WHEREAS, the city acknowledges that the increase in unanticipated requirements is offset by transfers, and carryforward of funds from the prior fiscal year as well as approximately $6.66 million from reserve for future expenditure.

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

SECTION 1: The FY 2015-16 Budget is hereby amended as detailed in Exhibits A and B.

SECTION : This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2015.

_____
Mayor - City of Tigard

ATTEST:

_____
City Recorder - City of Tigard

Q1CD01. LQC-Dartmouth Overlook

Creation of an overlook destination in the Tigard Triangle with the existing right-of-way at Dartmouth and 68th to capture a westward view of the city.
This action will show a decrease in General Fund contingency of $6,000 with an equal increase in Community Development program expenditures.

		Adopted Budget	Amendment	Revised Budget
General Fund				
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ -**	**$ 41,795,903**
Requirements				
	Community Development	$ 4,037,179	$ 6,000	$ 4,043,179
	Community Services	$ 22,231,014		$ 22,231,014
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ 6,000**	**$ 31,292,017**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000	$ (6,000)	$ 1,114,000
	Total Budget	**$ 35,840,953**	**$ -**	**$ 35,840,953**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ -**	**$ 41,795,903**

Q1CS01. Payroll Allocation-Director

A request to change the salary allocation of the Central Service Director's position is needed to reflect the divisions that report to this position as a result of the reorganization of the City Management. With this request, the salary and benefit split will be 40% Court, 20% City Recorder/Records, 20% Design & Communications, and 20% Fleet & Property Management.
This action will show a decrease in Policy & Administration's program expenditures by $6,840 in General Fund, as well as a decrease of $6,840 in Policy & Administration's program expenses within the Central Services Fund. Reserve for Future Expenditures will increase by the same amounts in both funds. In turn, this action will show a decrease of $13,679 in Fleet & Property Management contingency with an equal increase in Policy and Administration program expenditures.

Fund 1 of 3

General Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ -**	**$ 41,795,903**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014		$ 22,231,014
	Policy and Administration	$ 899,502	$ (6,840)	$ 892,662
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ (6,840)**	**$ 31,279,177**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000		$ 1,120,000
	Total Budget	**$ 35,840,953**	**$ (6,840)**	**$ 35,834,113**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ 6,840**	**$ 5,961,790**
	Total Requirements	**$ 41,795,903**	**$ -**	**$ 41,795,903**

Q1CS01. Payroll Allocation-Director

A request to change the salary allocation of the Central Service Director's position is needed to reflect the divisions that report to this position as a result of the reorganization of the City Management. With this request, the salary and benefit split will be 40% Court, 20% City Recorder/Records, 20% Design & Communications, and 20% Fleet & Property Management.
This action will show a decrease in Policy & Administration's program expenditures by $6,840 in General Fund, as well as a decrease of $6,840 in Policy & Administration's program expenses within the Central Services Fund. Reserve for Future Expenditures will increase by the same amounts in both funds. In turn, this action will show a decrease of $13,679 in Fleet & Property Management contingency with an equal increase in Policy and Administration program expenditures.

Fund 2 of 3

Central Services Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 182,372**		**$ 182,372**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 33,872		$ 33,872
	Intergovernmental	$ -		$ -
	Charges for Services	$ 6,986,481		$ 6,986,481
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 22,593		$ 22,593
	Miscellaneous	$ 19,900		$ 19,900
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 698,824		$ 698,824
	Total Resources	**$ 7,944,042**	**$ -**	**$ 7,944,042**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ 7,591,137	$ (6,840)	$ 7,584,297
	Public Works	$ -		$ -
	Program Expenditures Total	**$ 7,591,137**	**$ (6,840)**	**$ 7,584,297**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ -		$ -
	Contingency	$ 150,000		$ 150,000
	Total Budget	**$ 7,741,137**	**$ (6,840)**	**$ 7,734,297**
	Reserve For Future Expenditure	**$ 202,905**	**$ 6,840**	**$ 209,745**
	Total Requirements	**$ 7,944,042**	**$ -**	**$ 7,944,042**

Q1CS01. Payroll Allocation-Director

A request to change the salary allocation of the Central Service Director's position is needed to reflect the divisions that report to this position as a result of the reorganization of the City Management. With this request, the salary and benefit split will be 40% Court, 20% City Recorder/Records, 20% Design & Communications, and 20% Fleet & Property Management.

This action will show a decrease in Policy & Administration's program expenditures by $6,840 in General Fund, as well as a decrease of $6,840 in Policy & Administration's program expenses within the Central Services Fund. Reserve for Future Expenditures will increase by the same amounts in both funds. In turn, this action will show a decrease of $13,679 in Fleet & Property Management contingency with an equal increase in Policy and Administration program expenditures.

Fund 3 of 3

Fleet/Property Management

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 113,138**		**$ 113,138**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ 1,783,024		$ 1,783,024
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ 29,686		$ 29,686
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 19,647		$ 19,647
	Total Resources	**$ 1,945,495**	**$ -**	**$ 1,945,495**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ 1,852,362	$ 13,680	$ 1,866,042
	Public Works	$ -		$ -
	Program Expenditures Total	**$ 1,852,362**	**$ 13,680**	**$ 1,866,042**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ -		$ -
	Contingency	$ 75,000	$ (13,680)	$ 61,320
	Total Budget	**$ 1,927,362**	**$ -**	**$ 1,927,362**
	Reserve For Future Expenditure	**$ 18,133**	**$ -**	**$ 18,133**
	Total Requirements	**$ 1,945,495**	**$ -**	**$ 1,945,495**

Q1CS02. City Facilities-Carryforward

This request will carry forward a total of $30,000 to be used for the purchase of benches at City Hall for $20,000, and $10,000 to pay for the installation of flooring at the Senior Center.
This action will result in a decrease in contingency in the Fleet/Property Management Fund by $30,000 with an increase in Property Management program expenses.

Fleet/Property Management

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 113,138**		**$ 113,138**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ 1,783,024		$ 1,783,024
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ 29,686		$ 29,686
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 19,647		$ 19,647
	Total Resources	**$ 1,945,495**	**$ -**	**$ 1,945,495**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ 1,852,362	$ 30,000	$ 1,882,362
	Public Works	$ -		$ -
	Program Expenditures Total	**$ 1,852,362**	**$ 30,000**	**$ 1,882,362**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ -		$ -
	Contingency	$ 75,000	$ (30,000)	$ 45,000
	Total Budget	**$ 1,927,362**	**$ -**	**$ 1,927,362**
	Reserve For Future Expenditure	**$ 18,133**	**$ -**	**$ 18,133**
	Total Requirements	**$ 1,945,495**	**$ -**	**$ 1,945,495**

Q1FS01. Citywide Phone System - Carryforward

This request will carryforward a total of $205,000 to be used for the purchase of a citywide phone system including hardware and maintenance contract.

This action will result in an increase in beginning fund balance in the Central Services Fund by $205,000 with an equal increase in Policy and Administration program expenses.

Central Services Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 182,372**	**$ 205,000**	**$ 387,372**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 33,872		$ 33,872
	Intergovernmental	$ -		$ -
	Charges for Services	$ 6,986,481		$ 6,986,481
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 22,593		$ 22,593
	Miscellaneous	$ 19,900		$ 19,900
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 698,824		$ 698,824
	Total Resources	**$ 7,944,042**	**$ 205,000**	**$ 8,149,042**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ 7,591,137	$ 205,000	$ 7,796,137
	Public Works	$ -		$ -
	Program Expenditures Total	**$ 7,591,137**	**$ 205,000**	**$ 7,796,137**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ -		$ -
	Contingency	$ 150,000		$ 150,000
	Total Budget	**$ 7,741,137**	**$ 205,000**	**$ 7,946,137**
	Reserve For Future Expenditure	**$ 202,905**	**$ -**	**$ 202,905**
	Total Requirements	**$ 7,944,042**	**$ 205,000**	**$ 8,149,042**

Q1FS02. Park Utility Fund Fee - Carryforward

A carryforward is requested to hire a consultant to conduct a cost of rates study for development of a parks utility fee. This will result in an increase in beginning fund balance by $35,000 in General Fund and an increase in transfers out. Central Services Fund contingency will decrease by $25,000. Program expenditures in Policy and Administration will increase by a total of $60,000.

Fund 1 of 2

General Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 10,709,593**	**$ 35,000**	**$ 10,744,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ 35,000**	**$ 41,830,903**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014		$ 22,231,014
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ -**	**$ 31,286,017**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936	$ 35,000	$ 3,469,936
	Contingency	$ 1,120,000		$ 1,120,000
	Total Budget	**$ 35,840,953**	**$ 35,000**	**$ 35,875,953**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ 35,000**	**$ 41,830,903**

Fund 2 of 2

Central Services Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 182,372**		**$ 182,372**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 33,872		$ 33,872
	Intergovernmental	$ -		$ -
	Charges for Services	$ 6,986,481		$ 6,986,481
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 22,593		$ 22,593
	Miscellaneous	$ 19,900		$ 19,900
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 698,824	$ 35,000	$ 733,824
	Total Resources	**$ 7,944,042**	**$ 35,000**	**$ 7,979,042**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ 7,591,137	$ 60,000	$ 7,651,137
	Public Works	$ -		$ -
	Program Expenditures Total	**$ 7,591,137**	**$ 60,000**	**$ 7,651,137**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ -		$ -
	Contingency	$ 150,000	$ (25,000)	$ 125,000
	Total Budget	**$ 7,741,137**	**$ 35,000**	**$ 7,776,137**
	Reserve For Future Expenditure	**$ 202,905**	**$ -**	**$ 202,905**
	Total Requirements	**$ 7,944,042**	**$ 35,000**	**$ 7,979,042**

Q1PD01. State Farm Teen Driver Safety Video & Tigard Rotary Donation - Carryforward

The most recent State Farm grant of $10,000 was awarded in May 2015 and was awarded to support driver safety education and to purchase additional video / kiosk displays. These funds will support the creation of the video. A total of $5,000 of the award will be used to purchase and install an electronic display in the Police lobby. In addition, a total of $1,893 of donated funds are remaining from a fund raiser with proceeds going to special training and additional equipment for the city's second police dog Diesel. This action will show an increase in General Fund intergovernmental revenue by $11,893 with an equal increase in Community Services program expenditures.

		Adopted Budget	Amendment	Revised Budget
General Fund				
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785	$ 10,000	$ 5,432,785
	Charges for Services	$ 3,038,015	$ 1,893	$ 3,039,908
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ 11,893**	**$ 41,807,796**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014	$ 11,893	$ 22,242,907
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ 11,893**	**$ 31,297,910**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000		$ 1,120,000
	Total Budget	**$ 35,840,953**	**$ 11,893**	**$ 35,852,846**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ 11,893**	**$ 41,807,796**

Q1PD02. P25 Compliant Portable Radios

After declaring 10 portable radios as 'surplus', the PD sold them to the Washington County Sheriff's Office. With the sale of the 10 older radios, the PD intends to purchase two (2) additional P25 compliant radios to work toward our goal of replacing our entire inventory by the end of 2018.

As a result, General Fund intergovernmental revenues will increase by $10,000 with an equal increase in Police program expenditures.

General Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785	$ 10,000	$ 5,432,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ 10,000**	**$ 41,805,903**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014	$ 10,000	$ 22,241,014
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ 10,000**	**$ 31,296,017**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000		$ 1,120,000
	Total Budget	**$ 35,840,953**	**$ 10,000**	**$ 35,850,953**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ 10,000**	**$ 41,805,903**

Q1PD03. Taser Upgrade

The department is proposing to replace 60 Taser Conducted Electrical Weapons (CEWs) which have reached the end of their useful lives. In addition, support for the city's CEWs has decreased due to the manufacturer's support of their newer models. As a result of this action, General Fund contingency will decrease by $41,132 with an equal increase in Community Services program expenditures.

General Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ -**	**$ 41,795,903**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014	$ 41,132	$ 22,272,146
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ 41,132**	**$ 31,327,149**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000	$ (41,132)	$ 1,078,868
	Total Budget	**$ 35,840,953**	**$ -**	**$ 35,840,953**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ -**	**$ 41,795,903**

Q1PW01. River Terrace Stormwater Master Plan - Carryforward

A total of $62,000 is required for the implementation of the River Terrace Stormwater Master Plan. As a result, beginning fund balance in the Stormwater Fund will increase by $52,000. In addition, contingency will decrease by $10,000. In turn, capital program expenditures will increase by $62,000 in the Stormwater Fund.

Stormwater Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 3,774,154**	**$ 52,000**	**$ 3,826,154**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ 2,595,949		$ 2,595,949
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 7,936		$ 7,936
	Miscellaneous	$ 3,100		$ 3,100
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 6,381,139**	**$ 52,000**	**$ 6,433,139**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 1,738,126		$ 1,738,126
	Program Expenditures Total	**$ 1,738,126**	**$ -**	**$ 1,738,126**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,265,096	$ 62,000	$ 1,327,096
	Transfers to Other Funds	$ 433,356		$ 433,356
	Contingency	$ 200,000	$ (10,000)	$ 190,000
	Total Budget	**$ 3,636,578**	**$ 52,000**	**$ 3,688,578**
	Reserve For Future Expenditure	**$ 2,744,561**	**$ -**	**$ 2,744,561**
	Total Requirements	**$ 6,381,139**	**$ 52,000**	**$ 6,433,139**

Q1PW02. Wetland Mitigation Bank Purchase (Hall/Wall-Wall St. Extension)

This new request will appropriate $57,750 in Gas Tax Funds for the wetland mitigation site at Hall/Wall. This site has been found noncompliant by Dept. of State Lands. The purchase of .33 acres of mitigation bank credits is determined the least expensive option available to meet wetland mitigation requirements. The purchase must be made by November 2015.

As a result of this action, Gas Tax beginning fund balance will increase by $57,750. Transfers will increase. Public Works program expenditures will increase by the same amount.

Fund 1 of 2

Gas Tax Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 704,872**	**$ 57,750**	**$ 762,622**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 5,872		$ 5,872
	Intergovernmental	$ 3,070,117		$ 3,070,117
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 55,732		$ 55,732
	Miscellaneous	$ 62,818		$ 62,818
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 100,000		$ 100,000
	Total Resources	**$ 3,999,411**	**$ 57,750**	**$ 4,057,161**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 2,166,046		$ 2,166,046
	Program Expenditures Total	**$ 2,166,046**	**$ -**	**$ 2,166,046**
	Debt Service	$ 592,425		$ 592,425
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 229,389	$ 57,750	$ 287,139
	Contingency	$ 200,000		$ 200,000
	Total Budget	**$ 3,187,860**	**$ 57,750**	**$ 3,245,610**
	Reserve For Future Expenditure	**$ 811,551**	**$ -**	**$ 811,551**
	Total Requirements	**$ 3,999,411**	**$ 57,750**	**$ 4,057,161**

Fund 2 of 2

General Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -	$ 57,750	$ 57,750
	Total Resources	**$ 41,795,903**	**$ 57,750**	**$ 41,853,653**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014		$ 22,231,014
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322	$ 57,750	$ 4,176,072
	Program Expenditures Total	**$ 31,286,017**	**$ 57,750**	**$ 31,343,767**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000		$ 1,120,000
	Total Budget	**$ 35,840,953**	**$ 57,750**	**$ 35,898,703**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ 57,750**	**$ 41,853,653**

Q1PW03. Walnut Street (116th/Tiedeman) - Capital Improvement Program

A carryforward totaling $85,000 is required to pay for staff time and utility work that was not completed by June 30, 2015. As a result, beginning fund balance will increase by $8,500 in Gas Tax; $51,000 in Underground Utility; $8,500 in Sanitary Sewer, $8,500 in Stormwater; and$8,500 in the Water Fund. Transfers will increase with capital program expenditures increasing by $85,000 in the Transportation CIP Fund.

Fund 1 of 6

Gas Tax Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 704,872**	**$ 8,500**	**$ 713,372**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 5,872		$ 5,872
	Intergovernmental	$ 3,070,117		$ 3,070,117
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 55,732		$ 55,732
	Miscellaneous	$ 62,818		$ 62,818
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 100,000		$ 100,000
	Total Resources	**$ 3,999,411**	**$ 8,500**	**$ 4,007,911**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 2,166,046		$ 2,166,046
	Program Expenditures Total	**$ 2,166,046**	**$ -**	**$ 2,166,046**
	Debt Service	$ 592,425		$ 592,425
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 229,389	$ 8,500	$ 237,889
	Contingency	$ 200,000		$ 200,000
	Total Budget	**$ 3,187,860**	**$ 8,500**	**$ 3,196,360**
	Reserve For Future Expenditure	**$ 811,551**	**$ -**	**$ 811,551**
	Total Requirements	**$ 3,999,411**	**$ 8,500**	**$ 4,007,911**

Q1PW03. Walnut Street (116th/Tiedeman) - Capital Improvement Program

A carryforward totaling $85,000 is required to pay for staff time and utility work that was not completed by June 30, 2015. As a result, beginning fund balance will increase by $8,500 in Gas Tax; $51,000 in Underground Utility; $8,500 in Sanitary Sewer, $8,500 in Stormwater; and$8,500 in the Water Fund. Transfers will increase with capital program expenditures increasing by $85,000 in the Transportation CIP Fund.

Fund 2 of 6

Stormwater Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 3,774,154**	**$ 8,500**	**$ 3,782,654**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ 2,595,949		$ 2,595,949
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 7,936		$ 7,936
	Miscellaneous	$ 3,100		$ 3,100
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 6,381,139**	**$ 8,500**	**$ 6,389,639**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 1,738,126		$ 1,738,126
	Program Expenditures Total	**$ 1,738,126**	**$ -**	**$ 1,738,126**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,265,096		$ 1,265,096
	Transfers to Other Funds	$ 433,356	$ 8,500	$ 441,856
	Contingency	$ 200,000		$ 200,000
	Total Budget	**$ 3,636,578**	**$ 8,500**	**$ 3,645,078**
	Reserve For Future Expenditure	**$ 2,744,561**	**$ -**	**$ 2,744,561**
	Total Requirements	**$ 6,381,139**	**$ 8,500**	**$ 6,389,639**

Q1PW03. Walnut Street (116th/Tiedeman) - Capital Improvement Program

A carryforward totaling $85,000 is required to pay for staff time and utility work that was not completed by June 30, 2015. As a result, beginning fund balance will increase by $8,500 in Gas Tax; $51,000 in Underground Utility; $8,500 in Sanitary Sewer, $8,500 in Stormwater; and$8,500 in the Water Fund. Transfers will increase with capital program expenditures increasing by $85,000 in the Transportation CIP Fund.

Fund 3 of 6

Underground Utility Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 425,300**	**$ 51,000**	**$ 476,300**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 48,948		$ 48,948
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 7,160		$ 7,160
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 481,408**	**$ 51,000**	**$ 532,408**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 320,477	$ 51,000	$ 371,477
	Contingency	$ 50,000		$ 50,000
	Total Budget	**$ 370,477**	**$ 51,000**	**$ 421,477**
	Reserve For Future Expenditure	**$ 110,931**	**$ -**	**$ 110,931**
	Total Requirements	**$ 481,408**	**$ 51,000**	**$ 532,408**

Q1PW03. Walnut Street (116th/Tiedeman) - Capital Improvement Program

A carryforward totaling $85,000 is required to pay for staff time and utility work that was not completed by June 30, 2015. As a result, beginning fund balance will increase by $8,500 in Gas Tax; $51,000 in Underground Utility; $8,500 in Sanitary Sewer, $8,500 in Stormwater; and$8,500 in the Water Fund. Transfers will increase with capital program expenditures increasing by $85,000 in the Transportation CIP Fund.

Fund 4 of 6

Sanitary Sewer Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 3,586,876**	**$ 8,500**	**$ 3,595,376**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 16,549		$ 16,549
	Intergovernmental	$ 221,770		$ 221,770
	Charges for Services	$ 1,590,932		$ 1,590,932
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 100,333		$ 100,333
	Miscellaneous	$ 143,091		$ 143,091
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 5,659,551**	**$ 8,500**	**$ 5,668,051**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 1,960,087		$ 1,960,087
	Program Expenditures Total	**$ 1,960,087**	**$ -**	**$ 1,960,087**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 984,693		$ 984,693
	Transfers to Other Funds	$ 76,934	$ 8,500	$ 85,434
	Contingency	$ 400,000		$ 400,000
	Total Budget	**$ 3,421,714**	**$ 8,500**	**$ 3,430,214**
	Reserve For Future Expenditure	**$ 2,237,837**	**$ -**	**$ 2,237,837**
	Total Requirements	**$ 5,659,551**	**$ 8,500**	**$ 5,668,051**

Q1PW03. Walnut Street (116th/Tiedeman) - Capital Improvement Program

A carryforward totaling $85,000 is required to pay for staff time and utility work that was not completed by June 30, 2015. As a result, beginning fund balance will increase by $8,500 in Gas Tax; $51,000 in Underground Utility; $8,500 in Sanitary Sewer, $8,500 in Stormwater; and$8,500 in the Water Fund. Transfers will increase with capital program expenditures increasing by $85,000 in the Transportation CIP Fund.

Fund 5 of 6

Water Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 20,245,015**	**$ 8,500**	**$ 20,253,515**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 31,335		$ 31,335
	Intergovernmental	$ -		$ -
	Charges for Services	$ 18,827,178		$ 18,827,178
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 30,644		$ 30,644
	Miscellaneous	$ 10,933		$ 10,933
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 58,751		$ 58,751
	Total Resources	**$ 39,203,856**	**$ 8,500**	**$ 39,212,356**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 8,682,558		$ 8,682,558
	Program Expenditures Total	**$ 8,682,558**	**$ -**	**$ 8,682,558**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 24,882,226	$ 8,500	$ 24,890,726
	Contingency	$ 500,000		$ 500,000
	Total Budget	**$ 34,064,784**	**$ 8,500**	**$ 34,073,284**
	Reserve For Future Expenditure	**$ 5,139,072**	**$ -**	**$ 5,139,072**
	Total Requirements	**$ 39,203,856**	**$ 8,500**	**$ 39,212,356**

Q1PW03. Walnut Street (116th/Tiedeman) - Capital Improvement Program

A carryforward totaling $85,000 is required to pay for staff time and utility work that was not completed by June 30, 2015. As a result, beginning fund balance will increase by $8,500 in Gas Tax; $51,000 in Underground Utility; $8,500 in Sanitary Sewer, $8,500 in Stormwater; and$8,500 in the Water Fund. Transfers will increase with capital program expenditures increasing by $85,000 in the Transportation CIP Fund.

Fund 6 of 6

Transportation CIP Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 379,619**		**$ 379,619**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 1,083,448	$ 85,000	$ 1,168,448
	Total Resources	**$ 1,463,067**	**$ 85,000**	**$ 1,548,067**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,073,448	$ 85,000	$ 1,158,448
	Transfers to Other Funds	$ 57,410		$ 57,410
	Contingency	$ -		$ -
	Total Budget	**$ 1,130,858**	**$ 85,000**	**$ 1,215,858**
	Reserve For Future Expenditure	**$ 332,209**	**$ -**	**$ 332,209**
	Total Requirements	**$ 1,463,067**	**$ 85,000**	**$ 1,548,067**

Q1PW04. 95th Ave./N. Dakota Sidewalk - Capital Improvement Program

A carryforward is requested in the amount of $187,000 to fill sidewalk gaps and provide curbing and drainage improvements. This action will result in an increase in beginning fund balance in Gas Tax by $187,000 with an increase in transfers. In turn, capital program expenditures within the Transportation CIP fund will increase by the same amount.

Fund 1 of 2

Gas Tax Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 704,872**	**$ 187,000**	**$ 891,872**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 5,872		$ 5,872
	Intergovernmental	$ 3,070,117		$ 3,070,117
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 55,732		$ 55,732
	Miscellaneous	$ 62,818		$ 62,818
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 100,000		$ 100,000
	Total Resources	**$ 3,999,411**	**$ 187,000**	**$ 4,186,411**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 2,166,046		$ 2,166,046
	Program Expenditures Total	**$ 2,166,046**	**$ -**	**$ 2,166,046**
	Debt Service	$ 592,425		$ 592,425
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 229,389	$ 187,000	$ 416,389
	Contingency	$ 200,000		$ 200,000
	Total Budget	**$ 3,187,860**	**$ 187,000**	**$ 3,374,860**
	Reserve For Future Expenditure	**$ 811,551**	**$ -**	**$ 811,551**
	Total Requirements	**$ 3,999,411**	**$ 187,000**	**$ 4,186,411**

Fund 2 of 2

Transportation CIP Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 379,619**		**$ 379,619**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 1,083,448	$ 187,000	$ 1,270,448
	Total Resources	**$ 1,463,067**	**$ 187,000**	**$ 1,650,067**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,073,448	$ 187,000	$ 1,260,448
	Transfers to Other Funds	$ 57,410		$ 57,410
	Contingency	$ -		$ -
	Total Budget	**$ 1,130,858**	**$ 187,000**	**$ 1,317,858**
	Reserve For Future Expenditure	**$ 332,209**	**$ -**	**$ 332,209**
	Total Requirements	**$ 1,463,067**	**$ 187,000**	**$ 1,650,067**

Q1PW05. North Dakota Bridge Repair - Capital Improvement Program

A request in the amount of $70,000 is needed to pay for the emergency repair work on the North Dakota Bridge, along with the construction of a new walkway.

This action will increase beginning fund balance by $70,000 in Gas Tax; increase transfers; and increase capital improvement program expenses in the Transportation CIP Fund.

Fund 1 of 2

Gas Tax Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 704,872**	**$ 70,000**	**$ 774,872**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 5,872		$ 5,872
	Intergovernmental	$ 3,070,117		$ 3,070,117
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 55,732		$ 55,732
	Miscellaneous	$ 62,818		$ 62,818
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 100,000		$ 100,000
	Total Resources	**$ 3,999,411**	**$ 70,000**	**$ 4,069,411**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 2,166,046		$ 2,166,046
	Program Expenditures Total	**$ 2,166,046**	**$ -**	**$ 2,166,046**
	Debt Service	$ 592,425		$ 592,425
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 229,389	$ 70,000	$ 299,389
	Contingency	$ 200,000		$ 200,000
	Total Budget	**$ 3,187,860**	**$ 70,000**	**$ 3,257,860**
	Reserve For Future Expenditure	**$ 811,551**	**$ -**	**$ 811,551**
	Total Requirements	**$ 3,999,411**	**$ 70,000**	**$ 4,069,411**

Fund 2 of 2

Transportation CIP Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 379,619**		**$ 379,619**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 1,083,448	$ 70,000	$ 1,153,448
	Total Resources	**$ 1,463,067**	**$ 70,000**	**$ 1,533,067**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,073,448	$ 70,000	$ 1,143,448
	Transfers to Other Funds	$ 57,410		$ 57,410
	Contingency	$ -		$ -
	Total Budget	**$ 1,130,858**	**$ 70,000**	**$ 1,200,858**
	Reserve For Future Expenditure	**$ 332,209**	**$ -**	**$ 332,209**
	Total Requirements	**$ 1,463,067**	**$ 70,000**	**$ 1,533,067**

Q1PW06. Erosion Control - Intergovernmental Agreement with Clean Water Services

The City of Tigard has entered into an IGA with Clean Water Services to provide inspection services at an estimated cost of $80,000 to be funded with permit revenues.

As a result, General Fund contingency will decrease by $80,000 with an equal increase in Public Works program expenditures in Engineering's professional services account.

		Adopted Budget	Amendment	Revised Budget
General Fund				
Resources	**Beginning Fund Balance**	**$ 10,709,593**		**$ 10,709,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ -**	**$ 41,795,903**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014		$ 22,231,014
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322	$ 80,000	$ 4,198,322
	Program Expenditures Total	**$ 31,286,017**	**$ 80,000**	**$ 31,366,017**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936		$ 3,434,936
	Contingency	$ 1,120,000	$ (80,000)	$ 1,040,000
	Total Budget	**$ 35,840,953**	**$ -**	**$ 35,840,953**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ -**	**$ 41,795,903**

Q1PW07. LQC - Tigard St. Trail

A carryforward in the amount of $35,000 is being requested to pay for completion of the Tigard Street Trail. This action will increase beginning fund balance in General Fund by $35,000 with an equal increase in transfers. Public Works program expenditures will increase by $35,000 in the Gas Tax Fund.

Fund 1 of 2

General Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 10,709,593**	**$ 35,000**	**$ 10,744,593**
	Property Taxes	$ 14,330,765		$ 14,330,765
	Franchise Fees	$ 5,909,165		$ 5,909,165
	Licenses & Permits	$ 1,352,420		$ 1,352,420
	Intergovernmental	$ 5,422,785		$ 5,422,785
	Charges for Services	$ 3,038,015		$ 3,038,015
	Fines & Forfeitures	$ 873,006		$ 873,006
	Interest Earnings	$ 103,722		$ 103,722
	Miscellaneous	$ 56,432		$ 56,432
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 41,795,903**	**$ 35,000**	**$ 41,830,903**
Requirements				
	Community Development	$ 4,037,179		$ 4,037,179
	Community Services	$ 22,231,014		$ 22,231,014
	Policy and Administration	$ 899,502		$ 899,502
	Public Works	$ 4,118,322		$ 4,118,322
	Program Expenditures Total	**$ 31,286,017**	**$ -**	**$ 31,286,017**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,434,936	$ 35,000	$ 3,469,936
	Contingency	$ 1,120,000		$ 1,120,000
	Total Budget	**$ 35,840,953**	**$ 35,000**	**$ 35,875,953**
	Reserve For Future Expenditure	**$ 5,954,950**	**$ -**	**$ 5,954,950**
	Total Requirements	**$ 41,795,903**	**$ 35,000**	**$ 41,830,903**

Fund 2 of 2

Gas Tax Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 704,872**		**$ 704,872**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 5,872		$ 5,872
	Intergovernmental	$ 3,070,117		$ 3,070,117
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 55,732		$ 55,732
	Miscellaneous	$ 62,818		$ 62,818
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 100,000	$ 35,000	$ 135,000
	Total Resources	**$ 3,999,411**	**$ 35,000**	**$ 4,034,411**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ 2,166,046	$ 35,000	$ 2,201,046
	Program Expenditures Total	**$ 2,166,046**	**$ 35,000**	**$ 2,201,046**
	Debt Service	$ 592,425		$ 592,425
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 229,389		$ 229,389
	Contingency	$ 200,000		$ 200,000
	Total Budget	**$ 3,187,860**	**$ 35,000**	**$ 3,222,860**
	Reserve For Future Expenditure	**$ 811,551**	**$ -**	**$ 811,551**
	Total Requirements	**$ 3,999,411**	**$ 35,000**	**$ 4,034,411**

Q1PW08. Hunziker Industrial Core - Capital Improvement Program

A request totaling $200,000 is required to conduct the initial design of the Wall St./Tech Center Drive project. This design work will be used to apply for federal grant funding for construction of this project. This action will show a decrease in contingency by $200,000 in the City Gas Tax Fund with an increase in transfers. In turn, capital program expenditures within the Transportation CIP Fund will increase by $200,000.

Fund 1 of 2

City Gas Tax Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 126,479**		**$ 126,479**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ 612,802		$ 612,802
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 34,584		$ 34,584
	Miscellaneous	$ 32,052		$ 32,052
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 805,917**	**$ -**	**$ 805,917**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ 316,560		$ 316,560
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 3,208	$ 200,000	$ 203,208
	Contingency	$ 300,000	$ (200,000)	$ 100,000
	Total Budget	**$ 619,768**	**$ -**	**$ 619,768**
	Reserve For Future Expenditure	**$ 186,149**	**$ -**	**$ 186,149**
	Total Requirements	**$ 805,917**	**$ -**	**$ 805,917**

Fund 2 of 2

Transportation CIP Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 379,619**		**$ 379,619**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 1,083,448	$ 200,000	$ 1,283,448
	Total Resources	**$ 1,463,067**	**$ 200,000**	**$ 1,663,067**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,073,448	$ 200,000	$ 1,273,448
	Transfers to Other Funds	$ 57,410		$ 57,410
	Contingency	$ -		$ -
	Total Budget	**$ 1,130,858**	**$ 200,000**	**$ 1,330,858**
	Reserve For Future Expenditure	**$ 332,209**	**$ -**	**$ 332,209**
	Total Requirements	**$ 1,463,067**	**$ 200,000**	**$ 1,663,067**

Q1PW09. 72nd Ave./Dartmouth St. Intersection - Capital Improvement Program

This carryforward request in the amount of $10,000 is needed for legal fees associated with 4 Martin Properties not concluded in FY 2015. As a result, beginning fund balance in the Transportation Development Fund will increase by $10,000. Transfers will increase and capital program expenditures will increase by $10,000 in the Transportation CIP Fund.

Fund 1 of 2

Transportation Development Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 1,112,633**	**$ 10,000**	**$ 1,122,633**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 700,000		$ 700,000
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 11,279		$ 11,279
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds			$ -
	Total Resources	**$ 1,823,912**	**$ 10,000**	**$ 1,833,912**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 6,800		$ 6,800
	Transfers to Other Funds	$ 526,690	$ 10,000	$ 536,690
	Contingency	$ 250,000		$ 250,000
	Total Budget	**$ 783,490**	**$ 10,000**	**$ 793,490**
	Reserve For Future Expenditure	**$ 1,040,422**	**$ -**	**$ 1,040,422**
	Total Requirements	**$ 1,823,912**	**$ 10,000**	**$ 1,833,912**

Fund 2 of 2

Transportation CIP Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 379,619**		**$ 379,619**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 1,083,448	$ 10,000	$ 1,093,448
	Total Resources	**$ 1,463,067**	**$ 10,000**	**$ 1,473,067**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 1,073,448	$ 10,000	$ 1,083,448
	Transfers to Other Funds	$ 57,410		$ 57,410
	Contingency	$ -		$ -
	Total Budget	**$ 1,130,858**	**$ 10,000**	**$ 1,140,858**
	Reserve For Future Expenditure	**$ 332,209**	**$ -**	**$ 332,209**
	Total Requirements	**$ 1,463,067**	**$ 10,000**	**$ 1,473,067**

Q1PW10. Downtown Land Acquisition - Capital Improvement Program

This request will carry forward $515,000 in Parks Bond CIP appropriation for the Saxony land acquisition that occurred on July 9th. This action will result in an increase in beginning fund balance of $515,000 in Parks Bond Fund with an increase in transfers. Total capital program expenditures will increase by $515,000 in the Parks Capital Fund.

Fund 1 of 2

Parks Bond Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 1,700,000**	**$ 515,000**	**$ 2,215,000**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 4,020		$ 4,020
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 1,704,020**	**$ 515,000**	**$ 2,219,020**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 1,382,013	$ 515,000	$ 1,897,013
	Contingency	$ -		$ -
	Total Budget	**$ 1,382,013**	**$ 515,000**	**$ 1,897,013**
	Reserve For Future Expenditure	**$ 322,007**	**$ -**	**$ 322,007**
	Total Requirements	**$ 1,704,020**	**$ 515,000**	**$ 2,219,020**

Fund 2 of 2

Parks Capital Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 298,740**		**$ 298,740**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 3,015		$ 3,015
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 3,151,561	$ 515,000	$ 3,666,561
	Total Resources	**$ 3,453,316**	**$ 515,000**	**$ 3,968,316**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 3,151,561	$ 515,000	$ 3,666,561
	Transfers to Other Funds	$ 123,932		$ 123,932
	Contingency	$ -		$ -
	Total Budget	**$ 3,275,493**	**$ 515,000**	**$ 3,790,493**
	Reserve For Future Expenditure	**$ 177,823**	**$ -**	**$ 177,823**
	Total Requirements	**$ 3,453,316**	**$ 515,000**	**$ 3,968,316**

Q1PW11 Lake Oswego Tigard Water Partnership - Capital Improvement Program

An additional appropropriation of $6,660,000 is required to pay for Tigard's share of the partnership. due to a delay in timing of payment of expenditures from the prior fiscal year. The requested action does not change the total cost of the project. As a result, the reserve for future expenditure will decrease by $3,260,000 in the Water CIP Fund. The Water SDC Fund reserve for future expenditure will decrease by $3,400,000. Transfers will increase. Capital program expenditures will increase by $6,660,000 in the Water CIP Fund.

Fund 1 of 2		Revised Adopted Budget	Amendment	Revised Budget
Water CIP Fund				
Resources	**Beginning Fund Balance**	**$ 17,223,215**		**$ 17,223,215**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 13,096		$ 13,096
	Miscellaneous	$ 5,318		$ 5,318
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 18,840,921	$ 3,400,000	$ 22,240,921
	Total Resources	**$ 36,082,550**	**$ 3,400,000**	**$ 39,482,550**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 29,168,682	$ 6,660,000	$ 35,828,682
	Transfers to Other Funds	$ 231,256		$ 231,256
	Contingency	$ -		$ -
	Total Budget	**$ 29,399,938**	**$ 6,660,000**	**$ 36,059,938**
	Reserve For Future Expenditure	**$ 6,682,612**	**$ (3,260,000)**	**$ 3,422,612**
	Total Requirements	**$ 36,082,550**	**$ 3,400,000**	**$ 39,482,550**

Q1PW11 Lake Oswego Tigard Water Partnership - Capital Improvement Program

An additional appropropriation of $6,660,000 is required to pay for Tigard's share of the partnership. due to a delay in timing of payment of expenditures from the prior fiscal year. The requested action does not change the total cost of the project. As a result, the reserve for future expenditure will decrease by $3,260,000 in the Water CIP Fund. The Water SDC Fund reserve for future expenditure will decrease by $3,400,000. Transfers will increase. Capital program expenditures will increase by $6,660,000 in the Water CIP Fund.

Fund 2 of 2		Revised Adopted Budget	Amendment	Revised Budget
Water SDC Fund				
Resources	**Beginning Fund Balance**	**$ 4,571,596**		**$ 4,571,596**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ 873,715		$ 873,715
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 233		$ 233
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 5,445,544**	**$ -**	**$ 5,445,544**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 299,130	$ 3,400,000	$ 3,699,130
	Contingency	$ 100,000		$ 100,000
	Total Budget	**$ 399,130**	**$ 3,400,000**	**$ 3,799,130**
	Reserve For Future Expenditure	**$ 5,046,414**	**$ (3,400,000)**	**$ 1,646,414**
	Total Requirements	**$ 5,445,544**	**$ -**	**$ 5,445,544**

FY 2015-16 First Qtr. Supplemental Budget

Exhibit B

94035 River Terrace Stormwater Master Plan Implementation

Carryforward of $62,000 for implementation of the River Terrace Stormwater Master Plan.

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	5,000	5,000	0	0	0	0	0	0	5,000
Construction Management	0	0	0	0	0	0	0	0	0	0
Total	0	5,000	5,000	0	0	0	0	0	0	5,000
External Expenses										
Design and Engineering	0	57,000	57,000	0	0	0	0	0	0	57,000
Construction	0	0	0	0	0	0	0	0	0	0
Contingency	0	0	0	0	0	0	0	0	0	0
Total	0	57,000	57,000	0	0	0	0	0	0	57,000
Total Project Expense	**0**	**62,000**	**62,000**	**0**	**0**	**0**	**0**	**0**	**0**	**62,000**
Revenue Funding Source										
510-Stormwater Fund	0	62,000	62,000	0	0	0	0	0	0	62,000
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**0**	**62,000**	**62,000**	**0**	**0**	**0**	**0**	**0**	**0**	**62,000**

FY 2015-16 First Qtr. Supplemental Budget

Exhibit B

95023 **Walnut Street (116th/Tiedeman)**

This request will carry forward $85,000 in multiple CIP funds. This is a $7M Washington County project that the City of Tigard supports with staff time and utility work. A schedule change by Washington County delayed FY 2014-15 work to FY 2015-16 .

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Design and Engineering	28,173	0	28,173	0	0	0	0	0	0	28,173
Project Management	28,173	26,000	54,173	20,000	20,000	0	0	0	0	74,173
Construction Management	16,174	2,000	18,174	20,000	20,000	0	0	0	0	38,174
Total	72,520	28,000	100,520	40,000	40,000	0	0	0	0	140,520
External Expenses										
Public Involvement	0	0	0	0	0	0	0	0	0	0
Land/Right of Way Acquisition	0	0	0	0	0	0	0	0	0	0
Design and Engineering	0	0	0	10,000	10,000	0	0	0	0	10,000
Construction	217,000	57,000	274,000	100,000	100,000	0	0	0	0	374,000
Contingency	87,480	0	87,480	50,000	50,000	0	0	0	0	137,480
Total	304,480	57,000	361,480	160,000	160,000	0	0	0	0	521,480
Total Project Expense	**377,000**	**85,000**	**462,000**	**200,000**	**200,000**	**0**	**0**	**0**	**0**	**662,000**
Revenue Funding Source										
405-Transportation Developmen	23,250	8,500	31,750	17,000	17,000	0	0	0	0	48,750
411-Underground Utility Fund	319,750	51,000	370,750	150,000	150,000	0	0	0	0	520,750
460-Transportation CIP Fund	0	0	0	0	0	0	0	0	0	0
500-Sanitary Sewer Fund	0	8,500	8,500	0	0	0	0	0	0	8,500
510-Stormwater Fund	19,000	8,500	27,500	18,000	18,000	0	0	0	0	45,500
530-Water Fund	15,000	8,500	23,500	15,000	15,000	0	0	0	0	38,500
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**377,000**	**85,000**	**462,000**	**200,000**	**200,000**	**0**	**0**	**0**	**0**	**662,000**

FY 2015-16 First Qtr. Supplemental Budget

Exhibit B

95045 **95th Avenue and North Dakota Street Sidewalks**

This request will carry forward $187,000 in multiple CIP funds. This project includes fillling sidewalk gaps and providing curbing and drainage improvements is expected to be finished FY 2015-16.

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	14,008	14,008	0	0	0	0	0	0	14,008
Construction Management	0	8,653	8,653	0	0	0	0	0	0	8,653
Total	0	22,661	22,661	0	0	0	0	0	0	22,661
External Expenses										
Public Involvement	0	0	0	0	0	0	0	0	0	0
Land/Right of Way Acquisition	0	0	0	0	0	0	0	0	0	0
Design and Engineering	0	24,339	24,339	0	0	0	0	0	0	24,339
Construction	0	140,000	140,000	0	0	0	0	0	0	140,000
Contingency	0	0	0	0	0	0	0	0	0	0
Total	0	164,339	164,339	0	0	0	0	0	0	164,339
Total Project Expense	**0**	**187,000**	**187,000**	**0**	**0**	**0**	**0**	**0**	**0**	**187,000**
Revenue Funding Source										
200-Gas Tax Fund	0	28,050	28,050	0	0	0	0	0	0	28,050
Washington County	0	158,950	158,950	0	0	0	0	0	0	158,950
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**0**	**187,000**	**187,000**	**0**	**0**	**0**	**0**	**0**	**0**	**187,000**

FY 2015-16 First Qtr. Supplemental Budget

Exhibit B

95046 **North Dakota Bridge Repair**

Additional appropriation in the amount of $70,000 will be used to pay for emergency repair of the North Dakota Bridge and construction of a new walkway.

	Budget	This Change	Budget	2017	Projected	2018	Projected	2019	Projected	Project Total
Internal Expenses										
Project Management	0	0	0	0	0	0	0	0	0	0
Construction Management	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0
External Expenses										
Land/Right of Way Acquisition	0	0	0	0	0	0	0	0	0	0
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Construction	0	70,000	70,000	0	0	0	0	0	0	70,000
Contingency	0	0	0	0	0	0	0	0	0	0
Total	0	70,000	70,000	0	0	0	0	0	0	70,000
Total Project Expense	**0**	**70,000**	**70,000**	**0**	**0**	**0**	**0**	**0**	**0**	**70,000**
Revenue Funding Source										
200-Gas Tax Fund	0	70,000	70,000	0	0	0	0	0	0	70,000
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**0**	**70,000**	**70,000**	**0**	**0**	**0**	**0**	**0**	**0**	**70,000**

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Exhibit B

95047 **Hunziker Industrial Core**

Funding request for $200,000 to pay for the initial design of the Wall St./Tech Center Drive project as well as applying for a federal grant.

	Budget	This Change	Budget	2017	Projected	2018	Projected	2019	Projected	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	10,000	10,000	0	0	0	0	0	0	10,000
Construction Management	0	0	0	0	0	0	0	0	0	0
Total	0	10,000	10,000	0	0	0	0	0	0	10,000
External Expenses										
Design and Engineering	0	190,000	190,000	0	0	0	0	0	0	190,000
Construction	0	0	0	0	0	0	0	0	0	0
Contingency	0	0	0	0	0	0	0	0	0	0
Total	0	190,000	190,000	0	0	0	0	0	0	190,000
Total Project Expense	**0**	**200,000**	**200,000**	**0**	**0**	**0**	**0**	**0**	**0**	**200,000**
Revenue Funding Source										
205-City Gas Tax Fund	0	200,000	200,000	0	0	0	0	0	0	200,000
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**0**	**200,000**	**200,000**	**0**	**0**	**0**	**0**	**0**	**0**	**200,000**

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Exhibit B

95035 **72nd Ave./Dartmouth St. Intersection Improvements**

Additional appropriation in the amount of $10,000 will be used to pay legal fees associated with the four Martin properties.

	Budget	This Change	Budget	2017	Projected	2018	Projected	2019	Projected	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	0	0	0	0	0	0	0	0	0
Construction Management	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0
External Expenses										
Design and Engineering	0	10,000	10,000	0	0	0	0	0	0	10,000
Construction	0	0	0	0	0	0	0	0	0	0
Contingency	0	0	0	0	0	0	0	0	0	0
Total	0	10,000	10,000	0	0	0	0	0	0	10,000
Total Project Expense	**0**	**10,000**	**10,000**	**0**	**0**	**0**	**0**	**0**	**0**	**10,000**
Revenue Funding Source										
405-Transportation										
Development Tax	0	10,000	10,000	0	0	0	0	0	0	10,000
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**0**	**10,000**	**10,000**	**0**	**0**	**0**	**0**	**0**	**0**	**10,000**

FY 2015-16 First Qtr. Supplemental Budget

Exhibit B

92028 **Downtown Land Acquisition**

Carryforward of funds used to pay for the Saxony property that was purchased on July 9, 2015.

	Budget	This Change	Budget	2017	Projected	2018	Projected	2019	Projected	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	0	0	0	0	0	0	0	0	0
Construction Management	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0
External Expenses										
Land/Right of Way Acquisition	770,000	515,000	1,285,000	0	0	0	0	0	0	1,285,000
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Construction	0	0	0	0	0	0	0	0	0	0
Contingency	0	0	0	0	0	0	0	0	0	0
Total	770,000	515,000	1,285,000	0	0	0	0	0	0	1,285,000
Total Project Expense	**770,000**	**515,000**	**1,285,000**	**0**	**0**	**0**	**0**	**0**	**0**	**1,285,000**
Revenue Funding Source										
421-Parks Bond Fund	770,000	469,000	1,239,000	0	0	0	0	0	0	1,239,000
420-Parks Capital Fund	0	46,000	46,000	0	0	0	0	0	0	46,000
	0	0	0	0	0	0	0	0	0	0
	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**770,000**	**515,000**	**1,285,000**	**0**	**0**	**0**	**0**	**0**	**0**	**1,285,000**

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Exhibit B

96018 **Lake Oswego/Tigard Water Partnership**

Additional appropriation is needed to pay for Tigard's share of the partnership that was delayed in prior fiscal year. This action does not change the total cost of the project, only the timing of expenditures.

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Project Management	171,500	0	171,500	0	0	0	0	0	0	171,500
Prior Life-To-Date	0	0	0	0	0	0	0	0	0	0
Total	171,500	0	171,500	0	0	0	0	0	0	171,500
External Expenses										
Project Management	0	0	0	0	0	0	0	0	0	0
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Construction	26,718,823	6,660,000	33,378,823	3,800,000	7,570,000	0	0	0	0	40,948,823
Prior Life-To-Date	0	0	0	0	0	0	0	0	0	0
Total	26,718,823	6,660,000	33,378,823	3,800,000	7,570,000	0	0	0	0	40,948,823
Total Project Expense	**26,890,323**	**6,660,000**	**33,550,323**	**3,800,000**	**7,570,000**	**0**	**0**	**0**	**0**	**41,120,323**
Revenue Funding Source										
530-Water Fund	17,092,000	0	17,092,000	3,800,000	0	0	0	0	0	17,092,000
532-Water CIP Fund	9,798,323	3,260,000	13,058,323	0	5,070,000	0	0	0	0	18,128,323
531-Water SDC	0	3,400,000	3,400,000	0	2,500,000	0	0	0	0	5,900,000
Total Project Revenues	**26,890,323**	**6,660,000**	**33,550,323**	**3,800,000**	**7,570,000**	**0**	**0**	**0**	**0**	**41,120,323**

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Exhibit B

Non Budgetary Impact Item

92016 **Dirksen Nature Park**

This request in the Dirksen Nature Park CIP adjustments drives CIP work into FY 2016-17 resulting from an adjustment to the Nature in Neighborhoods grant, and grant match.

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Design and Engineering	6,297	0	6,297	4,000	0	4,000	0	6,600	0	6,297
Project Management	14,298	0	14,298	10,000	55,100	6,400	70,000	0	28,000	167,398
Construction Management	34,798	0	34,798	43,500	0	30,500	0	44,000	0	34,798
Total	55,393	0	55,393	57,500	55,100	40,900	70,000	50,600	28,000	208,493
External Expenses										
Public Involvement	0	0	0	0	6,000	0	0	0	0	6,000
Land/Right of Way Acquisition	0	0	0	0	0	0	0	0	0	0
Design and Engineering	45,200	0	45,200	50,400	15,000	22,000	0	54,000	0	60,200
Construction	400,000	(205,571)	194,429	708,000	547,000	433,000	498,000	823,000	1,090,000	2,329,429
Contingency	60,000	0	60,000	141,600	142,020	108,250	0	246,900	0	202,020
Total	505,200	(205,571)	299,629	900,000	710,020	563,250	498,000	1,123,900	1,090,000	2,597,649
Total Project Expense	**560,593**	**(205,571)**	**355,022**	**957,500**	**765,120**	**604,150**	**568,000**	**1,174,500**	**1,118,000**	**2,806,142**
Revenue Funding Source										
260-Urban Forestry Fund	100,000	0	100,000	100,000	100,000	0	38,000	0	18,000	256,000
420-Parks Capital Fund	0	0	0	857,500	0	604,150	520,000	0	0	520,000
421-Parks Bond Fund	0	0	0	0	0	0	0	0	0	0
425-Parks SDC Fund	295,593	(114,820)	180,773	0	173,660	0	0	0	0	354,433
460-Transportation CIP Fund	0	0	0	0	0	0	0	1,174,500	1,090,000	1,090,000
500-Sanitary Sewer Fund	20,000	(16,861)	3,139	0	1,040	0	0	0	0	4,179
510-Stormwater Fund	145,000	(89,890)	55,110	0	63,420	0	10,000	0	10,000	138,530
530-Water Fund	0	0	0	0	4,000	0	0	0	0	4,000
Nature in neighborhoods	0	0	0	0	390,000	0	0	0	0	390,000
Agilyx	0	16,000	16,000	0	33,000	0	0	0	0	49,000
State Parks Grant	0	0	0	0	0	0	0	0	0	0
Total Project Revenues	**560,593**	**(205,571)**	**355,022**	**957,500**	**765,120**	**604,150**	**568,000**	**1,174,500**	**1,118,000**	**2,806,142**

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Exhibit B

Non Budgetary Impact Item

92026 **Park Land Acquisition**

This request programs the Lasich land purchase into the Parks SDC Fund. The Lasich purchase is made in payments over the next three years.

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	0	0	0	0	0	0	0	0	0
Construction Management	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0
External Expenses										
Public Involvement	0	0	0	0	0	0	0	0	0	0
Land/Right of Way Acquisition	885,649	0	885,649	0	150,000	0	150,000	0	600,000	1,785,649
Construction	0	0	0	0	0	0	0	0	0	0
Total	885,649	0	885,649	0	150,000	0	150,000	0	600,000	1,785,649
Total Project Expense	**885,649**	**0**	**885,649**	**0**	**150,000**	**0**	**150,000**	**0**	**600,000**	**1,785,649**
Revenue Funding Source										
421-Parks Bond Fund	550,649	0	550,649	0	0	0	0	0	0	550,649
425-Parks SDC Fund	335,000	0	335,000	0	150,000	0	150,000	0	600,000	1,235,000
Total Project Revenues	**885,649**	**0**	**885,649**	**0**	**150,000**	**0**	**150,000**	**0**	**600,000**	**1,785,649**

FY 2015-16 First Qtr. Supplemental Budget

Exhibit B

Non Budgetary Impact Item

92013 **Fanno Creek Remeander**

This request moves the Fanno Creek Remeander from the Parks Bond Fund to the Parks Capital Fund. Cash was transferred from the Parks Bond Fund to the Parks Capital Fund in FY 2013-14 for this CIP.

	FY 2016 Budget	This Change	Revised Budget FY 2016	Projected 2017	Revised Projected 2017	Projected 2018	Revised Projected 2018	Projected 2019	Revised Projected 2019	Project Total
Internal Expenses										
Design and Engineering	0	0	0	0	0	0	0	0	0	0
Project Management	0	0	0	25,000	25,000	0	0	45,000	0	25,000
Construction Management	0	0	0	0	0	45,000	45,000	45,000	0	45,000
Total	0	0	0	25,000	25,000	45,000	45,000	90,000	0	70,000
External Expenses										
Public Involvement	0	0	0	0	0	0	0	0	0	0
Land/Right of Way Acquisition	0	0	0	0	0	0	0	0	0	0
Design and Engineering	0	0	0	100,000	100,000	0	0	10,000	0	100,000
Construction	0	0	0	0	0	600,000	600,000	100,000	0	600,000
Contingency	0	0	0	20,000	20,000	107,000	107,000	50,000	0	127,000
Total	0	0	0	120,000	120,000	707,000	707,000	160,000	0	827,000
Total Project Expense	**0**	**0**	**0**	**145,000**	**145,000**	**752,000**	**752,000**	**250,000**	**0**	**897,000**
Revenue Funding Source										
425-Parks SDC Fund	0	0	0	0	0	560,372	560,372	250,000	0	560,372
420-Parks Capital Fund	0	0	0	0	145,000	0	191,628	0	0	336,628
Total Project Revenues	**0**	**0**	**0**	**0**	**145,000**	**560,372**	**752,000**	**250,000**	**0**	**897,000**
				145,000		191,628				

		Adopted Budget	Amendment	Revised Budget
Affected City Funds				
Resources				
	Beginning Fund Balance	**$ 65,153,602**	**$ 1,251,750**	**$ 66,405,352**
	Property Taxes	$ 14,330,765	$ -	$ 14,330,765
	Franchise Fees	$ 5,909,165	$ -	$ 5,909,165
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ 3,062,711	$ -	$ 3,062,711
	Intergovernmental	$ 9,327,474	$ 20,000	$ 9,347,474
	Charges for Services	$ 34,821,579	$ 1,893	$ 34,823,472
	Fines & Forfeitures	$ 873,006	$ -	$ 873,006
	Interest Earnings	$ 394,347	$ -	$ 394,347
	Miscellaneous	$ 363,330	$ -	$ 363,330
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ 23,953,152	$ 4,594,750	$ 28,547,902
	Total Resources	**$ 158,189,131**	**$ 5,868,393**	**$ 164,057,524**
Requirements				
	Community Development	$ 4,037,179	$ 6,000	$ 4,043,179
	Community Services	$ 22,231,014	$ 63,025	$ 22,294,039
	Policy & Administration	$ 10,343,001	$ 295,000	$ 10,638,001
	Public Works	$ 18,665,139	$ 172,750	$ 18,837,889
	Program Expenditures Total	**$ 55,276,333**	**$ 536,775**	**$ 55,813,108**
	Debt Service	$ 908,985	$ -	$ 908,985
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ 35,650,280	$ 7,789,000	$ 43,439,280
	Transfers to Other Funds	$ 32,000,957	$ 4,594,750	$ 36,595,707
	Contingency	$ 3,345,000	$ (405,812)	$ 2,939,188
	Total Budget	**$ 127,181,555**	**$ 12,514,713**	**$ 139,696,268**
	Reserve For Future Expenditure	**$ 31,007,576**	**$ (6,646,320)**	**$ 24,361,256**
	Total Requirements	**$ 158,189,131**	**$ 5,868,393**	**$ 164,057,524**

Reference Budget Items: Q1CD01, Q1CS01, Q1FS02, Q1PD01-03, Q1PW02, Q1PW06-07

	Adopted Budget	Amendment	Revised Budget
General Fund			
Resources			
Beginning Fund Balance	**$ 10,709,593**	**$ 70,000**	**$ 10,779,593**
Property Taxes	$ 14,330,765	$ -	$ 14,330,765
Franchise Fees	$ 5,909,165	$ -	$ 5,909,165
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ 1,352,420	$ -	$ 1,352,420
Intergovernmental	$ 5,422,785	$ 20,000	$ 5,442,785
Charges for Services	$ 3,038,015	$ 1,893	$ 3,039,908
Fines & Forfeitures	$ 873,006	$ -	$ 873,006
Interest Earnings	$ 103,722	$ -	$ 103,722
Miscellaneous	$ 56,432	$ -	$ 56,432
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ -	$ 57,750	$ 57,750
Total Resources	**$ 41,795,903**	**$ 149,643**	**$ 41,945,546**
Requirements			
Community Development	$ 4,037,179	$ 6,000	$ 4,043,179
Community Services	$ 22,231,014	$ 63,025	$ 22,294,039
Policy & Administration	$ 899,502	$ (6,840)	$ 892,662
Public Works	$ 4,118,322	$ 137,750	$ 4,256,072
Program Expenditures Total	**$ 31,286,017**	**$ 199,935**	**$ 31,485,952**
Debt Service	$ -	$ -	$ -
Loans	$ -	$ -	$ -
Work-In-Progress	$ -	$ -	$ -
Transfers to Other Funds	$ 3,434,936	$ 70,000	$ 3,504,936
Contingency	$ 1,120,000	$ (127,132)	$ 992,868
Total Budget	**$ 35,840,953**	**$ 142,803**	**$ 35,983,756**
Reserve For Future Expenditure	**$ 5,954,950**	**$ 6,840**	**$ 5,961,790**
Total Requirements	**$ 41,795,903**	**$ 149,643**	**$ 41,945,546**

Reference Budget Items: Q1CS01-02

Fleet/Property Management

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 113,138**	**$ -**	**$ 113,138**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ -	$ -	$ -
	Intergovernmental	$ -	$ -	$ -
	Charges for Services	$ 1,783,024	$ -	$ 1,783,024
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ -	$ -	$ -
	Miscellaneous	$ 29,686	$ -	$ 29,686
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ 19,647	$ -	$ 19,647
	Total Resources	**$ 1,945,495**	**$ -**	**$ 1,945,495**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ 1,852,362	$ 43,680	$ 1,896,042
	Public Works	$ -	$ -	$ -
	Program Expenditures Total	**$ 1,852,362**	**$ 43,680**	**$ 1,896,042**
	Debt Service	$ -	$ -	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ -	$ -	$ -
	Transfers to Other Funds	$ -	$ -	$ -
	Contingency	$ 75,000	$ (43,680)	$ 31,320
	Total Budget	**$ 1,927,362**	**$ -**	**$ 1,927,362**
	Reserve For Future Expenditure	**$ 18,133**	**$ -**	**$ 18,133**
	Total Requirements	**$ 1,945,495**	**$ -**	**$ 1,945,495**

Reference Budget Items: Q1CS01, Q1FS01-02

Central Services Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 182,372**	**$ 205,000**	**$ 387,372**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ 33,872	$ -	$ 33,872
	Intergovernmental	$ -	$ -	$ -
	Charges for Services	$ 6,986,481	$ -	$ 6,986,481
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ 22,593	$ -	$ 22,593
	Miscellaneous	$ 19,900	$ -	$ 19,900
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ 698,824	$ 35,000	$ 733,824
	Total Resources	**$ 7,944,042**	**$ 240,000**	**$ 8,184,042**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ 7,591,137	$ 258,160	$ 7,849,297
	Public Works	$ -	$ -	$ -
	Program Expenditures Total	**$ 7,591,137**	**$ 258,160**	**$ 7,849,297**
	Debt Service	$ -	$ -	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ -	$ -	$ -
	Transfers to Other Funds	$ -	$ -	$ -
	Contingency	$ 150,000	$ (25,000)	$ 125,000
	Total Budget	**$ 7,741,137**	**$ 233,160**	**$ 7,974,297**
	Reserve For Future Expenditure	**$ 202,905**	**$ 6,840**	**$ 209,745**
	Total Requirements	**$ 7,944,042**	**$ 240,000**	**$ 8,184,042**

Reference Budget Items: Q1PW02-04, Q1PW05, Q1PW07

	Adopted Budget	Amendment	Revised Budget
Gas Tax Fund			
Resources			
Beginning Fund Balance	**$ 704,872**	**$ 323,250**	**$ 1,028,122**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ 5,872	$ -	$ 5,872
Intergovernmental	$ 3,070,117	$ -	$ 3,070,117
Charges for Services	$ -	$ -	$ -
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ 55,732	$ -	$ 55,732
Miscellaneous	$ 62,818	$ -	$ 62,818
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ 100,000	$ 35,000	$ 135,000
Total Resources	**$ 3,999,411**	**$ 358,250**	**$ 4,357,661**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy & Administration	$ -	$ -	$ -
Public Works	$ 2,166,046	$ 35,000	$ 2,201,046
Program Expenditures Total	**$ 2,166,046**	**$ 35,000**	**$ 2,201,046**
Debt Service	$ 592,425	$ -	$ 592,425
Loans	$ -	$ -	$ -
Work-In-Progress	$ -	$ -	$ -
Transfers to Other Funds	$ 229,389	$ 323,250	$ 552,639
Contingency	$ 200,000	$ -	$ 200,000
Total Budget	**$ 3,187,860**	**$ 358,250**	**$ 3,546,110**
Reserve For Future Expenditure	**$ 811,551**	**$ -**	**$ 811,551**
Total Requirements	**$ 3,999,411**	**$ 358,250**	**$ 4,357,661**

Reference Budget Items: Q1PW01, Q1PW03

	Adopted Budget	Amendment	Revised Budget
Stormwater Fund			
Resources			
Beginning Fund Balance	**$ 3,774,154**	**$ 60,500**	**$ 3,834,654**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ -	$ -	$ -
Intergovernmental	$ -	$ -	$ -
Charges for Services	$ 2,595,949	$ -	$ 2,595,949
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ 7,936	$ -	$ 7,936
Miscellaneous	$ 3,100	$ -	$ 3,100
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ -	$ -	$ -
Total Resources	**$ 6,381,139**	**$ 60,500**	**$ 6,441,639**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy and Administration	$ -	$ -	$ -
Public Works	$ 1,738,126	$ -	$ 1,738,126
Program Expenditures Total	**$ 1,738,126**	**$ -**	**$ 1,738,126**
Debt Service	$ -	$ -	$ -
Loans	$ -	$ -	$ -
Work-In-Progress	$ 1,265,096	$ 62,000	$ 1,327,096
Transfers to Other Funds	$ 433,356	$ 8,500	$ 441,856
Contingency	$ 200,000	$ (10,000)	$ 190,000
Total Budget	**$ 3,636,578**	**$ 60,500**	**$ 3,697,078**
Reserve For Future Expenditure	**$ 2,744,561**	**$ -**	**$ 2,744,561**
Total Requirements	**$ 6,381,139**	**$ 60,500**	**$ 6,441,639**

Reference Budget Items: Q1PW03

Underground Utility Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 425,300**	**$ 51,000**	**$ 476,300**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ 48,948	$ -	$ 48,948
	Intergovernmental	$ -	$ -	$ -
	Charges for Services	$ -	$ -	$ -
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ 7,160	$ -	$ 7,160
	Miscellaneous	$ -	$ -	$ -
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ -	$ -	$ -
	Total Resources	**$ 481,408**	**$ 51,000**	**$ 532,408**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ -	$ -	$ -
	Public Works	$ -	$ -	$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -	**$ -**	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ -	$ -	$ -
	Transfers to Other Funds	$ 320,477	$ 51,000	$ 371,477
	Contingency	$ 50,000	$ -	$ 50,000
	Total Budget	**$ 370,477**	**$ 51,000**	**$ 421,477**
	Reserve For Future Expenditure	**$ 110,931**	**$ -**	**$ 110,931**
	Total Requirements	**$ 481,408**	**$ 51,000**	**$ 532,408**

Reference Budget Items: Q1PW03

Sanitary Sewer Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 3,586,876**	**$ 8,500**	**$ 3,595,376**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ 16,549	$ -	$ 16,549
	Intergovernmental	$ 221,770	$ -	$ 221,770
	Charges for Services	$ 1,590,932	$ -	$ 1,590,932
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ 100,333	$ -	$ 100,333
	Miscellaneous	$ 143,091	$ -	$ 143,091
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ -	$ -	$ -
	Total Resources	**$ 5,659,551**	**$ 8,500**	**$ 5,668,051**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ -	$ -	$ -
	Public Works	$ 1,960,087	$ -	$ 1,960,087
	Program Expenditures Total	**$ 1,960,087**	**$ -**	**$ 1,960,087**
	Debt Service	$ -	$ -	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ 984,693	$ -	$ 984,693
	Transfers to Other Funds	$ 76,934	$ 8,500	$ 85,434
	Contingency	$ 400,000	$ -	$ 400,000
	Total Budget	**$ 3,421,714**	**$ 8,500**	**$ 3,430,214**
	Reserve For Future Expenditure	**$ 2,237,837**	**$ -**	**$ 2,237,837**
	Total Requirements	**$ 5,659,551**	**$ 8,500**	**$ 5,668,051**

Reference Budget Items: Q1PW03

		Adopted Budget	Amendment	Revised Budget
Water Fund				
Resources	**Beginning Fund Balance**	**$ 20,245,015**	**$ 8,500**	**$ 20,253,515**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ 31,335	$ -	$ 31,335
	Intergovernmental	$ -	$ -	$ -
	Charges for Services	$ 18,827,178	$ -	$ 18,827,178
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ 30,644	$ -	$ 30,644
	Miscellaneous	$ 10,933	$ -	$ 10,933
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ 58,751	$ -	$ 58,751
	Total Resources	**$ 39,203,856**	**$ 8,500**	**$ 39,212,356**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ -	$ -	$ -
	Public Works	$ 8,682,558	$ -	$ 8,682,558
	Program Expenditures Total	**$ 8,682,558**	**$ -**	**$ 8,682,558**
	Debt Service	$ -	$ -	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ -	$ -	$ -
	Transfers to Other Funds	$ 24,882,226	$ 8,500	$ 24,890,726
	Contingency	$ 500,000	$ -	$ 500,000
	Total Budget	**$ 34,064,784**	**$ 8,500**	**$ 34,073,284**
	Reserve For Future Expenditure	**$ 5,139,072**	**$ -**	**$ 5,139,072**
	Total Requirements	**$ 39,203,856**	**$ 8,500**	**$ 39,212,356**

FY 2016 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: Q1PW03-05, Q1PW08-09

	Adopted Budget	Amendment	Revised Budget
Transportation CIP Fund			
Resources			
Beginning Fund Balance	**$ 379,619**	**$ -**	**$ 379,619**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ -	$ -	$ -
Intergovernmental	$ -	$ -	$ -
Charges for Services	$ -	$ -	$ -
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ -	$ -	$ -
Miscellaneous	$ -	$ -	$ -
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ 1,083,448	$ 552,000	$ 1,635,448
Total Resources	**$ 1,463,067**	**$ 552,000**	**$ 2,015,067**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy and Administration	$ -	$ -	$ -
Public Works	$ -	$ -	$ -
Program Expenditures Total	**$ -**	**$ -**	**$ -**
Debt Service	$ -	$ -	$ -
Loans	$ -	$ -	$ -
Work-In-Progress	$ 1,073,448	$ 552,000	$ 1,625,448
Transfers to Other Funds	$ 57,410	$ -	$ 57,410
Contingency	$ -	$ -	$ -
Total Budget	**$ 1,130,858**	**$ 552,000**	**$ 1,682,858**
Reserve For Future Expenditure	**$ 332,209**	**$ -**	**$ 332,209**
Total Requirements	**$ 1,463,067**	**$ 552,000**	**$ 2,015,067**

Reference Budget Items: Q1PW10

	Adopted Budget	Amendment	Revised Budget
Parks Capital Fund			
Resources			
Beginning Fund Balance	**$ 298,740**	**$ -**	**$ 298,740**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ -	$ -	$ -
Intergovernmental	$ -	$ -	$ -
Charges for Services	$ -	$ -	$ -
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ 3,015	$ -	$ 3,015
Miscellaneous	$ -	$ -	$ -
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ 3,151,561	$ 515,000	$ 3,666,561
Total Resources	**$ 3,453,316**	**$ 515,000**	**$ 3,968,316**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy and Administration	$ -	$ -	$ -
Public Works	$ -	$ -	$ -
Program Expenditures Total	**$ -**	**$ -**	**$ -**
Debt Service	$ -	$ -	$ -
Loans	$ -	$ -	$ -
Work-In-Progress	$ 3,151,561	$ 515,000	$ 3,666,561
Transfers to Other Funds	$ 123,932	$ -	$ 123,932
Contingency	$ -	$ -	$ -
Total Budget	**$ 3,275,493**	**$ 515,000**	**$ 3,790,493**
Reserve For Future Expenditure	**$ 177,823**	**$ -**	**$ 177,823**
Total Requirements	**$ 3,453,316**	**$ 515,000**	**$ 3,968,316**

Reference Budget Items: Q1PW10

	Adopted Budget	Amendment	Revised Budget
Parks Bond Fund			
Resources			
Beginning Fund Balance	**$ 1,700,000**	**$ 515,000**	**$ 2,215,000**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ -	$ -	$ -
Intergovernmental	$ -	$ -	$ -
Charges for Services	$ -	$ -	$ -
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ 4,020	$ -	$ 4,020
Miscellaneous	$ -	$ -	$ -
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ -	$ -	$ -
Total Resources	**$ 1,704,020**	**$ 515,000**	**$ 2,219,020**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy and Administration	$ -	$ -	$ -
Public Works	$ -	$ -	$ -
Program Expenditures Total	**$ -**	**$ -**	**$ -**
Debt Service	$ -	$ -	$ -
Loans	$ -	$ -	$ -
Work-In-Progress	$ -	$ -	$ -
Transfers to Other Funds	$ 1,382,013	$ 515,000	$ 1,897,013
Contingency	$ -	$ -	$ -
Total Budget	**$ 1,382,013**	**$ 515,000**	**$ 1,897,013**
Reserve For Future Expenditure	**$ 322,007**	**$ -**	**$ 322,007**
Total Requirements	**$ 1,704,020**	**$ 515,000**	**$ 2,219,020**

Reference Budget Items: Q1PW08

	Adopted Budget	Amendment	Revised Budget
City Gas Tax Fund			
Resources			
Beginning Fund Balance	**$ 126,479**	**$ -**	**$ 126,479**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ -	$ -	$ -
Intergovernmental	$ 612,802	$ -	$ 612,802
Charges for Services	$ -	$ -	$ -
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ 34,584	$ -	$ 34,584
Miscellaneous	$ 32,052	$ -	$ 32,052
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ -	$ -	$ -
Total Resources	**$ 805,917**	**$ -**	**$ 805,917**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy and Administration	$ -	$ -	$ -
Public Works	$ -	$ -	$ -
Program Expenditures Total	**$ -**	**$ -**	**$ -**
Debt Service	$ 316,560	$ -	$ 316,560
Loans	$ -	$ -	$ -
Work-In-Progress	$ -	$ -	$ -
Transfers to Other Funds	$ 3,208	$ 200,000	$ 203,208
Contingency	$ 300,000	$ (200,000)	$ 100,000
Total Budget	**$ 619,768**	**$ -**	**$ 619,768**
Reserve For Future Expenditure	**$ 186,149**	**$ -**	**$ 186,149**
Total Requirements	**$ 805,917**	**$ -**	**$ 805,917**

Reference Budget Items: Q1PW09

	Adopted Budget	Amendment	Revised Budget
Transportation Development Tax Fund			
Resources			
Beginning Fund Balance	**$ 1,112,633**	**$ 10,000**	**$ 1,122,633**
Property Taxes	$ -	$ -	$ -
Franchise Fees	$ -	$ -	$ -
Special Assessments	$ -	$ -	$ -
Licenses & Permits	$ 700,000	$ -	$ 700,000
Intergovernmental	$ -	$ -	$ -
Charges for Services	$ -	$ -	$ -
Fines & Forfeitures	$ -	$ -	$ -
Interest Earnings	$ 11,279	$ -	$ 11,279
Miscellaneous	$ -	$ -	$ -
Other Financing Sources	$ -	$ -	$ -
Transfers In from Other Funds	$ -	$ -	$ -
Total Resources	**$ 1,823,912**	**$ 10,000**	**$ 1,833,912**
Requirements			
Community Development	$ -	$ -	$ -
Community Services	$ -	$ -	$ -
Policy and Administration	$ -	$ -	$ -
Public Works	$ -	$ -	$ -
Program Expenditures Total	**$ -**	**$ -**	**$ -**
Debt Service	$ -	$ -	$ -
Loans	$ -	$ -	$ -
Work-In-Progress	$ 6,800	$ -	$ 6,800
Transfers to Other Funds	$ 526,690	$ 10,000	$ 536,690
Contingency	$ 250,000	$ -	$ 250,000
Total Budget	**$ 783,490**	**$ 10,000**	**$ 793,490**
Reserve For Future Expenditure	**$ 1,040,422**	**$ -**	**$ 1,040,422**
Total Requirements	**$ 1,823,912**	**$ 10,000**	**$ 1,833,912**

FY 2016 First Quarter Supplemental
Summary of Budget Changes

Reference Budget Items: Q1PW11

		Revised Adopted Budget	Amendment	Revised Budget
Water CIP Fund				
Resources	**Beginning Fund Balance**	**$ 17,223,215**	**$ -**	**$ 17,223,215**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ -	$ -	$ -
	Intergovernmental	$ -	$ -	$ -
	Charges for Services	$ -	$ -	$ -
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ 13,096	$ -	$ 13,096
	Miscellaneous	$ 5,318	$ -	$ 5,318
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ 18,840,921	$ 3,400,000	$ 22,240,921
	Total Resources	**$ 36,082,550**	**$ 3,400,000**	**$ 39,482,550**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ -	$ -	$ -
	Public Works	$ -	$ -	$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -	$ -	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ 29,168,682	$ 6,660,000	$ 35,828,682
	Transfers to Other Funds	$ 231,256	$ -	$ 231,256
	Contingency	$ -	$ -	$ -
	Total Budget	**$ 29,399,938**	**$ 6,660,000**	**$ 36,059,938**
	Reserve For Future Expenditure	**$ 6,682,612**	**$ (3,260,000)**	**$ 3,422,612**
	Total Requirements	**$ 36,082,550**	**$ 3,400,000**	**$ 39,482,550**

Reference Budget Items: Q1PW11

Water SDC Fund

		Revised Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 4,571,596**	**$ -**	**$ 4,571,596**
	Property Taxes	$ -	$ -	$ -
	Franchise Fees	$ -	$ -	$ -
	Special Assessments	$ -	$ -	$ -
	Licenses & Permits	$ 873,715	$ -	$ 873,715
	Intergovernmental	$ -	$ -	$ -
	Charges for Services	$ -	$ -	$ -
	Fines & Forfeitures	$ -	$ -	$ -
	Interest Earnings	$ 233	$ -	$ 233
	Miscellaneous	$ -	$ -	$ -
	Other Financing Sources	$ -	$ -	$ -
	Transfers In from Other Funds	$ -	$ -	$ -
	Total Resources	**$ 5,445,544**	**$ -**	**$ 5,445,544**
Requirements				
	Community Development	$ -	$ -	$ -
	Community Services	$ -	$ -	$ -
	Policy and Administration	$ -	$ -	$ -
	Public Works	$ -	$ -	$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -	$ -	$ -
	Loans	$ -	$ -	$ -
	Work-In-Progress	$ -	$ -	$ -
	Transfers to Other Funds	$ 299,130	$ 3,400,000	$ 3,699,130
	Contingency	$ 100,000	$ -	$ 100,000
	Total Budget	**$ 399,130**	**$ 3,400,000**	**$ 3,799,130**
	Reserve For Future Expenditure	**$ 5,046,414**	**$ (3,400,000)**	**$ 1,646,414**
	Total Requirements	**$ 5,445,544**	**$ -**	**$ 5,445,544**

AIS-2344			**8.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	5 Minutes		
Agenda Title:	FY 2016 City Center Development Agency Budget Supplemental		
Prepared For:	Toby LaFrance		
Submitted By:	Carissa Collins, Finance and Information Services		
Item Type:	Motion Requested Resolution Public Hearing - Informational	**Meeting Type:**	City Center Development Agency
Public Hearing Newspaper Legal Ad Required?:	Yes		
Public Hearing Publication Date in Newspaper:			

Information

ISSUE

A first quarter supplemental amendment to the FY 2016 Adopted Budget for the City Center Development Agency (CCDA) is required. The purpose of the supplemental is to account for revenues and expenses that were unknown at the time of budget adoption.

STAFF RECOMMENDATION / ACTION REQUEST

Approve the FY 2016 First Quarter Supplemental Budget Amendment for the CCDA.

KEY FACTS AND INFORMATION SUMMARY

A carry forward in the amount of $15,000 is being requested to pay the remaining contract and internal expenses associated with the dog park and the demolition of the Zuber House.

OTHER ALTERNATIVES

Do not approve the supplemental budget amendment.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Revitalization of downtown.

DATES OF PREVIOUS CONSIDERATION

NA

Fiscal Impact

Cost: $15,000

Budgeted (yes or no): No

Where Budgeted (department/program): CCDA

Additional Fiscal Notes:

A carry forward in the amount of $15,000 is needed to pay the remaining contractual agreement as well as internal expenses related to the dog park and demo of the Zuber House.

Attachments

Resolution

Exhibit A

CITY OF TIGARD, OREGON
CITY CENTER DEVELOPMENT AGENCY
RESOLUTION NO. 15-____

A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET AMENDMENT TO THE FY 2016 CITY CENTER DEVELOPMENT AGENCY BUDGET

WHEREAS, the city acknowledges those items that were unknown at the time the FY 2016 Budget was adopted*; and*

WHEREAS, the CCDA recognizes a total of $15,000 in additional requirements that are offset by additional resources of equal amount.

NOW, THEREFORE, BE IT RESOLVED, by the Tigard City Center Development Agency that:

SECTION 1: The FY 2015-16 Budget is hereby amended as detailed in Exhibit A.

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____, 2015.

_____
Chair – City of Tigard
City Center Development Agency

ATTEST:

_____
Recorder – City of Tigard City Center Development Agency

Q1CCDA01. Ash Avenue Dog Park - Capital Improvement Program

This request will carry forward $15,000 to FY 2016 to pay remaining contract and internal expenses associated with the relocation of the Ash Avenue Dog Park and demolition of the Zuber House. As result, beginning fund balance in Urban Renewal Debt Service Fund will increase by $15,000 with an increase in transfers. Capital program expenditures within the Transportation CIP Fund will increase by $15,000.

Fund 1 of 2

Urban Renewal Debt Service Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 170,697**	**$ 15,000**	**$ 185,697**
	Property Taxes	$ 397,792		$ 397,792
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ -		$ -
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ 1,000		$ 1,000
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ -		$ -
	Total Resources	**$ 569,489**	**$ 15,000**	**$ 584,489**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ 219,198		$ 219,198
	Loans	$ -		$ -
	Work-In-Progress	$ -		$ -
	Transfers to Other Funds	$ 175,300	$ 15,000	$ 190,300
	Contingency	$ -		$ -
	Total Budget	**$ 394,498**	**$ 15,000**	**$ 409,498**
	Reserve For Future Expenditure	**$ 174,991**	**$ -**	**$ 174,991**
	Total Requirements	**$ 569,489**	**$ 15,000**	**$ 584,489**

Fund 2 of 2

Urban Renewal Capital Improvement Fund

		Adopted Budget	Amendment	Revised Budget
Resources	**Beginning Fund Balance**	**$ 445,700**		**$ 445,700**
	Property Taxes	$ -		$ -
	Franchise Fees	$ -		$ -
	Licenses & Permits	$ -		$ -
	Intergovernmental	$ -		$ -
	Charges for Services	$ 84,000		$ 84,000
	Fines & Forfeitures	$ -		$ -
	Interest Earnings	$ -		$ -
	Miscellaneous	$ -		$ -
	Other Financing Sources	$ -		$ -
	Transfers In from Other Funds	$ 175,300	$ 15,000	$ 190,300
	Total Resources	**$ 705,000**	**$ 15,000**	**$ 720,000**
Requirements				
	Community Development	$ -		$ -
	Community Services	$ -		$ -
	Policy and Administration	$ -		$ -
	Public Works	$ -		$ -
	Program Expenditures Total	**$ -**	**$ -**	**$ -**
	Debt Service	$ -		$ -
	Loans	$ -		$ -
	Work-In-Progress	$ 705,000	$ 15,000	$ 720,000
	Transfers to Other Funds	$ -		$ -
	Contingency	$ -		$ -
	Total Budget	**$ 705,000**	**$ 15,000**	**$ 720,000**
	Reserve For Future Expenditure	**$ -**	**$ -**	**$ -**
	Total Requirements	**$ 705,000**	**$ 15,000**	**$ 720,000**

AIS-2329			**9.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	10 Minutes		
Agenda Title:	Consideration of Taser purchase contract		
Prepared For:	Alan Orr	**Submitted By:**	Lisa Shaw, Police
Item Type:	Motion Requested	**Meeting Type:**	Council Business Meeting - Main
Public Hearing Newspaper Legal Ad Required?:	No		
Public Hearing Publication Date in Newspaper:			

Information

ISSUE

The Police Department plans to replace 60 outdated Taser Conducted Electrical Weapons (CEWs) with a newer model.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends authorizing the City Manager to sign the Taser Assurance Program contract for the purchase of 60 new Taser CEWs and their future replacement CEWs.

KEY FACTS AND INFORMATION SUMMARY

The Tigard Police Department plans to replace 60 existing X-26 CEWs with the newer model, X-2. Although our authorized sworn position count is 68.0 FTE, not all sworn personnel are mandated to carry CEWs. The Patrol Division will be issued 50 CEWs and Services will be issued 10.

The Department has used Taser CEW products for 12 years, since the inception of issuing CEWs to Tigard officers in 2003. A recent scan of the CEW market revealed that two other companies who had previously offered similar products have since gone out of business; the remaining vendor with a CEW product does not meet our technical needs.

Taser has phased out its production of the X-26 model currently used. We have started to experience an increase in equipment breakage due to the end of the product's useful life. Support from Taser on the X-26 model has been reduced as it focuses on the newer models. All Taser support for the X-26 product line will cease by 2019. Based on our department's

review of Taser's new offerings we have determined that the X-2 is the best CEW for our training and tactical needs.

OTHER ALTERNATIVES

If the contract is not approved, the department's CEWs will continue to break and eventually Tigard officers will no longer carry this less-lethal weapon.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

This purchase supports Tigard Police Department's goal to "Enhance the safety and security of Tigard's residents, visitors and businesses".

DATES OF PREVIOUS CONSIDERATION

Council will have received a memo regarding this information in the September 21st Council newsletter.

Fiscal Impact

Cost:	$133,160.30
Budgeted (yes or no):	yes
Where Budgeted (department/program):	Police

Additional Fiscal Notes:

Based on the quoted price within the Taser Assurance Plan, Tigard could acquire the equipment this year for an up-front cost of $82,484.15 and an annual payment over the next four years of $12,669. The total contract cost would be $133,160.30.

The initial cost would be split evenly between the Police Department's Forfeiture Fund, and a $41,242 request from Contingency during the Q1 Supplemental Budget process. Current appropriation within the Forfeiture Fund is $70,000. The ongoing program costs of $12,669 will be budgeted for as a line item within the Police Department's operating budget starting in FY 2016-17.

Attachments

Council Memo and Taser Quote

Taser Contract

City *of* Tigard
Memorandum

To: Honorable Mayor and City Councilors

From: Alan Orr, Chief of Police

Re: Taser Upgrade Proposal

Date: September 21, 2015

The purpose of this memo is to provide you with information about the PD's proposed Taser replacement purchase and acceptance into the Taser Assurance Plan (TAP).

Overview
Taser has phased out its production of the X-26 Continuous Electrical Weapons (CEWs) that we currently use. We have started to experience an increase in equipment breakage at the same time that support from Taser has been reduced. All Taser support for the X-26 product line will cease by 2019. Based on our department's review of Taser's new offerings, including Master Instructor School training attended by our in-house master-trainer, we have determined that the X-2 model is the best CEW for our training and tactical needs.

Department Need
It is the Department's plan to replace 60 existing CEWs with the newer model, X-2. Although our authorized sworn position count is 68.0 FTE, not all sworn personnel are mandated to carry them. For the Patrol Division, we plan to replace 50 and for the Services Division 10.

Taser Assurance Plan (TAP)
Taser has developed a program to allow law enforcement agencies to 'prepay' for the replacement of the CEWs in five years. The annual fee that Tigard would pay after the initial equipment purchase goes toward this replacement fund. The TAP includes the following benefits:

- Replacement for 60 CEWs after five years with an upgrade to the most current technology.
- Price certainty – no inflation increase during the five year period.
- Two on-site spare CEWs (62 total: 60 assigned and 2 spares)
- Software support and hardware warranty coverage

Costs and Timing
We propose entering into a contract with Taser this October in order to purchase 60 X-2 CEWs needed to outfit the entire department at one time. Based on the current prices with the Taser Assurance Plan, Tigard could acquire the equipment this year for an up-front cost of $82,484.15 and an annual payment over the next four years of $12,669. The total contract cost would be $133,160.30.

The initial cost would be split evenly between the Police Department's Forfeiture Fund, and a $41,242 request from Contingency during the Q1 Supplemental Budget on October 13th. Current appropriation in

the Forfeiture Fund is $70,000. The ongoing program costs of $12,669 will be budgeted as a line item in the Police Department operating budget starting in FY 2016-17.

Next Steps

The Police Department will request Council's approval to enter into contract with Taser at the October 13th business meeting. Please let us know if you have questions about the purchase.

Attachments:

- August 10, 2015 Taser quote
- Taser Assurance Plan flyer

TASER International

Protect Life. Protect Truth.

17800 N 85th St.
Scottsdale, Arizona 85255
United States
Phone: (800) 978-2737
Fax:

David Frisendahl
(503) 718-2567
(503) 684-5654
david.frisendahl@tigard-or.gov

Quotation

Quote: Q-30639-2
Date: 8/10/2015 1:38 PM
Quote Expiration: 10/30/2015
Contract Start Date*: 8/10/2015
Contract Term: 5 years

Bill To:
Tigard Police Dept. - OR
13125 SW Hall Boulevard
Tigard, OR 97223
US

Ship To:
David Frisendahl
Tigard Police Dept. - OR
13125 SW Hall Boulevard
Tigard, OR 97223
US

SALESPERSON	PHONE	EMAIL	DELIVERY METHOD	PAYMENT METHOD
Tom Recker	(480) 463-2174	trecker@taser.com	Fedex - Ground	Net 30

*Note this will vary based on the shipment date of the product.

Due Net 30 + shipping at bottom

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
60	22003	HANDLE, YELLOW, CLASS III, X2	USD 1,029.95	USD 61,797.00	USD 0.00	USD 61,797.00
2	22003	HANDLE, YELLOW, CLASS III, X2	USD 1,029.95	USD 2,059.90	USD 2,059.90	USD 0.00
48	22501	HOLSTER, BLACKHAWK, RIGHT, X2, 44HT01BK-R-B	USD 65.85	USD 3,160.80	USD 0.00	USD 3,160.80
12	22504	HOLSTER, BLACKHAWK, LEFT, X2, 44HT01BK-L-B	USD 65.85	USD 790.20	USD 0.00	USD 790.20
150	22151	CARTRIDGE, PERFORMANCE, SMART, 25'	USD 31.50	USD 4,725.00	USD 0.00	USD 4,725.00
20	22155	CARTRIDGE, PERFORMANCE, SMART, INERT SIM, 25'	USD 43.00	USD 860.00	USD 0.00	USD 860.00
200	22157	CARTRIDGE, PERFORMANCE, SMART, TRAINING, 25'	USD 30.60	USD 6,120.00	USD 0.00	USD 6,120.00
76	22012	TPPM, BATTERY PACK, TACTICAL, PINKY EXTENDER, X2/X26P	USD 54.50	USD 4,142.00	USD 0.00	USD 4,142.00
2	22012	TPPM, BATTERY PACK, TACTICAL, PINKY EXTENDER, X2/X26P	USD 54.50	USD 109.00	USD 109.00	USD 0.00
2	22013	KIT, DATAPORT DOWNLOAD, USB, X2/ X26P	USD 164.75	USD 329.50	USD 329.50	USD 0.00

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
60	85049	TASER ASSURANCE PLAN CEW ANNUAL PAYMENT, X2	USD 211.15	USD 12,669.00	USD 12,000.00	USD 669.00
60	85047	TASER ASSURANCE PLAN CEW, X2	USD 0.00	USD 0.00	USD 0.00	USD 0.00
2	85047	TASER ASSURANCE PLAN CEW, X2	USD 0.00	USD 0.00	USD 0.00	USD 0.00

Due Net 30 + shipping at bottom Total Before Discounts:	USD 96,762.40
Due Net 30 + shipping at bottom Net Amount Due:	USD 82,264.00

Due Year 2

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
60	85049	TASER ASSURANCE PLAN CEW ANNUAL PAYMENT, X2	USD 211.15	USD 12,669.00	USD 0.00	USD 12,669.00

Due Year 2 Total Before Discounts:	USD 12,669.00
Due Year 2 Net Amount Due:	USD 12,669.00

Due Year 3

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
60	85049	TASER ASSURANCE PLAN CEW ANNUAL PAYMENT, X2	USD 211.15	USD 12,669.00	USD 0.00	USD 12,669.00

Due Year 3 Total Before Discounts:	USD 12,669.00
Due Year 3 Net Amount Due:	USD 12,669.00

Due Year 4

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
60	85049	TASER ASSURANCE PLAN CEW ANNUAL PAYMENT, X2	USD 211.15	USD 12,669.00	USD 0.00	USD 12,669.00

Due Year 4 Total Before Discounts:	USD 12,669.00
Due Year 4 Net Amount Due:	USD 12,669.00

Due Year 5

QTY	ITEM #	DESCRIPTION	UNIT PRICE	TOTAL BEFORE DISCOUNT	DISCOUNT ($)	NET TOTAL
60	85049	TASER ASSURANCE PLAN CEW ANNUAL PAYMENT, X2	USD 211.15	USD 12,669.00	USD 0.00	USD 12,669.00

Due Year 5 Total Before Discounts:	USD 12,669.00
Due Year 5 Net Amount Due:	USD 12,669.00

Subtotal	USD 132,940.00
Estimated Shipping & Handling Cost	USD 220.15
Grand Total	USD 133,160.15

TASER International, Inc.'s Sales Terms and Conditions for Direct Sales to End User Purchasers

By signing this Quote, you are entering into a contract and you certify that you have read and agree to the provisions set forth in this Quote and TASER's current Sales Terms and Conditions for Direct Sales to End User Purchasers or, in the alternative, TASER's current Sales Terms and Conditions for Direct Sales to End User Purchasers for Sales with Financing if your purchase involves financing with TASER. If your purchase includes the TASER Assurance Plan (TAP), then you are also agreeing to TASER's current Sales Terms and Conditions for the AXON Flex™ and AXON Body™ Cameras TASER Assurance Plan (U.S. Only) and/or Sales Terms and Conditions for the X2/X26P and TASER CAM HD Recorder TASER Assurance Plan (U.S. Only), as applicable to your product purchase. All of the sales terms and conditions, as well as, the TAP terms and conditions are posted at http://www.taser.com/sales-terms-and-conditions. If your purchase includes AXON hardware and/or EVIDENCE.com services you are also agreeing to the terms in the EVIDENCE.com Master Service Agreement posted at https://www.taser.com/serviceagreement14. If your purchase includes Professional Services, you are also agreeing to the terms in the Professional Service Agreement posted at https://www.taser.com/professional-services-agreement. If your purchase includes Integration Services, you are also agreeing to the terms in the SOW posted at https://www.taser.com/integrationstatementofwork14. You represent that you are lawfully able to enter into contracts and if you are entering into this agreement for an entity, such as the company, municipality, or government agency you work for, you represent to TASER that you have legal authority to bind that entity. If you do not have this authority, do not sign this Quote.

Signature: _____ **Date:** _____

Name (Print): _____ **Title:** _____

PO# (if needed): _____

Please sign and email to Tom Recker at trecker@taser.com or fax to

THANK YOU FOR YOUR BUSINESS!

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TASER™ ASSURANCE PLAN

What is the TASER® Assurance Plan?

The TASER Assurance Plan (TAP) is our new service program, integrating warranty coverage for your current Conducted Energy Weapons (CEWs) with a free upgrade handle after the 5th payment along with on-site spares so officers experience zero downtime.

One Stop for Service and Support

Only TAP gives you the service you need today and the protection you want tomorrow. Not only does TAP secure you today's price, it also guarantees a superior level of personal support for your CEWs and your agency for the next five years. Peace of mind: just another way TASER is putting your security first.

Software Support Included

Whether you are an armorer or patrol officer, you'll have access to prompt and personalized direct support from TASER experts on a wide range of topics.

Hardware Coverage

TAP provides "no questions asked" repair coverage for CEWs or TCAM HDs. No matter what happens, you can rest easy – we'll take care of it for you.

Benefits

New CEW After 5 Years

- Guaranteed upgrade cycle

Budget Certainty

- Identify the exact yearly cost of your agency's TASER CEW program

Upgrade Technology

- Without the time constraints associated with capital acquisitions

Price Lock SAVINGS

- Protection from global inflation

Conserve Capital

- Make your budget dollars work harder

On-site Spare CEWs:

- Officers experience zero downtime

Features

Full Program Deployment

5 Year Terms

No Pre-Pay Penalty

Warranty Coverage Included

What Products Qualify?

X2™ CEWs

X26P™ CEWs

TASER CAM™ HD

Questions

Visit **www.TASER.com/tap**

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CITY OF TIGARD, OREGON
PURCHASE AGREEMENT FOR
TIGARD – TASER: TASER ASSURANCE PROGRAM

THIS AGREEMENT made and entered into this 13th of October, 2015 by and between the City of Tigard, a municipal corporation of the State of Oregon, hereinafter called City, and TASER International, hereinafter called Seller, collectively hereinafter called the "Parties."

RECITALS

WHEREAS, Seller has submitted a bid or proposal to City for the sale of certain goods; and

WHEREAS, Seller is in the business of selling certain goods and is aware of the purposes for which City will use the goods; and

WHEREAS, City and Seller wish to enter into a contract under which City shall purchase the goods described in Seller's bid or proposal;

THEREFORE, The Parties agree as follows:

1. GOODS TO BE PROVIDED

City shall purchase 60 Class III X2 Conducted Electrical Weapons and associated cartridges, battery packs and holsters as outlined in the attached quote through the TASER Assurance Program from Seller in accordance with:

A. The specifications (including any addenda) attached hereto as Exhibit A and incorporated herein by this reference;

B. The Seller's proposal dated August 10, 2015, which was accepted by the Contract Review Board attached hereto as Exhibit B and incorporated by this reference; and

C. The City's Standard Terms and Conditions attached hereto as Exhibit C and incorporated by this reference.

2. EFFECTIVE DATE AND DURATION

This Agreement shall become effective upon the date of execution by the City's Local Contract Review Board and shall expire, unless otherwise terminated or extended, on October 13, 2020 whichever comes first. All goods under this Agreement shall be delivered and completed prior to the expiration of this Agreement.

3. COMPENSATION

A. City hereby agrees to pay Seller Eighty-two thousand two hundred sixty four and no cents ($82,264.00) for the goods, including shipping and handling. The total purchase price shall be considered payment for all Sellers' obligations described in this agreement. Seller shall invoice City the purchase price upon the delivery of the goods. City shall have thirty (30) days after receipt of invoice in which to make payment. Seller shall be responsible for the payment of all taxes associated with the sale of the goods. City is exempt from the payment of Federal Excise Tax.

B. Seller shall promptly advise City of all reasonably available technological advances that are known or become known to Seller while this agreement is in effect which may result in the goods having added value, capacity, or usefulness when used for City's purpose. If Seller intends to provide goods incorporating technological advances and still meeting the

specifications and the City's needs at no additional charge, Seller shall provide City with 30 days' notice of the proposed change. The City may require that only goods not incorporating the changes be supplied by providing written notice to seller within 5 days of receiving the notice of the proposed change. Any other changes incorporating technological advances shall only be approved as an amendment to this agreement.

C. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of this contract during the City's FY 2015-16 fiscal year. Funding for future fiscal years shall be subject to the adoption of the budget by the Tigard City Council.

4. DELIVERY

Seller shall deliver the goods no later than 30 days after receipt of City's purchase order, with the exception of any back-ordered items, together with an executed copy of this Agreement. Seller agrees to provide goods as specified in Exhibit A.

Within 30 days following delivery, City shall inspect the goods and shall notify Seller immediately of any damaged items. No language contained in a purchase order, work order, or delivery order shall vary, amend, modify, or add terms or conditions to this Agreement under which the order is placed.

5. INSTALLATION

Unless the Specifications (Exhibit A) or the proposal (Exhibit B) require installation by Seller, the City shall install the goods purchased under this agreement. Any installation by Seller shall be in accordance with the provision of this agreement, including all Exhibits.

6. TESTING AND ACCEPTANCE

Seller shall test the goods prior to delivery. Seller's tests shall determine whether the goods meet Seller's specifications and are fit for the purpose intended. Acceptance or rejection of the goods purchased shall occur 10 days after delivery and inspection by Buyer. Failure to inspect and accept or reject goods shall neither relieve Seller from responsibility for such goods, which do not meet the requirements in this Agreement nor impose liability on Buyer.

7. RISK OF LOSS

Risk of loss to goods in shipment (including damage, destruction, theft, or loss) shall be borne by the Seller. Risk of loss shall not pass to Buyer until the goods are delivered to and checked in at the location specified by Buyer.

8. ASSIGNMENT/DELEGATION

Neither party shall assign or transfer any interest in or duty under this Agreement without the written consent of the other and any attempted assignment or transfer without the written consent of the other party shall be invalid.

9. SUBMITTING BILLS AND MAKING PAYMENTS

All notices and bills shall be made in writing and may be given by personal delivery, mail or fax. Payments may be made by personal delivery, mail, or electronic transfer. The following addresses shall be used to transmit notices, bills, payments, and other information:

CONTRACT MANAGER FOR CITY	TASER INTERNATIONAL
Attn: Lt. David Frisendahl	Attn: Legal Department
Address: 13125 SW Hall Blvd. Tigard, Oregon 97223	Address: 17800 N 85th Street Scottsdale, Arizona 85255
Phone: (503) 718-2567	Phone: (800) 978-2737
Fax:	Fax:
Email Address: David.Frisendahl@tigard-or.gov	EmailAddress: contracts@taser.com

10. TERMINATION

City has the right, in its sole discretion, to terminate without cause or for no cause, to termination this Agreement at any time by giving notice to Seller. If City terminates the contract pursuant to this section, it shall pay Seller for goods shipped by Seller prior to receipt by Seller of the notice of termination. City may deduct the amount of damages, if any, sustained by City due to any breach of contract or warranty by Seller. Damages for breach of contract or warranty shall be those allowed by Oregon law, reasonable and necessary attorney fees, witness fees (expert and non-expert), and other costs of litigation at trial and on appeal.

11. ACCESS TO RECORDS

City shall have access to such books, documents, papers and records of Seller as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

12. FORCE MAJEURE

Neither City nor Seller shall be considered in default because of any delays in completion and responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the parties so disenabled, including but not restricted to, natural disaster, war, civil unrest, volcano, earthquake, fire, flood, epidemic, quarantine restriction, area-wide strike, freight embargo, unusually severe weather or delay of subseller or supplies due to such cause; provided that the parties so disenabled shall within ten (10) days from the beginning of such delay, notify the other party in writing of the cause of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation. Each party shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon cessation of the cause, diligently pursue performance of its obligation under the Agreement.

13. NON-DISCRIMINATION

Seller agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statues, rules, and regulations. Seller also shall comply with the Americans with Disabilities Act of 1990, ORS 659.425, and all regulations and administrative rules established pursuant to those laws.

14. WARRANTY AGAINST DEFECTS

Seller warrants that the goods shall remain free of defects in material and workmanship for a period of one (1) year commencing the date of City's acceptance. Such defects shall include any failure of the goods to meet Seller's specifications or the description contained in Seller's product literature. If within the warranty period City discovers such a defect, Seller shall repair or replace the defective item or component free of charge. If after three attempts Seller is unable to eliminate a defect, or if Seller does not commence the warranty work within the time allowed in this paragraph, City shall have the right to return the defective item or component and, at City's option, either obtain a full refund of the purchase price of the goods or obtain a refund, in an amount to be agreed upon by the parties, of the portion of the purchase price of the goods that is allocable to the defective item or component. Seller shall commence all warranty work within 48 hours of receiving notice of the warranty claim. All

warranty work shall be performed at City's facilities unless otherwise agreed by the parties. If warranty work is performed at Seller's facilities, Seller shall pay all shipping costs, including the cost of return shipment. This warranty shall apply to all repair parts furnished by Seller and all repairs performed by Seller.

15. INTELLECTUAL PROPERTY WARRANTY

Seller warrants that none of the goods, the use thereof or any of the applications, processes or designs employed in the manufacture thereof infringes the valid claims of any letter patent, patent application, copyright, trade secret or any other property right of any third party. If as a result of any suit or proceeding alleging an infringement of any of the foregoing property rights City's use of the equipment is enjoined, Seller shall at no cost to City either obtain for City a license to use the goods or modify the goods so as to avoid the infringement without any degradation in performance. If Seller cannot obtain such a license and cannot so modify the equipment, Seller shall promptly refund to City the purchase price, less a reasonable amount for depreciation.

16. ASSIGNMENT OF MANUFACTURER'S WARRANTIES

Seller hereby assigns all warranties of the manufacturers of components of the goods to City to the extent such warranties are assignable. In the event Seller must obtain the consent of the manufacturer or take other action before any such warranties are assignable, Seller shall do so prior to delivery.

17. INDEMNITY/HOLD HARMLESS

Seller shall defend, indemnify and hold harmless City, City's officers, employees, agents and representatives from and against all liability, claims, demands, judgments, penalties, and causes of action of any kind or character, or other reasonable costs or expenses incidental to the investigation and defense thereof, of whatever nature, resulting from or arising out of the tortious acts or omissions, willful misconduct, or product defects of the Seller or its subsellers, agents, or employees under this contract, except, however, that the foregoing shall not apply to liability that arises out of City's negligence.

18. INSURANCE

Contractor and its subcontractors shall maintain insurance acceptable to City in full force and effect throughout the term of this contract. Such insurance shall cover all risks arising directly or indirectly out of Contractor's activities or work hereunder, including the operations of its subcontractors of any tier.

The policy or policies of insurance maintained by the Contractor and its subcontractor shall provide at least the following limits and coverages:

A. Commercial General Liability Insurance: If Seller will be installing or testing the goods, or otherwise performing services on City's premises, Seller shall provide a certificate indicating that Seller has commercial general liability insurance covering Bodily Injury and Property Damage on an "occurrence" form (CG 2010 1185 or equivalent). This coverage shall include Contractual Liability insurance. Coverage will include $2,000,000 per occurrence and $3,000,000 general annual aggregate. Said insurance shall name City as an additional insured and shall require written notice to City thirty (30) days prior to cancellation. If Seller hires a subseller to perform services on City's premises, Seller shall ensure that Seller's subseller complies with this paragraph.

B. Business Automobile Liability Insurance: If Seller will be delivering the goods, Seller shall provide City a certificate indicating that Seller has business automobile liability coverage for all owned, hired, and non-owned vehicles. The Combined Single Limit per occurrence shall not be less than $2,000,000. Said insurance shall name City as an additional insured and shall

require written notice to City thirty (30) days in advance of cancellation. If Seller hires a carrier to make delivery, Seller shall ensure that said carrier complies with this paragraph.

C. Workers' Compensation Insurance: The Seller, its subsellers, if any, and all employers providing work, labor or materials under this Contract that are either subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage that satisfies Oregon law for all their subject workers or employers that are exempt under ORS 656.126. Out-of-state employers must provide Oregon workers' compensation coverage for their workers who work at a single location within Oregon for more than 30 days in a calendar year. Sellers who perform work without the assistance or labor of any employee need not obtain such coverage. This shall include Employer's Liability Insurance with coverage limits of not less than $500,000 each accident.

D. Certificates of Insurance: As evidence of the insurance coverage required by the contract, the Seller shall furnish a Certificate of Insurance to the City. No contract shall be effected until the required certificates have been received and approved by the City. The certificate will specify and document all provisions within this contract.

20. ATTORNEY'S FEES

In case suit or action is instituted to enforce the provisions of this contract, the parties agree that the losing party shall pay such sum as the court may adjudge reasonable attorney fees and court costs, including witness fees (expert and non-expert), attorney's fees and court costs on appeal.

21. COMPLIANCE WITH STATE AND FEDERAL LAWS/RULES

Seller shall comply with all applicable federal, state and local laws, rules and regulations, including, but not limited to, the requirements concerning working hours, overtime, medical care, workers compensation insurance, health care payments, payments to employees and subsellers and income tax withholding contained in ORS Chapter 279, the provisions of which are hereby made a part of this agreement.

22. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument in the proposal of the contract, this instrument shall control and nothing herein shall be considered as an acceptance of the terms of proposal conflicting herewith.

23. SEVERABILITY

In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the validity of the remaining terms and provisions shall not be affected to the extent that it did not materially affect the intent of the parties when they entered into the agreement.

24. COMPLETE AGREEMENT

This Agreement, including the exhibits, is intended both as a final expression of the Agreement between the parties and as a complete and exclusive statement of the terms. In the event of an inconsistency between a provision in the main body of the Agreement and a provision in the Exhibit, the provision in the main body of the Agreement shall control. In the event of an inconsistency between Exhibit A and any other exhibit, Exhibit A shall control. In the event of an inconsistency between Exhibit C and Exhibit B, Exhibit B shall control. No modification of this Agreement shall be effective unless and until it is made in writing and signed by both parties. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent,

modification, or change if made, shall be effective only in specific instances and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. Seller, by the signature of its authorized representative, hereby acknowledges that Seller has read this Agreement, understands it and agrees to be bound by its terms and conditions.

IN WITNESS WHEREOF, City has caused this Agreement to be executed by its duly authorized undersigned officer and Seller has executed this Agreement on the date hereinabove first written. Approved by Tigard's Local Contract Review Board at their October 13, 2015 business meeting.

CITY OF TIGARD	TASER INTERNATIONAL
By: Authorized City Representative	By: Authorized Contractor Representative
Date	Date

EXHIBIT A
GOODS TO BE PROVIDED

Summary outlined in the table below:

Quote: Q-30639-2								
Taser Assurance Plan Purchase 2015: Contract	Qty	Unit Price	2015 YEAR 1	2016 Year 2	2017 Year 3	2018 Year 4	2019 Year 5	Total Contract Value
X2 CEW	60	$1,029.95	$61,797.00					$61,797.00
X2 CEW (spares)	2	$0.00	$0.00					$0.00
TPPM battery pack	76	$54.50	$4,142.00					$4,142.00
TPPM battery pack (extra)	2	$0.00	$0.00					$0.00
Dataport download kit	2	$0.00	$0.00					$0.00
Holsters (48 R/12 L)	60	$65.85	$3,951.00					$3,951.00
25' Smart Cartridges	150	$31.50	$4,725.00					$4,725.00
25' Inert Simulation Cartridges	20	$43.00	$860.00					$860.00
Training cartridges, 25'	200	$30.60	$6,120.00					$6,120.00
Taser Assurance Plan CEW	60	$211.15	$12,669.00	$12,669.00	$12,669.00	$12,669.00	$12,669.00	$63,345.00
Taser Assurance Plan DISCOUNT	0	$0.00	($12,000.00)					($12,000.00)
Taser Assurance Plan CEW	2	$0.00	$0.00					$0.00
Estimated shipping & Handling			$220.15					$220.15
Net 30 + tax/shipping			$82,484.15	12,669.00	12,669.00	12,669.00	12,669.00	$133,160.15

Detailed description of items as per the attached quote Q-30639-2 dated August 10, 2015.

EXHIBIT B

SELLER'S PROPOSAL

Please see attached quote Q-30639-2 Dated August 10, 2015

EXHIBIT C
CITY OF TIGARD, OREGON
GENERAL TERMS & CONDITIONS FOR THE PURCHASE OF SUPPLIES AND/OR SERVICES

1. DEFINITIONS: 'Contract' shall mean the entire written agreement between the Parties, including but not limited to any Invitation to Bid, Request for Proposal, or submitted quote and its specifications, terms, conditions, solicitation instructions, addenda, contract amendments, price agreement documents, and purchase order.

   'Contractor' shall mean a person or organization with which the City of Tigard has contracted for the purchase of goods or services. The terms 'Contractor' and 'Seller' are synonymous as used in the Uniform Commercial code (Oregon Revised Statute (ORS) chapter 72).

   'City' means the City of Tigard, Oregon and is synonymous with 'Buyer' as used in ORS chapter 12. 'City' shall also mean an Oregon Cooperative Procurement Program (ORCPP) member if the purchase is being made under the State's cooperative purchasing program as authorized by ORS 279A and Tigard's Public Contracting Rules.

   'Parties' shall collectively mean the 'City' and the 'Contractor'.

2. ACCEPTANCE OF CONTRACT: This Contract is the City's offer to purchase the goods and/or services described herein from the Contractor. The City's placement of this Contract is expressly conditioned upon Contractor's acceptance of all the terms and conditions of purchase contained on or attached to this Contract.

3. WORKERS' COMPENSATION: The Contractor, its subcontractors, and all employers providing work, labor, or materials under this Contract are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Oregon Workers' Compensation coverage that satisfies Oregon law for all their subject workers. Contractor shall also comply with ORS 279B.230 regarding payment for medical care.

4. STANDARD AND SPECIAL TERMS AND CONDITIONS: The terms and conditions printed on this page are standard to City contracts for the purchase of goods or trade services. There may also be special terms and conditions detailed in an Invitation to Bid, Request for Proposals, Quote Request, or other documents which may apply to this contract, and which are incorporated by this reference herein.

5. DELIVERY: All deliveries shall be F.O.B. destination with all transportation and handling charges paid by Contractor unless specified otherwise in the Contract. Responsibility and liability for loss or damage shall remain with Contractor until final inspection and acceptance when responsibility shall pass to the City except as to latent defects, fraud, and Contractor's warranty obligations.

6. INSPECTIONS: Goods furnished under this Contract shall be subject to inspection and test by the City at times and place determined by the City. If the City finds goods furnished to be incomplete or not in compliance with solicitation specifications, the City may reject the goods and require Contractor to either correct them without charge or deliver them at a reduced price, whichever is equitable under the circumstances. If Contractor is unable or refuses to cure any defects within a time deemed reasonable by the City, the City may reject the goods and cancel the contract in whole or in part. Nothing in this paragraph shall in any way affect or limit the City's rights as Buyer, including the rights and remedies relating to rejection under ORS 72.6020 and revocation of acceptance under ORS 72.6080.

7. WARRANTIES: Unless otherwise stated, all goods shall be new and current model and shall carry full manufacturer warranties. Contractor warrants all goods delivered to be free from defects in labor, material and manufacture and to be in compliance with solicitation specifications. All implied and expressed warranty provisions of the Uniform Commercial Code (ORS chapter 72) are incorporated in this contract. All warranties shall run to the City. Contractor warrants that the material and/or equipment furnished do not infringe any patent registered trademark or copyright, and agrees to save, hold harmless, and indemnify the City in the event of any claim of infringement.

8. CASH DISCOUNT: If the City is entitled to a cash discount, the period of computation shall commence on the date the entire order is delivered or the date the invoice is received, whichever is later.

9. PAYMENT: Payment for completion of City contracts is typically made within 30 days following the date the entire order is delivered or the date the invoice is received, whichever is later.

10. TERMINATION: This Contract may be terminated by mutual consent of both parties or by the City at its sole discretion. The City may cancel an order for goods at any time with written notice to Contractor, stating the extent and effective date of termination. Upon receipt of this written notice, Contractor shall stop performance under this Contract as directed by the City. If this Contract is so terminated, Contractor shall be paid in accordance with the terms of the Contract for goods

delivered and accepted if Contractor's damages arising out of return of the goods cannot be mitigated by the resale as provided in the Uniform Commercial Code (ORS 72.7060).

11. FORCE MAJEURE: Neither City nor Contractor shall be held responsible for delay or default caused by fire, riot, acts of God and/or war, which is beyond the Party's reasonable control. The City may terminate this contract upon written notice after determining such delay or default will reasonably prevent successful performance of this Contract.

12. BREACH OF CONTRACT: Should Contractor breach any of the provisions of this Contract, the City reserves the right to cancel this Contract upon written notice to Contractor. Contractor shall be liable for any and all damages suffered by the City as the result of Contractor's breach of Contract including but not limited to incidental and consequential damages, as provided in ORS 72.7110 to 72.7170. In the event of repeated breach of public and/or private contracts, Contractor shall be subject to disqualification for City contracts, as provided in ORS chapter 279B and Tigard's Public Contracting Rules.

13. INDEMNIFICATION: Contractor agrees to defend, indemnify, and hold harmless City, City's officers, employees, agents, and representatives from and against all liability, claims, demands, judgments, penalties, and causes of action of any kind or character, or other reasonable costs or expensed incidental to the investigation and defense thereof, of whatever nature, resulting from or arising out of the tortious acts or omissions, willful misconduct, or product defects of the Contractor or is subcontractors, agents, or employees under this Contract, except, however, that the foregoing shall not apply to liability that arises out of City's negligence.

14. ACCESS TO RECORDS: Contractor shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles and shall maintain any other records relating to this Contract in such a manner as to clearly document Contractor's performance hereunder. The City and its duly authorized representatives shall have access to such fiscal records and to all other books, documents, papers, plans and writings of Contractor which relate to this Contract, to perform examination, and audits and make excerpts and transcripts.

15. AMENDMENTS: The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever without prior written approval of the City.

16. SEVERABILITY: Nothing contained herein shall be construed to require the commission of any act contrary to law, and wherever there is any conflict between the provisions contained herein and any present or future statute, law, ordinance or regulation contrary to which to the parties have no legal right to contract, the latter shall prevail. The provision of this Contract, which is affected, shall be curtailed and limited only to the extent necessary to bring it within the requirement of the law.

17. WAIVER: Failure of the City to enforce any provision of this Contract shall not be a waiver or relinquishment by the City of its right to such performance in the future nor of the right to enforce any other provisions of this Contract.

18. GOVERNING LAW; JURISDICTION, VENUE: This Contract shall be governed and construed in accordance with the laws of the State of Oregon, without resort to any jurisdiction's conflict of laws, rules, or doctrines. Any claim, action, suit, or proceeding (collectively, "the Claim") between the City and the Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Washington County for the State of Oregon. Provided, however, if the claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the Portland office of the United States District Court for the District of Oregon. Contractor hereby consents to the in personam jurisdiction of said courts.

19. ASSIGNMENT/SUBCONTRACT/SUCCESSORS: The Contractor shall not assign or subcontract any of its rights or obligations hereunder without the prior written approval of the City. Any unapproved assignment shall be void. Contractor shall be fully responsible for the acts or omissions of any subcontractors and all persons employed by them, and neither the approval by City of any subcontract nor anything contained herein shall be deemed to create any contractual relation between the subcontractor and the City. The provisions of this Contract shall be binding upon, and shall inure to the benefit of, the Parties to the Contract and their respective successors and assigns.

20. COMPLIANCE WITH APPLICABLE LAWS: Contractor shall comply with all federal, state and local laws, codes, regulations and ordinances applicable to the provision of goods under this contract, including, without limitation, the provisions of ORS 279C.505, 279C.515, and 279B.235, as set forth below and the provisions of:(i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 (Pub L No 101- 336). ORS 659.425, and all amendments of and regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

21. PAYMENTS REQUIRED BY ORS 279C.505 AND 279B.220: For all goods provided under this Contract, Contractor shall (i) pay promptly, as due, all persons supplying labor or material; (ii) pay all contributions or amounts due the Industrial Accident Fund from the Contractor or any subcontractor; (iii) not permit any lien or claim to be filed or prosecuted against the state, county,

school district, municipality, municipal corporation or subdivision thereof; and (iv) pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

22. CITY PAYMENT OF CONTRACTOR CLAIMS: If Contractor fails, neglects, or refuses to pay promptly as due, any claim for labor or services furnished to the Contractor or any subcontractor by any person in connection with the goods provided under this Contract, the City may pay such claim and charge the amount of the payment against funds due or to become due the Contractor under this Contract. The payment of a claim by the City pursuant to paragraph 21 shall not relieve the Contractor or its surety, if any, from obligation with respect to any unpaid claims.

23. HOURS OF LABOR: No person shall be employed by the Contractor for more than ten hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where public policy absolutely requires it, and in such cases the laborer shall be paid at least time-and-a-half pay for all overtime in excess of ten hours a day and for work performed on Saturday and on the legal holidays, including each Sunday, as specified in ORS 279B.020 and 279C.540.

24. SAFETY AND HEALTH REQUIREMENTS: Goods and services provided under this Contract shall comply with all federal Occupational Safety and Health Administration (OSHA) requirements and with all Oregon safety and health requirements, including those of the State Workers' Compensation Division.

25. AWARD TO FOREIGN CONTRACTOR: If Contractor is not domiciled in or registered to do business in the State of Oregon, Contractor shall promptly provide to the Oregon Department of Revenue and the Secretary of State Corporation Division all information required by those agencies relative to this contract. The City shall withhold final payment under this contract until Contractor has met this requirement.

26. RECYCLABLE PRODUCTS: Contractor shall use recyclable products to the maximum extent economically feasible in the performance of this Contract. Contractor shall specify the minimum percentage of recycled product in the goods provided.

27. MATERIAL SAFETY DATA SHEET (MSDS): In accordance with the OR-OSHA Hazard Communication Rules in OAR chapter 437, Contractor shall provide the City with a Material Safety Data Sheet for any goods provided under this Contract which may release, or otherwise result in exposure to, a hazardous chemical under normal conditions of use (OAR 437-002-0360). In addition, Contractor must label, tag or mark such goods.

28. LICENSE/CERTIFICATION: The Contractor shall have a business license from the City and be EEO certified, if required under City Code.

AIS-2379			**10.**
Business Meeting			
Meeting Date:	10/13/2015		
Length (in minutes):	10 Minutes		
Agenda Title:	72nd and Dartmouth Intersection Improvements Developer Costs		
Prepared For:	Toby LaFrance	**Submitted By:**	Carol Krager, Central Services
Item Type:	Motion Requested	**Meeting Type:**	Council Business Meeting - Main
Public Hearing Newspaper Legal Ad Required?:	No		
Public Hearing Publication Date in Newspaper:			

Information

ISSUE

Shall Council authorize the City Manager to execute the attached letter fulfilling the intent of the signal funds collected from prior development in the Tigard Triangle and reimburse the developer who installed the traffic signals at the intersections of Dartmouth Street with 72nd and 68th Avenues?

STAFF RECOMMENDATION / ACTION REQUEST

Authorize the City Manager to execute the attached letter to reimburse Walmart Real Estate Business Trust for its portion of costs from the signal fund.

KEY FACTS AND INFORMATION SUMMARY

Since 1999, development in the Tigard Triangle has been contributing to a signal fund to pay their share for the future signalization of the intersections of Dartmouth Street with 72nd and 68th Avenues. The City of Tigard has maintained the signal funds in a liability account in the Gas Tax Fund. All the contributions totaling $343,475.66 are listed in Exhibit A.

This year, the Walmart Real Estate Business Trust completed and paid for the installation of signals at these two intersections. Their development impacts triggered the installation of both intersection signals. Consistent with the intent of the contributions from prior development, the Trust should be reimbursed for a portion of the cost from the collected

signal funds. During construction, change orders in the amount of $22,937 reduced the amount of the signal funds available to Walmart, making the total reimbursement $320,538.66. This is also on the attached Exhibit A.

In order to meet audit requirements, the City needs approval from an authorized body to make the reimbursement. Staff reviewed the development record for the Walmart Real Estate Business Trust and it does not provide this authorized approval. Attached to this agenda item is a letter from the City Manager to the Walmart Real Estate Business Trust. By Council authorizing the City Manager to execute the letter, the city can reimburse the Walmart Real Estate Business Trust in the amount of $320,538.66 and audit requirements will be met.

OTHER ALTERNATIVES

Council could choose to not authorize the City Manager at this time.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

DATES OF PREVIOUS CONSIDERATION

Fiscal Impact

Cost:	$320,538.66
Budgeted (yes or no):	Yes
Where Budgeted (department/program):	Public Works

Additional Fiscal Notes:

The payment to Walmart is a pass-through of contributions made by prior developers in the Tigard Triangle area. The cost of the reimbursement was accrued to last fiscal year. If Council authorizes the City Manager to execute the attached letter, the expense will come against FY 2015 Public Works budget which has sufficient remaining capacity to cover the expenditure.

There is no impact to the current FY 2016 Adopted Budget.

Attachments

Letter

Exhibit A

City of Tigard

Volker Heimeshoff
Vice President of Prototype and New Format Development
2001 Southeast 10th Street, MS 5510
Bentonville, AR 72716-5510

October 13, 2015

Re: Walmart Signal Reimbursement

Dear Mr. Heimeshoff:

Walmart recently completed construction of a Walmart store on property in the Tigard Triangle, which included the construction of traffic signals at the intersections of 72nd Avenue/Dartmouth and 68th Avenue/Dartmouth, as required by the City's land use approval. Generally, as a condition of development in the Tigard Triangle, all development must contribute funds to an intersection deposit account for future signalization within this area ("Signal Fund"). However, in lieu of this contribution, Walmart constructed these signals with the understanding that the City of Tigard would reimburse Walmart for a portion of its costs from the Signal Fund, once the project was complete. Walmart provided documentation of the costs of the signal installations in June 2015.

The City of Tigard and Walmart agree that Walmart is entitled to $320,538.66 as reimbursement for a portion of its costs for the Signal Fund. The City therefore authorizes reimbursing the Walmart Real Estate Business Trust from the Signal Fund.

Sincerely,

Martha Wine, City Manager
City of Tigard

Exhibit A

200	**GAS TAX FUND**					
LIABILITIES						
200-0000-22000	**Customer Deposits**		**Debit**	**Credit**		
06/22/2000	Cust Depst-68th/Dartmouth ROCKY MOUNTAIN LAND	68th/Dartmouth	0.00	533.00		
09/25/2000	Cust Depst-68th/Dartmouth DST - COUNTER	68th/Dartmouth	0.00	1,200.00		
05/05/2000	Cust Depst-68th/Dartmouth MAGNOLI HI-FI INC	68th/Dartmouth	0.00	2,000.00		
10/26/2000	Cust Depst-68th/Dartmouth DST - COUNTER	68th/Dartmouth	0.00	25,333.00		
10/24/2000	Cust Depst-68th/Dartmouth DST - COUNTER	68th/Dartmouth	0.00	26,667.00		
05/15/2001	Cust Depst-68th/Dartmouth DST- COUNTER	68th/Dartmouth	0.00	6,800.00		
07/17/2002	Cust Depst-68th/Dartmouth CD - COUNTER	68th/Dartmouth	0.00	9,067.00		
08/15/2003	Cust Depst-68th/Dartmouth CD - COUNTER	68th/Dartmouth	0.00	1,067.00		
05/21/2004	Cash Receipts Batch 221.05.2004	68th/Dartmouth	0.00	501.00		
06/28/2004	Cash Receipts Batch 228.06.2004	68th/Dartmouth	0.00	727.00		
08/20/2004	Cash Receipts Batch 220.08.2004	68th/Dartmouth	0.00	1,002.00		
05/25/2005	Cash Receipts Batch 225.05.2005	68th/Dartmouth	0.00	2,133.00		
10/19/2005	Cash Receipts Batch 219.10.2005	68th/Dartmouth	0.00	5,012.00		
09/14/2006	Cash Receipts Batch 214.09.2006	68th/Dartmouth	0.00	1,504.00		
06/09/2006	Cust Depst-68th/Dartmouth SDR2004-00012 CD C	68th/Dartmouth	0.00	2,005.00		
12/20/2007	Cash Receipts Batch 220.12.2007	68th/Dartmouth	0.00	1,002.50		
02/13/2007	Cash Receipts Batch 213.02.2007	68th/Dartmouth	0.00	42,105.00		
12/02/2008	Dartmouth Square LLC - SDR2006-10001/Dartmout	68th/Dartmouth	18,545.00	0.00		
01/18/2008	Cash Receipts Batch 218.01.2008	68th/Dartmouth	0.00	501.25		
05/14/2008	Cash Receipts Batch 214.05.2008	68th/Dartmouth	0.00	2,506.27		
06/27/2008	Cash Receipts Batch 227.06.2008	68th/Dartmouth	0.00	18,545.00		
04/27/2009	Cash Receipts Batch 227.04.2009	68th/Dartmouth	0.00	711.62		
07/02/2009	Cash Receipts Batch 202.07.2009	68th/Dartmouth	0.00	1,500.00		
05/29/2014	Customer Deposits CD Counter	68th/Dartmouth		3508.77	137,386.41	68th Intersection Contributions
12/17/1999	Cash Receipts - DOS JE 31	72nd/Dartmouth	0.00	10,000.00		
11/10/1999	Cash Receipts - DOS JE 18	72nd/Dartmouth	0.00	14,667.00		
12/17/1999	Cash Receipts - DOS JE 31	72nd/Dartmouth	0.00	20,000.00		
06/22/2000	Cust Depst-72nd/Dartmouth ROCKY MOUNTAIN LAND	72nd/Dartmouth	0.00	1,454.00		
09/25/2000	Cust Depst-72nd/Dartmouth DST - COUNTER	72nd/Dartmouth	0.00	4,000.00		
05/05/2000	Cust Depst-72nd/Dartmouth MAGNOLI HI-FI INC	72nd/Dartmouth	0.00	4,182.00		
10/26/2000	Cust Depst-72nd/Dartmouth DST - COUNTER	72nd/Dartmouth	0.00	5,818.00		
10/24/2000	Cust Depst-72nd/Dartmouth DST - COUNTER	72nd/Dartmouth	0.00	41,818.00		
05/15/2001	Cust Depst-72nd/Dartmouth DST- COUNTER	72nd/Dartmouth	0.00	2,364.00		
07/17/2002	Cust Depst-72nd/Dartmouth CD - COUNTER	72nd/Dartmouth	0.00	6,364.00		
08/15/2003	Cust Depst-72nd/Dartmouth CD - COUNTER	72nd/Dartmouth	0.00	2,182.00		
07/20/2004	Cash Receipts Batch 220.07.2004	72nd/Dartmouth	0.00	501.00		
05/21/2004	Cash Receipts Batch 221.05.2004	72nd/Dartmouth	0.00	712.00		
07/20/2004	Cash Receipts Batch 220.07.2004	72nd/Dartmouth	0.00	712.00		
06/28/2004	Cash Receipts Batch 228.06.2004	72nd/Dartmouth	0.00	1,067.00		
08/20/2004	Cash Receipts Batch 220.08.2004	72nd/Dartmouth	0.00	3,636.00		
05/25/2005	Cash Receipts Batch 225.05.2005	72nd/Dartmouth	0.00	6,909.00		
10/19/2005	Cash Receipts Batch 219.10.2005	72nd/Dartmouth	0.00	12,097.00		
06/09/2006	Cust Depst-72nd/Dartmouth SDR2004-00012 CD C	72nd/Dartmouth	0.00	712.00		
09/14/2006	Cash Receipts Batch 214.09.2006	72nd/Dartmouth	0.00	712.00		
12/20/2007	Cash Receipts Batch 220.12.2007	72nd/Dartmouth	0.00	712.00		
02/13/2007	Cash Receipts Batch 213.02.2007	72nd/Dartmouth	0.00	30,600.00		
12/02/2008	Dartmouth Square LLC - SDR2006-1000/Dartmouth	72nd/Dartmouth	14,536.00	0.00		
01/18/2008	Cash Receipts Batch 218.01.2008	72nd/Dartmouth	0.00	712.62		
05/14/2008	Cash Receipts Batch 214.05.2008	72nd/Dartmouth	0.00	10,674.26		
06/27/2008	Cash Receipts Batch 227.06.2008	72nd/Dartmouth	0.00	14,536.00		
04/27/2009	Cash Receipts Batch 227.04.2009	72nd/Dartmouth	0.00	711.62		
05/29/2014	Customer Deposits CD Counter	72nd/Dartmouth	0.00	22,771.75	206,089.25	72nd Intersection Contributions
					343,475.66	Total Contributions
1/31/2015	Signal Funds - 72nd & 68th/Dartmouth		44,412.00	0.00		
6/30/2015	Adjust Walmart share of 72nd & 69th/Dartmouth		0.00	21,475.00		
					-22,937.00	Adjustment for Change Order
					$ 320,538.66	**Amount due to Walmart**