



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: February 16, 2016 - 6:30 p.m.

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

PUBLIC NOTICE:

Times noted are estimated.

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 503-718-2419 (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).

VIEW LIVE VIDEO STREAMING ONLINE:

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

Workshop meetings are cablecast on Tualatin Valley Community TV as follows:

Replay Schedule for Tigard City Council Workshop Meetings - Channel 28

- Every Sunday at 12 a.m.
- Every Monday at 1 p.m.
- Every Thursday at 12 p.m.
- Every Friday at 10:30 a.m.

SEE ATTACHED AGENDA



City of Tigard

Tigard Workshop Meeting – Agenda

TIGARD CITY COUNCIL

MEETING DATE AND TIME: February 16, 2016 - 6:30 p.m.

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

6:30 PM

1. WORKSHOP MEETING
 - A. Call to Order - City Council
 - B. Roll Call
 - B. Pledge of Allegiance
 - D. Call to Council and Staff for Non-Agenda Items

2. ANNUAL REPORT ON THE MUNICIPAL COURT PROGRAMS AND CASELOAD - **6:35 p.m. estimated time**

3. DISCUSSION ON A POTENTIAL INTERGOVERNMENTAL AGREEMENT WITH METRO FOR A COMMUNITY PLANNING AND DEVELOPMENT GRANT - **7:00 p.m. estimated time**

4. DISCUSSION REGARDING RENEWING ANNEXATION INCENTIVES - **7:20 p.m. estimated time**

5. NON AGENDA ITEMS

6. 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. ADJOURNMENT - **7:40 p.m. estimated time**

AIS-2531

2.

Workshop Meeting

Meeting Date: 02/16/2016

Length (in minutes): 25 Minutes

Agenda Title: Tigard Municipal Court Annual Report

Prepared For: Nadine Robinson, Central Services

Submitted By: Nadine Robinson, Central Services

Item Type: Update, Discussion, Direct Staff

Meeting Type: Council
Workshop
Mtg.

Public Hearing: No

Publication Date:

Information

ISSUE

Judge O'Brien and Nadine Robinson, Central Services Director, will provide an update on the status of the municipal court's programs and caseload.

STAFF RECOMMENDATION / ACTION REQUEST

N/A

KEY FACTS AND INFORMATION SUMMARY

As in previous years, the court's 2015 caseload was predominantly minor traffic violations. Recognizing that for many citizens resolving a citation is the only contact they will have with the judicial system the court continues to assign high priority to public education about Oregon law and traffic safety.

In 2015 5,590 violations were filed in municipal court. Of those, convictions were entered in 78% of the cases. During this time period, the court imposed \$1,033,419 in fines and assessments. The court collected \$899,885 in fines and assessments that were imposed over multiple years. Included in the total imposed and collected are statutory assessments that are required to be remitted to state and local agencies.

The major change in municipal court in 2015 was the expansion of the diversion program. In FY 14-15, approximately 10% of defendants were offered the opportunity to participate in a traffic safety diversion. Since September, 20% of court customers have elected to participate in a program.

Because the program began in the last quarter of CY 2015, there is insufficient data at this point to reach any firm conclusions about compliance rates and fiscal impacts. However, the

preliminary data for the primary traffic safety class being offered, Choices 1, shows that 92% of defendants have successfully completed the program. Additionally, an unaudited review of the financial data shows the program is revenue neutral.

We were happy to welcome a court operations supervisor to the staff in December. Anna Mae Gliebe comes to Tigard after serving as a court clerk with the Beaverton Municipal Court for the five years. We believe the expertise Anna Mae brings to the position will improve efficiency and enhance the service provided to the public.

OTHER ALTERNATIVES

N/A

COUNCIL GOALS, POLICIES, APPROVED MASTER PLANS

The court supports the strategic plan by providing information to the public that promotes safety. The main tools to provide information are brochures, Cityscape articles and the website.

DATES OF PREVIOUS COUNCIL CONSIDERATION

The annual report for 2014 was presented February 17, 2014.

Attachments

2016 Annual Court Report

Annual Court Report PPT



City of Tigard Memorandum

To: Honorable Mayor and City Council

From: Michael J. O'Brien, Presiding Judge
Nadine Robinson, Central Services Director
Anna May Gliebe, Court Operations Supervisor

Re: 17th Annual Report from Tigard Municipal Court

Date: February 1, 2016

We are pleased to present our 17th annual review of Tigard Municipal Court (TMC) operations and policies to Council and the City Manager.

1. Highlights of 2015: Beginning in September, the court implemented the expanded traffic diversion program approved by Council in August. Preliminary data suggests that the program is functioning as expected. During the last quarter of 2015, the court reorganized, resulting in the hiring of a court operations supervisor.

2. 2015 Caseload (Table 1): Last year the court adjudicated 5,990 traffic, misdemeanor, parking and civil offenses, about 10% less than in 2014.

2015	5,990
2014	6,675
2013	7,180
2012	9,105
2011	8,349

Monthly fluctuations in court filings ranged from a high of 703 in March to a low of 344 in October. The October caseload was one of our lowest in many years, but fortunately it coincided with a period of recruitment and staff cross-training that had been anticipated long in advance.

The majority of the court's caseload, as in past years, consists of traffic violations under Chapter 811 of the Oregon Revised Statutes and Tigard ordinances. The three most common

violations and their percentages remained unchanged from 2014:

Violation types	2015	2014
Speeding	2,172	2,369
Cellphones	806	1,044
Traffic control	659	712
Total	3,637	4,125
% of caseload	61	62

Citations for license and insurance violations continued at a high level in 2015, constituting 14% of the court's caseload. Other common violations included: Unlawful passing Following too closely, Careless driving and Failure to use safety belts.

3. Disposition of cases by percentage in 2015:

Guilty by judge:	31%
Guilty by clerk:	32
Guilty by default:	15
Acquitted or dismissed:	16
Other:	6

4. Tigard Police Department's Distracted Driver Diversion Program (DDDP): To be eligible for the DDDP, drivers must personally appear in court and have a clear record for the past two years. They are required to take a class and pay an \$80 fee to the court along with an additional \$25 fee for the class within 90 days. Eligible drivers rarely declined the opportunity to participate.

The vast majority (81%) of the 359 drivers who chose to enter the DDDP program completed it successfully, resulting in dismissal of their citations. Since drivers must plead "no contest" to enter the program, guilty findings and fines were imposed on the 18% who failed to meet all diversion requirements.

5. Expanded traffic diversion program: As authorized by Council last August, the court has expanded eligibility for traffic diversion programs to all drivers with clear records for the previous five years. The requirements are otherwise the same as those for the DDDP, though the court fee depends on the level of the offense, ranging from \$55 for a Class D violation to \$220 for a Class A violation.

Because the program only began in the last quarter of CY 2015, there is insufficient data at this point to reach any firm conclusions about compliance rates and fiscal impacts. However, preliminary figures suggest that compliance rates are around 85%, or almost the same as the current DDDP percentage.

6. New legislation: Unlike recent years, when fine schedules were routinely revised

from one session to the next, the 2015 legislative session took no action that affected the daily operation of courts. Courts are now required to permit recording of court proceedings upon request, subject to certain conditions, but the impact is likely to be small.

During the coming session, Oregon legislators may consider amending the state statute on mobile communications devices in response to a recent Court of Appeals decision that narrows its scope significantly.

7. Public information programs: The court continues to assign high priority to public education about Oregon law and traffic safety. Our goal is to utilize a defendant's time in court and at the counter to maximize the impact of the process thereby reducing recidivism. The judge's Rules of the Road column appears monthly in Cityscape, as it has since 2007.

8. 2015 fiscal highlights:

- Total fines and fees imposed: \$1,033,419
- Total amount collected including fines and state and county fees: \$899,885
- E-payments totaled \$188,786

9. Staff development: The judge and court manager attended the ODOT Judicial Education conference in March. The judge also attended the Oregon Municipal Judges' Association (OMJA) Fall Conference in September, where he participated in a panel discussion. He also completed his first year of service as a member of the OMJA Board of Directors. In December, Anna Mae Gliebe joined the Tigard Municipal Court as the new Court Operations Supervisor.

Court clerks Brenda Annis and Morgan McFadden each attended one of the biannual conferences sponsored by the Oregon Association for Court Administration. Court clerk Morgan McFadden also participates in tutoring to increase her fluency in Spanish.

In closing, we wish to note the December retirement of Court Clerk Christine Snodgrass, who ably served the City since she joined our staff in 1989. We also wish to acknowledge the dedication and professionalism of Brenda Annis and Morgan McFadden during 2015.

Please let us know if you require any additional information.

City
of
Tigard



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

2016 Annual Report to Council

Tigard Municipal Court

Michael J. O'Brien, Presiding Judge

Nadine Robinson, Central Services Director

Anna Mae Gliebe, Court Operations Supervisor

Presented to: Tigard City Council

February 16, 2016



Municipal Court Programs

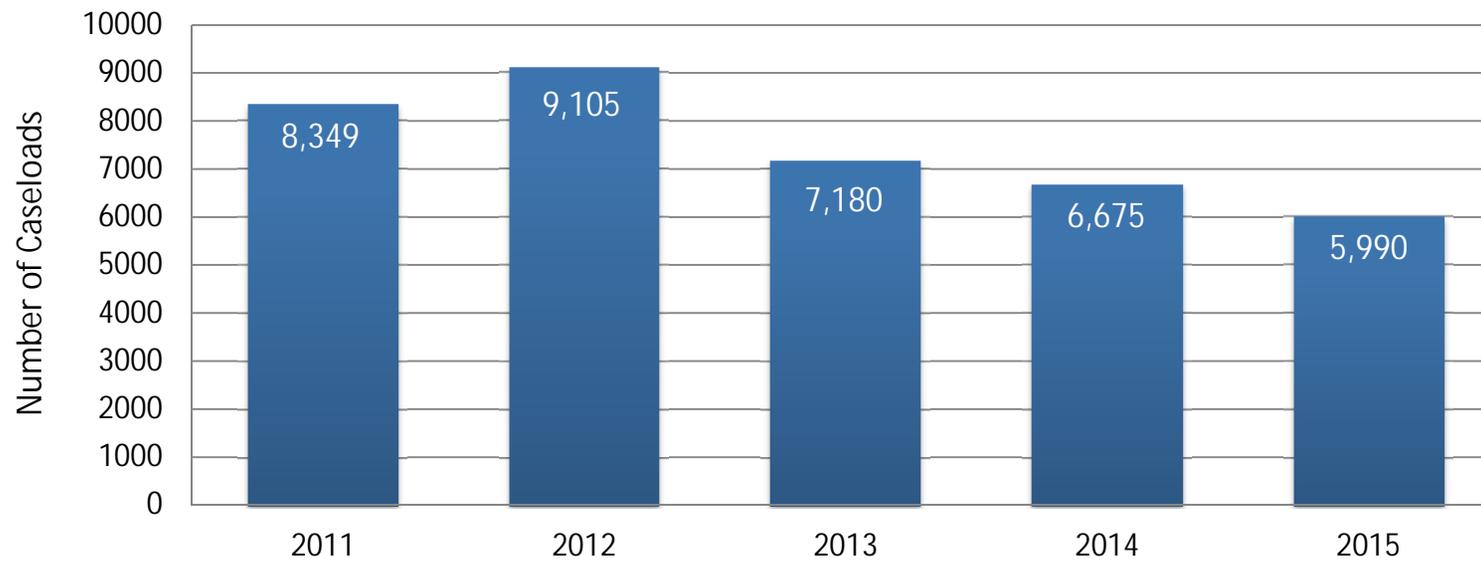
1. Traffic
2. Civil infractions
3. Youth Court
4. Public information

2015 Calendar Year Highlights

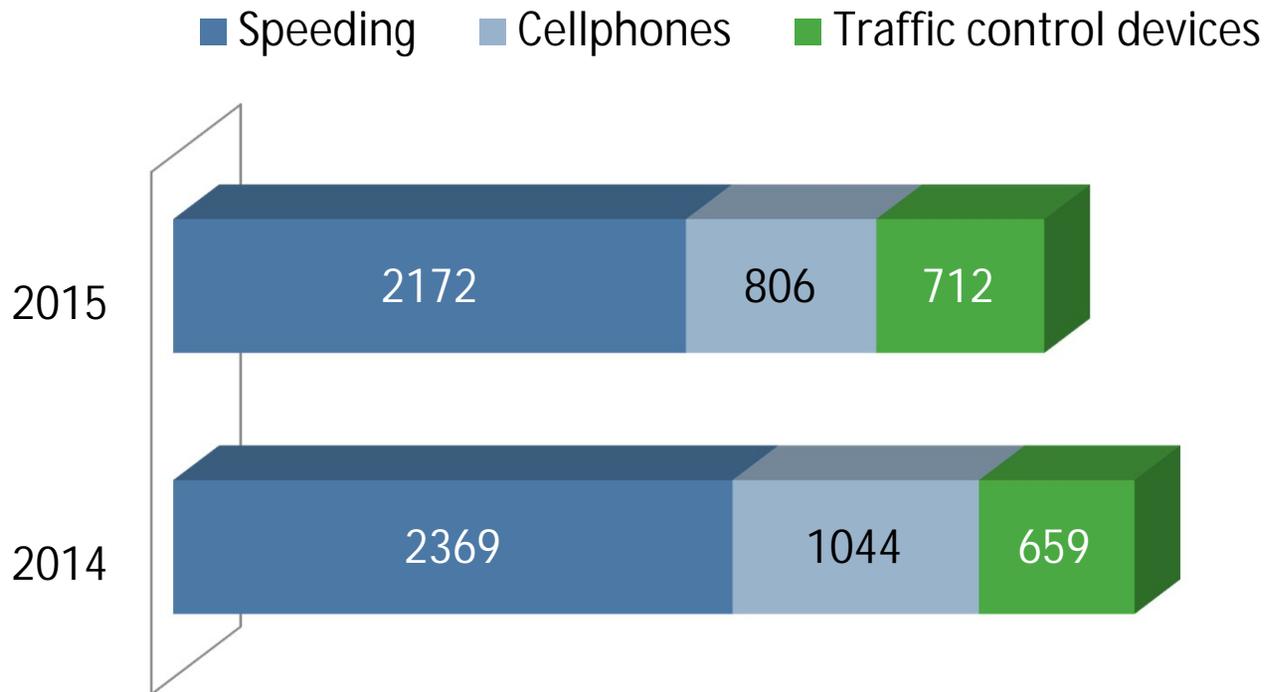
- ▶ 5,990 violations filed
- ▶ 10% below 2014
- ▶ Implemented expanded traffic diversion program
- ▶ Reorganized court structure and recruited Court Operations Supervisor

Violations filed 2011 – 2015

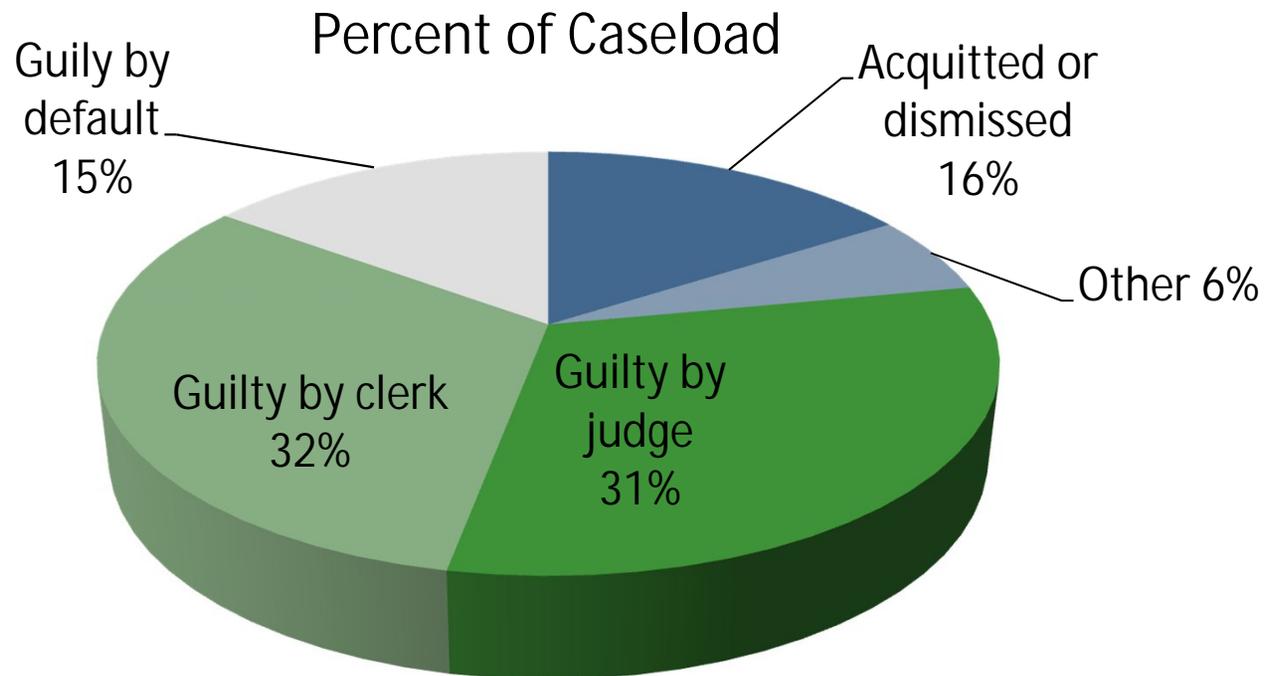
Annual Court Caseloads



Three Most Common Violations



2015 Dispositions



Philosophy and Goals

- ▶ Provide an impartial forum for adjudications
- ▶ Promote public safety through education and sanctions on offenders
- ▶ Full opportunity to be heard and considered in court
- ▶ Respectful courtroom and administrative process for all parties and witnesses
- ▶ Fair, professional and efficient dispositions

Sanctions Philosophy

- ▶ Proportionate sanctions to deter subsequent offenses
- ▶ Consider individual circumstances consistent with law and workloads
- ▶ Reduce recidivism through education about public safety, relevant laws and legal processes
- ▶ Diversion programs to provide traffic safety education

Diversion Programs – 2015

- ▶ September: expanded traffic diversions began
- ▶ TPD Distracted Driver Diversion Program:
 - ▶ 45% of 806 drivers with cellphone violations enrolled
 - ▶ 81% dismissed or still pending
 - ▶ 18% converted to guilty findings, convictions

Expanded diversions in 2015

- ▶ Eligibility: licensed adults with clear records for 5 years (about 20% of caseload)
 - ▶ DDD Program: 2-year “lookback”
- ▶ Administrative fee equal to minimum fine – becomes a judgment if noncompliant, goes on DMV record
- ▶ Pay for and attend approved safety class within 90 days
- ▶ Citation then dismissed – no DMV entry

Safety education programs– 2015

- ▶ Tigard Police Department's Distracted Driver Diversion Program
- ▶ Court Services Institute classes
- ▶ Trauma Nurses Talk Tough (Legacy)
- ▶ Young Driver Improvement (Legacy)
- ▶ AARP Smart Driver classes
- ▶ SAFE classes

Compliance Program - 2015

- ▶ Fix-It program for equipment violations – \$40 administrative fee, then dismissal
- ▶ Driving While Suspended / No Operator's License: fines reduced if in compliance
- ▶ Insurance violations:
 - ▶ Dismissed under ORS if valid at stop
 - ▶ Fines reduced upon proof of compliance after stop

Budget Highlights — 2015

- ▶ Total financial obligation imposed: \$1,033,419
- ▶ Total amount collected, includes fines and state and county fees: \$899,844
- ▶ E-payments totaled \$188,786

Public Information Program

- ▶ Information provided in the courtroom, at the counter and online
- ▶ Safety education promoted through expanded diversion programs
- ▶ Brochures and handouts on various subjects
- ▶ Online court rules for attorneys, general public
- ▶ Judge's "Rules of the Road:" over 100 columns since 2007

Other Court Activities

- ▶ Judge attended ODOT's annual Judicial Education Conference and OMJA Fall Conference
- ▶ Judge served on OMJA Board of Directors
- ▶ Court Clerks Brenda Annis and Morgan McFadden attended OACA conferences
- ▶ Court Clerk Morgan McFadden is participating in tutoring to increase fluency in Spanish

Tigard Municipal Court

13125 SW Hall Blvd.

Tigard, Oregon 97223

Court Operations Supervisor:

Anna Mae Gliebe

Court Clerks:

Brenda Annis

Morgan McFadden

www.tigard-or.gov/court

AIS-2496

3.

Workshop Meeting

Meeting Date: 02/16/2016

Length (in minutes): 20 Minutes

Agenda Title: Metro IGA for Tigard Triangle Grant Award

Prepared For: Susan Shanks

Submitted By: Susan Shanks,
Community Development

Item Type: Update, Discussion,
Direct Staff

Meeting Type: Council
Workshop
Mtg.

Public Hearing No

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Should the city enter into an Intergovernmental Agreement (IGA) with Metro for \$145,250 in Community Planning and Development Grant (CPDG) funds for the purpose of implementing the Tigard Triangle Strategic Plan?

STAFF RECOMMENDATION / ACTION REQUEST

This briefing is for informational purposes only. Staff recommends that Council consider entering into the attached IGA with Metro at their February 23, 2016 business meeting.

KEY FACTS AND INFORMATION SUMMARY

The city submitted a CPDG application to Metro in June 2015 requesting funds to implement key recommendations contained in the Tigard Triangle Strategic Plan. In its application, the city requested \$145,250 in grant funds and proposed to commit consultant budget and staff time as its local grant match, totaling \$67,500 and \$90,500 respectively.

Metro Council approved the city's grant request in November 2015, and the attached IGA formally acknowledges the grant award, describes the funding terms, and summarizes the city's performance responsibilities. Exhibit A, which is attached to the IGA, identifies the milestones, deliverables, and reimbursement schedule specific to this grant award.

The Tigard Triangle Lean Code is included as a deliverable in Exhibit A with no grant payment. This is because the \$67,500 budget for this deliverable represents the city's total

consultant match. This part of the project is currently underway through a contract with Placemakers. The remaining key deliverables included in Exhibit A that are not yet underway and which will be funded by this grant are as follows:

- Streetscape Design Plan
- Opportunity Site Analysis
- Urban Renewal Plan
- Urban Renewal Educational Campaign and Rebranding Strategy

These grant-funded deliverables will be developed with the assistance of a consultant team. To that end, staff developed a detailed scope of work and prepared and published a Request for Proposals on January 22, 2016. Staff intends to brief Council on the scope of work and RFP results, including a proposed contract award, at their upcoming March 8 meeting. Any future contract awarded to the successful proposer is contingent upon the city entering into this IGA with Metro.

OTHER ALTERNATIVES

Council may choose not to enter into this IGA with Metro. This would not affect the Lean Code project, but it would result in either delaying or abandoning the other aspects of this project.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

Council Goal 3: Adopt and Begin Implementation of Tigard Triangle Strategic Plan
Approved Plan: Tigard Triangle Strategic Plan adopted March 2015

DATES OF PREVIOUS CONSIDERATION

Council directed staff to submit a CPDG application to Metro in June 2015.

Attachments

Final Draft IGA

**CONSTRUCTION EXCISE TAX GRANT
INTERGOVERNMENTAL AGREEMENT
Metro – City of Tigard
Tigard Triangle Walkable Suburban Development Project**

This Construction Excise Tax Grant Intergovernmental Agreement (“Agreement”) is effective on the last date of signature below, and is entered into by and between Metro, a metropolitan service district organized under the laws of the state of Oregon and the Metro Charter, located at 600 Northeast Grand Avenue, Portland OR, 97232 (“Metro”), and the City of Tigard (“City”), located at _____, collectively referred to as “Parties.”

WHEREAS, Metro has established a Construction Excise Tax (“CET”), Metro Code Chapter 7.04, which imposes an excise tax throughout the Metro regional jurisdiction to fund regional and local planning that is required to make land ready for development after inclusion in the Urban Growth Boundary; and

WHEREAS, the CET is collected by local jurisdictions when issuing building permits, which the local jurisdictions then remit to Metro pursuant to Construction Excise Tax Intergovernmental Agreements to Collect and Remit Tax entered into separately between Metro and the local collecting jurisdictions; and

WHEREAS, the City has submitted a CET Grant Request (“Grant Request”) for the Tigard Triangle Walkable Suburban Development Project (“Project”); and

WHEREAS Metro has agreed to provide the City CET Grant funding for the Project in the amount of \$145,250, subject to the terms and conditions set forth herein, and the parties wish to set forth the funding amounts, timing, procedures and conditions for receiving grant funding from the CET fund for the Project.

NOW THEREFORE, the Parties hereto agree as follows:

1. Metro Grant Award. Metro shall provide CET grant funding to the City for the Project as broadly described in the City’s CET Grant Request, attached hereto as Exhibit B and incorporated herein (“Grant Request”), in the amounts and at the milestone and deliverable dates as set forth in Exhibit A attached hereto and incorporated herein, subject to the terms and conditions in this Agreement. In the event of a conflict between Exhibit A and Exhibit B, Exhibit A shall govern.
2. City Responsibilities. The City shall perform the Project as broadly described in the Grant Request and as specified in this Agreement and in Exhibit A, subject to the terms and conditions specified in this Agreement and subject to the “funding conditions” recommended by the Metro Chief Operating Officer and adopted by the Metro Council in Resolution No. 15-4640. The City shall obtain all applicable permits and licenses from local, state or federal agencies or governing bodies related to the Project, and the City shall use the CET funds it receives under this Agreement only for the purposes specified in the Grant Request and to achieve the deliverables and/or milestones set forth in Exhibit A. In the event of a conflict between Exhibit A and Exhibit B, Exhibit A shall govern.
3. Payment Procedures. Within 30 days after the completion of each deliverable/milestone as set forth in Exhibit A, the City shall submit to Metro an invoice describing in detail its expenditures as may be needed to satisfy fiscal requirements. Within 30 days of receiving the City’s invoice and supporting documents, and

subject to the terms and conditions in this Agreement, Metro shall reimburse the City for its eligible expenditures for the applicable deliverable as set forth in Exhibit A. Metro shall send CET payments to:

City of Tigard
_____ Department
Attention: _____

4. Funding Provisions.

(a) CET Funds. Metro’s funding commitment set forth in this Agreement shall be fulfilled solely through the programming of CET funds; no other funds or revenues of Metro shall be used to satisfy or pay any CET Grant funding commitments. The parties recognize and agree that if the CET is ever held to be unenforceable or invalid, or if a court orders that CET funds may no longer be collected or disbursed, that this Agreement shall terminate as of the effective date of that court order, and that Metro shall not be liable in any way for funding any further CET grant amounts beyond those already disbursed to the City as of the effective date of the court order. In such case the City shall not be liable to Metro for completing any further Project deliverables as of the date of the court order.

(b) Waiver. The parties hereby waive and release one another for and from any and all claims, liabilities, or damages of any kind relating to this Agreement or the CET.

5. Project Records. The City shall maintain all records and documentation relating to the expenditure of CET Grant funds disbursed by Metro under this Agreement, as well as records and documentation relating to the \$158,000 financial match being provided by the City for the Project. The City shall provide Metro with such information and documentation as Metro requires for implementation of the CET grant process. The City shall establish and maintain books, records, documents, and other evidence in accordance with generally accepted accounting principles, in sufficient detail to permit Metro or its auditor to verify how the CET Grant funds were expended, including records demonstrating how City matching funds were expended. Metro and its auditor shall have access to the books, documents, papers and records of the City that are directly related to this Agreement, the CET grant moneys provided hereunder, or the Project for the purpose of making audits and examinations.

6. Audits, Inspections and Retention of Records. Metro and its representatives shall have full access to and the right to examine, during normal business hours and as often as they deem necessary, all City records with respect to all matters covered by this Agreement and Exhibit A. Such representatives shall be permitted to audit, examine, and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls and other matters covered by this Agreement. All documents, papers, time sheets, accounting records, and other materials pertaining to costs incurred in connection with the project shall be retained by the City and all of their contractors for three years from the date of completion of the project, or expiration of the Agreement, whichever is later, to facilitate any audits or inspection.

7. Term. This Agreement shall be effective on the date it is executed by both parties, and shall be in effect until all deliverables/milestones have been achieved, all required documentation has been delivered, and all payments have been made as set forth in Exhibit A, unless terminated earlier pursuant to this Agreement.

8. Amendment. This Agreement may be amended only by mutual written agreement of the Parties.

9. Other Agreements. This Agreement does not affect or alter any other agreements between Metro and the City.

10. Authority. City and Metro each warrant and represent that each has the full power and authority to enter into and perform this Agreement in accordance with its terms; that all requisite action has been taken by the City and Metro to authorize the execution of this Agreement; and that the person signing this Agreement has full power and authority to sign for the City or Metro, respectively.

Metro

City of Tigard

By: _____
Martha Bennett

By: _____

Title: Metro Chief Operating Officer

Title: City Manager

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

By: _____
Alison R. Kean

By: _____

Title: Metro Attorney

Title: City Attorney

Date: _____

Date: _____

Attachments:

Exhibit A – Milestones and Deliverables Schedule

Exhibit B – City’s Grant Request

Exhibit A

IGA for Community Planning and Development Grants funded with CET Tigard Triangle Walkable Suburban Development

Milestone and Deliverables Schedule for Release of Funds

Milestone	Deliverable	Date Due*	Grant Payment
1	Execution of CET Grant IGA a) Signed IGA document	Feb 29, 2016	\$0
2	Lean Code Development a) Stakeholder Engagement b) Draft Code and Related Amendments c) PC and CC Briefings d) Public Review & Comment	Oct 31, 2016	\$0
3	Lean Code Adoption a) Public Notice & Comment b) PC and CC Hearings c) CC Adoption	Dec 31, 2016	\$0
4	Urban Renewal Plan Development a) Urban Renewal Plan b) Opportunity Site Analysis c) Streetscape Design Plan d) Stakeholder Engagement e) TAC and CAC Review & Comment f) PC and CC Briefings g) Public Review & Comment h) Midterm progress report	Dec 31, 2016	\$105,250
5	Urban Renewal Plan Adoption a) Public Notice & Comment b) PC & CC Hearings c) CC Adoption	Jan 31, 2017	\$0
6	Urban Renewal Campaign & Rebranding Strategy a) Campaign and Rebranding Strategy b) Campaign and Rebranding Materials c) Campaign and Rebranding Implementation d) Urban Renewal Public Vote (May 16, 2017) e) Final Progress Report with performance measures	Jul 31, 2017	\$40,000
7	Next Steps [only necessary if Urban Renewal public vote fails]	Nov 30, 2017	\$0

	<ul style="list-style-type: none"> a) Voting Analysis (including likely cause(s) of failure) b) Alternatives Analysis & Recommendation(s) c) CC Briefing(s) d) CC Direction e) Final Progress Report with performance measures 		
TOTAL REIMBURSABLE AMOUNT			\$145,250**

* Due dates are intended by the parties to be hard estimates of expected milestone completion dates. If the City anticipates that a due date cannot be met due to circumstances beyond its control, it shall inform Metro in writing no later than ten (10) days prior to the due date set forth above and provide a revised estimated due date; and Metro and the City shall mutually agree upon a revision to the milestone due dates set forth in this Agreement.

** If the Grant contained any Funding Conditions, Grantee shall demonstrate satisfaction with those conditions at the applicable milestone or deliverable due dates.

Note:

City of Tigard financial match = \$67,500. City of Tigard in-kind match = \$90,500.

Acronyms:

PC = Planning Commission

CC = City Council

TAC = Technical Advisory Committee

CAC = Citizen Advisory Committee

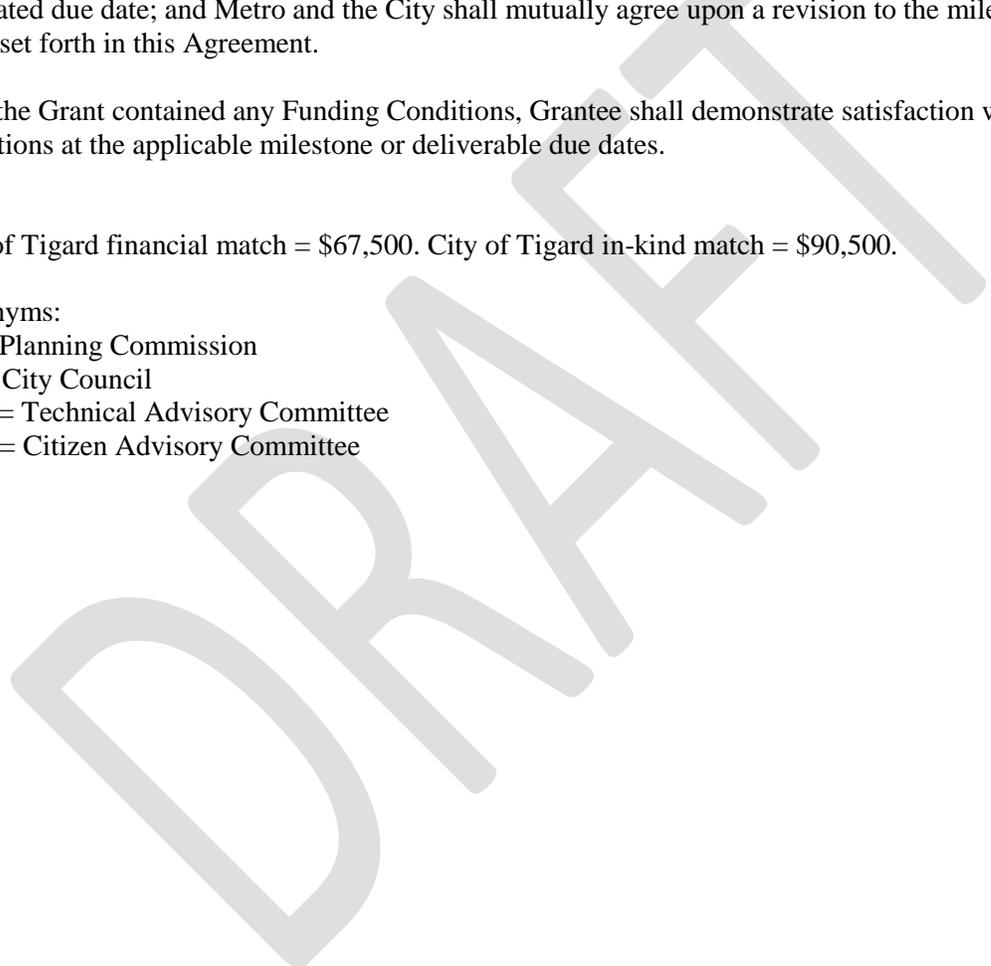


Exhibit B

Community Planning and Development Planning Grant Cover Sheet

Check one:
 Letter of Intent
 Full Application

Project Name	Tigard Triangle Walkable Suburban Development	Applicant Organization	City of Tigard
Contact Name	Cheryl Caines, Associate Planner	Address	13125 SW Hall Blvd.
Phone	(503) 718-2437	Fax	503-684-7297
Email	cherylc@tigard-or.gov	Fed. Tax ID #	93-0503940

Fiscal Agent Organization (if different from applicant) _____

Contact Name	_____	Address	_____
Phone	_____	Fax	_____
Email	_____		

Project Location Description (25 words or less)

The Tigard Triangle is seven miles south of downtown Portland, just east of Downtown Tigard, and bound by Interstate 5, Highway 217, and Highway 99W.

Project Summary (50 words or less)

This application is offered as an investigation of walkable, mixed use development feasibility within the Tigard Triangle that leads to identification of optimal sites, partnerships, and development tools to facilitate such development and transforms the Triangle's image from a suburban/commuter area to a mixed-use/pedestrian-oriented district that supports regional housing.

CPDG funding request	\$	145,250	If submitting more than one proposal, please rank this proposal in order of priority	Metro Council District of Project
Total project cost	\$	303,340		

We, the undersigned, attest that to the best of our knowledge the information in this application is true and that all signatories have authorization to submit this grant application to Metro's Community Planning and Development Grants Program.

Applicant

Organization Name	City of Tigard		
Printed Name	Kenny Asher, Community Development Director		
Signature		Date	6-1-15

Fiscal Agent

Organization Name	_____		
Printed Name	_____		
Signature	_____	Date	_____

To ensure complete letter of intent or full application, please see section 2 of the CPDG Application Handbook for a complete list of necessary documents for submittal.

May 27, 2015



Martha Bennett, Metro Chief Operating Officer
Community Development and Planning Grants, *Attn: Gerry Uba*
600 NE Grand Avenue
Portland, OR 97232

Re: Community Planning and Development Grant Application-Tigard Triangle

Dear Martha,

On behalf of the City of Tigard and the Tigard City Council, I am pleased to submit this grant application to complete pre-development activities within the Tigard Triangle. The Tigard City Council authorized the application by resolution on May 26, 2015.

The Tigard Triangle project is for pre-development feasibility assistance that will lead to:

- Adoption of a new “Lean Code” that emphasizes design and is largely form-based, is efficiently administered and results in development that contributes to the district’s strong and clear pedestrian orientation;
- Identification of optimal sites, partnerships and development tools to facilitate a mixed-use, walkable development patterns in the district, and completion of pre-development activities for a walkable, mixed-use project on at least one site;
- Utilization of urban renewal as a tool to encourage this development pattern; and
- Re-branding of the Triangle from a “drive-to” big box and office center to a pedestrian-oriented, mixed-use district.

This project will build upon the Tigard Triangle Strategic Redevelopment Plan (*completed March 2015*) which details the long-range vision for the Triangle. The plan includes a diverse mix of uses, improved connectivity for all travel modes and an enjoyable walking environment. Implementation strategies were also identified in the plan, and several are part of the proposed grant application - including the drafting and adoption of new Triangle code regulations, identification of catalyst sites and consideration of urban renewal as a funding tool for needed infrastructure.

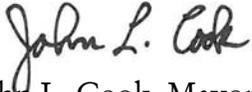
The City of Tigard is dedicated to transforming the Triangle’s development capacity and changing the area into a walkable, mixed-use district. With Metro's assistance, this project will establish a new

development pattern in the Triangle that aligns with Tigard's vision for the role the Triangle will play as part of the Tigard Town Center.

This grant application is one of two requests the city has for CET grant funds. The Tigard Triangle Walkable Suburban Development project is our second highest priority.

If you have questions concerning this application, please contact Community Development Director Kenny Asher at 503-718-2443 or KennyA@tigard-or.gov.

Sincerely,

A handwritten signature in black ink that reads "John L. Cook". The signature is written in a cursive style with a large initial "J".

John L. Cook, Mayor
City of Tigard



Tigard Triangle Walkable Suburban Development Implementation Community Planning & Development Grant Application *June 1, 2015*

PROJECT NARRATIVE

A. Project Description

The Tigard Triangle Community Planning and Development project will support pre-development assistance that:

- Prepares and adopts a new “Lean Code” that emphasizes design and is largely form-based, is efficiently administered and used, and results in development that contributes to the district’s strong and clear pedestrian orientation
- Identifies optimal sites, partnerships and development tools to facilitate a new, walkable development pattern in the district
- Completes predevelopment activities for a walkable mixed use development project on at least one site.
- Examines urban renewal as a tool to encourage this development pattern
- Rebrands the Triangle from a “drive-to” big box and office center, to a pedestrian-oriented, mixed use district

The following is a detailed work plan describing project goals and expected outcomes, and work products to be produced as a result of work by the City and through proposed grant funding. Attachment 1 shows the Tigard Triangle district, and Attachment 2 sample photos of the area.

1. A Lean Code for the Tigard Triangle-Milestone 1

The City intends to develop implementing regulations that will foster development of a walkable and interconnected community within the 450-acre area known as the Tigard Triangle. The Triangle is an existing plan district that has struggled to develop as originally envisioned with a mix of uses and a strong pedestrian/bikeway system. Having just completed a community-supported concept plan update, the *Tigard Triangle Strategic Redevelopment Plan*, focus now turns to implementation and modification of city regulations. Three principal objectives are sought:

1. Design: New development in the Tigard Triangle will result in a walkable community where people enjoy healthy and interconnected lives. This primarily means incentivizing and requiring the development of streets, blocks, buildings, landscaping and access-ways that usher in a highly walkable environment for Triangle residents, workers, and visitors.
2. Process: The new code will enable development to occur without lengthy review time or undue expense. The code should be largely form-based, simple to understand, grounded in common sense, and supportive of entrepreneurial development and small, local enterprise.
3. Results: By implementing a “lean” code, a mixture of development projects should be incentivized, including temporary uses to demonstrate new ideas for using land and establishing the Tigard Triangle as an exciting place and burgeoning community. A key feature of the new code will be its appeal to developers, builders and property owners even with its rigorous pedestrian orientation.

Task 1.1. Establish Public Involvement Process

- Prepare and execute public involvement plan
 - Re-engage stakeholders active in the *Tigard Triangle Strategic Redevelopment Plan*
 - Seek opportunities to build relationships and bring new viewpoints to the project
 - Build support from people who are invested in the Triangle or want to help shape the community
- Ensure that the vision and plans are inclusive of the communities represented here

Task 1.2. Background Research

- Review existing plans, reports and other documents
- Identify lean code examples and precedents
- Identify options for efficient code administration

Task 1.3. Develop Lean Code Elements:

- Pedestrian Oriented Streets - Some building sites face conflicts between providing building frontage along key pedestrian streets and at prominent corners, while still allowing for parking. Design standards are needed to make all streets pedestrian friendly while still allowing for parking, automobile access and development feasibility.
- Connectivity - There is a lack of pedestrian connectivity between existing developments as well as an incomplete street/sidewalk system that makes it difficult to move through the Triangle without traveling by car. Implementation will need to ensure that pedestrian connections are made between developments and within large development sites.
- Transportation - Existing parking standards do not support a walkable, mixed-use style of development and so are expected to change. However, the area has limited transit service and is difficult to reach by biking or walking from other areas. The Triangle’s location offers easy auto access and is attractive to employers/businesses for that reason. Parking requirements need to acknowledge the transitional nature of the district without perpetuating over-reliance on vehicle travel.
- Flexibility - Natural features, topography, and existing development patterns sometimes do not allow for strict adherence to the code. Flexibility is needed in design standards to accommodate these factors.
- Existing Small Lots - Several areas of the Triangle were historically residential with single family homes on small lots. These homes and small lot pattern remain, resulting in large areas under multiple ownerships. Existing codes and regulations discourage small scale development. Yet to achieve a critical mass of people in the district, development at all scales is desired. At the same time, development projects cannot be disconnected from one another nor from the public realm.
- Commercial Bottom Floor - Mixed use development is allowed but not currently required within the Triangle. However, the City is seeking a way to encourage commercial uses or commercial ready space on ground level floors in key areas. Other parts of the city suffer for the disaggregation of uses and the resulting need for automobile use. This pattern should not be repeated in the Triangle if it can be avoided.
- Parks/Open Space/Trails - The Triangle plan identifies parks, trails and open spaces as key elements for a successful implementation. The city will seek opportunities to purchase and develop these amenities.
- Red Rock Creek - A key feature of the plan is the Red Rock Creek trail. The development code currently only requires dedication of trail easements within the 100-year floodplain. A strategy is needed to address dedication for trails in more areas than just floodplain.

Task 1.4. Draft the Lean Code and Other Amendments

- Prepare draft code sections and graphics
- Prepare amendments to other Code sections as needed

Task 1.5. Lean Code Adoption

- Planning Commission hearings and decision
- City Council hearings and adoption

2. Catalytic Opportunity Sites and Pre-Development Analysis-Milestone 2

Certain developments occasionally can serve a catalytic role. That is, a development could be the first project of its kind to demonstrate the viability of a particular development type, it could be of a large scale that has the potential to change the character of a part of the Triangle, or it could be large enough to justify major infrastructure investments that in turn serve as incentives for subsequent projects in the vicinity. Catalyst projects tend to be “pioneering” in that there is little to no local precedence for the project and, therefore, they often require some financial assistance or other type of public-private partnership. Private development in the Triangle that meets these criteria may be appropriate for more direct involvement by the City. This grant element will identify optimal sites, partnerships and development tools to facilitate a new, walkable development pattern in the district, and will

complete a more detailed pre-development feasibility and financial strategy for a selected site leading to a development agreement.

Task 2.1. Identify Optimal Sites

- A preliminary list of sites has already been identified (See Attachments 3 and 4)
 - PacTrust site (11626 SW Pacific Hwy.)
 - Specht site (multiple addresses near SW 69th Ave. and Clinton St.)
 - Lampus site (multiple addresses on SW 72nd Ave. between Clinton and Dartmouth)
 - Tran site (12465 SW 72nd Ave.)
- Develop evaluation criteria such as size, location, value, physical suitability, developer interest, availability
- Prepare a preferred development program or programs for each site consistent with the Tigard Triangle Strategic Redevelopment Plan
- Evaluate identified and other sites against criteria
- Select 3-4 sites for further study

Task 2.2. Preliminary Site Analysis and Development Concepts

- Analyze any environmental constraints using known sources
- Prepare massing diagrams for each site using preferred development program(s)
- Develop order of magnitude cost estimates for both land and construction
- Evaluate financial feasibility utilizing rental and sales information developed for the *Tigard Triangle Strategic Redevelopment Plan*
- Identify order of magnitude financial gaps and other development obstacles for each site

Task 2.3. Strategies and Tools to Overcome Obstacles

Develop strategies for each site that address partnerships, tools and other actions leading to feasible development including:

- Financial assistance: Identify financing tools that the City may use to assist in reducing financing gaps for private development.
- Infrastructure development: The construction of infrastructure at public expense, such as a road, sidewalk, or utilities that are required by private development, can reduce financial gaps by creating “off-balance-sheet” equity for the developer, reducing overall development costs, and enhancing feasibility.
- Public-private partnerships: Whenever the City takes an active role in development, it is appropriate to enter into development agreements with developers to specify the terms of the partnership, the specific roles of each party, the obligations of the developer, and other criteria to be negotiated.
- Staff assistance: Proactive staff can be enormously helpful in making redevelopment happen.

Task 2.4. Lessons Learned and Preferred Site Selection

- Assess the overall feasibility of the individual strategies
- Identify elements that are most likely to be utilized and supported by the City
- Identify actions necessary to enable desired elements
- Select a preferred site and strategy for more detailed analysis

Task 2.5. Developer Solicitation (if needed)

It is anticipated that a developer partner or partners will participate in tasks 2.1-2.4 and will participate in the following tasks focused on the preferred site, including securing a purchase option. If no partner is in place, developer solicitations will be conducted.

- Prepare developer solicitation materials
- Identify and interview interested developers
- Select developer partner

Task 2.6. Pre-Development Assessment of Preferred Site

- Conduct phase 1 and 2 environmental investigations

- Conduct appraisal and survey

Task 2.7. Refine Development Program and Design Concepts

- Refine existing market studies to identify value, preferred uses, unit size and mix, rent and lease rates.
- Refine desired development program
- Refine conceptual site plan and massing diagram including building placement, unit sizes, parking arrangements and construction types
- Refine planning level cost estimates

Task 2.8. Refine Financial Analysis and Implementation Strategies

- Refine pro-forma for preferred site and identify funding gaps
- Evaluate effectiveness of the already identified public/private strategy for the site and refine as necessary
- Finalize all elements of the strategy including public financing to address financing gaps

Task 2.9. Development Agreement and Approvals

- Prepare draft development agreement
- Finalize development agreement with developer partner
- Secure approvals with appropriate city boards and commissions as needed

3. Potential Urban Renewal District Formation and Decision-Milestone 3

The *Tigard Triangle Strategic Redevelopment Plan* identified urban renewal as a key financial tool that could be employed to reduce financial gaps in private development and to help fund key public infrastructure projects. The City of Tigard has an urban renewal district in downtown that has supported several planning and infrastructure projects related to the revitalization of downtown Tigard. While an urban renewal district is primarily a funding source, it is also a signal to developers that the city is committed to the area and has established a funding mechanism to share in the cost of some of the needed improvements.

In Tigard, the formation of an urban renewal district must go out to a citywide vote, and would need to be preceded by a plan and a report that details the conditions of blight, the geographic extent of the district, and the planned projects and actions that would be funded by urban renewal. This grant element will develop all of the documentation necessary to form an urban renewal district, and establish a process for the City Council to consider whether to send the matter out for a citywide vote.

Task 3.1. Establish Public Involvement Strategy and Process

- Preparation of draft urban renewal plan and report
- Decision-making process for a citywide vote

Task 3.2. Review Materials

- Review existing plans, reports and other documents
- Preliminary boundary and plan goals

Task 3.3. Develop Required Plan Elements

- Boundary and project goals
- Blighting factors within the plan boundary
- Activities to be funded by plan
- Cost estimates of plan activities
- Projections of potential tax increment cash flows over the life of the plan
- Cash flow and project phasing, timeframe needed to carry out project activities
- Tax impacts analysis on revenues foregone by other taxing bodies
- Maximum level of indebtedness for the plan

Task 3.4. Draft the Urban Renewal Plan and Report Documents

- Refine the list of project activities to be undertaken in the plan

- Prepare all required plan sections and wording prescribed by Oregon law, including Measure 50 wording on maximum debt
- Develop all legally required data on project conditions, including acreage, land uses, existing and proposed zoning, building conditions, and overall blighting conditions for the report
- Prepare the financial statements required by ORS 457

Task 3.5. City Council Consideration

- Decision-making process for a citywide vote

4. Rebranding the Tigard Triangle-Milestone 4

The goal of this task is to rebrand the Tigard Triangle from a place known for offices and big box retail to a pedestrian-oriented, mixed use district that supports regional demand for housing. Each of the previous tasks described above implement the vision established in the *Tigard Triangle Strategic Redevelopment Plan* and this task is designed to tell the story of that vision to current and future residents, visitors, employers, investors and developers. The vision is for a pedestrian-oriented, mixed-use district built around the Triangle’s distinguishing natural features; a place that is easily walkable, is connected to its surroundings, and meets the environmental, social and economic sustainability goals of the City and Region. The rebranding effort is also directed to existing city residents so that they better understand the dynamic potential for this area, how the City is working to implement the vision, and how their support is critical to the success of the new Tigard Triangle district.

Task 4.1. Background Research

- Research current messaging and communications regarding the Triangle and City
- Conduct surveys and other research to determine current perceptions and attitudes
- Review vision documents and efforts to implement the *Tigard Triangle Strategic Redevelopment Plan*

Task 4.2. Develop Rebranding Strategies

- Identify messaging concepts to convey the vision for the Tigard Triangle
- Identify communication vehicles best suited to convey the messaging
- Identify target audiences to receive the messaging
- Prepare a recommended rebranding strategy that addresses messaging content, communication methods, audiences
- Identify an implementation program addressing web-based, collateral materials, broadcast and other media designed to deliver the rebranding strategies, costs and schedule

Task 4.3. Produce Priority Rebranding Strategy Elements

- Based on a budget to be determined, produce one or two priority elements such as a logo and collateral materials, web-page design, photos, graphics and written materials, etc.
- Assist in executing the communications effort

B. Project Site Description

The Tigard Triangle is a 450-acre district located seven miles south of downtown Portland, just east of Downtown Tigard, and bounded by Interstate 5 (I-5), Highway 217, and Highway 99W (Pacific Highway). This close proximity to highways allows convenient regional auto access to the area but also creates major barriers for bike and pedestrian travel from nearby neighborhoods and destinations such as Portland Community College (Sylvania), downtown Tigard, and the Kruse Way office park. The Triangle has long been considered an area that could easily accommodate a considerable increase of residences, employment, and shopping/services. However over the last 50 years, growth in the area has been mainly limited to office buildings of varying size and big box retail stores on the district’s western side. See Attachments 1 and 2.

In the past year, the Triangle’s first three story mixed-use building was constructed utilizing the city’s Vertical Housing Development program – the single development tool in place to incentivize mixed use projects in the district.

C. Project Background

In 2013 and 2014, the City developed the *Tigard Triangle Strategic Redevelopment Plan* with input from a variety of stakeholders including property owners, developers, business owners, employees, bicycle/pedestrian advocates, and Tigard residents. The TTSP provides a long range vision to:

- Diversify the mix of uses in the area
- Improve connectivity for all travel modes within the district and to neighboring areas
- Create a safe and enjoyable walking environment
- Provide parks, open spaces and places to gather while enhancing and protecting natural amenities
- Accommodate and leverage high capacity transit service and stations if supported by Tigard residents

Several implementation measures were identified in the Plan to achieve these outcomes, including regulatory actions, infrastructure investments, and incentives to stimulate public-private partnerships. Over the next 8 – 12 months, the city will complete the most important regulatory action needed to implement the Plan, which is the creation and adoption of a new “lean” land use code that will shorten the review time and lower the cost and risk of receiving land use approval for development projects that accomplish the goals of the TTSP.

Upon adoption of the new code, the Community Planning and Development Grant funding will be put to use to remove remaining barriers to the desired development patterns, allowing the city to conduct site specific studies and investigate the necessary public investments and partnership strategies that will catalyze and remake the Triangle.

The City’s commitment to this district is resolute. In addition to its participation in the Southwest Corridor planning process, its completion of the TGM-funded Triangle Strategic Plan, and the city’s council’s adopted goal to adopt that Plan and enable future development capacity in the Triangle, the council elevated the importance of the Triangle’s future as a walkable suburban district by adopting a citywide strategic vision to make Tigard the most walkable city in the Pacific Northwest where people of all ages and abilities enjoy healthy and interconnected lives.

D. Evaluation Criteria 1 - 11

1. Expected Development Outcomes: It is imperative to change the identity of the Tigard Triangle from a suburban/commuter employment area to an interesting, walkable, unique district. Fortunately the opportunity sites in the Tigard Triangle are either underdeveloped or vacant, and the block structure is incomplete. The Metro grant will allow the city to select a few promising redevelopment sites and determine the partnerships, public financing strategies, infrastructure and predevelopment work needed to begin transforming the Triangle.

The project may include the following range of planning activities: at the district level - identification of financing gaps and public investments/financing to overcome them (including appropriateness of urban renewal); at the site level - conceptual design and evaluation of alternative construction types, appraisals, pro-forma analysis, transportation impacts, outlining public and private roles and responsibilities, and environmental assessments.

- A. Site Identification: The City of Tigard will consider the development potential of Tigard Triangle opportunity sites that could have significant catalytic impact leading to additional private sector investments. Site size, existing improvement to land ratio, developer interest, proximity to existing and planned amenities will be the first screen we use. Subsequently we will identify conceptual designs and private investment objectives, and actions the city can take to achieve public objectives and result in a financially feasible development.
- B. Desired Outcomes: Pre-development assistance that leads to the following:
 - Identification of optimal sites, partnerships and development tools to facilitate walkable urban development pattern
 - An examination of urban renewal as a tool to encourage this development pattern, and

- Rebranding the Triangle from a place for offices and big box retail to a pedestrian-oriented, mixed use district that supports regional demand for housing.
 - Predevelopment activities for a walkable mixed use project on at least one site that will remove or reduce barrier to development.
- C. Community Readiness:** The City has completed the visioning work for the Tigard Triangle and the entire city, and both emphasize walkable and socially interconnected public space. The city has begun the process to draft and adopt a new code that will enact regulatory measures to support the vision. A citywide vision to make Tigard a walkable city has been adopted by the Tigard City Council.
- D. Roles and responsibilities of applicant:** The city will assemble the team that achieves the five objectives listed above to include developer types to explore design concepts and financing scenarios for sites, designer types to explore concepts for appropriate, pedestrian scale development, finance types to investigate the viability of urban renewal as a new funding source to support private sector investment in the Triangle, and marketing types to help craft a new brand image for the district. City staff will serve as the overall project manager and will coordinate the work of the consulting team.

2. Regional Significance: The Tigard Triangle is 8 miles south of Downtown Portland and is bound on three sides by state highways, making the location moderately attractive to employers. Roughly 4,500 people work in the Triangle. In addition, three higher education facilities are located there and PCC - Sylvania is less than half a mile to the east. Transit service connects the Triangle to PCC, and additional high capacity service is being planned as part of the Southwest Corridor project. New housing and commercial/professional services could result in a mixed-use, mixed-modal district.

3. Centers Corridors, Station Communities and Main Streets: The Tigard Triangle is part of the Metro 2040-designated Tigard Town Center. Most parcels within the Triangle are within a quarter mile of an existing bus line and potential future station areas contemplated in the SW Corridor Plan. In 2014, the city designated the Triangle as a Vertical Housing Development Zone and is currently developing a “lean” code that will reduce regulatory burdens and review times. 69th Avenue is designated in the TTSD as a future featured Pedestrian Street and should become the district’s “Main Street” over time.

4. Other Locations: Much of the Tigard Triangle is designated as a Metro Employment Area. There are large format retailers and large offices in the area with approximately 4,500 employees; however few service and housing uses have been developed. This plan seeks to provide infrastructure, services and amenities bringing this area up to par with other city neighborhoods. Investments could include new commercial development, housing, parks, trails, or sidewalks.

The Triangle is included within the planning area of the SW Corridor Plan currently being prepared by Metro. The area has been identified as having a higher than average Hispanic population. The city is committed to ensuring that the vision and plans are inclusive of the communities represented here. Development of the public involvement plan will include specific strategies to identify and address the needs of all stakeholders, and will pay special attention to meeting the needs of the Hispanic residents in the Triangle.

5. Best Practices: The city is trying to establish a best practice by developing a “lean” code for the Triangle, to be adopted as a new plan district in Tigard’s Community Development Code. The city is in the process of evaluating its complete Community Development code for conformity with the newly adopted vision. One idea is to use the Triangle code project to determine regulations that could be put in place in other, more mature, parts of the city to promote mixed use and walkability. City staff will seek opportunities to share lessons learned with other communities in the region.

6. Leverage: The project seeks to leverage planning work already in place from the state’s TGM program (TTSP) and the SW Corridor project, in addition to the investments the city has made in adopting the Vertical Housing Development Zone and making infrastructure improvements along 72nd and Dartmouth. Specht Development and

PacTrust are two large development entities with holdings in the district, whose investments could be leveraged through this effort.

7. Matching Fund/Potential: It is estimated that the total project will require approximately \$280,000 with the city matching almost 50% of the total cost with local funds for consultants and like-kind staff contributions.

8. Growth Absorption: The 450-acre district has between 50-100 acres of unbuilt and underbuilt land. The area could easily absorb thousands of new residential units and hundreds of thousands of square feet of commercial space. This proposal will seek to unlock this growth potential to support regional housing demand and rebalance the region's jobs-housing geographic disparity.

9. Public Involvement: Using the Tigard Triangle Strategic Redevelopment Plan public process as a springboard, the city hopes to facilitate a dynamic engagement process representative of the broad range of interests in the Triangle. As for neighborhood engagement, there are only about 400 residents currently living within the Triangle and there is a higher than average Hispanic population. Specific strategies to address Triangle residents and other stakeholder groups will be developed as part of the public involvement plan.

10. Governing Body: Tigard City Council has set a goal to begin implementation of the Triangle Strategic Plan within the next 1 -5 years. The city council will continue to oversee the work program, and will review the contract for the "lean" code project in the next several months.

11. Capacity of Applicant: The City of Tigard project team includes professionals with proven experience in redevelopment, economic development, long range and current planning. The city's track record for delivering on Planning and Development grants is well established, having delivered results on both of the grants awarded in the prior round (i.e. River Terrace where over 1000 housing units are in various stages in the approval process, and downtown Tigard development where a 154 unit mixed-use development is expected to break ground in 2015).

E. Collaborations

The City is prepared to be an active partner with the neighboring community, property owners, service providers, and private sector development partners. As a grant recipient, the city would also look forward to partnering with Metro.

F. Proposed Milestones and Deliverables

Section A-Project Description includes detailed work programs for the four proposed Milestones, and deliverables are described for each task. The Milestones are:

1. A Lean Code for the Tigard Triangle-Final Code Amendments and Adoption
2. Catalytic Opportunity Sites and Pre-Development Analysis-Report Completion
3. Potential Urban Renewal District Formation and Decision-Draft Urban Renewal Plan and Report
4. Rebranding the Tigard Triangle-Strategy Report and Executed Priority Elements

G. Project Management

The project manager for the Tigard Triangle Mixed-Use Development Project is Cheryl Caines, Associate Planner. Contact information: cherylc@tigard-or.gov, (503) 718-2437. Ms. Caines works under the supervision of Tom McGuire, Assistant Community Development Director, and Kenny Asher, Community Development Director. Cheryl, Tom, and Kenny will be involved in all work tasks. Cheryl successfully served as project manager for the *Tigard Triangle Strategic Plan* that was funded through a Transportation and Growth Management (TGM) grant. She has over 10 years of experience related to land use planning, site development, and work with development codes. Tom has over 26 years of professional planning experience including current and long range planning in both the public and private sectors. Prior to working at the City of Tigard, he was the Portland Office Director at ESA Adolphson. Kenny has 20 years of civic experience, including Director of Community Development and Public Works for the City of Milwaukie, Oregon, General Manager for the Portland Family of Funds, and Operations and Program Manager at the Portland Development Commission.

BUDGET DOCUMENTS

Budget Narrative

A detailed task by task budget is shown on a spreadsheet that is included with this application and summarized in the budget forms provided by Metro. The overall work plan for the entire project is summarized below. Costs for the full project will be shared by the City of Tigard and the CET Grant. Consultant deliverables for tasks 2, 3 and 4 are proposed to be funded by the CET Grant of \$145,250, and completion of each task deliverable is proposed as a project milestone for purposes of the CET Grant. The City of Tigard will commit \$67,500 for consulting work for task 1, producing a new lean code for the Tigard Triangle. All staff costs will be the responsibility of the City of Tigard. It is anticipated that all deliverables, regardless of funding source, will be solely owned by the City of Tigard.

1. A Lean Code for the Tigard Triangle-Milestone 1

Task 1.1. Establish Public Involvement Process

- Prepare and execute public involvement plan
- Re-engage stakeholders active in the *Tigard Triangle Strategic Redevelopment Plan*
- Seek opportunities to build relationships and bring new viewpoints to the project
- Build support from people who are invested in the Triangle or want to help shape the community
Ensure that the vision and plans are inclusive of the communities represented here

Task 1.2. Background Research

- Review existing plans, reports and other documents
- Identify lean code examples and precedents
- Identify options for efficient code administration

Task 1.3. Develop Lean Code Elements:

- Pedestrian Oriented Streets
- Connectivity
- Transportation
- Flexibility
- Existing Small Lots
- Commercial Bottom
- Parks/Open Space/Trails
- Red Rock Creek

Task 1.4. Draft the Lean Code and Other Amendments

- Prepare draft code sections and graphics
- Prepare amendments to other Code sections as needed

Task 1.5. Lean Code Adoption

- Planning Commission hearings and decision
- City Council hearings and adoption

2. Catalytic Opportunity Sites and Pre-Development Analysis-Milestone 2

Task 2.1. Identify Optimal Sites

- A preliminary list of sites has already been identified, (see Attachments 3 & 4)
 - PacTrust site (11626 SW Pacific Hwy.)
 - Specht site (multiple addresses near SW 69th Ave. and Clinton St.)
 - Lampus site (multiple addresses on SW 72nd Ave. between Clinton and Dartmouth)
 - Tran site (12465 SW 72nd Ave.)

- Develop evaluation criteria such as size, location, value, physical suitability, developer interest, availability, etc.
- Prepare a preferred development program or programs for each site consistent with the Tigard Triangle Strategic Redevelopment Plan
- Evaluate identified and other sites against criteria
- Select 3-4 sites for further study

Task 2.2. Preliminary Site Analysis and Development Concepts

- Analyze any environmental constraints using known sources
- Prepare massing diagrams for each site using preferred development program(s)
- Develop order of magnitude cost estimates for both land and construction
- Evaluate financial feasibility utilizing rental and sales information developed for the *Tigard Triangle Strategic Redevelopment Plan*
- Identify order of magnitude financial gaps and other development obstacles for each site

Task 2.3. Strategies and Tools to Overcome Obstacles

Develop strategies for each site that address partnerships, tools and other actions leading to feasible development including:

- Financial assistance: Identify financing tools that the City may use to assist in reducing financing gaps for private development.
- Infrastructure development: The construction of infrastructure at public expense, such as a road, sidewalk, or utilities that are required by private development, can reduce financial gaps by creating “off-balance-sheet” equity for the developer, reducing overall development costs, and enhancing feasibility.
- Public-private partnerships: Whenever the City takes an active role in development, it is appropriate to enter into development agreements with developers to specify the terms of the partnership, the specific roles of each party, the obligations of the developer, and other criteria to be negotiated.
- Staff assistance: Proactive staff can be enormously helpful in making redevelopment happen.
- Other tools and strategies

Task 2.4. Lessons Learned and Preferred Site Selection

- Assess the overall feasibility of the individual strategies
- Identify elements that are most likely to be utilized and supported by the City
- Identify actions necessary to enable desired elements
- Select a preferred site and strategy for more detailed analysis

Task 2.5. Developer Solicitation (if needed)

It is anticipated that a developer partner or partners will participate in tasks 2.1-2.4 and will participate in the following tasks focused on the preferred site, including securing a purchase option. If no partner is in place, developer solicitations will be conducted.

- Prepare developer solicitation materials
- Identify and interview interested developers
- Select developer partner

Task 2.6. Pre-Development Assessment of Preferred Site

- Conduct phase 1 and 2 environmental investigations
- Conduct appraisal and survey

Task 2.7. Refine Development Program and Design Concepts

- Refine existing market studies to identify value, preferred uses, unit size and mix, rent and lease rates.
- Refine desired development program
- Refine conceptual site plan and massing diagram including building placement, unit sizes, parking arrangements and construction types

- Refine planning level cost estimates

Task 2.8. Refine Financial Analysis and Implementation Strategies

- Refine pro-forma for preferred site and identify funding gaps
- Evaluate effectiveness of the already identified public/private strategy for the site and refine as necessary
- Finalize all elements of the strategy including public financing to address financing gaps

Task 2.9. Development Agreement and Approvals

- Prepare draft development agreement
- Finalize development agreement with developer partner
- Secure approvals with appropriate city boards and commissions as needed

3. Potential Urban Renewal District Formation and Decision-Milestone 3

Task 3.1. Establish Public Involvement Strategy and Process

- Preparation of draft urban renewal plan and report
- Decision-making process for a citywide vote

Task 3.2. Review Materials

- Review existing plans, reports and other documents
- Preliminary boundary and plan goals

Task 3.3. Develop Required Plan Elements

- Boundary and project goals
- Blighting factors within the plan boundary
- Activities to be funded by plan
- Cost estimates of plan activities
- Projections of potential tax increment cash flows over the life of the plan
- Cash flow and project phasing, timeframe needed to carry out project activities
- Tax impacts analysis on revenues foregone by other taxing bodies
- Maximum level of indebtedness for the plan

Task 3.4. Draft the Urban Renewal Plan and Report Documents

- Refine the list of project activities to be undertaken in the plan
- Prepare all required plan sections and wording prescribed by Oregon law, including Measure 50 wording on maximum debt
- Develop all legally required data on project conditions, including acreage, land uses, existing and proposed zoning, building conditions, and overall blighting conditions for the report
- Prepare the financial statements required by ORS 457

Task 3.5. City Council Consideration

- Decision-making process for a citywide vote

4. Rebranding the Tigard Triangle-Milestone 4

Task 4.1. Background Research

- Research current messaging and communications regarding the Triangle and City
- Conduct surveys and other research to determine current perceptions and attitudes
- Review vision documents and efforts to implement the *Tigard Triangle Strategic Redevelopment Plan*

Task 4.2. Develop Rebranding Strategies

- Identify messaging concepts to convey the vision for the Tigard Triangle

- Identify communication vehicles best suited to convey the messaging
- Identify target audiences to receive the messaging
- Prepare a recommended rebranding strategy that addresses messaging content, communication methods, audiences
- Identify an implementation program addressing web-based, collateral materials, broadcast and other media designed to deliver the rebranding strategies, costs and schedule

Task 4.3. Produce Priority Rebranding Strategy Elements

- Based on a budget to be determined, produce one or two priority elements such as a logo and collateral materials, web-page design, photos, graphics and written materials, etc.
- Assist in executing the communications effort

Line Item Budget, Commitment and Matching Funds

Table 1 below summarizes the project task budget for City of Tigard staff, consultant work paid for by the City and CET Grant, and total task budget. This table is a line-item summary of the more detailed budget spreadsheet included with this application.

The City commits the staff resources as indicated in the table and attached spreadsheet totaling approximately \$90,000. Consulting expenses by City of \$65,500 are included in the 2015-16 Community Development Department budget. The grant request is for a total of \$145,250, or approximately 48% of the total project budget.

Table 1- Downtown Tigard Urban Lofts Development Project-Budget Summary

Tasks	Staff Budget	Consultant Budget		Totals
		City	CET Grant	
1. Lean Code for the Tigard Triangle	\$28,243	\$67,500		\$95,743
2. Catalytic Opportunity Sites/Pre-Dev.	\$30,107		\$63,750	\$93,857
3. Urban Renewal Formation/Decision	\$22,579		\$50,000	\$72,579
4. Rebranding the Tigard Triangle	\$9,661		\$31,500	\$41,161
Totals	\$90,590	\$67,500	\$145,250	\$303,340

AIS-2552

4.

Workshop Meeting

Meeting Date: 02/16/2016

Length (in minutes): 20 Minutes

Agenda Title: Renew Annexation Incentives - Resolution

Submitted By: Carol Krager, Central Services

Item Type: Update, Discussion, Direct Staff
Meeting Type: Council Business Meeting - Main

Public Hearing Yes

Newspaper Legal Ad Required?:

Public Hearing Publication

Date in Newspaper:

Information

ISSUE

Consideration of a resolution to renew annexation incentives for voluntary annexation of contiguous unincorporated lands to the municipal city limits.

STAFF RECOMMENDATION / ACTION REQUEST

Staff recommends Council approve the proposed resolution amending Resolution No. 07-13 extending voluntary annexation incentives until February 2017.

KEY FACTS AND INFORMATION SUMMARY

As stipulated in Resolution 15-10, council's annual review of its annexation policy, including annexation incentives, is to occur in February 2016. This agenda item fulfills this requirement.

The workshop meeting was chosen to give Council time to discuss annexation issues, generally, and incentives for voluntary annexation, specifically.

The attached Draft Resolution (in Track Changes) shows recommended changes to the incentives policy from last year's resolution. The attached Final Resolution is a clean copy of the Draft. Proposed changes include creation of a definition of "voluntary annexation" as an annexation that does not require city services, deletion of elements that are outdated, and deletion of property description services unavailable now without a city Surveyor to provide them.

In addition, phasing in of taxes for triple majority annexations has been deleted because triple majority annexations would likely be for the purpose of development where city services

would be required. The terms listed in Section 2 are also outdated.

Since 2007, only one property has annexed for reasons other than the need for city services for development. However, a number of properties have taken advantage of the property tax phase in provisions. If Council decides to continue offering incentives, Attachment 1 provides an updated resolution extending the incentives to February 2017.

OTHER ALTERNATIVES

1. Adopt the Resolution with proposed changes.
2. Adopt an alternative Resolution
3. Not adopt the Resolution and let the incentives for voluntarily annexation expire, pending an annexation workplan that gives focus and direction to incentives within the context of a comprehensive policy.

COUNCIL OR CCDA GOALS, POLICIES, MASTER PLANS

NA

DATES OF PREVIOUS CONSIDERATION

2008, 2009, 2010, 2011, 2012, 2013, 2014, and February 10, 2015

Fiscal Impact

Cost: TBD

Budgeted (yes or no): yes

Where Budgeted (department/program): Community Development

Additional Fiscal Notes:

The fiscal impact of maintaining these incentives is highly variable and related mostly to development activity. For example, in 2013 there were six annexations, two by the city for 8.06 acres and four by petition for 12.17 acres; the city paid \$900 in Metro fees and lost \$14,480 in application fees. In 2012 there were three annexations including River Terrace Phase II for 268 acres; the city paid \$400 in Metro fees. In 2011, there was one annexation by the city for which the resolution does not apply and one by a landowner that has been put on hold by the owner. In 2010, there was only one annexation in Metzger and the City paid \$150 in Metro mapping fees and lost approximately \$3,349 in application fees. Also a small amount of staff time was spent assisting the owner with the required property description. Over the seven-year period that the incentives have been in place the City has foregone and spent about \$46,500.

In addition to the forgone fee revenue and Metro fees, the City also did not receive the full amount of property taxes. It is estimated that, during the last seven years, the City did not receive about \$75,258 in property tax revenue because of the tax phase-in incentive generally, including \$66,628 from Areas 63 and 64.

Over time, foregone fees will be recovered by new property tax revenue from annexed properties. However, if activity increases significantly, the budget may need an adjustment to compensate for the fees and staff time.

Attachments

Draft Resolution

Final Resolution

**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-**

A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2017.

WHEREAS, Resolution 07-13 establishes policy to guide city actions pertaining to annexation of unincorporated lands to the municipal city limits, and provides incentives to annex, including waiver of the city annexation application fee until July 1, 2008 and phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007, to February 2008 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, Resolution 07-47 amends Resolution 07-13 to expand the incentives to include city payment of the Metro mapping/filing fee until July 1, 2008; and

WHEREAS, the city's operational and administrative procedures have been to assist in the preparation of legal descriptions as long as they do not require field survey work and to waive the pre-application conference fee for individual property owners interested in voluntary annexation; and

WHEREAS, Resolution 08-12 amends Resolution 07-13 to extend the offer of incentives to annex until February, 2009; and

WHEREAS, the City Council passed Resolution 09-12 on February 24, 2009 to continue to offer incentives to property owners who voluntarily annex to the city until February 2010; and

WHEREAS, the City Council passed Resolution 10-12 on February 9, 2010 to continue to offer incentives to property owners who voluntarily annex to the city until February 2011; and

WHEREAS, the City Council passed Resolution 11-08 on February 22, 2011 to continue to offer incentives to property owners who voluntarily annex to the city until February 2012; and

WHEREAS, on December 6, 2011, City Council set goals for 2012 including Goal 4, Annexation to a) Re-evaluate the city's annexation policy, and b) Develop a philosophy and approach to consider annexations, including islands; and

WHEREAS, in furtherance of its goals the City Council passed Resolution 12-09 on February 28, 2012, continuing its policies embodied in previous resolutions and formalizing a process for annual review of its annexation policy and incentives; and

WHEREAS, the City Council passed Resolution 12-38 on October 2, 2012 establishing additional incentives of phased in property taxes for certain properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation.

WHEREAS, the City Council passed Resolution 13-08 on February 26, 2013 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation until February 2014.

WHEREAS, the City Council passed Resolution 14-10 on February 11, 2014 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation until February 2015.

WHEREAS, the City Council passed Resolution 15-10 on February 10, 2015 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation until February 2016.

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

SECTION 1: Resolution 07-13 is hereby amended to renew the offer of incentives to voluntarily annex (when not otherwise required to for city services) until February 2017, including:

- ~~Waiver of the pre-application conference fee for individual property owners interested in voluntary annexation.~~
- Waiver of the city annexation application fee; and
- ~~Phasing in of increased property taxes for properties annexed since March 13, 2007, through February, 2015, per Oregon Administrative Rule (OAR 150-222.111);~~
- City payment of the Metro mapping/filing fee;
- ~~Assistance in the preparation of legal descriptions, not to include field survey work; and~~
- ~~Waiver of the pre application conference fee for individual property owners interested in voluntary annexation.~~

~~SECTION 2: Resolution 07-13 is hereby amended to establish an additional incentive for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation, including:~~

- ~~Phasing in of increased property taxes for properties that annex through the triple majority process since August 1, 2011, per Oregon Administrative Rule (OAR 150-222.111), under the following terms:~~
 - ~~For the assessment year of annexation of a property until July 1, 2014, 0.00 percent of the increased property taxes;~~
 - ~~For the assessment year beginning July 1, 2014, 33 percent of the increased property taxes;~~
 - ~~For the following assessment year beginning July 1, 2015, 67 percent of the increased property taxes;~~
 - ~~For the next following and subsequent assessment years, 100 percent of the increased property taxes.~~

~~SECTION 3: The incentives recited in Section 2 of this resolution are retroactive as to any property annexed into the city limits by way of voluntary triple majority annexation approved by Council on or after August 23, 2011.~~

SECTION 24: The City Council shall continue to review its annexation policy and associated incentives in February of every year.

SECTION 35: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2016.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 16-

A RESOLUTION AMENDING RESOLUTION 07-13 TO EXTEND THE INCENTIVES FOR VOLUNTARY ANNEXATION OF UNINCORPORATED LANDS TO THE MUNICIPAL CITY LIMITS TO FEBRUARY 2017.

WHEREAS, Resolution 07-13 establishes policy to guide city actions pertaining to annexation of unincorporated lands to the municipal city limits, and provides incentives to annex, including waiver of the city annexation application fee until July 1, 2008 and phasing in of increased property taxes over a three-year period at the rate of 33 percent, 67 percent, and 100 percent, for properties that annex during the period of March 13, 2007, to February 2008 per Oregon Administrative Rule (OAR 150-222.111); and

WHEREAS, Resolution 07-47 amends Resolution 07-13 to expand the incentives to include city payment of the Metro mapping/filing fee until July 1, 2008; and

WHEREAS, the city's operational and administrative procedures have been to assist in the preparation of legal descriptions as long as they do not require field survey work and to waive the pre-application conference fee for individual property owners interested in voluntary annexation; and

WHEREAS, Resolution 08-12 amends Resolution 07-13 to extend the offer of incentives to annex until February, 2009; and

WHEREAS, the City Council passed Resolution 09-12 on February 24, 2009 to continue to offer incentives to property owners who voluntarily annex to the city until February 2010; and

WHEREAS, the City Council passed Resolution 10-12 on February 9, 2010 to continue to offer incentives to property owners who voluntarily annex to the city until February 2011; and

WHEREAS, the City Council passed Resolution 11-08 on February 22, 2011 to continue to offer incentives to property owners who voluntarily annex to the city until February 2012; and

WHEREAS, on December 6, 2011, City Council set goals for 2012 including Goal 4, Annexation to a) Re-evaluate the city's annexation policy, and b) Develop a philosophy and approach to consider annexations, including islands; and

WHEREAS, in furtherance of its goals the City Council passed Resolution 12-09 on February 28, 2012, continuing its policies embodied in previous resolutions and formalizing a process for annual review of its annexation policy and incentives; and

WHEREAS, the City Council passed Resolution 12-38 on October 2, 2012 establishing additional incentives of phased in property taxes for certain properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation.

WHEREAS, the City Council passed Resolution 13-08 on February 26, 2013 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as "triple majority" annexation until February 2014.

WHEREAS, the City Council passed Resolution 14-10 on February 11, 2014 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation until February 2015.

WHEREAS, the City Council passed Resolution 15-10 on February 10, 2015 to continue to offer incentives to property owners who voluntarily annex to the city and for properties that annex pursuant to ORS 222.170(1), referred to as “triple majority” annexation until February 2016.

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

SECTION 1: Resolution 07-13 is hereby amended to renew the offer of incentives to voluntarily annex (when not otherwise required to for city services) until February 2017, including:

- Waiver of the pre-application conference fee
- Waiver of the city annexation application fee; and
- City payment of the Metro mapping/filing fee;

SECTION 2: The City Council shall continue to review its annexation policy and associated incentives in February of every year.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2016.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard