TIGARD CITY COUNCIL
MEETING

February 19, 2002 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD, OR 97223

CITY OF TIGARD
OREGON

PUBLIC NOTICE:

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. 309 (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 dateby calling:
503-639-4171, x309 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL WORKSHOP MEETING
FEBRUARY 19, 2002

6:30 PM

1. WORKSHOP MEETING
   - 1.1 Call to Order - City Council
   - 1.2 Roll Call
   - 1.3 Pledge of Allegiance
   - 1.4 Council Communications & Liaison Reports
   - 1.5 Call to Council and Staff for Non Agenda Items

2. UPDATE ON THE PROPOSED LOCAL OPTION LEVY FOR WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES
   - Staff Report: Library Staff

3. JOINT MEETING WITH THE PLANNING COMMISSION
   - Staff Report: Community Development Staff

     Discussion Topics:

     a. The Role of the Planning Commission
     b. The Role of Board and Committee Members and Volunteers
     c. Policy regarding Private Streets
     d. Update on Commuter Rail
     e. Urban Growth Boundary Expansion
     f. City Affiliation regarding Ballot Measure Endorsement

4. DISCUSSION OF PROPOSED TITLE 3 CODE AMENDMENT
   - Staff Report: Community Development Staff

5. UPDATE ON METRO'S REGIONAL GOAL 5
   - Staff Report: Community Development Staff

6. DISCUSSION OF THE CITY'S AFFORDABLE HOUSING POLICY
   - Staff Report: Community Development Staff

7. COUNCIL LIAISON REPORTS

8. NON-AGENDA ITEMS

9. 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(3), 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.

10. ADJOURNMENT

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AGENDA ITEM # _____
FOR AGENDA OF February 19 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on the proposed local option levy for Washington County Cooperative Library Services.

PREPARED BY: Margaret Barnes DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Additional discussion of the proposed local option levy for Washington County Cooperative Library Services (WCCLS).

STAFF RECOMMENDATION

The purpose of this presentation is to provide City Council information on the proposed local option levy.

INFORMATION SUMMARY

At the December 18 Council meeting, staff presented information to the Council summarizing the method of funding WCCLS. To summarize: In 1998 the funding structure for WCCLS and the permanent tax rate for the County was changed as a result of the passage of Measure 50. As a result of Measure 50, a five-year plan was established to fund the operation of WCCLS for FY 1999 through FY 2003. Under this plan, funding operations has been provided by the County's general fund and the Cooperative's reserve fund. When the plan was implemented, it was understood that at the end of FY 2003 some other funding revenue such as a local option levy might be necessary.

In December, staff reported to Council a preliminary outline of a proposed $50 million, five-year local option levy. At that time, Council expressed some concern over the size of the levy, the criteria used to develop the levy amount, and the level of funding proposed for WCCLS central services.

Council provided direction to staff to present these concerns to the Cooperative Library Advisory Board (CLAB) and to continue to work with WCCLS and other member cities to develop a defendable levy proposal for submission to the County Board of Commissioners. These concerns were expressed and are shared by other member cities. Such a proposal is currently being developed.

At this time, staff is prepared to update the Council on this process.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

N/A

ATTACHMENT LIST

N/A

FISCAL NOTES

N/A

AGENDA ITEM # _____
FOR AGENDA OF February 19, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Joint Meeting with Planning Commission

PREPARED BY: Jim Hendryx DEPT HEAD OK_____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

This is the regularly scheduled, annual joint meeting between City Council and the Planning Commission.

STAFF RECOMMENDATION

N/A

INFORMATION SUMMARY

The City Council and Planning Commission meet annually to share information and discuss matters of interest. The Planning Commission recently listed items they would like to discuss at this joint meeting:

- City Council's concept of the role they see for the Planning Commission
- Future Council agenda item regarding review of proposed information on the role of board and committee members and volunteers (from Cityscape)
- City Council policy and concern regarding private streets
- Update on Commuter Rail
- City's position regarding Urban Growth Boundary Expansion
- Identifying affiliation with the City when endorsing ballot measures

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Community Character and Quality of Life, Volunteerism – Goal #1, City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community; and Goal #2, Citizen involvement opportunities will be maximized by providing educational programs on process, assuring accessibility to information, providing opportunities for input and establishing and maintaining a program of effective communication.

ATTACHMENT LIST

Attachment 1: Memo from Jim Hendryx, dated February 7, 2002
Attachment 2: Chapter 2.08 of the Tigard Municipal Code
Attachment 3: Planning Commission Bylaws
Attachment 4: February Cityscape

Attachment 5: Agenda Item Summary from 1/15/02 Council workshop – Urban Growth Boundary Expansion
Attachment 6: PowerPoint presentation by City Attorney, "Who Is A Public Employee"
Attachment 7: Code Section 18.810.030.S of the Development Code

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FISCAL NOTES

N/A

Community Development
CITY OF TIGARD
Shaping A Better Community

MEMORANDUM

CITY OF TIGARD, OREGON

13125 SW Hall Boulevard
Tigard, Oregon 97223
(503) 639-4171
Fax 684-7297

TO: City Council

FROM: Jim Hendryx

DATE: February 7, 2002

SUBJECT: Discussion Items – Joint City Council/PC Work Session

The Planning Commission was asked if there were any items the Commission wanted to discuss with the City Council at their joint work session on February 19, 2002.

Since there are a number of new Commissioners, discussion of what the City Council views as the Commission's role was thought to be appropriate. For your review is a copy of the Municipal Code Section 2.08 (Attachment 2) which outlines the powers and duties of the Commission. The Commission's bylaws are also attached (Attachment 3). The Commissioners have been given both. Clarifying or defining any items from the Council perspective would be appropriate.

The Commission also was interested in the City Council policy regarding private streets and any concerns they may have. Generally, the City has chosen to limit private streets to serve no more than six detached dwelling units. Approval for more than six dwelling units are limited to attached dwelling unit complexes through a planned development process. The Council had previously been concerned about requests to take over the maintenance of substandard private streets. Private streets are required to be physically delineated by a commercial driveway apron at the entrance and signage that indicates the street is a private street and it is not maintained by the City. The latter has done much to reduce any misconceptions by the public regarding the nature of ownership of the street and has reduced calls and concerns to the Engineering Department.

The Commission also requested an update on the status of the Commuter Rail project. The Mayor recently attended a Commuter Rail Steering Committee meeting on February 6, 2002, and can provide an update. Generally, the project is continuing forward with an opening date scheduled in September, 2005.

The Commission also asked about a recent item noted in Cityscape (Attachment 4), under Future Agenda Items – "Review proposed information on the role of board and committee members and volunteers". It is my understanding that this issue has been informally discussed with Administration staff and will not be scheduled for Council.

The Council discussed the Urban Growth Boundary expansion at its January 15th workshop. A copy of the staff report and notes from the meeting are attached (Attachment 5).

In relation to identifying affiliation with the City when endorsing ballot measures, the City Attorney indicates that volunteers are considered public employees, and as such, cannot promote or oppose ballot measures during working hours. He further indicates that "on the job during working hours" includes situations in which the person's affiliation with the City is identified. A PowerPoint presentation by the City Attorney is attached (Attachment 6).

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TIGARD MUNICIPAL CODE

Chapter 2.08 PLANNING COMMISSION.

Sections:

2.08.010	**Purpose.**
2.08.020	**Appointment--Membership.**
2.08.030	**Commission removal.**
2.08.040	**Vacancy.**
2.08.050	**Voting members.**
2.08.060	**Election of officers.**
2.08.070	**Meetings--Quorum--Voting.**
2.08.080	**Planning commission member conflict of interest activities.**
2.08.090	**Disclosure of prehearing contact.**
2.08.100	**Powers and duties of commission.**
2.08.110	**Hearings officer.**
2.08.120	**Hearing procedures.**

2.08.010 Purpose.

The purpose of the Tigard planning commission is to advise the city council on general land use and transportation planning issues; longrange capital improvement programs; and to act as a hearings body for applications of permits, land use applications and land use appeals, or other matters as directed by the city council. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.020 Appointment--Membership.

The city planning commission shall consist of nine members, not more than two of whom may be nonresidents of the city, to be appointed by the council to serve a term of four years. No person appointed after January 1, 1996 may serve more than two full consecutive terms on the Planning Commission, notwithstanding prior appointment to an unexpired term. Commission members shall receive no compensation but shall be reimbursed for duly authorized expenses. (Ord. 95-26; Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.030 Commission removal.

A member of such a commission may be removed by the appointing authority, after hearing, for misconduct or nonperformance of duty. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.040 Vacancy.

Any vacancy in such a commission shall be filled by the appointing authority for the unexpired term of the predecessor in the office. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.050 Voting members.

No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation, that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.060 Election of officers.

The planning commission, at its first meeting in each odd-numbered calendar year, shall elect a president and a vice president, who shall hold office at the pleasure of the commission. The president and vice president shall be voting members of the commission. The vice president shall preside in the absence of the president. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.070 Meetings--Quorum--Voting.

The commission shall meet at least once in each calendar month or as necessary. A majority of the members of the commission shall constitute a quorum. A majority vote of those members present at an open meeting of the commission

shall be necessary to legally act on any matter before the commission. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.080 Planning commission member conflict of interest activities.

(a) A member of the planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

(1) The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

(2) Any business in which the member is then serving or has served within the previous two years; or

(3) Any business for which the member is negotiating or for which the member has an arrangement or understanding concerning prospective partnership or employment.

(b) Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. (Ord. 92-35 (Exh. A)(part), 1992).

2.08.090 Disclosure of prehearing contact.

(a) A member of the planning commission shall disclose to the commission, prior to any hearing on a petition for a permit or with respect to any contested case, any prehearing or ex parte contacts with the applicant's officers, agents and employees, or any of the parties to a contested case concerning the permit sought or the question at issue.

(b) A member of the commission shall disqualify himself or be disqualified by the remaining members of the commission present at a hearing when it appears that the impartiality or objectivity of any member has been compromised by prehearing or ex parte contact. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.100 Powers and duties of commission.

(a) Except as otherwise provided by the city council, a city planning commission may:

(1) Make and alter rules and regulations for its government and procedure consistent with the laws of the state of Oregon, the City Charter, this chapter and other ordinances of the city;

(2) Recommend and make suggestions to the city council and to other public authorities concerning:

(A) The long range comprehensive land use plans for the city, as well as any land use plans for specific areas within the city,

(B) Plans for the city-wide transportation system, including the laying out, widening, extending and locating of public thoroughfares; relieving traffic congestion conditions; bicycle and pedestrian facilities; transit facilities and routes; design standards for transportation facilities; and parking lot regulations,

(C) Any proposals to adopt or amend planning documents for the city-wide transportation system, including the transportation map of the comprehensive plan and the transportation capital facilities program,

(D) Establishment of districts for limiting the use, height, area, design, bulk and other characteristics of buildings and structures related to land development, including the

creation of and amendments to the Tigard development code and the zoning map,

(E) Betterment of housing and sanitation conditions,

(F) Protection and assurance of solar access;

(3) Recommend to the council and other public authorities plans for regulating the future growth, development and design of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots; and plans to secure to the city and its inhabitants sanitation, proper service of public utilities and telecommunications utilities, and shipping and transportation facilities; and appropriate measures for energy conservation;

(4) Recommend to the council and other public authorities plans for promotion, development and regulation of industrial and economic activities in the community;

(5) Do and perform all other acts and things necessary or proper to carry out the provisions of ORS 227.010 to 227.120, and 227.160 to 227.180;

(6) Study and propose such measures as are advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city, including the area that is expected to eventually become a part of the city through annexation.

(b) The city council shall assign to the commission such facilities and services as necessary to enable the commission to hold its meetings, transact its business and keep its records. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.110 Hearings officer.

The council may appoint or designate one or more qualified persons as planning and zoning hearings officer(s), to serve at the pleasure of the city council. The hearings officer(s) shall have the power to conduct hearings on applications for permits. (Ord. 92-35 §2 (Exh. A)(part), 1992).

2.08.120 Hearing procedures.

(a) Procedures for the conduct of quasi-judicial hearings as prescribed by Section 18.32.160 of this code shall apply with respect to the conduct of hearings by the planning commission and hearings officer.

(b) Procedures for the conduct of legislative hearings as prescribed by Section 18.30.100 of this code shall apply with respect to the conduct of legislative hearings by the planning commission. (Ord. 92-35 §2 (Exh. A)(part), 1992).■

A RESOLUTION ADOPTING REVISED BYLAWS AND RULES OF PROCEDURE FOR THE ORGANIZATION OF AND CONDUCT OF BUSINESS BY THE TIGARD PLANNING COMMISSION.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF TIGARD, OREGON:

The following bylaws, rules, and regulations are hereby adopted by the Planning Commission for the transaction of its business:

ARTICLE I
General

Section 1. Explanation and Interpretation

A. A nine member City Planning Commission has been established Chapter 2.08 of the Municipal Code. This chapter was enacted by the City Council pursuant to the authority of the home rule Charter of the City of Tigard. The Council has also adopted other ordinances, resolutions, and policy statements relating to the organization, powers, duties, and procedures of the Commission. The Commission is empowered to adopt and amend rules and regulations, to govern the conduct of its business consistent with the Charter and ordinances of the City, and official policies promulgated by the Council.

B. It is the intention of the Commission to set forth in this resolution not only rules and regulations governing its organization and procedures, but also certain other provisions relating thereto, now contained in various ordinances, resolutions, and other documents. The intent is to set forth in one document the essential information relating to the Commission's organization and procedures for the benefit of the Commission, applicants, and the general public.

ARTICLE II
Responsibilities of Commission

Section 1. Responsibilities. The purpose, objectives, and responsibilities of the City Planning Commission shall be as delineated in TMC Chapter 2.08.100, Powers and Duties of the Commission and include:

A. Tigard Comprehensive Plan. The Commission shall carry out duties assigned to it by the Council relating to development, updating, and general maintenance of the Plan.

B. Capital Improvement Program. The Commission will assist the Council in the formulation of a Capital Improvement Program and, after adoption of said Program, may submit periodic reports and recommendations to the Council relating to the integration and conformance of the Program with the Tigard Area Comprehensive Plan.

C. Application of Development Regulations. Except for those matters which may be delegated to the Planning Director, the Commission shall review and take action on quasi judicial and legislative matters, and other proposals which result from the application of development regulations contained within the Development Code on specific pieces of property and uses of land, buildings, etc. The Development Code shall be followed in holding hearings and taking required action.

D. Coordination and Cooperation. The Commission shall endeavor to advance cooperative and harmonious relationships with the City Council, Citizen Involvement Teams (CITs), other Planning Commissions, public and semi-public agencies and officials, and civic and private organizations, with a view to coordinating and integrating public and private planning and developmental and policy conflicts. The Commission may, and is encouraged to, exchange research, information, ideas and experiences, participate in joint meetings, develop programs and undertake such other formal and informal actions to facilitate cooperation and coordination.

E. General Welfare. Upon its own initiative or direction of the Council, the Commission shall study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience, and welfare of the City of Tigard and its environs related to its particular area of responsibility.

F. Rules of Procedure. The Commission shall adopt and periodically review and amend rules of procedure. Rules of procedure shall govern the conduct of hearings and participation of Commission members on all matters coming before the Commission. These rules shall be consistent with State law and City ordinances relating to the same matters.

ARTICLE III
Officers

Section 1. Officers. The Officers of the Commission shall be a President and Vice-President. The City Community Development Director shall be the Secretary of the Commission. In the event the Secretary is absent from any meeting, the Secretary may send a designee.

Section 2. Election.

A. The President and Vice-President shall be elected at the first meeting of each odd numbered year, and shall serve until their successors are elected and qualified. The term shall start with the first meeting in January, following election.

B. If the office of the President or Vice-President becomes vacant, the Commission shall elect a successor from its membership who shall serve the unexpired term of the predecessor.

C. Nominations shall be by oral motion. At the close of nominations, the Commission shall vote by voice vote upon the names nominated for the office. If requested by any member, written ballots shall be used for voting purposes.

Section 3. President.

A. Except as otherwise provided herein, the President shall have the duties and powers to:

1. Preside over all deliberations and meetings of the Commission;

2. Vote on all questions before the Commission;

3. Call special meetings of the Commission in accordance with these bylaws;

4. Sign all documents memorializing Commission action promptly after approval by the Commission. The power to sign reports and other documents of the Commission may be delegated, in writing, to the Secretary.

B. All decisions of the President as presiding officer shall be subject to review by a majority of Commission members present upon motion duly made and seconded. Upon a majority vote of the members present, the Commission may overturn a decision of the President.

Section 4. Vice-President. During the absence, disability, or disqualification of the President, the Vice-President shall exercise or perform all the duties and be subject to all the responsibilities of the President. In the absence of the President and Vice-President, the remaining members present shall elect an acting President.

Section 5. Secretary.

A. The Secretary shall:

1. Maintain an accurate, permanent, and complete record of all proceedings conducted before the Commission;

2. Prepare the agenda and minutes for all Commission meetings;

3. Give all notices required by law;

4. Inform the Commission of correspondence relating to Commission business and conduct all correspondence of the Commission;

5. Attend all meetings and hearings of the Commission or send a designee;

6. Compile all required records and maintain the necessary files, indexes, maps, and plans.

B. The Secretary shall maintain records indicating all applications, appeals, hearings, continuances, postponements, date of sending notice, final disposition of matters, and other steps taken or acts performed by the Commission, its officers, and the Secretary.

C. The Secretary shall perform such other duties for the commission as are customary in that role or as may, from time to time, be required by the Commission.

ARTICLE IV
Meetings

Section 1. Regular Meetings. Regular meetings of the Commission shall be held in the Council Chambers, City Hall, 13125 SW Hall Blvd., Tigard, Oregon, or at such other places as may be determined by the Commission, at 7:30 p.m., or other time as determined by the Commission. Meeting dates are normally chosen for timely action on applications submitted for the Commission's consideration and are held at least once a month or as necessary. At regular meetings, the Commission shall consider all matters properly brought before it without the necessity of prior notice thereof given to any members.

Section 2. Special Meetings. The President of the Commission upon his or her own motion may, or upon the request of a majority of the members of the Commission shall, call a special meeting of the Commission. Unless otherwise specified in the call, all special meetings shall be held at the regular meeting place and time of the Commission. Notice of special meetings shall be given personally or by mail to all members of the Commission and the Secretary not less than forty-eight (48) hours in advance thereof. In case of an emergency, a special meeting may be held upon such notice as is appropriate in the circumstances; provided, however, that reasonable effort is made to notify all members of the Commission.

Section 3. Open Meetings. All meetings of the Commission shall be open to the public, except that the Commission may hold executive sessions, from which the public may be excluded, in such manner and for such purposes as may be authorized by law. Representatives of the news media shall be allowed to attend executive sessions under such conditions governing the disclosure of information as provided by law.

Section 4. Notice of Meetings.

A. In addition to notice required to be given to Commission members and the Secretary, public notice of all Commission meetings shall be given in a manner reasonably calculated to give actual notice to interested persons. The notice shall consist of the time and place of the meeting and an agenda or summary of the subject matter to be considered.

B. Notice shall be posted on a bulletin board in the City Hall and disseminated to the City Recorder, local news media representatives, and other persons and organizations as provided by law. At the discretion of the Secretary, notice may also be provided to persons and organizations known to have a special interest in matters to be considered by the Commission.

C. Notice shall be given not less than forty-eight (48) hours in advance of a meeting; provided, however, that in case of an emergency, a meeting may be held upon such public notice as is appropriate in the circumstances.

D. Failure to provide notice as specified in this section, shall not invalidate any decision or proceeding of the Commission.

Section 6. Agenda: Order of Business.

A. The order of business at all meetings shall be determined by the agenda which shall be composed generally of the following items:

1) Call to order;
2) Roll call;
3) Communications;
4) Minutes of previous meetings;
5) Old business - continuances;
6 New business;
7 Other business;
8 Adjournment.

B. Any item may be taken out of order by direction of the President.

C. Actions of the Commission are not limited to the prepared agenda.

D. Public hearings will be stopped at 11:00 P.M. unless there is a motion from the commission to extend the time of the hearing in progress. In the absence of that motion, the issue will be taken up at the following meeting.

E. The Commission shall not consider a new item after 11:00 p.m. unless there is a motion by the Commission to extend the time for the agenda item.

Section 7. Attendance. If a member of the Commission is unable to attend a meeting, he or she is expected to notify the Secretary. If any member is absent from 6 meetings within one calendar year or three consecutive meetings without reasonable cause, upon majority vote of the Commission, that position shall be declared vacant. The Commission shall forward their action to the Mayor and Council, who shall fill the vacant position.

Section 8. Quorum. At any meeting of the Commission, a quorum shall be a majority of the current members of the Commission. No action shall be taken in the absence of a quorum except to adjourn the meeting and to continue public hearings to a time and place certain. For the purposes of forming a quorum, members who have disqualified or excused themselves from participation in any matter shall be counted as present.

In the event a quorum will not be present at any meeting, the Secretary shall notify the Commission members in advance of that fact, and all items scheduled before the meeting shall be automatically continued to the next regularly scheduled meeting. The Secretary shall post notice of the continuance on the door of the Council Chambers notifying the public of the continuance and specifying the date and time when the matter will be before the Commission.

Section 9. Voting.

A. The concurrence of a majority of the members of the Commission present at an open meeting shall be necessary to determine any question before the Commission. A tie vote causes the motion to fail.

B. When a matter is called for a vote, the President shall, before a vote is taken, restate the motion and shall announce the decision of the Commission after such vote.

C. Voting shall be by voice vote. All votes, whether positive, negative, or abstentions, shall be recorded in the minutes.

D. Voting "in absentia" or by proxy is not permitted.

E. A motion to reconsider can be made only at the same meeting the vote to be reconsidered was taken. Suspension of this rule is not permitted. Further, a motion to reconsider may only be made by a member who voted on the prevailing side of the issue.

Section 10. Continuances, Remands.

A. Any item before the Commission may be continued to a subsequent meeting. A motion to continue an item shall specify the date or event upon which continuation is to be based. If a matter which originally required public notice is continued without setting time and place certain, the public notification must be repeated when time and place are made certain. A list of continued items, showing the date at which an item was continued, or the event upon which continuance is based, shall be recorded and kept by the Secretary and made available to the public.

B. Unless otherwise provided by the Council upon remand, any item remanded by the Council for reconsideration by the Commission shall be treated as a new item and proceedings shall be provided for as if the matter were initially before the Commission.

C. A member absent during the presentation of any evidence in a hearing may not participate in the deliberations or final determination regarding the matter of the hearing, unless he or she has reviewed the evidence received.

Section 11. Rules of Procedure. All rules of order not herein provided for shall be determined in accordance with the latest edition of "Robert's Rules of Order Newly Revised". However, the Commission has an obligation to be as clear and simple in its procedure as possible.

Section 12. Minutes.

A. The Secretary or a designee shall be present at each meeting and shall cause the proceedings to be stenographically or electronically recorded. A full transcript is not required, but written minutes giving a true reflection of the matters discussed at a meeting and the view of the participants shall be prepared and maintained by the Secretary. Executive sessions are excluded from published minutes.

B. Minutes shall be available to the public, upon request, within a reasonable time after a meeting and shall include the following:

1) Members present;
2) Motions, proposals, measures proposed and their disposition;
3) Results of all votes, including the vote of each member by name if not unanimous; and
4) Substance of any discussion of any matter.
5) If the minutes are not yet approved by the Commission, if requested, draft minutes, if available, may be provided.

C. The Secretary may charge a reasonable fee for copies of minutes and other materials relating to Commission matters.

D. Commissioners are expected to vote for approval of the minutes based on the accuracy of representation of events at the meeting. If there are no corrections, the President may declare the minutes approved as presented, without the need for a motion and vote. A vote in favor of adopting minutes does not signify agreement or disagreement with the Commission's actions memorialized in the minutes.

E. Any Commissioner not present at a meeting must abstain from voting on approval of the minutes of that meeting.

ARTICLE V
Advisory Committees

Appointment. Advisory committees to the Commission may be appointed by the Commission, with the concurrence of the Commission members, for the consideration of special assignments.

ARTICLE VI
Publication and Amendment of Bylaws and Rules of Procedure

Section 1. Publication and Distribution. A copy of these approved bylaws and rules of procedures shall be:

A. Placed on record with the City Recorder and the Secretary of the Commission;

B. Available at each Commission meeting;

C. Distributed to each member of the Commission; and

D. Available to the public for the cost of duplication.

Section 2. Amendment and Suspension.

A. These bylaws, rules, and regulations may be amended by approval of a majority of the members of the entire Commission at a regular or special meeting, provided notice of the proposed amendment is given at the preceding regular meeting, or at least five (5) days written notice is delivered to, or mailed to the home address of each Commissioner. The notice shall identify the section or sections of this resolution proposed to be amended.

B. Notwithstanding subsection A above, any rule of procedure not required by law may be suspended temporarily at any meeting by majority vote of those members present and voting, except the rule on reconsideration.

Adopted by the Planning Commission of the City of Tigard, Oregon, with a quorum in attendance at its regular meeting of and signed by the President in authentication of its adoption this day of _____

_____

Planning Commission
City of Tigard, OR

Adopted by the Council this _____ day of _____

Ayes: _____ Nays: _____

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Attachment 4

Tigard City Council Action Recap!

Here is a review of the City Council Meeting highlights for the past month:

- Heard State of the City Address from Mayor Griffith.
- Heard Executive Summary from City Manager Monahan.
- Heard the Tigard Beyond Tomorrow Vision 2001 Report.
- Heard an update on the proposed new library.
- Conducted a hearing on proposed "Pacific Crest" annexation of 28.83 acres.
- Conducted a hearing on proposed "Daffodil Hill" annexation of 3.16 acres.
- Conducted a hearing on proposed "Thornwood" annexation of 8.6 acres.
- Conducted a hearing on proposed Transportation System Plan amending the Comprehensive Plan.
- Considered an ordinance to amend Chapter 13.04 of the Tigard Municipal Code pertaining to Local Improvements, General Procedures.
- Held joint meeting with the Intergovernmental Water Board to discuss regional drinking water proposal and discussed City of Tigard's position.
- Discussed the transfer of juvenile cases to Municipal Court.
- Heard an update on the Skateboard Park Task Force.
- Heard an update on the potential expansion of the Urban Growth Boundary.
- Heard an update on the Washington Square Regional Center Plan Implementation Strategy.
- Heard an update on the Washington County Long-Range Transportation Plan.
- Conducted a goal-setting meeting and set City goals for 2002.
- Conducted a hearing on Washington Square Regional Center Implementation and Code & Comprehensive Plan Amendments.
- Conducted a preliminary evaluation of the Wall Street Local Improvement District.
- Considered proposed assessments for the 69th Avenue Local Improvement District.

Future Council Agenda Items:

- ★ Consider the "close out" of the 69th Avenue Local Improvement District.
- ★ Approve the preliminary engineering study for the Wall Street Local Improvement District.
- ★ Hold a joint meeting with the Planning Commission.
- ★ Review proposed information on the role of board and committee members and volunteers.
- ★ Consider an intergovernmental agreement regarding the Durham Quarry.
- ★ Hear an update on the new City web site.
- ★ Hear an update on Regional Goal 5.

For additional information or if you have any questions about any of the items listed above, please contact City Recorder Cathy Wheatley at 503-639-4171, ext. 309. A copy of Council packet information can be found on the City's web site at ***www.ci.tigard.or.us*** *or at the library. Audio and video tape recordings of most meetings are also available at the library.*

Community Calendar

All meetings are held at Tigard City Hall -- 13125 SW Hall Boulevard, unless noted.
Meeting dates are tentative. To confirm a date or agenda topics, please call City Hall at 503-639-4171.

The Tigard City Council meetings are cable cast live at 7:30 p.m. on the second and fourth Tuesdays of the month on Channel 22. Replays air at 7 p.m. and 1 a.m. on Thursday and 10 a.m., 7 p.m. and 1 a.m. on Friday (following the second and fourth Tuesdays) on Channel 21.

City Council:
February 12*, 19, 26*
March 12*, 19, 26*
6:30 p.m. unless otherwise posted
* *Cablecast Meeting*

Library Board:
Puett Room - TPL
2nd Thurs., 7 p.m.

Planning Commission:
1st & 3rd Mon., unless a holiday, 7:30 p.m.

Intergovernmental Water Board:
2nd Wed., 5:30 p.m.
Tigard Water Building
8777 SW Burnham

CITY OF TIGARD

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AGENDA ITEM # _____
FOR AGENDA OF January 15, 2002

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Update on Metro Urban Growth Boundary Expansion

PREPARED BY: Barbara Shields DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Staff will update Council on Metro's approach in evaluating a regional assessment of the need for an expansion of the Urban Growth Boundary and an Alternative Analysis Study to evaluate locations for the potential expansion.

STAFF RECOMMENDATION

N/A. Review only.

INFORMATION SUMMARY

As part of Metro's Periodic Review Work Program, Metro determined a classification of tiers of land to study for expansion of the Urban Growth Boundary (UGB). Periodic review is a process by which the Oregon Land Conservation and Development Commission (LCDC) works with local governments and residents to review the government's work. The goal is to make sure Metro's land use work, specifically in regard to UGB, complies with state land use planning goals. The UGB is required to have a 20-year supply of urbanizable land inside its borders.

The Metro Council approved the Alternative Analysis Study, which includes the tiers of land for expansion, at the meeting on December 13, 2001. Metro picked about 100,000 acres as potential study areas for possible inclusion in the Urban Growth Boundary. The Metro Council is scheduled to make a final decision on the UGB expansion by December 2002.

At the City Council meeting on January 15, 2002, staff will briefly discuss the approach taken by Metro in evaluating locations for the potential UGB expansion.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #2, Urban services are provided to all citizens within Tigard's urban growth boundary and recipients of services pay their share.

ATTACHMENT LIST

None.

FISCAL NOTES

N/A

UGB –

Notes from 1/15/02 on discussion

Barbara reviewed the history of UGB and potential expansion. Metro has a complex process where “tiers” of possible area for expansion has been identified; only certain areas are now under review. Barbara reviewed potential impact to the City of Tigard. She also referred to a public involvement process developed by Metro.

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Who Is A Public Employee

- Elected officials are **not** public employees. *ORS 260.432(4)(a)*
- Everyone else performing work for the City, except for independent contractors, are public employees. *Memo from Phil Keisling, Secretary of State to County & City Governing Bodies, January 28, 1998. Letter from Donald Arnold, Chief Counsel, General Counsel Division, Attorney General's Office, to Colleen Sealock, Elections Division, October 5, 1993.*
  - Staff, board members, and volunteers are "public employees" *Id.*

ORS 294.100

- (1) It is unlawful for any public official to expend any money in excess of the amounts, or for any other or different purpose than provided by law.
- (2) Any public official who expends any public money in excess of the amounts, or for any other or different purpose or purposes than authorized by law, shall be civilly liable for the return of the money . . . .

Restrictions on Advocacy

- ORS 260.432(2) *No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum, or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.*

"Public Employees"

- Cannot advocate or solicit on the job during working hours *ORS 260.432(2)*
- Cannot work for elected official acting in advocacy role during working hours. *See Memo from Phil Keisling to County & City Governing Bodies, January 28, 1998*
- Can perform official duties, including preparation of neutral fact sheets *ORS 260.522(3)(b)* and preparation of neutral explanatory statement. *ORS 251.345*
- Can wear political buttons, but cities may prevent uniformed personnel from wearing non-uniform items *See Memo from Phil Keisling to County & City Governing Bodies, January 28, 1998*

On The Job During Working Hours

- "On the job during working hours" includes:
  - At work on a regular schedule
  - At City meetings
  - At other meetings attended on behalf of the City
  - Other situations in which the person's affiliation with the City is identified *See Memo from Phil Keisling, Secretary of State to County & City Governing Bodies, January 28, 1998. Letter from Donald Arnold, Chief Counsel, General Counsel Division, Attorney General's Office, to Colleen Sealock, Elections Division, October 5, 1993.*

Unregulated Activities

- "On the job during working hours" does not include:
  - Activities away from the work place, not during work hours, unrelated to City business
  - Conversations between employees during an official break and away from workstation are probably not subject to regulation <u>See</u> *Memo from Phil Keisling to County & City Governing Bodies, January 28, 1998*

Solicitation of Public Employees

- ORS 260.432(1) *No person shall attempt to or actually, coerce, command or require a public employee to influence or give money, service or other thing of value to promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure, or the recall of a public office holder.*
- Applies beyond "working hours"

be determined with due consideration at cross streets or the minimum distance required for approach grades and to provide sufficient depth to allow screen planting along the railroad right-of-way in nonindustrial areas.

P. Access to arterials and major collectors. Where a development abuts or is traversed by an existing or proposed arterial or major collector street, the development design shall provide adequate protection for residential properties and shall separate residential access and through traffic, or if separation is not feasible, the design shall minimize the traffic conflicts. The design shall include any of the following:

1. A parallel access street along the arterial or major collector;

2. Lots of suitable depth abutting the arterial or major collector to provide adequate buffering with frontage along another street;

3. Screen planting at the rear or side property line to be contained in a nonaccess reservation along the arterial or major collector; or

4. Other treatment suitable to meet the objectives of this subsection;

5. If a lot has access to two streets with different classifications, primary access should be from the lower classification street.

Q. Alleys, public or private.

1. Alleys shall be no less than 20 feet in width. In commercial and industrial districts, alleys shall be provided unless other permanent provisions for access to off-street parking and loading facilities are made.

2. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

R. Survey monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.

S. Private Streets.

1. Design standards for private streets shall be established by the City Engineer; and

2. The City shall require legal assurances for the continued maintenance of private streets, such as a recorded maintenance agreement.

3. Private streets serving more than six dwelling units are permitted only within planned developments, mobile home parks, and multi-family residential developments.

T. Railroad crossings. Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements may be a condition of development approval, or another equitable means of cost distribution shall be determined by the public works Director and approved by the Commission.

AGENDA ITEM # _____
FOR AGENDA OF 2/19/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Proposed Title 3 Code Amendment

PREPARED BY: Duane Roberts DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City adopt certain code amendements in order to comply with Title 3 of the Urban Growth Management Functional Plan as required by Metro? This is an information and discussion item. A formal public hearing on the compliance amendments is set for March 26, 2002.

STAFF RECOMMENDATION

No action is required.

INFORMATION SUMMARY

In mid-1998, the Metro Council adopted water quality and flood management performance standards, known as Title 3 of the Urban Growth Management Functional Plan. The title's intent is "to protect the beneficial uses and functions and values" of streams and wetlands from the impacts of development activities. Tigard and the other jurisdictions within Metro were given eighteen months to adopt code amendments that comply with these standards. During 1999, the City participated with other Washington County jurisdictions and Clean Water Services (CWS) in the development of a coordinated Title 3 response strategy that builds on the existing Storm Water Management program.

In late 1999, CWS adopted the new water management rules implementing Title 3 in Washington County. As detailed in the attached memo, the new rules impose wider buffers around most streams and wetlands and also require the enhancement of the first 50 feet of disturbed or degraded buffer areas. Applicants are required to prepare a site assessment and obtain a stormwater permit from CWS prior to submitting a land use application to the local jurisdiction. Existing development located within a setback area is not required to be brought into conformity with the new rules.

As CWS partners, all the jurisdictions within the County, including Tigard, are required to follow CWS standards as a minimum. However, because of potential Measure 7 claims, Tigard did not amend its Comprehensive Plan and Development Code to recognize the standards as required by Metro. Metro requires the City to adopt or recognize the CWS standards in its code, because Metro has no legal authority over CWS standards. A hearing to complete Title 3 compliance by adopting the required Code amendments is set for March 26, 2002. The adoption ordinance will contain language, based on Measure 7-related case law, which will better protect the City from Measure 7 claims.

Public involvement in the adoption process has included the sending of 1,600 notices to the owners of potentially affected land and the holding of two open house meetings to discuss the amendments provide examples of how they work. Existing development is not subject to the regulations and is not required to be brought into conformity with the new rules.

OTHER ALTERNATIVES CONSIDERED

N/A

ATTACHMENT LIST

Attachment 1: Title 3 Code Amendments
Attachment 2: Chart I: Vegetated Corridor Widths
Attachment 3: Chart II: Main Title 3/CWS Requirements Compared with Pre-Existing City Standards
Attachment 4: Planning Commission minutes, November 6, 2000

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth Management Goal #1, Accommodate Growth while protecting the character and livability of new and established areas (natural resource protection is identified as one of the action strategies under this goal).

FISCAL NOTES

No additional administrative costs are incurred by the amendments, since they are administered by CWS rather than the City. The City potentially could be subject to Measure 7 claims should the Oregon Supreme Court uphold the legality of Measure 7. To address this issue, the ordinance adopting the amendents will include language, similar to that developed by the City Attorney's office and included in the recent Transportation System Plan adoption ordinance, to better protect the City from such claims.

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Attachment 1

Title 3 Code Amendments

Introduction

On March 28, 2002, Council is scheduled to consider amendments to the Tigard Comprehensive Plan and Development Code intended to bring the City into compliance with Title 3 of the Metro Urban Growth Functional Plan. The purpose of the February 19th Title 3 agenda item is to update Council on the title's key provisions and on the compliance process followed to date.

Background

In mid-1998, the Metro Council adopted performance standards for the protection of streams, wetlands, and floodplains, formally known as Title 3 of the Urban Growth Management Functional Plan. Tigard and the other jurisdictions within Metro were required to amend their comprehensive plans and development codes to comply with these new standards within eighteen months.

In Washington County, the cities and the county have had a coordinated water quality program since 1990. This program, called the Surface Water Management Program, or SWM, provides one set of rules for all the jurisdictions to follow. Given the success of this program and a common desire to maintain the consistency it provides, the Washington County jurisdictions unanimously elected to meet Title 3 by building on the existing Clean Water Services (CWS) storm water management program. In late 1999, after a one-year, collaborative planning process, the CWS rules were revised to reflect the Title 3 performance standards. The revisions were adopted by the CWS board after public hearings and became effective countywide February 2000.

On November 6, 2000, the Planning Commission conducted a hearing on the proposed amendments. In a five to zero decision, the Commissioners voted to abstain from forwarding a recommendation to Council concerning adoption. According to Commissioner comments, the main reasons were that the Metro standards were unduly restrictive and that the CWS definition of "development" was too ambiguous and open to interpretation by CWS permit coordinators (Attachment 4). At the same time, remarks the Commission acknowledged that the City is obligated to follow Metro planning rules and to adopt the compliance amendments under consideration.

A Council hearing to adopt the standards originally had been scheduled for late 2000. However, after the November 2000 passage of Ballot Measure 7, the City Attorney advised the City to suspend adoption until the effects of the ballot measure were better known.

The adoption process remained on hold until October 2001, when Tigard and other jurisdictions received a letter from Metro directing the City to complete Title 3 adoption.

In response to this mandate, the City has resumed the adoption process and set the date for the Council adoption hearing. Adoption of the amendments will bring the City into full compliance status with regard to Title 3 of the Urban Growth Management Functional Plan.

Public Involvement

In early January of this year, some 1,600 notices were sent to the owners of land located within mapped Title 3 resource and associated buffer areas. The notices informed owners that the City was considering code changes that potentially could affect the use and value of their properties. The notices included summary information on the code changes and the Council hearing date. Also included was information on two open house meetings scheduled to discuss the code amendments and to give examples of how they work.

The two informal meetings were held on January 16th and 17th and were attended by a total of 25 people. Approximately 40 owners contacted staff before and after the meetings with questions and comments about the proposed amendments. Ninety-five per cent of those who contacted the City or attended the meetings were homeowners with concerns about how the regulations apply to backyard development. The most common question was whether homeowners would have to replant existing lawn areas into native trees and groundcover.

Summary of Proposed Amendments

The purpose of the proposed City plan and code amendments is to add references to CWS's Design and Construction Manual and to CWS's role as a service provider whose storm/surface water management service is required as part of the land use review process. The one and only policy change is the addition of CWS to the list of government entities referenced in Water Quality Policy 4.2.1 whose standards apply to development inside the City.

A related purpose of the amendments is to streamline the Sensitive Lands (18.775) and Water Resources Overlay (18.797) Chapters of the code by eliminating conflicting standards and by integrating into the Sensitive Lands Chapter portions of the Water Resources Overlay Chapter that are more restrictive than CWS or Sensitive Lands standards and deleting all other portions of the Water Resources Overlay Chapter.

The new CWS rules require wider buffers around streams and wetlands and also require the enhancement to "good condition" of the first 15 to 50 feet of disturbed or degraded buffer areas. The CWS rules limit development within sensitive water resource areas and adjacent corridors. The corridors range in width from 15 to 200 feet depending on the nature of the sensitive area and the slope of the surrounding terrain. Very steep areas receive the widest corridors. A chart showing the standard vegetated corridor widths is attached (Attachment 2). Also attached is a chart comparing the main

Title 3/ CWS standards to pre-existing City standards (Attachment 3). The key differences include:

- wider buffers on some streams
- wider buffers around isolated wetlands larger than 0.5 acre
- the required preservation or restoration to good condition of the first 50 feet of stream buffer
- the protection of intermittent streams with 15' to 50' buffers

To provide flexibility in the land use review process and also to avoid takings in specific cases, the new standards allow for development to occur with appropriate conditions through buffer averaging and reduction and though an alternatives analysis or variance process. These provisions are described in Chart II.

The new regulations require that applicants for development near streams and wetlands prepare a site assessment and obtain a stormwater permit from CWS prior to submitting a land use application to the City. As presently administered, the City pre-screens proposed site plans to determine which applications include development that intrudes into the vegetated corridor and require CWS review. Proposals that include any intrusion are required to obtain the CWS permit.

Water Resource Overlay Chapter

The existing Water Resource Overlay District Chapter of the Tigard Community Development Code was adopted in order to comply with Statewide Goal 5 for streams and wetlands. Many of its provisions are less stringent than the new CWS standards. These lesser standards are proposed to be removed by the code amendments. In order to maintain Goal 5 compliance, those standards that are more stringent than the CWS standards are proposed to be retained and, for purposes of streamlining and clarity, are integrated into the Sensitive Lands Chapter. As shown in Chart II, more restrictive standards include a fixed 75-foot setback along the Tualatin River and the stronger protection of good condition buffers and sensitive areas.

Along Fanno, the North Fork of Ash, and Ball Creeks, where the pre-existing buffer had been 50' and gradients are low, the new regulatory buffers generally do not exceed the pre-existing City Water Resource Overlay standards.

Who is Subject to the CWS Regulations

The new regulations apply to new "development" near sensitive water areas. The definition of "development" generally includes the following activities:

- land division to create new lots
- construction requiring a building permit
- grading and excavation requiring a permit
- clearing of vegetation within a vegetated corridor area

Existing development located within a setback area is not subject to the new regulatory setbacks and is not required to be brought into conformity with the new rules. However, any proposed expansion of the existing use would be required to conform to the new regulations. Maintenance and repair and roads and utilities, where no alternative locations exist that cause less disturbance, also are exempt from the regulations.

Examples of typical activities within a Title 3 buffer, not involving the removal of native vegetation, that generally do not require a permit include:

- redevelopment of existing impervious area, such as the conversion of a deck area to a sunroom
- placement of a stone path
- establishment of a garden area
- installation of a clothesline pole
- construction of an arbor
- construction or installation of most outdoor play equipment
- mowing of existing lawn area

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Chart I
Vegetated Corridor Widths

Sensitive Area Definition	Slope Adjacent to Sensitive Area	Width of Vegetated Corridor per Side
• Streams with intermittent flow draining: • 10 to <50 acres • ≥50 to 100 acres • Existing or created wetlands < 0.5 acre	< 25%	 15 feet 25 feet 25 feet
• Existing or created wetlands ≥ 0.5 acre • Rivers, streams, and springs with year round flow • Streams with intermittent flow draining >100 acres • Natural lakes and ponds	<25%	50 feet
• Streams with intermittent flow draining: • 10 to <50 acres • ≥50 to 100 acres	>25%	 30 feet 50 feet
• Existing or created wetlands • Rivers, streams, and springs with year round flow • Streams with intermittent flow draining ≥100 acres • Natural lakes and ponds	> 25%	Variable from 50-200 ft Measure in 25foot increments from the starting point to the top of ravine (break in > 25% slope), add 35 feet past the top of ravine

Chart II

Main Title 3/CWS Requirements Compared with Pre-Existing City Standards

With the more stringent standard highlighted

Title 3/CWS Requirements	Pre-Existing City Standards
Flood Management	
Balanced cut and fill required	Balanced cut and fill required in com & indus zones Floodplain alteration prohibited in residential zones
Maintenance of 1' rise floodway required	Maintenance of zero-rise floodway required
Floor elevation 1' above floodplain, measured from bottom of floor beam	Floor elevation 1' above floodplain, measured from top of floor
Storage of uncontained hazardous materials prohibited	No local regulation
Use of flood zone data newer than existing 1981-84 FEMA maps required, if available	Fanno Creek basin floodplain updated 2000; Tualatin River and tributaries not updated
Encourages bridges vs. culverts & stream crossing perpendicular to the stream	No local regulation
Water Quality Protection	
Imposes variable 50-200' vegetated corridor around perennial streams, wetlands, lakes, springs, & intermittent streams draining more than 100 ac.;	City imposes fixed 25-75' corridors: 75' along Tualatin R. 50' along Fanno, Ball, and Ash Creeks 25' along Summer, N Ash, Red Rock, D Dell Cks
Riparian slopes of 25% protected up to 200' from stream edge	City limits but does not restrict development of 25% slopes outside riparian buffer
Protects intermittent streams and imposes vegetated corridor: - those draining 10-50 acres get 15' buffer - those draining 50-100 acres get 25' buffer	City does not protect intermittent streams; replacement of intermittent streams by public facility allowed
Protects wetlands smaller than 0.5 acres and imposes 25' buffer	Same protection and buffer
Wetlands identified by definition	Wetlands identified by map
Restoration to good condition of first 50' of vegetated corridor required	Restoration of first 25' of vegetated corridor required
Clearing or removal of vegetation within vegetated corridor prior to development prohibited	Clearing of area within 25', 50', and 75' corridors prohibited

Flexibility provisions include: - averaging of 20% of frontage by 20% of width of degraded buffer - reduction by 20% of 125-200' degraded buffer - reduction to15' of buffer extending 35' from top of ravine, with geotech report - Tier 1 Alternatives Analysis for degraded buffer with encroach. up to 40% of length by 30% of width - Tier 2 Alternatives Analysis for (a) sensitive area, (b) good condition buffer, and (c) degraded buffer encroachment beyond Tier I %; includes hardship variance	Flexibility provisions include: - 50% reduction of degraded buffer along Tualatin R., Fanno, N Ash, & Ball Creeks - underlying zone adjustments up to 50% - hardship or taking variance - comp plan amendment (ESEE analysis) for (a) sensitive area, (b) good condition corridor, or (c) degraded buffer encroachment beyond 50% of width
Exception for roads, paths, utilities, hazards, safety violations, replacement of existing development	Same exceptions relative to buffer encroachment, - Comp plan amendment required for sensitive area encroachment
Density transfer allowed for area within vegetated corridor	Transfer of residential units allowed for area within 25-75' corridor, plus 25% slope and floodplain, if wider
Multiple lot development required to place buffer area in separate tract - Physical separation (fencing) may be required - No-touch easement may be required vis-a-vis buffers of all development types	Same separate tract requirement for multiple lot development
Erosion control measures required	Erosion control required

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that replaces an older run-down building will be a disincentive to rebuild if additional parking is required. He agrees that if an existing building adds square footage it should also add more parking. However, if a new building retains the existing square footage, then it should be exempt from coming up to current parking standards.

President Wilson pointed out that there is already a serious disincentive to rebuild because currently an existing building must comply if the use changes. This ordinance gives more flexibility in that regard.

Commissioner Padgett noted that an important distinction is that the Central Business District is a specially designated area of the City, and the City has recognized that the purpose and intent of this area is different from other general commercial areas. Because of the unique characteristics and designation of the area, it is important to clarify that this amendment only applies to the Central Business District and the same theory does not apply to other commercial areas.

Matt Scheidegger reiterated that this amendment only applies to property abutting Main Street. A brief discussion followed regarding inclusion of these concerns in the recommendation for approval.

Commissioner Topp moved to recommend approval to City Council of the Downtown Parking Code Amendment, Zone Ordinance Amendment (ZOA) 2000-00004, as evidenced by Table 18.765.2 revised on 11/6/00 to include an amendment to footnote #5 that existing buildings directly abutting Main Street are not required to add additional off-street parking for a change of use or for replacement of the existing square footage except for entertainment uses. Commissioner Mores seconded the motion. A voice vote was taken and the motion passed unanimously.

Commissioner Padgett left at 8:10 p.m.

5.2 COMPREHENSIVE PLAN AMENDMENT (CPA) 2000-00001/ZONE ORDINANCE AMENDMENT (ZOA) 2000-00003 CODE AMENDMENT INCORPORATING USA'S NEW WATER QUALITY DESIGN STANDARDS

The City of Tigard is proposing a Comprehensive Plan Amendment to Volume II in order to recognize Unified Sewerage Agency's (USA) role in managing water quality and to provide additional evidence of Metro Title 3 compliance. A Zone Ordinance Amendment is requested with respect to Community Development Code (Title 18), Chapters 18.370, 18.775 and 18.797, in order to incorporate new USA Design and Construction Standards governing development near streams, wetlands, and springs (collectively called Water Quality Sensitive Areas). All lesser standards in the Community Development Code that provide less protection than the USA standards will be deleted and a requirement will be added that a USA permit be obtained. The USA regulations have been put into place in response to Metro Stream and Wetland

Protection performance standards and the need to better protect streamwater quality and fish habitat. **LOCATION:** Citywide **ZONE:** N/A. **APPLICABLE REVIEW CRITERIA:** Statewide Planning Goals 1, 2, 6 and 7; Metro Urban Growth Management Functional Plan Titles 3 and 8; Comprehensive Plan Policies 1.1.1, 1.1.2, 2.1.1, 2.1.2, 2.1.3, 3.1.1, 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.4.1, 3.4.2, 3.5.3, 4.2.1, 7.1.1, 7.1.2 and 7.2.1; and Community Development Code Chapters 18.380 and 18.390.

STAFF REPORT

Duane Roberts presented the staff report on behalf of the City. In order to comply with Title 3 of the Metro Functional Plan, the City is proposing to change the Comprehensive Plan and Community Development Code in three ways: 1) to recognize USA's role in managing water quality within the City and to reference USA's new Design and Construction Standards, 2) to add the requirement for a USA Stormwater Connection Permit, and 3) to integrate the three layers of regulations for federal, state, and regional standards into one section and make them easier to understand and administer. Mr. Roberts explained the main differences between the existing Code and the new requirements. Chart II in the staff report explains the changes. There are two types of regulations, one pertains to flood management and the other relates to water quality protection. Mr. Roberts outlined the pertinent portions of the requirements and explained how Tigard's existing flood management standards are generally more stringent than, and therefore supersede, the USA standards. He also remarked on flexibility changes in the regulations and alternative analyses provisions. Mr. Roberts stated that Tigard's Code standards are also somewhat more restrictive or stringent than the USA regulations for protecting resources such as wetlands and stream corridors.

Mr. Roberts stated that most people are concerned about existing single-family lots. He explained that the rules apply differently to small development and existing single-family lots than to large development. A single-family lot will not have to submit a detailed assessment or hire any consultants. The main requirements are to provide a sketch plan of the proposed development, a measure of the distance from the development to the edge of the water feature, and one or more photographs of the site. A major development such as a subdivision will have to do a very detailed assessment of the vegetated corridor, may be required to perform a geotechnical study, hire consultants, and submit a very complete assessment.

Commissioner Topp asked if Tigard's more stringent regulations would be deleted from the Code in favor of the less stringent USA regulations.

Mr. Roberts responded that most of the more stringent standards would supersede the less stringent standards; things that could be allowed under the USA regulations will continue to be disallowed under the Tigard regulations. Some of the USA regulations will be adopted over existing regulations that are only slightly more stringent. He pointed out areas on a map where the new regulations are the

same or almost the same as the existing regulations. Changes to the existing standards and affected areas were discussed.

These regulations have been reviewed and approved by the Department of Land Conservation and Development, Metro, and the City Attorney's office. Any development will require the approval of USA. USA worked with the Washington County jurisdictions and developed the standards to comply with the regulations mandated by Metro. They will be applied by USA, not the City. There is no flexibility for the Planning Commission to adopt any changes to the new regulations. Questions and lengthy discussion continued regarding the details of and areas affected by the new regulations, the effect on the existing standards, and USA's role in enforcing the regulations.

President Wilson pointed out that, as the Planning Commission does not have the ability to change the standards mandated by Metro, the purpose of public testimony on this matter is to alert Metro of public concerns.

PUBLIC TESTIMONY - IN FAVOR

Hazel Lyon, 10440 SW 87th Avenue, Tigard, Oregon, advised that USA installed a larger sewer line across back of her property along Ash Creek. USA brought in fill that contained a lot of rock, which has caused a drainage problem resulting in standing water. This is a serious problem that did not exist prior to the installation and USA has not offered a satisfactory solution. She did not offer any comments regarding the proposed regulations.

PUBLIC TESTIMONY - IN OPPOSITION

Eric Davison, 11205 SW Fairhaven Street, Tigard, Oregon, stated that he considers the adoption of Title 3 a taking. He asked how this would affect his ability to make modifications to his property. The fact that most of the requirements apply to large developments instead of single-family homes is not made clear in the regulations. He also discussed his concerns about inconsistencies in the new regulations with current standards and whether there is actually any benefit to the changes. Mr. Davison explained how these concerns specifically affect his property with regard to inconsistencies in the implementation of buffers and noted that he has observed inconsistencies affecting other development with no apparent benefit. He expressed various other concerns and questions about the future affects of the new regulations both on development and on property taxes. Specific issues regarding his property were discussed.

Bob Vinatieri, 10440 SW Johnson Court, Tigard, Oregon, inquired about effects of the regulations on structures and what things are considered to be structures in terms of development of such things as arbors, walkways, play structures, etc. He was advised that a development is something that requires a building permit.

Discussion followed regarding different types of development and construction/re-construction that would or would not require approval by the City and/or by USA.

Midge Finley, 11260 SW Gaarde Street, Tigard, Oregon, discussed drainage problems on her property. She does not know how this proposal affects their property. She was advised that Duane Roberts will call her after checking to see if their property is affected.

Peggy Webster, 11895 SW 113th Place, Tigard, Oregon, asked if the 50-foot setback is measured from the creek itself or from the surrounding wetland area. She was advised that it is measured either from the edge of the wetlands or from the top of the bank of the stream. The 50 feet is not related to the floodplain. Ms. Webster stated that she is in favor of preserving as much greenspace and natural habitat as possible. Discussion also was held regarding old trees being cut down in the Walnut Glen Development and problems involving the cost of planting new trees in mitigation. Ms. Webster was advised to contact either Jim Hendryx or Julia Hajduk for assistance in resolving the problems.

Ken Rea, 9570 SW Tigard Street, Tigard, Oregon, asked what criteria are used to determine a major or minor development. He was advised that the determination will be made by USA. A brief discussion followed regarding development of Mr. Rea's property and the change of use from residential to commercial as the reason for the assessment by USA that it is considered a large development. Although the development was begun prior to the effects of the new regulations, the intergovernmental agreement requires the current enforcement of USA regulations.

Teri Brown, 11725 SW 116th, Tigard, Oregon, quoted from a notice stating that adoption of the ordinance may affect the permissible uses and reduce the value of a property. She asked how a reduction in property value is not considered a taking. She was advised that the Supreme Court has ruled that regulations can reduce the value of a property up to almost 100% without calling it a taking. The loss of all economic value to the property is considered a taking. USA should be contacted to determine if a property is affected.

Kevin Dung, 509 SW Sutherland Way, Beaverton, Oregon, commented about the effects on property values if Measure 7 passes. Additional discussion was held regarding the value and development of his property. He was advised to contact USA to determine the specific effects to his property.

PUBLIC HEARING CLOSED

Commissioner Topp said his biggest concern is regarding USA's lack of definitions for structures, gardens, lawns, and permitted uses. Ultimately USA will have to address this issue so that the Planning Commission will know how to respond to development requests that come before it. He is also concerned about the floodplain alteration within residential zones.

President Wilson said he shares the concerns about people being able to use their property. He feels that this whole process is meaningless because the mandate is already in effect and the Planning Commission has no control over the process. He is therefore going to abstain from voting.

Further discussion was held regarding disagreements with certain aspects and the inability to effect changes. Metro is insulated from the results and effects of its mandates because it does not have to face the people who are impacted.

Commissioner Topp moved that the recommendation for approval of the proposed Comprehensive Plan Amendment (CPA) 2000-00001 and Zone Ordinance Amendment (ZOA) 2000-00003 be forwarded to the City Council for approval with two caveats: 1) that staff look at USA's requirements for structures, development and construction activities for garden and lawns and developing lists with USA as to what their intent is for that to apply to, and 2) that staff look at changing the existing City standards to allow balanced cut and fill flood management to commercial, industrial, and residential zones as opposed to excepting out residential zones. The motion was not seconded.

Further discussion was held and it was agreed that the Planning Commission opposes changing the floodplain in residential zones. It is believed that Tigard's existing protections for the floodplain are sufficient. Commissioner Topp amended the motion to strike the portion regarding flood management in residential zones. Commissioner Incalcaterra seconded the motion. A voice vote was taken and there were no votes in favor or in opposition to the motion. All five Commissioners abstained from voting.

6. OTHER BUSINESS

None

7. ADJOURNMENT

The meeting adjourned at 9:50 p.m.

Jerree Gaynor, Planning Commission Secretary

ATTEST: President Nick Wilson

AGENDA ITEM # _____
FOR AGENDA OF 2/19/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Regional Goal 5 Update

PREPARED BY: Duane Roberts DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

What is regional Goal 5? How is the City participating in the regional Goal 5 planning process?

STAFF RECOMMENDATION

This is an informational item.

INFORMATION SUMMARY

As part of a state-required periodic review update, Metro is preparing a plan for regional fish and wildlife habitat protection in accordance with Statewide Planning Goal 5. The planning process includes three phases: 1.) determining which resource sites are significant; 2) determining whether to allow, limit, or prohibit conflicting uses; and 3) developing a protection plan, which could include incentives, acquisition, public education, and/or regulatory elements. So far, Metro has completed the first phase of the planning process, inventorying and identifying significant resources. The target date to complete the second phase, or conflicts analysis, is August 2002. The target date for completion of the protection plan is less certain, but provisionally is December 2002. The attached memo provides a thumbnail sketch of the regional Goal 5 process to date, along with an overview of the remaining steps.

In late January, Metro Council decided to allow groups of jurisdictions within stream basins the option of completing the remaining steps in the Goal 5 process, including the development of a protection program. Turning the protection program decisions over to the local jurisdictions, with Metro oversight, will allow a local determination of what is developable. The main disadvantage of this approach is that the potential additional cost and staff time required to do the work involved in developing a protection program. At this time, all of the Washington County jurisdictions are strongly supportive of the basin option. Tigard is a partner with the other jurisdictions in Goal 5 technical and policy committees following and informing the Metro process.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth Management Goal #1, Accommodate Growth while protecting the character and livability of new and established areas (natural resource protection identified as one of the action strategies under this goal).

ATTACHMENT LIST

Attachment 1: Staff memo
Attachment 2: Metro's Fish and Wildlife Habitat Protection Plan
Attachment 3: Tualatin Basin Approach

FISCAL NOTES

The Goal 5 program is yet to be developed. Therefore, the local fiscal implications of regional fish and wildlife habitat protection are unknown at this time.

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Attachment 1

Metro Goal 5

Introduction

During the past several months, Metro has been developing a plan for regional fish and wildlife protection in accordance with Statewide Planning Goal 5. The purpose of this memo is to provide a general sketch of the regional Goal 5 process to date along with an overview of the remaining steps and the timeline for Goal 5 completion.

Overview of Goal 5 Process

Statewide Goal 5 addresses twelve resources. The current Metro Goal 5 planning process is limited to the fish and wildlife aspects of Goal 5. More specifically it deals with:

- riparian corridors and wildlife habitat areas within the riparian corridor
- wildlife habitat within upland areas

Although they overlap to a significant extent, the technical difference between Metro Title 3 and Goal 5 is that they address different statewide goals. The practical difference is that Title 3 focuses on water and flood protection within the floodplain, whereas regional Goal 5 focuses on wider areas along the stream as well as upland wildlife areas located outside the stream corridor.

The Metro planning process follows the Statewide Goal 5 process and includes the following steps and decision points (Attachment 2).

Step 1. Inventory
Determine significant resources and adopt a list of significant resource sites.

Step 2. Environmental, Social, Economic, and Energy (ESEE) Analysis
Determine whether to allow, limit, or prohibit conflicting uses.

Step 3. Program to Achieve Goal 5.
Develop a protection program including possible incentives, acquisition, public education, and regulatory elements.

So far, Metro Council has completed the Step 1 or Inventory stage of the Goal 5 Fish and Wildlife Habitat Protection Plan. As indicated above, completion of this step involved adoption of an inventory of significant resource sites. The inventory was based on the attributes of a healthy stream as reflected in the scientific literature. In adopting the inventory, Metro chose to designate all sites shown on the inventory map as “regional resources” subject to further Goal 5 consideration.

Metro also has compiled a map of wildlife areas based on the criteria used in the Greenspaces Natural Areas model. When adopted by Metro Council, this map will be integrated with the riparian map.

As shown in the chart, the next steps in the Goal 5 process are **Step 2**: indentifying conflicts and completing an ESEE analysis for the regional resources, and **Step 3**: developing a protection program.

ESEE Analysis and Protection Plan

As suggested, the inventory step establishes sites for the ESEE or trade off analysis. The ESEE analysis involves identifying conflicts and how they should be resolved. The final step is the establishment of the protection program for the riparian and the upland wildlife areas. The level of this protection will depend on analysis and Metro Council decisions yet to be completed.

Incentives, landowner education, acquisition and regulation are all potential tools in the management toolbox. At the one end, the protection program could focus on protecting functional hotspots and on upgrading other areas where functions have been lost or degraded. On the other end, the program could affect how people living within a certain distance of streams maintain their yards. It could include rules regarding the use of pesticides. It may involve anything that has an adverse impact on stream water quality. Since the program stage is some months away at this time, and because the political process is involved, there is no way of knowing what the toolbox ultimately may include.

Basin Approach

Tigard is a partner with the other jurisdictions in countywide technical and policy Goal 5 committees. The main objective has been to advocate for the balancing of Goal 5 riparian and wildlife protection with other local and regional priorities and for giving local governments wide flexibility to implement a regional Goal 5 program.

The most important accomplishment of this group to date is a recent Metro Council decision to allow individual and groups of jurisdictions the option of completing the remaining steps in the Goal 5 process for their respective basins. This delegation of responsibility was proposed to Metro Council by the Washington County jurisdictions and is referred to as the basin approach. Under this approach, Metro would establish regional parameters for “conflicting uses and the ESEE decision process” along with a timeline for the completion of the basin plan. Turning the protection program decisions over to the local jurisdictions, with Metro oversight, would allow a local determination of what is developable.

The scope and details of the basin approach have not been defined as yet beyond the information contained in the Metro-prepared “Basin Approach Issues” paper (Attachment 3). This paper is “intended to be the most general statement of what the basin approach is, without going into all the details". No work program specifics are

available as of this writing, and many issues, such as the Metro review standard and timeline, remain to be resolved.

The main pros and cons of the basin approach from a local point of view appear to be the following:

Pros

- Potential for greater local control and flexibility in the development of the protection plan. Protection decisions made by the basin group.

- Allows for integration of regional Goal 5, Clean Water Act, and Endangered Species requirements and for the avoidance of public confusion regarding the three separate regulatory programs.

- Allows for the application of more detailed information than is available region-wide. This mainly refers to the highly detailed data collected in the countywide CWS inventory of streams and adjacent areas. This inventory was completed last year as part of the Healthy Streams Project and is based on field investigations as opposed to air photos and computer models.

- Leads to faster implementation of the protection plan.

Cons

- Gives up Metro paying for the work. Potential cost to City to be defined.

- Additional staff commitment required. Potential extent of this commitment unknown at this time.

- Citizen involvement shifted to local jurisdictions.

- No certainty regarding what the basin approach will include. Many issues, including the Metro review standards, remain unresolved.

Timeline

The target date to complete Goal 5 through at least the ESEE phase is August 2002. The timeline is driven by the Metro Council's need to consider the capacity consequences of a regional fish and wildlife protection plan in order to make decisions about the region's Urban Growth Boundary by December 31, 2002. To accomplish this, materials defining Goal 5's impact on the UGB buildable land inventory would need to be readied by Metro staff by August 1, 2002.

Attachment 2

METRO

Metro's Fish and Wildlife Habitat Protection Plan

and

State Goal 5 Requirements

November, 2001

Step 1. Inventory

A. Collect information about Goal 5 resource sites (This includes identifying the location, quantity, quality of resources). Consultation with state and federal agencies.

B. Determine the adequacy of information

C. Determine "significant resource" sites

D. Adopt a list of significant resource sites (Final action on this item may be deferred until steps 2 and 3 are also completed.)

Other Tasks
- Preparation of scientific literature review and draft application methods* (used in "A" & "C")
- Early public and land owner involvement
- Determine "regional resources"**
- Peer review of scientific literature and application methods* (part of "A" & "C")
- Existing local plan review and analysis**
- Consider state safe harbor as alternative*
- Advisory committee review
- Federal agency ESA coordination*

Step 2. ESEE Analysis

(Economic, Social, Environmental and Energy impacts)

A. Identify conflicting uses

B. Determine the impact area

C. Analyze the ESEE consequences

D. Determine whether to allow, limit, or prohibit identified conflicting uses

Other Tasks
- Peer review of ESEE analysis*
- Continued public outreach
- Advisory committee review
- Restoration opportunity identification
- Federal agency ESA coordination*

Step 3. Program to Achieve Goal 5

A. Develop program, including possible incentives, acquisition, public education and regulatory elements

B. Adopt Metro Plan

C. Local Government Implementation

Other Tasks
- Continued public outreach
- Advisory committee review
- Federal ESA consultation and request for limit on take*

* not required

** Metro only requirement

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Attachment 3

Tualatin Basin Approach

1/11/02

What The basin approach is a proposal that local governments take primary responsibility within the greater part of the Tualatin River basin for the next phases (ESEE and program development) of the region's fish and wildlife habitat program, subject to coordination with, and final product approval by, the Metro Council. Riparian corridors and wildlife habitat identified consistent with State Goal 5, and Clean Water Act requirements and Endangered Species Act listings would all have to be addressed in a basin approach.

Where The basin proposal could apply to any large whole watershed within the region, if approved by Metro. For the Tualatin Basin, the general geographic extent is that area draining the Tualatin River. The basin consists of areas inside of the current Metro urban growth boundary and Metro jurisdictional boundary, Metro UGB alternatives analysis areas and rural, farm and forest lands beyond. Regional resources determined by Metro, potential regional resources identified in areas studied by Metro in its UGB Alternatives Analysis and the rural, farm and forest lands beyond identified by Washington County as significant resources shall be addressed in the Tualatin Basin Approach.

Who Currently, a consortium of local governments including the cities of Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, Sherwood, Tigard and Tualatin, as well as Washington County, Clean Water Services and Tualatin Hills Parks and Recreation District have expressed a willingness to address the Tualatin Basin. Inclusion of, or coordination with, other jurisdictions with responsibilities within the Tualatin Basin such as Clackamas County and the cities of Lake Oswego and Portland are underway. Individual property owners, interest groups, local government advisory committees and other interested parties would also be provided opportunities to participate during this work effort. In addition, Metro, through Council representation on the Tualatin Basin Coordinating Committee and through Metro advisory committees including the Natural Resource Committee, MPAC, MTAC, Goal 5 TAC, WRPAC and Metro staff would also participate. The Metro Council would make recommendations about the ESEE decision to delineate areas to "prohibit" or "limit" conflicting uses and make the final decision about whether a basin approach met regional standards after consultation with its advisory committees.

Why The basin proposal has been made in part because of other, related efforts by these agencies to address Federal Clean Water Act requirements and Endangered Species Act listings that likely will affect the same areas as Metro's fish and wildlife habitat protection plan. In addition to reducing the number of times that the same areas are analyzed and public outreach provided and applying more detailed information than is readily available region-wide, this approach allows for coordination among similar, but distinct Federal, State and regional requirements. The basin approach can also provide local governments with an opportunity to shape a program that is tailored to local conditions within the Tualatin River basin. Because the Basin Approach is proposed as being completed concurrently with Metro's regional tasks, the Tualatin Basin is most

likely to be implemented sooner than other portions of the region if the non-basin jurisdictions wait for the Metro regional safe harbor to be completed and acknowledged by the state before they begin local implementation tasks.

When The basin proposal would complete this work parallel to the rest of Metro's fish and wildlife habitat program region-wide. Both the region's work effort as well as the Basin Approach are proposed to be timed to allow for Metro Council consideration of the data and likely capacity consequences of a regional fish and wildlife protection plan in order to make decisions about the region's urban growth boundary by December 31, 2002. To accomplish this, materials defining the impact on the UGB buildable land inventory would need to be readied by Metro staff by August 1, 2002. The Tualatin Basin Approach has proposed to meet Metro's decision timeline. The Tualatin Basin Coordinating Committee should formally provide a timeline and work completion schedule.
How The basin approach will be accomplished by setting goals and standards[1], providing legal structure for coordination, establishing a process and monitoring and evaluation.

Goals. The adopted Regional Framework Plan states that the region shall manage watersheds to protect, restore and ensure to the maximum extent practicable the integrity of streams, wetlands and floodplains, and their multiple biological, physical and social values. Metro's fish and wildlife vision states: "The overall goal is to conserve, protect and restore a continuous ecologically viable streamside corridor system, from the streams' headwaters to their confluence with other streams and rivers, and with their floodplains in a manner that is integrated with the surrounding urban landscape. This system will be achieved through conservation, protection and appropriate restoration of streamside corridors through time." Improvement of habitat health within each of the 27 regional hydrologic units shall be a basic goal. Of the 27 hydrologic units within the region, there are eleven in the Tualatin Basin. Metro's Fish and Wildlife Habitat Vision Statement will represent the regional objectives. The Vision includes the following key features of protecting the region's streams, wetlands and floodplains: to sustain and enhance native fish and wildlife species and their habitats; to mitigate high storm flows and maintain adequate summer flows; to provide clean water; and to create communities that fully integrate the built and natural environment. The region-wide system of linked significant fish and wildlife habitats will be achieved through preservation of existing significant resources and restoration to recreate critical linkages. Avoiding any future ESA listings is another goal of this work.

Legal Structure. Intergovernmental agreements or resolutions of intent should be used to ensure coordination among local governments and between the local governments and Metro.

Process. The overall process would be to have a two-step process. The first step would

[1] A review standard needs to be established. It has been suggested that the vision statement, particularly the excerpts quoted above, serve as the review standard. More analysis of this approach is being completed by representatives of the Tualatin Basin.

be a check-in by the Tualatin Basin Approach when they are ready to make an ESEE decision for the Basin. The second step would be to have a review and decision by the Metro Council after the Tualatin Basin has program recommendations. During this entire process, continuous coordination between members of the Basin and Metro would occur. A public involvement plan meeting the region's goals for providing substantial opportunities for participation by the public would be completed for the region (including how the Tualatin Basin would be addressed) after coordination with the Metro Committee on Citizen Involvement.

Step 1. The ESEE Decision. Metro, local governments and other interested parties will work to establish a regional ESEE method. The expected outcome would be completion of a regional program (regional safe harbor, riparian district plan and local discretionary review options) for the whole region, except for the Tualatin Basin, which would have a Basin Approach. One possible method would be to design economic, social and energy parameters for a region-wide and 27 regional hydrologic units analysis. The Tualatin Basin could develop basin-wide and local parameters. In turn, these parameters and a framework for identifying areas for prohibiting, limiting or allowing conflicting uses would be mapped. This map could be constructed for the entire region, using the selected parameters, and for that portion of the region within the Tualatin Basin, further informed by the basin and local considerations. This information would be used for two purposes. First, it would provide the foundation of the ESEE decision. Second, the map could also be used to estimate the influence of the region's fish and wildlife habitat program on the housing and job capacity calculations for the region's periodic review of its urban growth boundary. The decision about which areas to prohibit, limit or allow conflicting uses within the Tualatin Basin would be made by the local participating governments after consideration of public comments, including Metro Council recommendations.

Step 2 Program Design and Adoption. Regional and Basin program elements, including incentives, acquisition, education and regulatory tools would then be prepared. The region would prepare its regional safe harbor, riparian district plan specifications and the local discretionary review options. The Tualatin Basin would design its program. More specifically, the Tualatin Basin Approach could include the following:

- Revised and new land use "goal 5 overlay" mapped areas and new regulatory language for all land use authorities within the Basin;
- Clean Water Services (CWS) Design & Construction standards (possible revisions);
- Review and possible revisions to CWS maintenance programs (possibly maintenance programs for all jurisdictions including park district);
- Identification and prioritization of restoration sites and financial plan ("Environmental CIP");
- Coordination with Metro Greenspaces program for targeted acquisitions; and
- Possible incorporation of "green street" optional standards into all local codes (project currently underway being funded by Tualatin Valley Water Quality Endowment Fund)

After taking public testimony, the Tualatin Basin would forward a recommended program

to Metro. After its own review process using agreed upon review standards, the Metro Council would determine whether the Basin Approach substantially complies and whether to approve the Tualatin Basin Approach.

Monitoring and Evaluation. Metro Code requires that performance measures be used to evaluate the success and effectiveness of its functional plan to realize regional policies. In addition, the National Marine Fisheries Service 4(d) rule calls for monitoring and evaluation. After local programs have been enacted and some time period passes to allow for programs to take hold, Metro should evaluate its policies and their implementation to compare goals with actual outcomes. If a basin approach significantly lagged region-wide efforts, as a last resort, regional safe harbor provisions could be applied to the basin area until a basin approach is completed and approved by the Metro Council.

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AGENDA ITEM # _____
FOR AGENDA OF 2/19/02

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Affordable Housing Policy

PREPARED BY: Duane Roberts DEPT HEAD OK _____ CITY MGR OK _____

ISSUE BEFORE THE COUNCIL

Should the City adopt additional strategies to encourage affordable housing production? This is a discussion item. No formal Council action is required.

STAFF RECOMMENDATION

Council consider the updated information provided in the staff report and decide on the need for any new strategies as it seems fit.

INFORMATION SUMMARY

This is a continuation of a September 18, 2001, Council discussion of the City's affordable housing policy. The discussion focused on particular new approaches to addressing affordable housing needs. These approaches included: (1.) offsetting fees and charges on affordable housing development; (2.) setting a numeric housing production goal; (3.) supporting the making of tax foreclosed properties available to non-profit housing providers.

A memo and other briefing material for this discussion is attached. A new strategy of paid City membership in the Countywide Housing Advocacy Group is introduced in the memo.

OTHER ALTERNATIVES CONSIDERED

N/A

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Growth and Growth Management Goal #3 calls for the City to encourage and support "private sector programs to maintain diverse and affordable housing."

ATTACHMENT LIST

Attachment 1 – Affordable Housing Workshop Meeting Report
Attachment 2 – Council meeting minutes for September 18, 2001
Attachment 3 – Overview of City Actions to Promote Affordable Housing
Attachment 4 – Washington County Amendment to the Real Property Management Guidelines – Transfer of Property to Community Based Nonprofit Organizations, August 21, 1996

Attachment 5 – J.T. Engel memo, Strategic Investment for Housing Advocacy
Attachment 6 – City affordable housing mail-out survey

FISCAL NOTES

A strategy of creating a special fund to reduce fees and charges imposed on affordable housing development through the creation of a separate fund would have budget ramifications. Adopting numeric goals and supporting the transfer of tax foreclosed properties would have no such ramifications. The annual fee for membership in the Countywide Housing Advocacy Group is $500.

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Attachment 1

Affordable Housing Workshop Meeting

Background

At its regular workshop meeting on September 18, 2001, Council considered the adoption of new incentives to help encourage the development of affordable housing in the community (Attachment 2, meeting minutes). This was the third in a series of meetings devoted to affordable housing issues held over a several month period. The purpose of the upcoming February 19th affordable housing agenda item will be to continue the discussion of particular approaches to meeting the affordable housing needs of the community.

The framework for the present memo is the list of recommended actions considered by Council at the September meeting. This list includes five actions and is reproduced below, along with one new action. The previously provided list of existing City actions taken to support affordable housing is included as an attachment (Attachment 3). In the case of both lists, the notations [9/18 Staff Report] and [Addendum], respectively, are used to identify previous staff report and new or updated information. Also included in the memo are the results of a survey of the housing promotion tools and strategies used by other area jurisdictions to make the development of affordable housing more feasible in their communities.

One reason for the present focus on affordable housing is the Metro Affordable Housing Plan. As an outgrowth of this regional plan, last year Metro adopted amendments to the Urban Growth Management Functional Plan that set voluntary housing production goals for each jurisdiction in the region. The amendments require jurisdictions to consider land use and non-land use affordable housing tools and strategies that could be used to achieve the goals. The focus of the goals is households earning 50% or less of median household income. Although the goals are voluntary, Metro has designed a reporting schedule to monitor local goal progress. Council consideration of local tools will assist the City in fulfilling its obligations under the Functional Plan.

Staff Recommendations

[9/18 Staff Report]

1a. Annually identifying a set amount, initially $5-10,000 per year, that would be available to reduce fees and charges imposed on affordable housing development. The funds would come from the .5 % of the City budget annually dedicated for Social Services and Community Events. Any unused housing incentive dollars would be carried over to the following year.

The adoption of a housing set-aside will impact funding available for other non-profit social service requests.

[Addendum]

According to the September 18th meeting minutes (Attachment 2), "Council members discussed social service funding and the Council goal with regard to affordable housing. There was also some discussion about setting funding that was targeted for affordable housing opportunities rather than have these requests be combined with social service funding requests during the budget process. ... Council indicated that affordable housing contributions (whether it should be separated from social services when considering the budget) should be discussed during the next goal-setting session."

Although other non-profit social service and event requests could be affected, using the existing Social Service and Event Fund (fixed at 0.5% of budget) to provide fee reductions for affordable housing would have no budget ramifications for the City. The same would not be true should Council decide to establish a separate fund as part of a fee reduction policy and add new general fund dollars. Should Council prefer this option, the main issue to consider would be the City's capability to support such a fund. In order to address this issue, staff would recommend that Council determine an appropriate level of support as part of the overall 2002-03 budget process. Council involvement in this process will begin in May when the proposed budget is scheduled to be considered by Council sitting as members of the Budget Committee.

[9/18 Staff Report]

1b. Requests for funds within the set-aside amount should not be required to follow the budget cycle. Accepting such requests any time during the year would allow greater flexibility and allow housing providers to take advantage of special loan or grant allocations or land availability, which may not follow the budget cycle. Direct staff to develop procedures for reviewing such requests.

[Addendum]

As highlighted above and in the meeting minutes, in the event Council decides to establish either a set-aside within the Events and Social Services fund or a separate fee reduction fund, standards for considering requests for available dollars would need to be established. Possible standards and procedures to consider might include:

1. The proposed project must be owned and managed by an organization incorporated as a private, non-profit 501(c) organization.
2. The proposed project must be consistent with City housing policies and applicable planning and zoning requirements.
3. Only the portion of the project affordable to families earning at or below 50% of median income is eligible for City funds. The reason for this criterion is that the 50% and below group is the hardest population to serve and Metro housing production goals are set in terms of this population. Affordability is defined as monthly rent plus utility costs that does not exceed 30% of the household's monthly gross income.
4. The organization guarantees that the housing produced will remain affordable for the life of the structure(s).
5. The organization guarantees that the project will maintain City Enhanced Safety Program (ESP) certification for the lives of the structure(s) and of the ESP program.
6. Available funds will be awarded on a first come, first served basis.
7. Council review and approval of each separate award will be required. The review will include an in-person presentation to Council by members of the organization requesting the award.

8. The time limit on the use of the funds is two years. It is anticipated that an organization would desire to request the obligation of City funds at the beginning of the housing development process. This would allow the organization to include the contribution in the financial plan for its project and, most important, to demonstrate local support should the organization apply for state or federal housing development funds as part of its financial plan. The City dollars would be used at the time of the building permit. Two years is a reasonable timeline for readiness to use the dollars.

Staff recommends the level of City support be standardized and set on a per unit basis. The level should be based on the overall housing set aside or allocation, if any, decided upon by Council.

Regarding the operation of the set-aside or fund, staff continues to recommend that requests for any housing funds should be accepted outside of the City funding cycle. This would recognize that time-limit options could be lost when application for funds can be made just once per year. The timing of the housing set-aside or fund allocation itself would follow the budget cycle. To provide needed flexibility, the available dollars, if any, could be applied for at any time during the year.

[9/18 Staff report]

2. Set a numeric target for affordable housing creation at the 100-unit, or some other level, by 2004. This would provide a benchmark to measure progress toward meeting low-income housing needs.

[Addendum]

At the September workshop meeting, a County Housing Authority Advisory Board member who was in attendance, mentioned that the Housing Authority was in the process of purchasing the (96-unit) Colonies apartment complex, located at Pacific Highway and 112th, and operating it as affordable housing. Based on this new information, Council considered whether the recommended goal of 100 new units by 2004 should be ratcheted-up.

As of this writing, staff has been unable to obtain specific information on the rent structure proposed or likely to be proposed by the Housing Authority for this particular project. However, according to the Housing Authority's Consolidated Plan, County-owned housing serves a mix of income groups. The majority of its rental units are set to be affordable to households earning 50 to 80% of median.

Since the proposed 100-unit goal applies to units affordable to people at 50% of median, staff recommends the goal not be revised upward based on this new project and Council adopt the voluntary benchmark goal of 100 units by 2004, as originally proposed.

[9/18 Staff Report]

3. Direct staff to work with Washington County, which has statutory authority over all tax foreclosed properties, and the other cities to make such properties available for affordable housing development.

[Addendum]

Prior to 1996, the County used an annual auction to dispose of tax foreclosed properties, along with a proactive marketing plan in order to generate interest and competition. In 1996, the County Board of Commissioners approved an amendment to the County real property management

guidelines concerning the transfer of property to community based nonprofit organizations for less than current fair market value (Attachment 4). The new policy permits the sale of foreclosed properties to qualified organizations, such as non-profit housing providers, at a reduced price if they are furthering the County 2000 agenda.

Although the County disposition policy seems to have been altered primarily to support affordable housing, it appears that no effective implementation has occurred in the four years since the policy's adoption. The three existing county-based affordable housing providers have never been placed on the distribution list for foreclosed properties, and there are no instances to date of properties having been sold at a reduced or market price to nonprofit housing providers.

In response to a City request, beginning this year, before the annual March-April auction takes place, the list of foreclosed properties will be distributed to the three County housing non-profits, who also recently have been provided a copy of the 1996 County policy relative to the disposition of foreclosed properties.

In discussions, County staff have indicated that they plan to use the following procedures should an affordable housing organization express an interest in a foreclosed property: (1) staff will pull the property off the list of properties that go to auction; (2) staff will then attempt to reach agreement on or negotiate a selling price with the organization - the selling price will be set on a case by case basis and could include donation of the property; (3) staff will forward a recommendation regarding the property to the County Commissioners who will make the final decision.

County staff also have indicated that as part of their procedures, they intend to require the non-profit organization to coordinate with and obtain a letter from the affected local jurisdiction in support of the organization's surplus property request. This step is important because it will allow the City to participate in and influence the disposition process.

In light of the County policy, CPAH has indicated it may consider expanding its services to include acquiring and managing single family scattered site affordable housing.

[9/18 Staff Report]

4. Lastly, with regard to the CPAH project-specific request for a $10,000 fee waiver, consider contributing $8,000. The $8,000 would offset the amount of the park SDC fee increase, which was adopted after the financing plan for the Washington Square project was completed. Direct staff to return to Council with a budget amendment to transfer funds from the general fund contingency.

   By way of explanation, effective May 10, 2001, the park SDC fee schedule was revised upward to reflect the current costs of land and development. Under the new schedule, the multi-family rate increased from $540 to $850 per dwelling unit. As applied to the 26-unit Village at Washington Square project, the park SDC fee increase amounted to $8,060 ($310 unit x 26) in additional charges.

   [Addendum]
   As noted, Council voted to award funds on a one-time basis to offset the increase in park fees.

[Addendum]

5. As an additional strategy, staff recommends Council consider allocating $500 to continue the City's membership in the Housing Advocacy Group (HAG).

   The HAG was established in late 1999 and focuses on Washington County housing advocacy issues. Present members include the three County-based low income housing corporations; various other non-profit organizations, such as handicapped and elderly service providers; the County Housing Authority; the State Housing Agency; HUD; and the cities of Beaverton and Tigard. City staff have participated in the HAG monthly meetings since early 2000. These meetings assist staff in staying abreast of County and regional housing issues and activities.

   The HAG recently decided to transition to a dues-based organization. The main purpose is to finance the hiring of a part-time intern to prepare and distribute meeting minutes, maintain an intranet site, monitor affordable housing throughout Washington County, and assist with the annual Housing Symposium. A letter from the City of Beaverton's Redevelopment Manager supporting Tigard's continued membership in HAG is attached (Attachment 5).

[Addendum}

City Affordable Housing Survey

In early December 2001, staff conducted a mail-out survey of the affordable housing promotion policies and incentives currently in use in other regional cities (Attachment 6). The list of policies and incentives included in the survey was taken from Metro's "Regional Affordable Housing Strategy Plan". Of the eleven cities contacted, six (Beaverton, Forest Grove, Cornelius, Lake Oswego, Oregon City, and Gresham) provided responses.

The survey results indicate that five of the six cities responding have amended their codes to allow accessory dwelling units. Additionally, Beaverton has waived building permit fees for affordable housing development. Lake Oswego has waived the land use application fee for secondary dwelling units and allows special density bonuses for senior housing. Gresham allows increased density in transit corridors and has reduced parking requirements.

According to the survey, only Tigard offers property tax abatement for affordable housing.
The results also show that Tigard by adding additional incentives would be taking the lead in supporting affordable housing.

I/lrpln/duane/affordable housing IV

City Council meeting recessed at 7:06 p.m. and the Budget Committee convened at 7:09 p.m. (See Agenda Item No. 3.)

5. DISCUSSION OF STRATEGIES TO ADDRESS AFFORDABLE HOUSING

Community Development Director Jim Hendryx introduced this agenda item. Associate Planner Duane Roberts presented the staff report and referred to a PowerPoint presentation (both of which are on file with the City Recorder).

The issue before City Council was whether the City should grant Community Partners for Affordable Housing's (CPAH) request for a $10,000 fee reduction.

Ms. Jill Sherman, representing CPAH, gave an overview of affordable housing financing. Associate Planner Duane Roberts reviewed the staff recommendation as contained in the Council Agenda Item Summary.

City Manager Monahan noted that the rent-free office space that the City donates to CPAH will be made available through this year only. In response to a question from Councilor Scheckla, Associate Planner Roberts noted that the City Attorney's advice was to avoid waivers of fees; however, a potential option is that the City would give money from the General Fund to CPAH for fees.

Discussion followed on what types of affordable housing is offered in other communities in the area. It was noted that it was difficult to find projects that qualify for affordable housing funding.

Council members discussed social service funding and the Council goal with regard to affordable housing. There was also some discussion about setting funding that was targeted for affordable housing opportunities rather than have these requests be combined with social service funding requests during the budget process. City Manager Monahan said that a Council decision should include setting standards for funding criteria for affordable housing. He informed the Council that Hawthorne Villa (a low-income housing center) will likely ask for a tax abatement from the City of Tigard. He advised that the City Council should decide the level of contribution for affordable housing from the City's budget. In addition, Mr. Monahan noted that in a few years the City will need to determine whether the Tigard taxpayers should be asked for a five-year operating levy in order to keep the General Fund at a level to maintain current programs.

After discussion on the staff recommendation to provide $8,000 in fee relief to CPAH, the Council consensus was that a budget amendment transferring $8,000 from the General Fund to CPAH should be placed on an upcoming agenda for Council consideration. In addition, Council indicated that affordable housing contributions (whether it should be separated from social services when considering the budget) should be discussed during the next goal-setting session.

6. COUNCIL LIAISON REPORTS: None.

7. NON-AGENDA ITEMS: None.

> City Manager Review Administrative Items:

- Mayor Griffith reported the success of a "walk" that occurred on Saturday, September 15, as a memorial resulting from the tragic events of September 11. This candlelight walk started at Main Street and ended at City Hall. The event was well organized and well attended. There was also an event in memory of victims and to show patriotic support last Friday at Cook Park.
- An agenda was distributed to the City Council for the September 25, 2001, City Council meeting. Cable television coverage for the Council meeting will begin at 6:30 that evening. Tigard's 40th "Birthday" was on September 11, 2001, but because of tragic events in New York the celebration planned for that day was postponed to September 25, 2001.
- Information was distributed to the City Council in its mail distributed last week regarding the League of Oregon Cities Conference, November 9-11, 2001, in Eugene, Oregon.
- City Manager Monahan noted there was interest expressed by the downtown merchants to conduct the holiday tree lighting on Main Street at Liberty Park. After brief discussion, the consensus of City Council was to support the holiday tree lighting at Liberty Park rather than hosting the tree lighting at the City Hall.
- Community Development Director Hendryx distributed a memorandum dated September 17, 2001, from Albert Shields to Bill Monahan regarding the house that is to be moved to Cornelius but is now located on SW North Dakota Street. A copy of this memorandum is on file with the City Recorder. This structure should be removed from its current location this upcoming weekend. Staff is working with Emmert Construction so that situations such as this are avoided or are taken care of more quickly in the future.
- Councilor Dirksen reported on a recent Water Consortium meeting. He advised that Commissioner Sten was recommending moving forward with a regional water provider. Future proposals discussed included a water maintenance program and a potential water conservation rebate to customers.

Attachment 3

Overview of City Actions to Promote Affordable Housing

Following is a list of City of Tigard actions that directly or indirectly support the development of affordable housing in the community.

Financial Incentives:

- Since 1996, Tigard has provided a property tax exemption for low-income housing owned and operated by Community Partners for Affordable Housing. In 2000, the value of the waiver was approximately $9,000. Other non-profit housing providers also are eligible. The waiver is automatically renewed each year provided the organization continues to meet the criteria.

- The City financially supports the Good Neighbor (homeless) Center located on Greenburg Road, contributing $15,000 annually to the agency's operating budget.

- The City provides rent-free office space to CPAH in a City-owned building located on Burnham Street. The value of the space, which CPAH shares with Neighborshare, is estimated at $8,000 annually. [The rent-free space will be provided through mid-2002 only.]

- In October 2001, Council contributed $8,000 to CPAH to offset park SDC fees assessed against the Village at Washington Square affordable housing project.

Grants:

- During the mid- to late-nineties, the City applied for and received three Community Development Block Grants (altogether $460,000) to improve the roads and sidewalks around the CPAH-owned and -operated Villa La Paz low-income housing project.

[Addendum}

- The Community Development Block Grant Policy Board has recommended the City be awarded $140,000 in Community Development Block Grant funds effective July 1, 2002, to develop a neighborhood park serving the residents of the Bonita Road private, low-income apartment area. The City would contribute $65,000 in hard dollars and in-kind services, such as design and construction management, to the project.

Regulatory Changes:

- In 1998, the Community Development Code was revised to allow accessory dwelling units, or so-called granny flats, and to allow for adjustments to parking requirements

for special resident populations, including low income households, who as a group tend to own fewer cars than do City residents generally.

- In the late nineties, the City created a housing maintenance code to protect the quality of the City's existing housing stock and hired a housing inspector to be responsible for its enforcement.

- The Washington Square Plan, scheduled to be considered for implementation by early 2002, is supportive of allowing opportunities for a variety of housing types. The justification is that additional housing options are needed to provide nearby housing for shopping mall and nearby business center employees.

[Addendum]
Other Incentives

- Two years ago the City established the Enhanced Safety Program. This is a three-phase program designed to reduce crime and increase the livability of rental properties. The phases include landlord training, a security assessment, and tenant crime prevention training. The CPAH-owned Villa La Paz Apartments participates in this program. The City program coordinator estimates that he spends 6-12 hours per year on walk-throughs and on trouble shooting at this complex

l/lrpln/duane/affordable housing IVa

Attachment 4

AUG 21 1996

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category Consent Agenda - Support Services

Agenda Title AMENDMENT TO THE REAL PROPERTY MANAGEMENT GUIDELINES - TRANSFER OF PROPERTY TO COMMUNITY BASED NONPROFIT ORGANIZATIONS

To be presented by Robert Deis, Director, Support Services

SUMMARY (Attach Supporting Documents if Necessary)

In November of 1991, and again in January of this year, your Board considered and adopted guidelines for management of real property, including policies for disposition of surplus property. Specifically, in January your Board asked for a policy revision permitting sale of surplus properties to community based nonprofit organizations if they are furthering the County 2000 agenda (i.e. affordable housing, etc.).

If a property is sold or transferred for less than the current fair market value, an identified public purpose must be achieved through such sale or transfer. Therefore, it is recommended that the Real Property Management Guidelines be further amended to direct that the Department of Housing Services, on behalf of the Real Property Management Program, review proposals from community-based, nonprofit organizations seeking to acquire residentially zoned surplus property for affordable housing. The review will assure that the following criteria are met:

1. The proposed use for the property is consistent with the County 2000 Plan and the Housing and Community Development Plan, in addition to applicable planning and zoning requirements.

(Continued on Next Page)

DEPARTMENT'S REQUESTED ACTION:

1. Recommend the Board amend the Real Property Management Guidelines to reflect the criteria established for transfer of property to community based nonprofit organizations.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the department's requested action.

APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS
MINUTE ORDER # 96-349
DATE 8-20-96
BY Barbara Heitmanek
CLERK OF THE BOARD

Agenda Item No. G.

Date: August 20, 1996

2. (A). The proposed housing will be occupied by persons meeting minimum affordability criteria concerning income level(s) to be served according to family size, pursuant to "Income Limits for Portland-Vancouver, OR-WA PMSA," published by the U.S. Department of Housing and Urban Development. At a minimum, proposed occupants will earn at or below 80 percent of area median income; preferably at least a portion of the units will be affordable to persons earning at or below 60 percent of median. Affordability is defined as a monthly rent or house payment (including utility costs) that does not exceed 30 percent of the household's monthly gross income.

   (B). The proposed housing will include a commitment by the nonprofit community organization to guarantee that the housing produced will remain affordable for the life of the structure(s), including deed restriction or reversionary clause, unless otherwise approved by the County.

3. The prospective purchaser will provide appropriate community and neighborhood information regarding the proposed project prior to transfer of title.

The above criteria will help the county ensure that any proposed transfer to community-based non-profit organizations for affordable housing purposes is consistent with the County 2000, County Housing Policies, and zoning requirements. These requirements will provide a vehicle to communicate to the nonprofit organization the county's expectations and the Department of Housing Services role in this area.

Staff will be available to answer any questions you may have regarding this request for an amendment to the Real Property Management Guidelines.

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Attachment 5

MEMORANDUM

City of Beaverton
Redevelopment Office

To: Duane Roberts, Planner, City of Tigard
From: J.T. Engel, Redevelopment Manager JTE
Date: October 3, 2001
Subject: *Strategic Investment for Housing Advocacy (HAG)*

Mr. Roberts:

As I mentioned to you this morning, the reason the Mayor decided to fund (with General Fund money) this very important membership was due to the increased need for the City of Beaverton to play a major role in affordable housing advocacy throughout the County. As the City's manager for both the federal housing programs and the redevelopment program, I completely agree with the Mayor. It is my belief that the City's commitments to strategic partnerships will not only assist low- and moderate-income families to own a part of the American dream but stimulate and stabilize the local economy as well.

It is my hope that Tigard would seriously consider a membership in this very important advocacy group. I would be happy to answer any additional questions you might have. I can be reached at 503-526-2559.

Attachment 6

CITY OF TIGARD
OREGON

December 4, 2001

Dear Director:

The City of Tigard is considering the adoption of new incentives to help encourage affordable housing. As part of this review, the City is conducting a survey of the affordable housing promotion policies and incentives currently in use in other metropolitan area jurisdictions. Your assistance will help us to formulate appropriate housing promotion strategies for Tigard.

Please complete the enclosed survey and return by December 20th. We have provided a pre-addressed envelope for your convenience. We will be happy to provide you with a summary of the survey results once we have completed the survey analysis. A box is provided at the bottom of the questionnaire for you to indicate if you are so interested.

The list of tools and approaches included in the survey is taken from the Metro document "Regional Affordable Housing Strategy Plan". They include land use, cost reduction, and funding tools. Please indicate under "other . . . " if you are using any tools or approaches to facilitate the development of affordable housing that are not included in the printed list.

Should you have any questions, please contact Duane Roberts at 639-4171 x347 or via email at duane@ci.tigard.or.us. Thank you for your contribution to the City of Tigard's housing policy review.

Sincerely,

James N.P. Hendryx
Community Development Director

13125 SW Hall Blvd., Tigard, OR 97223 (503) 639-4171 TDD (503) 684-2772

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: _____

Policy Tools	**In use by City?** Yes	No	**If yes, please provide details [if needed, use back of sheet]**
Accessory dwelling unit			
Density transfer			
Density bonus for affordable housing			
No net loss provision for housing			
Increase density in transit corridors			
Replacement housing ordinance			
Conversion of rental to owner occupied unit			
Other land use tools			
Incentive based inclu-sionary zoning			
Programs for seniors and disabled			
Donate surplus land			
Property tax abatement			
SDC waivers/reductions			
Tax foreclosed property donation			
Other cost reduction tools			
Building & land use fee waivers			
General funds dedicated to housing			
Other financial incentives			

Name of person completing questionnaire: _____
Phone number: _____ Email address: _____

_____ Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: Lake Oswego

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit	✓		Secondary dwelling units are permitted use in all residential zones. Please see attached Code.
Density transfer	✓		DT is only allowed on the same site, i.e., to preserve natural resources on site.
Density bonus for affordable housing		✓	
No net loss provision for housing		✓	
Increase density in transit corridors		✓	
Replacement housing ordinance		✓	
Conversion of rental to owner occupied unit		✓	
Other land use tools			
Incentive based inclusionary zoning		✓	
Programs for seniors and disabled	✓		The City allows special density bonus programs for senior housing. Please see attached Code.
Donate surplus land		✓	
Property tax abatement		✓	
SDC waivers/reductions		✓	
Tax foreclosed property donation		✓	
Other cost reduction tools			
Building & land use fee waivers	✓		The City Council recently decided to waive the application fees for Secondary Dwelling Units, i.e., the land use application fees
General funds dedicated to housing		✓	
Other financial incentives			

Name of person completing questionnaire: Hamid Pishvaie
Phone number: (503) 635-0290 Email address:

✓ Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: CITY OF BEAVERTON

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit	✓		PERMITTED IN ALL SINGLE FAMILY RESIDENTIAL ZONES.
Density transfer		✓	PERMITTED IN PUD PROJECTS BUT NOT AS AN INCENTIVE FOR AFFORDABLE HOUSING.
Density bonus for affordable housing		✓	
No net loss provision for housing		✓	
Increase density in transit corridors		✓	
Replacement housing ordinance		✓	
Conversion of rental to owner occupied unit		✓	
Other land use tools			
Incentive based inclusionary zoning		✓	
Programs for seniors and disabled	✓		HOUSING REHAB PROGRAM CATERING TO LOW INCOME SENIORS.
Donate surplus land		✓	CITY HAS LEASED LAND TO ITS NON-PROFIT DEVELOPMENT PARTNER FOR AFFORDABLE HOUSING PROJECTS.
Property tax abatement		✓	
SDC waivers/reductions		✓	
Tax foreclosed property donation		✓	
Other cost reduction tools			
Building & land use fee waivers	✓		HAVE WAIVED BUILDING PERMIT FEES FOR AFFORDABLE HOUSING PROJECTS DEVELOPED BY THE CITY'S NON-PROFIT DELEVOPMENT PARTNER.
General funds dedicated to housing		✓	CITY DEDICATED GENERAL FUNDS ON A HOUSING SURVEY TO DETERMINE THE NEED FOR AFFORDABLE HOUSING.
Other financial incentives			

Name of person completing questionnaire: JEFF SALVON
Phone number: 503-526-3725 Email address: JSALVON@CI.BEAVERTON.OR.US

✓ Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: Oregon City

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit		X	
Density transfer	X		
Density bonus for affordable housing		X	
No net loss provision for housing		X	
Increase density in transit corridors		X	
Replacement housing ordinance		X	
Conversion of rental to owner occupied unit		X	
Other land use tools			
Incentive based inclusionary zoning		X	
Programs for seniors and disabled		X	
Donate surplus land		X	
Property tax abatement		X	
SDC waivers/reductions		X	
Tax foreclosed property donation		X	
Other cost reduction tools			
Building & land use fee waivers		X	
General funds dedicated to housing		X	
Other financial incentives			

Name of person completing questionnaire: Bryan Cosgrove
Phone number: 503 657 0891 Email address: ocbryan@ci.oregon-city.or.us

X Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: City of Forest Grove

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit	X		permitted use in all residential zones
Density transfer		X	
Density bonus for affordable housing		X	
No net loss provision for housing		X	
Increase density in transit corridors		X	
Replacement housing ordinance		X	
Conversion of rental to owner occupied unit		X	
Other land use tools			
Incentive based inclusionary zoning		X	
Programs for seniors and disabled		X	
Donate surplus land		X	
Property tax abatement		X	
SDC waivers/reductions		X	
Tax foreclosed property donation		X	
Other cost reduction tools			
Building & land use fee waivers		X	
General funds dedicated to housing		X	
Other financial incentives			

Name of person completing questionnaire: Jon Holan
Phone number: (503) 992-3224 Email address: jholan@ci.forest-grove.or.us

✓ Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: Gresham

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit	X		
Density transfer		X	Our ~~zoning~~ code was amended in 1990's to create denser development. No bonuses required at this point.
Density bonus for affordable housing		X	
No net loss provision for housing		X	Gresham's ~~is housing "rich" and job~~ jobs/housing ratio is 1.17, lowest in region
Increase density in transit corridors	X?	~	Zoning pattern allows for this
Replacement housing ordinance		X	Gresham's jobs/housing ratio is 1.17, lowest in region.
Conversion of rental to owner occupied unit			? Not sure what you mean
Other land use tools			
Incentive based inclusionary zoning	X		Use CDBG/HOME funds as incentive to create mixed-income hsg.
Programs for seniors and disabled	X		Zoning — Parking can be reduced
Donate surplus land	—		Managed by Mult. Cty. — Gresham participates
Property tax abatement	X	X	Transit-oriented Tax Abatement pgm. only
SDC waivers/reductions		X	
Tax foreclosed property donation	—		
Other cost reduction tools			
Building & land use fee waivers		X	
General funds dedicated to housing		X	
Other financial incentives	X		CDBG/HOME funds used for this.

Name of person completing questionnaire: Andree Tremoulet
Phone number: 503-618-2643 Email address: andree.tremoulet@ci.gresham.or.us

✓ Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: Cornelius

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit	✓		specific standards identified in the residential zoning language of Code.
Density transfer		✓	
Density bonus for affordable housing		✓	
No net loss provision for housing		✓	
Increase density in transit corridors	✓		We have increased density requirements in our main street district, which is adjacent to TV Hwy, (Trimet line)
Replacement housing ordinance		✓	
Conversion of rental to owner occupied unit		✓	
Other land use tools			
Incentive based inclusionary zoning		✓	
Programs for seniors and disabled		✓	
Donate surplus land		✓	
Property tax abatement		✓	
SDC waivers/reductions		✓	
Tax foreclosed property donation		✓	
Other cost reduction tools			
Building & land use fee waivers		✓	
General funds dedicated to housing		✓	
Other financial incentives		✓	

Name of person completing questionnaire: Richard Reynolds
Phone number: 503-357-7099 Email address: RREYNOLDS@ci.cornelius.OR.US

✓ Check here if you would like to receive a copy of the survey results

City of Tigard
Attn: Duane Roberts
13125 SW Hall Blvd.
Tigard, OR 97223

Name of City: Tualatin

Policy Tools	In use by City? Yes	No	If yes, please provide details [if needed, use back of sheet]
Accessory dwelling unit	X		In single family detached dwellings.
Density transfer		X	Not allowed from 1 lot to another lot. But allowed for multifamily on 1 lot.
Density bonus for affordable housing		X	
No net loss provision for housing			Not for subdivisions & partitions. Allowed for multifamily development.
Increase density in transit corridors		X	
Replacement housing ordinance		X	
Conversion of rental to owner occupied unit	X		We have no regulations preventing such & several apartments have converted to condos.
Other land use tools			
Incentive based inclusionary zoning		X	outright
Programs for seniors and disabled	X		Retirement housing is allowed to be 1.5 times the usual density.
Donate surplus land		X	
Property tax abatement		X	
SDC waivers/reductions		X	
Tax foreclosed property donation		X	
Other cost reduction tools			
Building & land use fee waivers		X	
General funds dedicated to housing		X	
Other financial incentives			

Name of person completing questionnaire: Jim Jacks
Phone number: 691-3025 Email address: jjacks@ci.tualatin.or.us

X Check here if you would like to receive a copy of the survey results